

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: ⁰²⁰³ OF 2009

BETWEEN:

FIRST FINANCIAL INSURANCE BROKERS LTD.

AND NADEEN ERICA DIXON APPLICANTS

AND WORK PERMIT BOARD
AND DEPARTMENT OF IMMIGRATION
AND PORTFOLIO OF INTERNAL &
AND EXTERNAL AFFAIRS
AND THE ATTORNEY GENERAL RESPONDENTS



APPLICATION FOR LEAVE TO
APPLY FOR JUDICIAL REVIEW



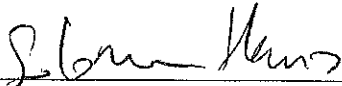
TO: The Clerk of the Court
Law Courts Building
George Town
Grand Cayman

Name, address and description of applicant(s)	<p>First Financial Insurance Brokers Ltd., Insurance Brokers and Employer</p> <p>AND</p> <p>Nadeen Erica Dixon Administrator and Employee</p> <p>c/o Solomon Harris, Attorneys-at-law, 3rd Floor, FirstCaribbean House, P.O. Box 1990, Grand Cayman, KY1-1990</p>
Judgment, order, decision or other proceeding in respect of which relief is sought	The Decision of the Work Permit Board of the Department of Immigration to Refuse Key Employee Designation dated 3 April 2009 (received 21 April 2009) for Nadeen Erica Dixon in connection with her employment with First Financial Insurance Brokers Ltd. (the "Decision").

Relief Sought:

1. A declaration that the Department of Immigration may not consider the race, gender, country of origin, or political party affiliations of the employee or of the employer (collectively, the "Prohibited Grounds") in making a determination as to whether to grant a key employee designation;
2. An order of certiorari quashing the Decision and sending the matter back to the Work Permit Board of the Department of Immigration for rehearing;
3. An interim and permanent injunction prohibiting the Department of Immigration from acting on the Decision and, amongst other things, deporting Nadeen Erica Dixon from the Cayman Islands or refusing her re-entry to the Cayman Islands;
4. An interim and permanent injunction that the Department of Immigration will permit Nadeen Erica Dixon to continue her employment with First Financial Brokers Ltd. until a decision has been made following a rehearing of the application for key employee designation;
5. A permanent injunction restraining the Department of Immigration from refusing to grant a key employee designation, Caymanian status or a work permit on the Prohibited Grounds;
6. Costs; and
7. Such further and other relief as this Honourable Court may deem just.

DATED the 27th day of April 2009



SOLOMON HARRIS
ATTORNEYS-AT-LAW
FOR THE APPLICANTS

GROUNDS ON WHICH RELIEF IS SOUGHT

1. Negative discrimination on the basis of race, gender or country of origin is morally repugnant and intellectually bankrupt. Discrimination on the basis of political affiliation is generally morally repugnant with the possible exception of discrimination against extreme and hateful ideologies.
2. The Department of Immigration is entitled to give “adequate consideration ... to the desirability of granting the right to be Caymanian to applicants *with different backgrounds and from different geographical areas so that a suitable balance in the social and economic life of the Islands may be maintained.*” (section 24(j) of the *Immigration Law (2007 Revision)* (the “Law”). The Department of Immigration is also entitled to consider this criteria in connection with the grant or renewal of work permits (section 44(4)(c) of the Law).
3. The Department of Immigration is not entitled to consider these matters in connection with the designation of key employees as the criteria to be considered in that determination are exhaustively enumerated in section 49(4) of the Law and that section does not incorporate the section 24(j) criteria. This discrepancy is explained by the recognition that key employee designation must be driven by concerns related to the importance of the individual within the organization and not by the promotion of cultural plurality and the correction of historical injustices. The promotion of a multiplicity of cultures and the correction of historical injustices are laudable goals which are appropriately addressed in the process of granting work permits and Caymanian status.
4. Section 24(j) of the Law which is intended to assist the Immigration Department to promote a plurality of cultures within the Cayman Islands and to correct historical

injustices cannot be reasonably construed as empowering the Department of Immigration to deny on the basis of race, gender, country of origin or political belief a work permit or Caymanian status which it would otherwise grant given the moral repugnancy of such discrimination. Rather in considering section 24(j) the Department of Immigration is encouraged to grant work permits or Caymanian status to individuals it would otherwise refuse in the interests of promoting a plurality of cultures in the Cayman Islands and in correcting present imbalances in opportunity arising from historical injustices.

