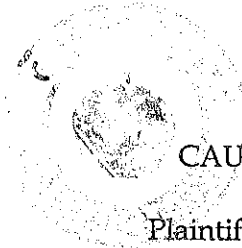




IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO: 198 OF 2002

BETWEEN: (1) KIERAN HENDRICKEN
(2) PESTKIL LTD.

Plaintiffs/ Applicants

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 st applicant	Kieran Hendricken – Service Technician C/o PO Box 1720 George Town, Grand Cayman
Name, address and description of 2 nd applicant	Pestkil Ltd. – A company duly incorporated in the Cayman Islands and licensed to carry on the business of pest control and hygiene services and the employer of the 1 st Plaintiff/ Applicant. PO Box 1720 George Town, Grand Cayman
Judgment, order, decision or other proceeding in respect of which relief is sought	FIRST: A decision of the Immigration Board contained in a letter dated 7 th June 2001 from the Secretary of the Immigration Board to the 2 nd Plaintiff/ Applicant informing them that the application for the work permit renewal of the 1 st Plaintiff/ Applicant had been refused in accordance with the provisions of Section 33(5) of the Immigration Law (2001 Revision) as read with Section 32 (1)(k) of the same law. SECOND: A decision of His Excellency the Governor in Council contained in a letter dated 25 th September 2001 whereby the Plaintiff/ Applicants' 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 1st Plaintiff/ Applicant.
5. An order that the 1st Plaintiff/ Applicant be permitted to remain on the Island and continue in the employment of the 2nd Plaintiff/ Applicant while his action is pending as he did pending his appeal to the Governor in Council.
6. 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

Dated 17th March 2001

GROUND S ON WHICH RELIEF IS SOUGHT

1. The background to this matter is set out fully in the affidavit of the 1st Plaintiff/ Applicant that is filed with this application. Briefly stated the 2nd Plaintiff/ Appellant applied for a renewal of the 1st Plaintiff/ Applicant's work permit. On 7 June 2001 they received a letter from the Secretary to the Immigration Board stating that this application had been refused "in light of a serious complaint from Mr. Hendricken's former spouse with regard to his domestic violence". The 1st Plaintiff/ Applicant denies any and all such allegations, and has never been charged with or convicted of any criminal offence during his time on the Island. The Plaintiff/ Applicants appealed the decision of the Board to the Governor in Council. Their request for a right of audience was denied. By letter of 25th February 2002 they were informed that the Governor in Council had not allowed the appeal.
2. The Immigration Board and the Governor in Council failed to give any or sufficient weight to the factors which it is required to take account of by reason of section 32 Immigration Law.
3. The Immigration Board and the Governor in Council failed to comply with the rules of natural justice. In particular, by relying on the unsubstantiated allegations made by Crystal Hendricken without informing the 1st Plaintiff/ Applicant of those allegations, or giving him the opportunity to respond to them, the Board performed its function in a manner which is procedurally unfair and denied the Plaintiff/ Applicants due process.

4. The said decisions of both the Immigration Board and the Governor in Council were in the circumstances irrational and unreasonable.

NOTE:

Pursuant to Order 53 Rule 3(3) an oral hearing by Counsel for the Applicants is requested before this application is considered and determined by this Honourable Court.

Dated 17th March 2001



QUIN & HAMPSON

Attorneys-at-law for the Plaintiff/Applicants