



COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2025

ORDER OF SECTION 94 OF THE CUSTOMS and BORDER CONTROL ACT (2021)
a Declaration against the refusal of the Director of Customs and Border Control to
priority of Sheldon Mitchell to remain in the Cayman Islands pending Determination
of Application made to the Immigration Appeals Tribunal

AND: IN THE MATTER OF Order 77A Rule 4 for a Declaration TO PROHIBIT THE EXPULSION from
the Cayman Islands of Bovina Newell.

AND: IN THE MATTER OF SECTION 9 of THE CAYMAN ISLANDS CONSTITUTION ORDER 2009

AND: IN THE MATTER OF SECTION 13(1); 2(d)(iii) and 3((a-d) of THE CAYMAN ISLANDS
CONSTITUTION ORDER 2009

AND: IN THE MATTER OF SECTION 16(4)(d) of the CAYMAN ISLANDS CONSTITUTION ORDER
2009

AND: IN THE MATTER OF SECTION 24 of the CAYMAN ISLANDS CONSTITUTION ORDER 2009

AND: IN THE MATTER OF SECTION 26 of the CAYMAN ISLANDS CONSTITUTION ORDER 2009

AND: IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW pursuant to order 53 of the
Grand Court Rules

AND: IN THE MATTER OF AN APPLICATION pursuant to Order 3 RULE 5 of the Grand Court Rules

BETWEEN: SHELDON WINSTON MITCHELL APPLICANT

AND: THE DIRECTOR OF CUSTOMS AND BORDER CONTROL RESPONDENT

EX PARTE NOTICE OF MOTION TO APPLY FOR INJUNCTION

TAKE NOTICE THAT the Court at the Law Courts, George Town, Grand Cayman will be moved
on at or as soon thereafter as counsel can be heard, by counsel for THE
APPLICANT for the following relief namely :-

1. An Order directing the Respondent, whether by his/her servants, agents or otherwise to refrain from any and all actions, which may infringe upon the Applicant's Rights under the provisions contained in Section 13(2) and 13 (2)(a-c) of the Cayman Islands Constitution Order 2009, ("**the Order**") unless and or until the protections afforded to the Applicant, in the said provisions contained within Section 13(2)(d)(iii) and 13(3)(a-d) of the said Order are observed, and this Injunction Application is determined.
2. A Declaration that the Respondent whether by his/ her servant, agents or otherwise be restrained and prohibited from any and all actions the objective of which is the detention of the Applicant, and or removal from the Cayman Islands, under any

provision of the Border Control Law Act (2024 Revision) and in particular Section 101(1) of the said Act or the Immigration (Transition) Act (2022 Revision) until a Judicial Review Application is determined, OR THE Immigration Appeals Tribunal has determined the Applicant's Petition.

3. Costs and such further, consequential, or other relief as this Honourable Court seems just.

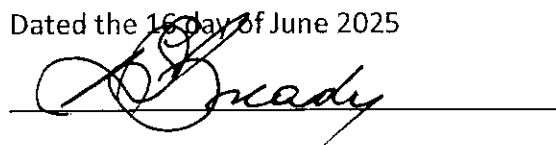
AND FURTHER TAKE NOTICE that the grounds of this application are:-

1. **Wednesbury unreasonableness:** The decision of the Respondent to refuse the grant to the Applicant, authority to remain and to require that the Applicant depart the Cayman Islands immediately, on June 18 2025 he having an application pending before the Immigration Appeals Tribunal, and that the conduct of the Respondent in the given circumstances, is a fettering, and a premature improper exercise of the Respondent's discretion, by applying a policy, and in the process, failing to adequately or at all consider, the peculiar circumstances of the Applicant, in accordance with Section 13 and 24 of the Cayman Islands Constitution Order 2009, and this conduct and decision is unreasonable and should be set aside.
2. That the Applicant, at the time, and continuing, of his request for authority to remain, the Respondent has failed to adequately consider or at all, the fact that the Applicant poses no threat to the interests of the state's defences, public safety, public order, public morality or public health, to provide grounds for derogation from the provisions of the protections offered by section 13(2) (d) and (3) of the Cayman Islands Constitution Order 2009, and therefore the said decision of the Respondent was not "objectively and reasonably justifiable in a democratic society...between the means employed and the purpose sought to be realized"; as provided for in section 16(4)(d) of the Cayman Islands Constitution Order 2009.

3. **PREJUDICIAL, DISCRIMINATORY AND BIASED CONDUCT**

That the Respondent has demonstrated by conduct, a definite breach of Sections: 13;16;23;24 and 26 of the Cayman Islands Constitution Order 2009 ("**the Law**") by demanding that the Applicant depart the Cayman Islands on June 17 2024, which conduct is contrary to the principles of natural justice as well as particularly Sections 13;16;23 and 24 of the Cayman Islands Constitution Order 2009.

Dated the 16 day of June 2025

A handwritten signature in black ink, appearing to read "D. Brady", is written over a horizontal line.

DENNIS E. BRADY (ATTORNEY-AT-LAW FOR THE APPLICANT)

TO: The Clerk of the Court

AND TO: The Director of WORC

AND: The Director of Border Control

AND TO: The Attorney General

THIS NOTICE OF MOTION was **FILED** by Dennis Brady, Attorney-at-Law for and on behalf of the Applicant whose address for service is that of his said Attorney-at-Law, Anderson Square Building P.O. Box 11740 APO, Grand Cayman KY1-1009, Cayman Islands.