



**THE GRAND COURT OF THE CAYMAN ISLANDS
DIVISION**

CAUSE NO: OF 2025

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

AND

IN THE MATTER OF ORDER 55 OF THE GRAND COURT RULES

AND

IN THE MATTER OF SECTION 23 OF THE CAYMAN ISLANDS CONSTITUTION ORDER 2009

AND

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

BETWEEN

CLARENCE ANTHONY EDWARDS

APPELLANT

AND

IMMIGRATION APPEALS TRIBUNAL

RESPONDENT

NOTICE OF ORIGINATING MOTION

TAKE NOTICE that the Grand Court at the Law Courts, George Town, Grand Cayman will be moved on 2025 at am/pm or as soon thereafter as counsel can be heard, by counsel on behalf of Clarence Anthony Edwards (the "**Appellant**") for an order in the following terms:

1. The decision of the Respondent dated 16 October 2025 to refuse to grant Permanent Residency (the "**Decision**") was erroneous in law.
2. The Decision of the Respondent is quashed and is to be remade.
3. The matter to be remitted to the Respondent for the reconsideration of the Appellant's points.

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

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

Factor 2(b) Education

4. The Respondent failed to consider and allocate points for the Appellant's high school certification on the basis that the Appellant's high school certificate provided was not certified. Prior to the Decision and the decision of the Director of WORC, the Appellant provided a copy of his high school certificate to the Director of WORC and a certified copy to the Respondent. The Respondent in the Decision noted under the heading Factor 2b) Education the following:

"The Appellant having been advised to provide proof with certification attachments and certified copies of all relevant documentation on his application form, documentation now submitted cannot be considered as it was not before the Director of WORC at the time of his/her decision."

5. The Appellant disputed the reasoning above and submitted that the Director of WORC and the Respondent were both put on notice and or received proof of the Appellant's high school certification prior to their decisions.
6. The Appellant did provide proof of his high school certification, albeit it was not a certified copy. The Appellant believes that the Director of WORC and the Respondent should have taken his evidence into account unless there was reason to suspect that the certificate was not genuine and that appeared not to be the case. The Appellant provided to the Director of WORC uncertified copies of the picture page of his passport and birth certificate and these documents were both taken into consideration in determining Factor 8 (Cultural Diversity) and Factor 9 (Age Distribution).
7. The Appellant respectfully submit that it was unlawful and unreasonable not to take into account his uncertified high school certificate.

Factor 7 Caymanian Connection

8. The Director of WORC and the Respondent failed to consider and allot points to the Appellant for his Caymanian connection on the basis that no DNA was provided that the Appellant was the son of a Caymanian prior to their decisions.
9. The Appellant accepts that at the time of submitting his residency application that his father was not yet granted the Right to be Caymanian. However, the Director of WORC

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was placed on notice of the father's immigration status and his pending decision on his right to be Caymanian application.

10. The Appellant's father was granted Caymanian Status on 16 May 2024 and the Appellant provided a copy of his father's status certificate to Director of WORC via his agent. The Director's decision was made on 10 September 2024, some 4 months after the Appellant's father was granted the Right to be Caymanian.
11. In the Decision, the Respondent concluded that they were not "provided with conclusive proof of such relationship at the time of the hearing on the grounds". The Appellant sought clarification as to how the evidence was not conclusive from the Respondent in his reconsideration application, but the Respondent failed or refused to address this matter in their Decision.
12. The Appellant submit that the Director of WORC and certainly the Respondent received proof that his father was granted the Right to be Caymanian and that this substantial change in circumstances should have been taken into consideration and not to do so was very unreasonable and unlawful.
13. The Director of WORC erred in not allotting points to the Appellant for his education and Caymanian connection, and the Respondent should have determined that this was grounds for accepting the Appellant's appeal and consider his application afresh.
14. The Respondent was also provided with a copy of the Appellant's paternity test report confirming that he is the son of a Caymanian prior to the Decision.

Standard of Proof for proceeding to a de novo hearing

15. When Grounds of Appeal are submitted, the Respondent should carry out a de novo hearing once the grounds of appeal had been made out. The Court of Appeal in the case of Chowtee v Immigration Appeals Tribunal held that "made out" should be interpreted in the following manner:

"In other words, there had to be a realistic prima facie case on appeal grounded in at least one of the statutory grounds".

16. In the Appellant's application to the Respondent, it is contended that the Appellant provide a prima facie case to the Respondent that one of the statutory grounds had been made out on the basis that in the original grounds of appeal and the reconsideration application provided proof of a clear breach of the law and or that the decision of the Director of WORC was unreasonable or contrary to the regulations. It is averred that a prima facie case of an error in law by the Director of WORC and the Respondent and/or a

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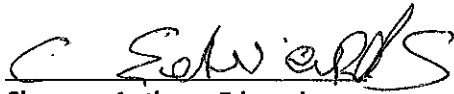
breach of natural justice was provided and as such, the Respondent should have granted the appeal and a de novo hearing ordered.

17. It appears that the Respondent is requiring the Appellant to prove on a balance of probabilities that a statutory grounds has been made out, whereas the test is much lower. It is contended that the Appellant only had to establish a prima facie proof and as such, the Respondent erred in law by not granting a de novo hearing.

Conclusion

18. As such it is the Appellant's position that the incorrect award of points for Factor 2(b), Factor 5 and Factor 7 have denied him Permanent Residence.

DATED the 23 day of October 2025



Clarence Anthony Edwards

Appellant

clarence6297@gmail.com

TO: The Clerk of the Court

AND TO: The Chairman
Immigration Appeals Tribunal

AND TO: The Attorney General's Chambers

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