

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2025

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

IN THE MATTER OF ORDER 55 OF THE GRAND COURT RULES

AND IN THE MATTER OF AN APPLICATION FOR A RESIDENCY AND EMPLOYMENT RIGHTS
PURSUANT TO SECTION 37 (1) IMMIGRATION (TRANSITION) ACT (2022



JEFFREY PETER HUMPHRIES

PLAINTIFF

-v-

DIRECTOR OF WORC

Defendant

NOTICE OF
ORIGINATING MOTION

TAKE NOTICE that the Grand Court at the Law Courts, George Town, Grand Cayman will be moved on the _____ day of _____ 2025 at _____ a.m./p.m. or as soon thereafter as counsel can be heard, by counsel on behalf of the Plaintiff for an order in the following terms:

- i. The decision of the Defendant dated 9 April 2025 was erroneous in law, unreasonable and / or a breach of natural justice.
- ii. The decision of the Defendant dated 9 April 2025 is quashed and is to be remade.
- iii. The matter be remitted to the Defendant for the reconsideration of the Plaintiff's points.

And for an order that the costs, of and incidental, to this Application be paid by the Defendant.

This Motion was filed by HSM Chambers, Attorneys at Law for and behalf of the Plaintiff herein whose address for service and correspondence is 68 Fort Street, George Town, PO BOX 31726, Grand Cayman KY1-1207, Cayman Islands

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

1. On 26 October 2013, the current Permanent Residence system was introduced. Save for a change to Factor 1, the System has essentially remained the same since 2013. No Permanent Residence applications submitted post 26 October 2013 were considered until 2017. When the Plaintiff applied for Permanent Residence, the relevant Act was the Immigration (Transition) Act (2022 Revision) (“the Act”) and the Points system was found in the Immigration Regulations (2019 Revision) (“the Regulations”).
2. To obtain Permanent Residence, an applicant is required to be awarded 110 points in total, after the various factors are considered.
3. Despite the ability for various decision makers to consider PR applications and reach different conclusions based upon the same information, no policies have ever been published in regard to the consideration and determination of applications. As a result, it is averred that the points system, in the absence of policies can be arbitrary and opaque.
4. On 14 April 2023, the Plaintiff applied for Permanent Residence of the Cayman Islands. As part of his application, he sought to be awarded points for Factor 5, based upon his mentoring of various Caymanians including:
 - i. Sustjie Kirkmann.
 - ii. Austin Malyk; and
 - iii. Willaim McLaughlin.
5. As part of the application for Permanent Residence, the Plaintiff provided a letter dated 19 March 2020, from Austin Malyk. That letter stated:

I am Caymanian and have known Mr. Humphries on a personal and professional capacity for the past seven years.

Mr. Humphries is a personal and professional mentor of mine and I consider him to be one of my closest friends. Jeff does not hesitate to advise me when he thinks I am

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doing something he does not approve of while at the same time encouraging me to become the best person I can be. Jeff believes in me and is someone I can rely on. Although we can never know the outcome of our situations had they been different, I do know without Jeff's interest, I would have missed out on a positive role model. Jeff has spent countless hours, playing and spending time with me. He did this at great personal expense but never made me feel like I was an obligation. Without hesitation I can call Jeffrey Humphries a person of great character, moral strength, and integrity, I couldn't ask for a better friend. I would like to confirm Mr. Humphries spent a minimum of thirty-five (35) hour each and every year personally mentoring me between the years of 2014 to present day.

6. It is understood that at no point prior to the decision being made to reject the Plaintiff's application did the Defendant reach out to the Plaintiff and request clarification in regard to his community involvement.
7. In a decision dated 27 June 2023, the Plaintiff was informed that he was not awarded Permanent Residence as he had only been awarded 103.50 points. The Plaintiff was not awarded any points for the letter from Austin Malyk.
8. In a document entitled Permanent Residence Points Assessment, the decision maker stated:

"Austin Malk lack of details regarding mentorship".

9. In a letter dated 20 July 2023, the Plaintiff appealed the decision to reject his PR application. It appears that the letter submitted on his behalf was a joint, Notice of Appeal and Grounds of Appeal. In the letter, the Plaintiff's Immigration Service Provider ("ISP") stated:

"Accordingly, our client wishes to exercise his right to appeal the decision made by the Director of WORC to the Immigration Appeals Tribunal as it appears that vital information and supporting documents were not considered during the assessment which has led to an unfavourable outcome for our client. We have gathered the documentation and information that we would like to submit for your review and consideration. These documents were either included as part of the initial Permanent Residence application submission (April 14th, 2022) and were overlooked or have become available since the decision was made.

....

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Our client has 3 letters from Caymanians attesting and outlining our client's meaning impact in their lives through his mentorship. The letters and proof of Caymanian status for each mentee were included with initial submissions on April 14, 2022. Unfortunately, based on the 12 points allocated by the Director of WORC for Community Involvement, it does not appear that these letters were awarded any points. Only the letter from the George Town Congregation of Jehovah's Witnesses (updated letter attached) was awarded points.

....

It is undeniable that Mr. Humphries has integrated into the Cayman community and hopes to continue his contributions to these wonderful Islands. He has accumulated far above the maximum points allowable under the application system, we duly apportion our client the maxim points for all his efforts as outlined above.

10. The Plaintiff's ISP also stated that the letter of Austin Malyk should have resulted in the award of points.
11. On 12 February 2025, the Immigration Appeals Tribunal ("the Tribunal") reached out to the Plaintiff's ISP and were informed "*we didn't have anything further to add, the grounds are as stated*".
12. At the current time, the Plaintiff has not had sight of the above email.
13. The Tribunal concluded in their decision of 9 April 2025 that "*in relation to the Notice of Appeal, the Tribunal determined no identifiable grounds in terms of the four [4] grounds required to appeal a decision of the Director of WORC or the Caymanian Status and Permanent Residency Board.*"
14. It is respectfully averred that the Defendant and the Tribunal were wrong in their determination. First, the letter from Austin Malyk clearly sets out that he had been trained and mentored by the Plaintiff for a number of years. Equally, a letter of this nature should have resulted in the award of points, i.e. at least 7.5 points which would have been sufficient for the award of Permanent Residence to the Plaintiff. By failing to award the Plaintiff 7.5 points for the Austin Malyk letter, it is averred that original decision was erroneous / contrary to the regulations.
15. Secondly, the Notice of Appeal / Grounds of Appeal clearly:

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- i. Identifies the letter of Austin Malyk.
 - ii. Identifies the fact that no points were awarded for the letter from Austin Malyk, among other letters.
 - iii. Makes clear that the Director had not considered certain information or overlooked that information.
 - iv. Set out what errors they believe had occurred.
16. While it is accepted that a combined Notice of Appeal and Grounds of Appeal is not a usual way of proceeding, it is contended that it is sufficient provided that:
 - i. The combined document set out why they believe the original decision was in error.
17. In the current matter, the Notice of Appeal clearly identifies that insufficient points were awarded for a number of factors, in particular Factor 5 and reference is made to Austin Malyk's letter.
18. As such, the Tribunal should have accepted the Plaintiff's contention that the original decision was flawed and as such moved to a de novo hearing as required by Section 22 (4) and (5) of the Act.
19. It is therefore contended the Court should quash the rejection and remit the matter to the Tribunal for further consideration.

HSM Chambers

HSM CHAMBERS

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