



No. 6
Notice of Originating Motion (0.8, r3)

IN THE GRAND COURT OF THE CAYMAN ISLANDS
 CAUSE NO. 0259 OF 2023

In the matter of Section 37(2) and (3) of the Immigration Transition Act 2022 and pursuant to Order 55 Grand Court Rules, (1995 Revision)

And in the matter of an appeal by **Julius Joslyn Armstrong** in respect of an appeal to the Grand Court against certain **parts** of the Decision of the Chairman of the Immigration Appeals Tribunal dated 29th November, 2023

BETWEEN:	JULIUS JOSLYN ARMSTRONG	Appellant
AND:	CHAIRMAN OF THE IMMIGRATION APPEALS TRIBUNAL	First Respondent
AND:	THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS	Second Respondent

NOTICE OF ORIGINATING MOTION

TAKE NOTICE that a Judge of the Grand Court sitting in Chambers, at the Law Courts, George Town, Grand Cayman will be moved on _____ 2024 at am/pm or as soon thereafter as counsel can be heard, by counsel on behalf of **JULIUS JOSLYN ARMSTRONG** for the following orders and/or directions:

1. That this Honourable Court set aside parts of the Decision of the First Respondent and remits the case to the First Respondent for reconsideration of their Decision dated 29th November, 2023 based on the grounds of appeal as set out below.
2. That the First Respondent pays the Appellant’s Costs of this appeal.
3. Any other order deems just and equitable.

AND TAKE NOTICE that the grounds of this appeal are as follows:-

- (a) **Erroneous in law** in that the First Respondent erred in law under the heading “**Private Life**” by failing to refer the case back to the Chairman of the Board of Workforce Opportunities & Residency Cayman (WORC) to consider or give proper consideration to the Appellant’s private life in the Cayman Islands in accordance with section 9 of the Cayman Islands Bill of Rights, and that the First Respondent’s failure to do so is in breach of the Appellant’s rights under the Constitution.
- (i) Also erroneous in law under the heading “**Elimination or amendment by our Legislators of the Point System**”, as the Appellant has no jurisdiction under the circumstances to appeal to the Cabinet when he is dissatisfied with the Decision of the First Respondent – to the contrary, the correct and lawful procedure is to appeal to the Grand Court pursuant to section 23(2) of the Immigration Transition Act 2022 thus the current application.
- (b) **Unreasonable** - Under the heading “**Financial Stability/Cash and Savings/Salary and Income**” the First Respondent failed to include or consider the Appellant’s accumulated pension as part of his savings or other investment.
- (c) **Contrary to the principles of natural justice** – failed to observe the proper procedures
- (d) **At variance with the Regulations** – awarded the Appellant zero (0) points under the heading “**Priority Occupation**” when there are no provisions under the law that gives them any power to make any award whatsoever under his head, whether it is the full 15 points or no points at all.

Dated this 27th day of December, 2023

Facey-Clarke & Assoc Ltd.

Facey-Clarke & Associates Ltd.

Attorneys at Law for the Appellant

To: The Chairman of the Immigration Appeals Tribunal
Government Administration Building, Elgin Avenue, George Town
Grand Cayman, (by email to iat@gov.ky)

And to: The Attorney General of the Cayman Islands

This NOTICE OF APPEAL was filed by Facey-Clarke & Associates Ltd., Attorneys-at-Law for the Appellant herein whose address for service is that of the said Attorneys-at-Law, George Town, Grand Cayman. For service or delivery of documents please call (345) 917-6351 and/or email mclarke@candw.ky