



COURT OF THE CAYMAN ISLANDS

CAUSE NO:

OF 2025

IN RE: ORDER OF SECTION 23 (2) OF THE IMMIGRATION (TRANSITION) ACT (2022 REVISION)

IN RE: ORDER OF ORDER 55 OF THE GRAND COURT RULES

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

TROY ELLINGTON

PLAINTIFF

-v-

DIRECTOR OF WORK

1st Defendant

-and-

IMMIGRATION APPEALS TRIBUNAL

2nd 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 First Defendant dated 31 May 2023 was erroneous in law and/or unreasonable.
- ii. The decision of the Second Defendant dated 16 October 2025 was erroneous in law, unreasonable and/or a breach of natural justice.
- iii. The decision of the Second Defendant dated 16 October 2025 is quashed and is to be remade.
- iv. The matter be remitted to the Second Defendant for reconsideration in accordance with law and with Courts Judgment and for a *de novo* hearing to take place.

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

v. The costs, of and incidental to, this Application be paid by the Defendants.

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

1. On 8 March 2022, the Appellant submitted an application for the grant of PR. As part of the application were a number of letters setting out the training and mentoring that the Appellant had provided to David, Paul and Diovani Rankin.
2. These letters were dated and had the individuals addresses on them.
3. On 31 May 2023, the 1st Defendant rejected the initial application.
4. As part of the consideration of the points to be awarded the Appellant was awarded zero points for Factor 5. The rationale for not awarding points was because that no proof of being Caymanian had been submitted, as per the Permanent Residence Points Assessment form.
5. While there are numerous people called Rankin on the Official Register of Electors. There is only one Diovani Rankin. If one is on the Official Register of Electors, the Individual should be Caymanian, as only Caymanians can vote.
6. Despite the fact that there was easily available evidence which would show that Diovani was Caymanian, the Department failed to award points for the training and mentoring of him.
7. Equally, it is believed that the Director of WORC would more than likely have had proof that David and Paul Rankin were Caymanian within the files that he holds.

8. Following the rejection of the Application, the Appellant using an Immigration Service Provider ("ISP") appealed the decision to reject the application to the 2nd Defendant.
9. Provided that the Appellant can satisfy the 2nd Defendant that the original decision falls within Section 21(8) Immigration (Transition) Act (2022 Revision) ("the Act") the decision is quashed and 2nd Defendant shall proceed to rehear the original application. The Tribunal has no discretion over process, if decision was unreasonable, erroneous in law or contrary to the Regulations, the 2nd Defendant **must** provide a de novo hearing to the Appellant.
10. When an individual appeals against the rejection of an application, the Director of WORC provides an Appeal Bundle. This contains all the documents submitted and should contain other relevant information.
11. In the Appellant's case the Appeal bundle is 72 pages long and there is no letter from Diovani nor Paul Rankin. It is the Appellant belief that these letters were provided as they are referend in the Permanent Residence Points Assessment form
12. On 27 May 2025, the ISP provided Grounds of Appeal to the 2nd Defendant. Most relevant to this appeal is that the ISP stated;

"The Appellant was awarded 0 points on his Community Service. The Appellant has provided letters as proof of his community service since 2022. Therefore, the Appellant should be awarded points in this category.
13. In a decision dated 16 October 2025, the 2nd Defendant rejected the Appeal. In the decision it is noticeable that the Second Defendant did not address Factor 5 but they did address Factor 3 when they concluded the 1st Defendant was correct to award zero points for Factor 3. The 1st Defendant had been awarded 22 points for Factor 3.

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Grounds of Appeal

14. It is averred that the First Defendant erred in law or acted unreasonably in that they failed to award points for at least the training and mentoring the Appellant provided to Diovani. The 1st Defendant should and could, with reasonable diligence and by reference to information available to it, have ascertained Mr. Rankin's Caymanian status. In the premises, the refusal to award Factor 5 points was wrong in law and/or irrational.
15. It is contended that the 1st Defendant acted with procedural unfairness /unreasonableness by failing to provide all the documents that formed part of the application to the 2nd Defendant.
16. The First Defendant acted unreasonably and/or in breach of the duties owed in the appellate process by failing to provide a complete appeal bundle to the Second Defendant, including omitting letters from the Plaintiff's Caymanian mentees that were material to Factor 5. The omission impaired the fairness and legality of the appellate process and infected the Tribunal's ability to conduct a proper merits review.
17. The Second Defendant erred in law and/or acted unreasonably by failing to quash the First Defendant's decision insofar as it refused points under Factor 5, notwithstanding that the Plaintiff's evidence demonstrated that Factor 5 points were due on the basis of mentoring Caymanians (including Mr. Rankin). The Second Defendant's failure to correct the First Defendant's error was itself an error of law and/or irrational.
18. It is also contended that the 2nd Defendant erred in law by failing to address Factor 5 in their decision, thus rendering the decision insufficient.

19. The Appellant would therefore requested that the decision be quashed and remitted to the 2nd Defendant for a *de novo* hearing.

HSM Chambers

HSM CHAMBERS