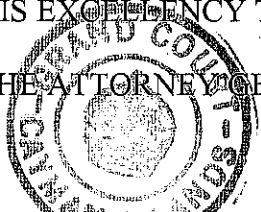


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 727 OF 2001

BETWEEN: JOANNE LANGDON FOSTER Plaintiff
 AND: THE IMMIGRATION BOARD First Defendant
 AND: HIS EXCELLENCY THE GOVERNOR IN COUNCIL Second Defendant
 AND: THE ATTORNEY GENERAL Third Defendant



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(s)	Joanne Langdon Foster, unemployed (former CEO of various businesses in the Cayman Islands), c/o P O Box 30369 SMB, Grand Cayman, Cayman Islands
Judgment, order, decision or other proceeding in respect of which relief is sought	<p>a) A Decision of the First Defendant dated the 27th March 1998 whereby the First Defendant declared that the Plaintiff had ceased to become a person possessing Caymanian status.</p> <p>b) A Decision of the First Defendant communicated to the Plaintiff on 2nd February 2001, whereby the First Defendant unreasonably and/or unlawfully failed to reconsider the application made by the Plaintiff for the continuation of her Caymanian status.</p> <p>c) As against the Second Defendant a Decision communicated in a letter dated 2nd May 2001 to the Plaintiff, whereby the Clerk to the Executive Council erroneously failed to allow the Plaintiff to appeal to the Governor in Council and erroneously failed to allow the Second Defendant to exercise his discretion in relation to the matter, contrary to the provisions of the Law.</p>

Relief Sought

1. To allow the judicial review to be heard in terms of Order 53, rule 4 (1).
2. An order for *Certiorari* to remove into this Honourable Court and quash the decision of the First Defendant whereby it declared on or around 27th March 1998 that the Plaintiff had ceased to be a person possessing Caymanian status.
3. An order for *Mandamus* directed to the First Defendant, requiring them to reconsider the Plaintiff's application for continuation of her status.
4. An order for *Certiorari* to remove into this Honourable Court and quash the Decision of the First Defendant contained in a letter dated 29th January 2001, whereby it decided that it had no power to reconsider the application of the Plaintiff for the continuation of her Caymanian status.
5. An order for *Certiorari* to remove into this Honourable Court and quash the decision of the Clerk of the Executive Council communicated to the Plaintiff on or around 2nd May 2001, whereby the Executive Council purportedly refused to allow the Plaintiff to appeal against the grant of her Caymanian status.
6. An order for *Mandamus* directed to the Clerk of the Executive Council requiring her to place before the Second Defendant the Plaintiff's appeal against her loss of Caymanian status in order that the Second Defendant can exercise properly the discretion vested in him under section 12 of the Immigration Law (2001 Revision).
7. A Declaration that as of 27th March 1998, the First Defendant's purported revocation of the Plaintiff's status was unlawful as at that time the Plaintiff had enjoyed Caymanian status for in excess of 10 years at that time.

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

Boxalls
PO Box 1234GT
3rd Floor
Queensgate House
South Church Street
George Town
Grand Cayman

Signed



Dated 16th November 2001

GROUNDS ON WHICH RELIEF IS SOUGHT

1. Any delay in bringing this Application should be excused as it has been occasioned in this matter as a result of the Plaintiff's impecunious circumstances and the grant of legal aid being provided on 20th August 2001, which further required to be transferred to the present attorney on 20th October 2001, due to unforeseen circumstances. In any event the matter is one of public policy and the Plaintiff has already been substantially prejudiced by the delays of the First Defendant in dealing with matters over a five-year period. There is no prejudice to the Defendants in hearing this matter at this time.
2. The First Defendant's decision not to continue the Plaintiff's Caymanian status is irrational and unreasonable.
3. The First Defendant's decision not to hear the Plaintiff's application for a reconsideration was unreasonable, unlawful and contrary to the legitimate expectations that the Plaintiff had, particularly when she had been led to believe that the application would be so reconsidered. The decision taken on 29th January 2001 not to hear the reconsideration when the application for reconsideration was submitted on 5th October 1998 did not comply with the Plaintiff's reasonable expectations for the expeditious resolution of her application. The delay in excess of two and a half years was unlawful and unreasonable.
4. The decision of the Clerk of the Executive Council communicated to the Plaintiff in her letter of 2nd May 2001 is unlawful in that it purports to exclude the Plaintiff from her legitimate and statutory right to appeal. The appeal was brought within the appropriate legal time frame. In any event the letter of 2nd May 2001 seeks to exclude the provisions of section 12 of the Immigration Law (2001 Revision) whereby His Excellency may, for good cause shown, allow an appeal even outside the determined twenty-one day time frame. Merely because an appeal is thought to be outside the twenty-one day time frame does not mean that an appeal cannot be entertained by the Governor in Council, as stated in such letter.
5. The decisions of the First and Second Defendants are contrary to Articles 6 and 8 of the Human Rights Act 1998 and in any event are in breach of the principles of natural justice.

NOTE: Pursuant to Order 53 Rule 3(3) and in view of the tremendous adverse consequences for the Plaintiff and the great importance of these matters to her, an oral hearing from Counsel for the Plaintiff is requested before the Application for Leave is considered and determined by this Honourable Court.