



THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO: OF 2023

IN THE MATTER OF SECTION 23(2) OF THE IMMIGRATION (TRANSITION) ACT (2022 REVISION)

AND

IN THE MATTER OF ORDER 55 OF THE GRAND COURT RULES

AND

IN THE MATTER OF SECTION 23 OF THE CAYMAN ISLANDS CONSTITUTION ORDER 2009

AND

IN THE MATTER OF AN APPLICATION FOR A RESIDENCY AND EMPLOYMENT RIGHTS CERTIFICATE
PURSUANT TO SECTION 37 (1) IMMIGRATION (TRANSITION) ACT (2021 REVISION).

BETWEEN

DERICK ANTHONY FOSTER

APELLANT

AND

IMMIGRATION APPEALS TRIBUNAL

1ST RESPONDENT

AND

ATTORNEY GENERAL'S CHAMBERS

2ND RESPONDENT

NOTICE OF ORIGINATING MOTION

TAKE NOTICE that the Grand Court at the Law Courts, George Town, Grand Cayman will be moved on 2023 at am/pm or as soon thereafter as counsel can be heard, by counsel on behalf of Derick Anthony Foster (the "Appellant") for an order in the following terms:

1. The decision of the First Respondent dated 23 February 2023 to refuse to grant Permanent Residency (the "Decision") should be set aside and the application be remitted to the First Respondent to be reconsidered; and/or

THIS NOTICE OF ORIGINATING MOTION was FILED by Derick Anthony Foster of P.O. Box 1098 George Town, Grand Cayman KY1-1102, Cayman Islands

2. An order that the costs, of and incidental, to this Application be paid by the First Respondent.

AND FURTHER TAKE NOTICE that the grounds of this application are:

1. The First Respondent erred in law in concluding that the evidence provided did not amount to a Prima Facie case.
2. The First Respondent erred in law in concluding that the Appellant's Section 9 BOR provided in the evidence has been dealt with in the case of Joey Buray and Leon D'Souza v Immigration Appeals and the Attorney General, Cause Nos 52 and 81 of 2021.

DATED the 13 day of March 2023



Derick Foster (Appellant)

TO: The Clerk of the Court

AND TO: The Chairman
Immigration Appeals Tribunal

AND TO: The Attorney General's Chambers

THIS NOTICE OF ORIGINATING MOTION was **FILED** by Derick Anthony Foster of P.O. Box 1098 George Town, Grand Cayman KY1-1102, Cayman Islands