

No. 53

Application for Leave to Apply for Judicial Review (0.53,

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CIVIL DIVISION

CAUSE NO: *Googa* OF 2015

IN THE MATTER OF: Section 15(7) and 16(4) of the Immigration Law (2014 Revision)

AND IN THE MATTER OF: Section 17 of the Immigration Law (2014 Revision)

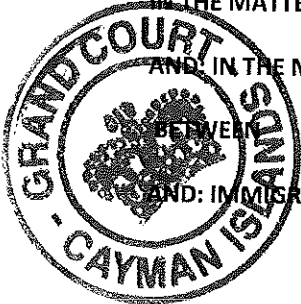
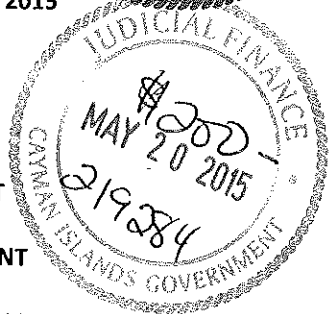
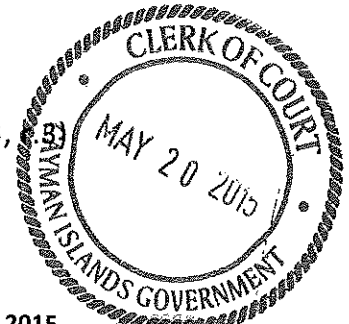
BETWEEN ARTHUR ALEXANDER RILEY

APPELLANT

AND: IMMIGRATION APPEALS TRIBUNAL

RESPONDENT

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)	Arthur Alexander Riley George Town, Grand Cayman
Judgement, order, decision or other proceeding in respect of which relief is sought	Order of Mandamus Quash the Decision of the Immigration Appeals Tribunal Recalculation of points in accordance with the Immigration Regulations Grant of Permanent Residency to the Appellant

Relief Sought

1. An Order of Certiorari quashing the Decision No. PR/085/2009 and send the matter back to the Immigration Appeals Tribunal for rehearing.
2. A Declaration that the Applicant qualifies for Permanent Residence in the Cayman Islands based upon his long term residence in the Islands
3. Recalculation of the points awarded in accordance with the Immigration Regulations
4. An injunction pending the final determination of this Judicial Review application to restrain the Department of Immigration, its servants, agents or otherwise from removing the Appellant from the jurisdiction of the Cayman Islands until these proceedings are heard and determined.
5. A Declaration to allow the Appellant to continue to work for his employer pending the determination of these proceedings
6. An Order of Mandamus directing the Respondents to reconsider their Decision in refusing the grant of Permanent Residence to the Appellant.
5. Such further, consequential, or other relief as this Honourable Court seems just.

Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant	DENNIS E BRADY BLDG B6 TRINITY SQUARE EASTERN AVE. GEORGE TOWN GRAND CAYMAN
Signed 	Dated May 19 2015

GROUNDS ON WHICH RELIEF IS SOUGHT

1. **Ultra Vires application of the Law:** The decisions of the Respondents were arrived at without the proper application of the provisions in the Law being applied by them, in their respective capacity, when engaged with the processing of the Applicant's application for permanent residency.

2. **Errors of law:** The respondent(s) erred in law –
 - (i) when the Tribunal failed to notify the Appellant of the determination and refusal of his appeal, the said decision having been made on December 12 2014 and not communicated to the Appellant "within a reasonable period of time" and only until he initiated enquiry; on the 23rd day of April 2015 contrary to Section 16((11))the Immigration Law 2014 Revision.

 - (ii) That the Tribunal's Decision to refuse the Appellant application for Permanent Residence is unreasonable and contrary to the principles of natural justice on the basis that if the facts and circumstances of his residence and interaction with the local community had been fairly and impartially considered, given also the length of residence on the island and his basic human rights under Article 9(1) and Article 7(1) of the Bill of Rights, Freedom and Responsibilities of the Cayman Islands Constitution Order 2009, he would have been allocated the required points in assessing his suitability for permanent residence.

 - (iii) That the Tribunal's Decision to dismiss the Appellant's appeal was erroneous in law because the points awarded to him under the headings of "contribution to the community", "Skills", "Occupation", "Funds and Salary" and the "General" category of the points system, had not been fairly allocated to Appellant and was "erroneous in law", when this was clearly an accepted ground and was relevant to the circumstances driving the decision of the CSPRB.