5. Unfortunately, the Department of Immigration has, at least with respect to its treatment of First Financial Insurance Brokers Ltd. and its related companies and their employees, embraced the sad opportunity for prejudice inherent even in legislation (for example, section 24(j) of the Law) designed to promote cultural plurality and to correct historical injustices by construing the section as permitting it to refuse (as opposed to encouraging it to grant) work permits and Caymanian status on the grounds of cultural background or country of origin.
6. The Department of Immigration has refused almost every application for a work permit brought by First Financial Insurance Brokers Ltd. and its related companies on the basis that the proposed employees are of Jamaican origin. This is an unreasonable use and interpretation of the very limited discretion granted by section 24(j) of the Law which exceeds the jurisdiction of the Department of Immigration delegated to it by the Law.
7. In the alternative, even if section 24(j) can be construed as permitting the refusal of a work permit or grant of Caymanian status on the basis of race or country of origin, that discretion to discriminate is to be employed across the totality of Cayman society and so permits the limitation of the total number of work permits or grants of Caymanian status

across the board to all employers and employees to a certain global number or percentage of workers from any particular country of origin or ethnicity. Section 24(j) cannot reasonably be construed as permitting the Department of Immigration to designate a particular employer as having too many employees from any one particular country of origin or ethnicity.

8. The Department of Immigration has decided that First Financial Insurance Brokers Ltd and its related companies have too many Jamaican employees and so has refused to issue any further work permits to Jamaicans which they wish to employ. This refusal is unlawful and the decision exceeds the jurisdiction delegated to the Department of Immigration to consider matters under section 24(j) of the Law.
9. By way of an example of this unlawful discrimination by the Department of Immigration, First Financial International Group Ltd., a related company to First Financial Insurance Brokers Ltd., is regulated by the Cayman Islands Monetary Authority (“CIMA”). CIMA had approved Catherine Thomas as an appropriate Compliance Officer for CIMA’s purposes. However, the Department of Immigration declined to grant a work permit for Catherine Thomas indicating that it did not accept that Catherine Thomas had sufficient experience to act as a Compliance Officer despite CIMA’s informed finding that Catherine Thomas was so qualified.
10. Nadeen Erica Dixon is a necessary and key employee for the operation of First Financial Insurance Brokers Ltd.’s business. She has the trust of its clients and its insurance company providers. She is the only current employee capable of fulfilling her administrative role in its business. It will take many years for any replacement employee to earn a similar level of trust from First Financial Insurance Brokers Ltd.’s clients and

insurance company providers. Miss Nadeen's loss will cause irreparable harm to First Financial Insurance Brokers Ltd.'s business as First Financial Insurance Brokers Ltd cannot operate without her.

11. The Department of Immigration has extended its unreasonable use and interpretation of section 24(j) to deny key employee designation to Nadeen Erica Dixon on the basis that she is Jamaican. As mentioned above the Department of Immigration is not entitled to consider section 24(j) in determining whether to grant a key employee designation at all in any event.

Note – Grounds must be supported by an affidavit which verifies the facts relied on.

THIS APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW was **FILED** by **SOLOMON HARRIS** of 3rd Floor, FirstCaribbean House, P.O. Box 1990, Grand Cayman, KY1-1104, Cayman Islands, Attorneys-at-law for and on behalf of the Applicants whose address for service is that of its said Attorneys-at-law.