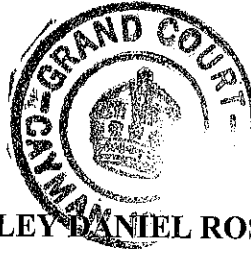


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 457 OF 2006



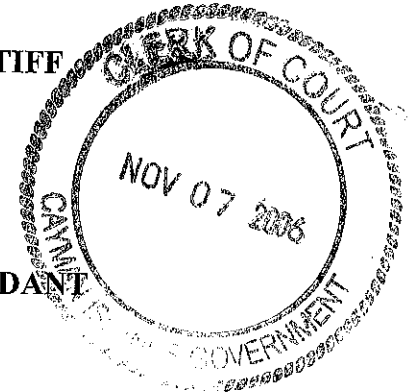
BETWEEN: BRADLEY DANIEL ROSIN

PLAINTIFF

AND:

THE CHIEF IMMIGRATION OFFICER

DEFENDANT



EX-PARTE APPLICATION FOR LEAVE
TO APPLY FOR JUDICIAL REVIEW
(GCR O.53, r.3)

To the Clerk of the Court, Law Courts, George Town, Cayman Islands	
Name, address and description of applicants	<u>Bradley Daniel Rosin</u> of 36 Garden Retreat, George Town, Grand Cayman.
Judgement, order, decision or other proceeding in respect of which relief is sought	The decision (hereinafter the "Decision") of the Defendant dated on or about the 31st October 2006 to refuse to allow the Plaintiff to remain in the Cayman Islands and to work on the same terms and conditions as those of his current work permit pending the hearing and determination by the Permanent Residency and Status Board

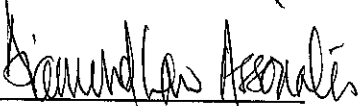
**of the Plaintiff's application for
Permanent Residency and an
Employment Rights Certificate and
pending any appeal from the decision of
the said Board and any appeal from that
Board to the Grand Court**

Relief Sought

- 1. An Order of *Certiorai* to quash the said Decision of the Defendant and for an Order remitting the same to the Chief Immigration Officer for further determination in accordance with any judgment and/or Declaration of the Court made on the hearing of the Notice of Motion herein in the event that leave is granted ;**

- 2. An injunction to restrain the Defendant or his servants or agents from refusing to allow the Plaintiff to enter or remain in the Cayman Islands and from refusing to allow the Plaintiff to work in accordance with the terms and conditions of his Final Work Permit pending the determination by the Permanent Residency and Status Board of the Plaintiff's application for Permanent Residence and pending the determination of any appeal to the Grand Court of any decision of the said Board and until trial of the Notice of Motion herein or further Order of the Court;**

- 3. An Order that the Defendant do disclose and discover to the Plaintiff's attorneys copies of all documents in the possession or control of the Defendant relevant to the Plaintiff and or touching and concerning any of the decisions or actions taken by the Defendant with respect to the**

Plaintiff's work permit and the said Decision;	
4. Further and/or other relief; and	
5. Costs	
Plaintiff's Attorneys	DIAMOND LAW ASSOCIATES 4TH FLOOR, CARDINAL PLAZA, CARDINALL AVENUE, PO BOX 2887 GT, GRAND CAYMAN, CAYMAN ISLANDS, TEL: 769-9352, FAX: 769-4352, E-MAIL: <u>INFO@DLA.KY</u>, (REF DLA/SW). CAYMAN ISLANDS
Signed:  DIAMOND LAW ASSOCIATES	Dated: 7th November 2006

GROUND ON WHICH RELIEF IS SOUGHT

The Plaintiff relies on the following grounds:

1. **Illegality: The Decision of the Defendant is illegal and ultra vires the Immigration Law (2006 Revision). ;**

2. **Irrational and unreasonable:** The Defendant's Decision is irrational and/or unreasonable

3. **Procedurally unfair:** The Defendant has acted with procedural unfairness in arriving at his Decision:
 1. The Defendant failed to give the Plaintiff any or any proper opportunity of presenting his case that he was entitled to continue to work pending determination of his PR application and any appeal to the Immigration Appeal Tribunal or Grand Court;

 2. The Defendant failed to provide any adequate reasons for refusing the Plaintiff permission to remain and re-enter the Cayman Islands pending the determination of his PR application;

4. **Legitimate expectation:** Section 50(11) of the Immigration Law (2006 Revision) gives a person in the position of the Plaintiff a reasonable and legitimate expectation that having filed his application for Permanent Residence with the Permanent Residence Board in accordance with the Law he will be permitted to reside and work in the Islands as provided for in the sub-section. Furthermore, having received a Final Work Permit pursuant to section 50(2) of the Law, this entitled the Plaintiff to the legitimate expectation that he would be entitled to the protection afforded him by the said section 50(11). The Decision of the Defendant is in breach of the Plaintiff's legitimate expectations.

5. **Failure to give adequate reasons for the decision:** **The Defendant failed to give the Plaintiff any or any full and detailed reasons for his interpretation of section 50(11) of the Immigration Law (2006 Revision);**

OTHER AND FURTHER GROUNDS

The Plaintiff will further rely on the Affidavit of the Plaintiff as providing further and other grounds upon which Relief is sought and will apply to amend the Notice of Motion in due course as permitted by GCR Order 53, rule 6(2) if so required or as necessary.

Stephen Hall-Jones

STEPHEN HALL-JONES
Counsel for the Plaintiff

Diamond Law Associates
DIAMOND LAW ASSOCIATES
Attorney for the Plaintiffs