

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NUMBER: <sup>184</sup> OF 2007

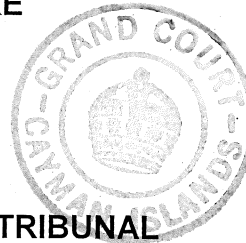
IN THE MATTER OF APPEAL UNDER S. (17 (2) IMMIGRATION LAW (2006 REVISION) (as Amended), AND ORDER 55 GRAND COURT RULES 1995 REVISION

AND IN THE MATTER OF

FITZROY CLARKE

v.

IMMIGRATION APPEALS TRIBUNAL



Perscott

Defendant

*ORIGINATING*  
**NOTICE OF MOTION**

**TAKE NOTICE** that the Grand Court at the Law Courts, George Town, Grand Cayman will be moved as soon as Counsel can be heard on behalf of Fitzroy Clarke, for an Order that the Judgment of the Immigration Appeals Tribunal dated 4 April 2007 be set aside, and the Appellant's application for a gainful Occupation License be referred back to the Immigration Board, together with additional evidence in accordance with Section 17 (2) Immigration Law (2006 Revision) amended by Section 12 of the Immigration (Amendment) (No.2.) Law 2006, Section 11 (7) and (8) of the Immigration (Amendment) (No.2) Law 2006, and Order 55 r 4, Grand Court Rules (1995 Revision).

**AND FURTHER TAKE NOTICE** that the Grounds of this Appeal are:

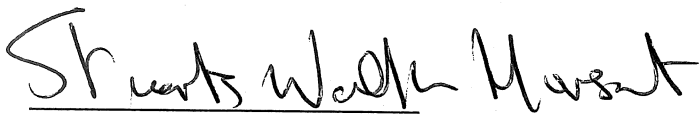
1. The Appellant appearing before the Appeals Tribunal was denied the submission of new evidence not originally before the Work Permit Board when that Board deliberated its decision to deny the applicant's Work Permit Application, thus denying the applicant a rehearing of his Work Permit Application in accordance with Section 11. (7) Immigration

(Amendment) No.2) Law 2006, and the taking into account of fresh evidence/change of circumstance in accordance with Section 11 (8) Immigration (Amendment) (No.2) Law 2006.

2. The denial of a rehearing of the Application and denial of new evidence was erroneous in law, unreasonable and contrary to the principles of natural justice.

The Appellant will serve detailed written submissions in due course

Dated this 1<sup>st</sup> day of May 2007



**STUARTS WALKER HERSANT**

**Attorneys for the Appellant**

TO: The Clerk of the Court

AND TO: Legal Department

This Notice of Originating Motion was issued by Stuarts Walker Hersant, Attorneys for the Appellant, whose address for service is Cayman Financial Centre, 36a Dr. Roy's Drive, PO Box 2510 GT, Grand Cayman, KY1-1104, Cayman Islands.