



D COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2023

**ER OF GCR O.55 AND SECTION 23(2) OF THE IMMIGRATION (TRANSITION) ACT
(2022 REVISION)**

**AND THE MATTER OF AN APPEAL AGAINST THE DECISION OF THE IMMIGRATION APPEALS
TRIBUNAL**

BETWEEN:

ANGELA CLEOPATRA WEBSTER

APPLICANT

And

IMMIGRATION APPEALS TRIBUNAL

DEFENDANT

NOTICE OF ORIGINATING MOTION

TAKE NOTICE that the Court at the Law Courts, George Town, Grand Cayman will be moved on the _____ day of _____ at _____ am/pm or as soon thereafter as counsel can be heard, by counsel on behalf of APPLICANT, ANGELA CLEOPATRA WEBSTER for the following order THAT:

- a. The Applicant be granted Permanent Residency in the Cayman Islands in accordance with section 37 of the Immigration (Transition) Act (2022 Revision) and Schedule 2, Factor 3 of the Immigration Regulations;

AND for an order that the costs of and incidental to this appeal may be paid by the Immigration Appeals Tribunal

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

1. The Immigration Appeals Tribunal failed to proceed to a rehearing of the original application upon determining at least one of the grounds contained in section 21(8) has been made out, contrary to section 22(4) of the Immigration (Transition) Act;
2. The Immigration Appeals Tribunal accepted that grounds had been made out as there was an error in the original decision by the Board under Factor 2b but erroneously concluded that “the Applicant would have not reached the threshold of the required one hundred and ten points” so failed to proceed to rehearing, contrary to section 22(4) of the Immigration (Transition) Act;
3. The Immigration Appeals Tribunal failed to permit the Applicant the opportunity to submit fresh evidence or changes in circumstances contrary to section 22(7) of the Immigration (Transition) Act;
4. The Immigration Appeals Tribunal acted erroneously in law, unreasonably, contrary to the principles of natural justice and at variance with the Regulations.

Dated this 23rd day of June 2023

BB Attorneys

BB & ASSOCIATIONS

Attorneys-at-Law for the Applicant

TO: CLERK OF THE COURT

AND TO: CHAIRMAN, Immigration Appeals Tribunal, Government Administration Building,
Elgin Avenue, George Town, Grand Cayman, Cayman Islands

This **Notice of Originating Motion** is filed by **BB & Associates**, Attorneys-at-Law for the **Applicant**, whose address for service is Suite 3B, 3rd Floor Landmark Square, West Bay Road, George Town, Grand Cayman, Cayman Islands.

Phone: 345-925-4621.

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS

1. The accompanying form of Acknowledgment of Service should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person.

After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495G, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings must also serve a defence on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A Stay of Execution against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, issue a Summons for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

See over for notes for guidance

Please complete overleaf

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Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (the name stated on the Writ of Summons)".
4. Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "Partner in the firm of (.....)" after his name.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.
6. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

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IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2023

IN THE MATTER OF GCR O.55 AND SECTION 23(2) OF THE IMMIGRATION (TRANSITION) ACT (2022 REVISION)

AND THE MATTER OF AN APPEAL AGAINST THE DECISION OF THE IMMIGRATION APPEALS TRIBUNAL

BETWEEN:

ANGELA CLEOPATRA WEBSTER

APPLICANT

And

IMMIGRATION APPEALS TRIBUNAL

DEFENDANT

ACKNOWLEDGMENT OF SERVICE OF ORIGINATING MOTION

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

Important. Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

yes

no

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3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (tick box)

yes

no

Service of the Writ is acknowledged accordingly

(Signed).....

Defendant or Attorney for Defendant

Please complete overleaf

Notes on address for service

Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.

Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

Indorsement by plaintiff's Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

BB & ASSOCIATES 3 rd floor, Landmark Square, West Bay Rd Grand Cayman, Cayman Islands 345-925-4621
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Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.

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