



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 CERTIFICATE
PURSUANT TO SECTION 38 (1) IMMIGRATION (TRANSITION) ACT (2022 REVISION).**

PATRICK GEORGE GREEN

PLAINTIFF

-v-

CAYMANIAN STATUS AND PERMANENT RESIDENCY BOARD

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 September 2024 and confirmed by the Tribunal in a further decision dated 18 June 2025 was erroneous in law, unreasonable and / or a breach of natural justice.

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

- ii. The decision of the Defendant dated 9 September 2024 is quashed and is to be remade.
- iii. The matter be remitted to the Immigration Appeals Tribunal for the reconsideration of the decision.

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

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

- 1. In 1987, the Plaintiff was convicted of two counts of Possession of Cocaine with intent to supply. The Plaintiff was sentenced to 7 years in custody. As the Plaintiff had been sentenced to a term of imprisonment greater than 1 year he was deemed a Prohibited Immigrant, Section 36 Caymanian Protection Act, 1984 ("the CPA"). He was also prevented from entering the Cayman Islands as a Prohibited Immigrant, Section 35 of the CPA.
- 2. At the time the Plaintiff was convicted, he was in a relationship with Joyceann Lousie Seymour ("Joyceann"). Whilst Joyceann and the Plaintiff were only married in 2005, they have three children who were born on 13 November 1987 (Tedrick), 5 August 1999 (Shadrack) and 18 January 2006 (Pashanti).
- 3. In 2013, the Plaintiff was sentenced to a further 1 year in custody (in the State of Florida, America) for possession with intent to distribute Cocaine. As a result of this he was sentenced to a further period of imprisonment, which would have also made him a Prohibited Immigrant, if he had been one already.
- 4. From 1987 onwards, the Plaintiff had only been allowed to visit the Cayman Islands for short periods of time, after applying to the Cabinet for permission to Land. These applications have to be made in advance and can take lengthy periods of time to be granted.
- 5. In an application submitted on 17 April 2024, the Plaintiff requested that he be granted an RERC as the Spouse of a Caymanian. If this application had been granted, the Plaintiff would have been a Permanent Resident of the Cayman Islands and as such could not be a Prohibited Immigrant, thus he could return to Cayman and reside in the Cayman Islands.

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6. The application made it clear that:
 - The Plaintiff had convictions both in the Cayman Islands and in the USA.
 - The Plaintiff had not been convicted of any offences for over 10 years.
 - Joyceann had been a Cayman Islands since she was born in 1963.
 - Joyceann had a business and property in the Cayman Islands.
 - Joyceann was the primary caregiver of her 92 year old Caymanian mother.
 - Joyceann could not uproot her life to move to Jamaica.
7. In a letter dated 9 September 2024, the Caymanian Status and Permanent Residency Board rejected the application. In the letter they stated that:
 - The Plaintiff's convictions were against the values of the community and pose a risk to society.
 - The Board is not satisfied that the Plaintiff was of good character.
 - The Board were satisfied that the Plaintiff could keep his marriage intact by visiting as he had been doing in the past.
8. The decision was appealed on or around 3 October 2024 and on 3 March 2025, the Plaintiff submitted Grounds of Appeal against the decision to deny his application. It was contended that the Defendant had erred on a variety of grounds namely:
 - The Defendant had applied the wrong test, i.e. he had applied a proportionality test rather than had focused solely on the Plaintiff's convictions rather than balancing the various competing factors.
 - The Defendant had not identified the relevance of the Joyceann's mother, nor had they considered this if they had carried out the relevant balancing exercise.
 - The Decision was insufficient.
 - The decision was unreasonable.
 - The Defendant was relying upon undisclosed evidence.
9. On 2 April 2025, the Defendant submitted a defence disputing the contentions advanced by the Plaintiff.

10. On 4 April 2025, the Plaintiff submitted a response to the Defence.
11. In a decision dated 18 June 2025, the Immigration Appeals Tribunal ("the Tribunal") rejected the appeal.
12. It is averred that the decision of the Defendant is wrong in Law in that:
 - i. The Defendant placed too much weight on the Plaintiff's convictions and seemingly none on the difficulties the Plaintiff and his wife have in continuing their protected rights.
 - ii. The Defendant placed insufficient weight on the Plaintiff's mother's difficulties
 - iii. The decision of the Board is insufficient to the extent that it amounts to an error of Law.
 - iv. The Board relied upon evidence which had not been provided to the Plaintiff for him to comment upon.
 - v. The Defence provided by the Defendant contained information which had not been disclosed before and it's variety is uncertain.
13. 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.
14. The furthermore the decision of the Tribunal is a recital of the Defendant's case and in one paragraph adopt the position of the Defendant. It does not deal with any of the submissions of the Appellant and appears to repeat the Board's position without considering the submissions of the Plaintiff. It is therefore averred that this on it's own amounts to an error of Law.
15. It is therefore contended the Court should quash the rejection and remit the matter to the Tribunal for further consideration.

Hsm Chambers

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