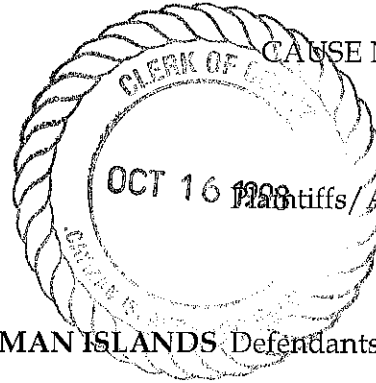


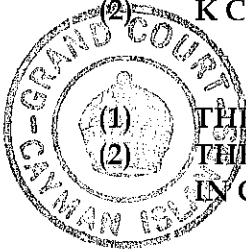
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 633 OF 1998

BETWEEN: (1) PAUL STEPHEN STREETER  
(2) K COAST DEVELOPMENT



AND: (1) THE IMMIGRATION BOARD  
(2) THE GOVERNOR OF THE CAYMAN ISLANDS IN COUNCIL  
Defendants/Respondents



**APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW**

To the Clerk of the Court, Law Courts, George Town, Grand Cayman	
Name, address and description of 1 <sup>st</sup> applicant	Paul Stephen Streeter - Construction Superintendent PO Box 26, George Town, Grand Cayman
Name address and description of 2 <sup>nd</sup> applicant	K Coast Development Ltd -A company duly incorporated in the Cayman Islands and licensed to carry on the business of building contractors and the employer of the 1 <sup>st</sup> Plaintiff/Applicant. PO Box 30058 SMB, Snug Harbour, West Bay Road, George Town, Grand Cayman
Judgment, order, decision or other proceeding in respect of which relief is sought	<b>FIRST:</b> A decision of the Immigration Board (the Board) dated 5 <sup>th</sup> February 1998 contained in a letter from the Secretary for the Immigration Board to the 2 <sup>nd</sup> Plaintiff/Applicant whereby the 2 <sup>nd</sup> Plaintiff/Applicant was informed that the work permit of the 1 <sup>st</sup> Plaintiff/Applicant was revoked in accordance with the provisions of Section 31(5) of the Immigration Law (1997 Revision) as read with section 30(1a) of the same law.  <b>SECOND:</b> A decision of his Excellency the Governor in Council dated 24 <sup>th</sup> September 1998 whereby the Plaintiffs/Applicants were informed that an appeal against the said decision of the Immigration Board was not allowed.

Relief Sought

1. An order that the hearing of the application for judicial review be expedited.
2. A declaration that the decisions of the Immigration Board and the Governor in Council were unlawful and/or unreasonable and/or irrational and are null, void and of no effect.
3. An order quashing the decisions of the Immigration Board and the Governor in Council.
4. That the Immigration Board be ordered, in the particular circumstances of this case, to reconsider the application for a work permit for the 1<sup>st</sup> Plaintiff/Applicant without taking into consideration the 1<sup>st</sup> Plaintiff's/Applicant's criminal convictions.
5. Costs if pursued.

Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant

**Quin & Hampson**, Attorneys-at-Law,  
Third Floor, Harbour Centre,  
P.O. Box 1348, George Town,  
Grand Cayman

Signed

  
QUIN HAMPSON

<sup>16<sup>th</sup></sup>  
Dated October 1998

## GROUNDNS ON WHICH RELIEF IS SOUGHT

### Background

- 1 The background to this matter is set out fully in the affidavit of the 1<sup>st</sup> Plaintiff/Applicant that is filed with this application. Briefly stated the 1<sup>st</sup> Plaintiff/Applicant is a British citizen who is married to a Caymanian, namely Mrs Tanya Streeter (née Dailey). Mrs Streeter is employed, and has been employed for some time, by the Cayman Islands Government as the Social Secretary for His Excellency the Governor.
- 2 For some years prior to 1996 Mr Streeter worked for McAlpine Ltd in the Cayman Islands. In or around November of 1996 Mr Streeter was charged with theft of certain items from McAlpine Ltd. Whilst certain elements of the charges against Mr Streeter were denied, Mr Streeter did plead guilty to theft of 2 items from his employer and was sentenced on 12<sup>th</sup> December 1997. He was sentenced to a 6 month term of imprisonment (concurrent) on both counts. However, because of the strength of the mitigation advanced the prison sentence was suspended. In addition Mr Streeter was fined the sum of CI\$1,000 on each count and ordered to pay compensation for the material stolen in the sum of CI\$3,140. The fines and compensation were paid immediately.
- 3 On or around 5<sup>th</sup> February 1998 the 2<sup>nd</sup> Plaintiff/Applicant had served upon it a letter from the Immigration Board revoking Mr Streeter's permit. This said letter is exhibited in Mr Streeter's affidavit filed in support of this application.
- 4 On 13<sup>th</sup> February 1998 the Immigration Board were asked to reconsider their decision in the light of representations which the applicant wished to make. A full letter setting out all the background facts was submitted to the Immigration Board. This letter is also exhibited in Mr Streeter's affidavit sworn in support of this application.
- 5 By letter dated 3<sup>rd</sup> March 1998 the Immigration Board indicated to the 2<sup>nd</sup> Plaintiff/Applicant that they had reconsidered the matter and declined to rescind the decision communicated to the 2<sup>nd</sup> Plaintiff/Applicant by the earlier letter of 5<sup>th</sup> February 1998. This letter is also exhibited in Mr Streeter's affidavit sworn in support of his application.

6 As a result the 1<sup>st</sup> and 2<sup>nd</sup> Plaintiffs/ Applicants appealed to His Excellency The Governor in Council. The 1<sup>st</sup> and 2<sup>nd</sup> Plaintiffs/ Applicants refer to the appeal submitted to His Excellency the Governor dated 27<sup>th</sup> March 1998, and which is exhibited in full in the affidavit of Paul Streeter that accompanies this application.

7 Despite the contents of the appeal the 1<sup>st</sup> Plaintiff/Applicant has now received a communication from the Clerk of the Executive Council, directed to his attorneys-at-law (Quin & Hampson), that the appeal on behalf of the 1<sup>st</sup> Plaintiff/Applicant was considered by the Governor in Council but "regrettably was not allowed". This letter is also exhibited in Mr. Streeter's affidavit.


### **Grounds**

1. The said decisions both of the Immigration Board (dated 5<sup>th</sup> February and 3<sup>rd</sup> March 1998) and of the Governor in Council (dated 24<sup>th</sup> September 1998) were in the circumstances irrational and unreasonable in the light of all the circumstances surrounding this matter and all that is contained in the letter to His Excellency dated 27<sup>th</sup> March 1998 (exhibited to the affidavit of the first Plaintiff/ Applicant) which said submission is herein adopted and repeated.
2. The Effect of the decisions of both the Immigration Board and Governor in Council are totally disproportionate to what could reasonably be regarded as a proper and just punishment for the criminal conduct of the First Plaintiff/ Applicant.

### **NOTE:**

Pursuant to Order 53r, 3(3) and in view of the tremendous consequences for the applicant and his family an oral hearing by leading Counsel for the applicant is requested before the application is considered and determined by his honourable Court.

Dated 16<sup>th</sup> of October 1998

  
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QUIN & HAMPSON  
Attorneys-at-law for the 1<sup>st</sup> & 2<sup>nd</sup> Plaintiff/Applicants

Filed by Quin & Hampson, Attorneys-at-Law for the 1<sup>st</sup> and 2<sup>nd</sup> Plaintiff/Applicant herein whose address for service is Third Floor, Harbour Centre, P.O. Box 1348, George Town, Grand Cayman