

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 380 OF 1999

BETWEEN: IVAN RICHARD WYKEHAM BURGES APPLICANT
AND: CHIEF IMMIGRATION OFFICER RESPONDENT

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 Applicant:

Ivan Richard Wykeham Burges of George Town, Grand Cayman, Senior Assistant Manager of Euro Bank Corporation.

Judgment, order, decision or Other proceeding in respect Of which relief is sought:

Decision of the Chief Immigration Officer ("the Decision") to place the Applicant on "the Stop List" established pursuant to Section 56 of the Immigration Law (1997 Revision) ("the Law").

Relief Sought:

An order of *Certiorari* quashing the Decision.
An interlocutory injunction requiring the Chief Immigration Officer to suspend the Applicant's placement on the Stop List from 16 June 1999 to 23 June 1999 inclusive so as to allow him to travel to England on the first date and return to Cayman on the second date.

Name and address of Applicant's attorneys, or, if No attorneys acting, the Address for service of the Applicant:

Quin & Hampson,
3rd Floor, Harbour Centre
George Town, Grand Cayman
Tel: 949 4123 Fax: 949 4647

Signed: Quin & Hampson

Dated: 16 June 1999

GROUND ON WHICH RELIEF IS SOUGHT

BACKGROUND

- 1.1 The Applicant has been the Senior Assistant Manager of Euro Bank Corporation since 1984, and has been resident on the Island since 1979. He is a Notary Public and a Special Police Constable. He is the Treasurer of the Cayman Islands Cricket Association, and Secretary of the Cayman Islands Darts Association and the Cayman Islands Field Hockey Club. He owns two properties worth US\$500,000.00. He is a person of good character.
- 1.2 As the Court will be aware, a controller has been appointed to run Euro Bank Corporation at the behest of the Cayman Islands Monetary Authority and ExCo.. The Applicant, however, has not been interviewed by the police, let alone charged in connection with this.
- 1.3 The Applicant has arranged to visit England for one week, to attend the final of the World Cup Cricket Competition, for which he obtained a ticket 6 months ago. He is due to leave on the 7.00 p.m. British Airways direct flight tonight, 16th June, 1999, and to return to Cayman on the British Airways direct flight on Wednesday, 23rd June 1999.
- 1.4 The Applicant was informed at approximately 12.00 noon today by a police officer he knows as "Woodie" of the Financial Reporting Unit that he had been put on the Immigration Stop List and that he was therefore unable to leave the country.
- 1.5 Negotiations between the Applicant's attorneys and the police authorities have thus far failed to resolve the situation.

GROUNDS

- 2.1 The decision was unreasonable in the light of the Applicant's character and antecedents, and the fact that he has not been interviewed by the police, arrested, or charged with any offence in connection with Euro Bank. For purposes of the interlocutory injunction sought the Applicant places particular reliance on this ground.
- 2.2 The decision was unlawful in that the Chief Immigration Officer acted in excess of authority as the Applicant falls outside the categories of persons specified in Section 57 of the Law who can lawfully be placed on the Stop List. Further, it is submitted that placement on the Stop List would not be a lawful basis for prohibiting the Applicant from leaving, as opposed to entering, the country.
- 2.3 The decision was procedurally improper in that it was made without giving the Applicant the opportunity to make any prior representations to the decision maker, and without informing him of the basis of the decision.