



COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2025

IN THE MATTER OF SECTION 115 OF THE CUSTOMS & BORDER CONTROL (CBC) ACT 2022 REVISION

IN THE MATTER OF AN APPEAL TO THE REFUGEE PROTECTION APPEALS TRIBUNAL PURSUANT TO THE CUSTOMS AND BORDER CONTROL ACT SECTIONS 21(1) (a) and 21(2) (a) (b), 21(7) (8) (2022 REVISION) **DISMISSED-REFUSED** ON 3rd NOVEMBER 2025 AND **HAND DELIVERED TO THE APPELLANT ON 14TH NOVEMBER 2025** BY THE RPAT'S SECRETARY MS. BUSH AT THE GOVERNMENT ADMINISTRATION BUILDING, A STAMP OF DATED DELIVERED WAS AFIXED IN THE YELLOW ENVELOPE

AND

IN THE MATTER OF **MICHEL FUENTES DIAZ**, APPEAL TO THE GRAND COURT OF THE CAYMAN ISLANDS (ON A POINT OF LAW) IN REGARDS OF AN APPLIACTION SEEKING POLITICAL ASYLUM IN THESE ISLANDS IN ACCORDANCE WITH THE GENEVA CONVENTION OF 1951 AND ITS PROTOCOLS, AND IN ACCORDANCE WITH THE LOCAL CUSTOMS AND BORDER CONTROL (CBC) ACT (2022 REVISION) SECTIONS 111(6), 114(1), 114(4), 114(5), 114(9), 114(10) AND 114(12) AND 115 . APPLICATION REFUSED BY THE CBC'S DIRECTOR AND HAND DELIVERED TO ME ON NOVEMBER 11TH AUGUST 2023, APPEAL TO RPAT REFUSED AS DETAILED ABOVE

AND

IN THE MATTER OF MY GROUNDS OF APPEAL FILED WITH THE RPAT ON 1ST NOVEMBER 2024 WITHOUT ANY ADVICE OR LEGAL ASSISTANCE ("THE GROUNDS")

AND

IN THE MATTER OF A NOTICE OF HEARING HANDED TO ME FIVE DAYS BEFORE THE HEARING BY OFFICER NEIL AT CBC ENFORCEMENT, WHICH DOCUMENT SATED THAT IF I HAVE TO FILE ANY FURTHER SUBMISSION –WHICH IS THE CASE- OR EVIDENCE, IT HAS TO BE DONE SEVEN (7) DAYS PRIOR TO THE HEARING, DUE TO THIS I PROCEED ON INCOMPLETE GROUNDS TO A HEARING. THE DESCISION OF THE RPAT IS SIGNED BY THE CHAIR OF THE SAID TRIBUNAL (NOVA HALL) ON 3RD DAY OF OCTOBER 2025, PRIOR TO THE HEARING WHICH TOOK PLACE ON 28TH OCTOBER 2025

AND

IN THE MATTER OF THE CAYMAN ISLANDS CONSTITUTION ORDER 2009 PART I SECTIONS 3, 5, 7, 9, 13, AND 16, 19, 26, 27

This Notice and Grounds were signed and filed by Michel Fuentes Diaz, with the assistance of his McKenzie Friend, address for service is Detention Center at Breakers Town Hall, P.O. Box 1271 GT KY1-1108, Tel: 548-2867 and email: maceo.throwaway430@passinbox.com

BETWEEN: MICHEL FUENTES DIAZ

APPELLANT

AND: RPAT & CUSTOMS AND BORDER CONTROL DIRECTOR (CBC)

RESPONDENT

NOTICE OF ORIGINATING MOTION

TAKE NOTICE that the 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 Michel Fuentes Diaz ("the Applicant") for an order that a decision of the Refugee Protection Appeals Tribunal ("the Tribunal") dated 3rd November 2025 and hand delivered to the Appellant on November 14^h 2025, upon a rehearing of an application by the Applicant for Political Asylum refused by the CBC Director and dismissed by the Refugee Protection Appeals Tribunal (RPAT), be set aside, and that the said application be remitted to the Tribunal to be reconsidered and decided according to law.

And for an order that the costs of and incidental to this Application may be paid by the Immigration Appeals Tribunal.

AND FURTHER **TAKE NOTICE** that the grounds of this Application are:

- 1- Whereas the appellant (Michel Fuentes Diaz D.O.B 8 April 1976) a Cuban National and a Police Officer Investigator since 1992 until 2022, Member of the Cuban Government Interior Ministry, has defected and arrived I by boat to Esat End, Grand Cayman on 24th December 2024.
- 2- The Appellant was refused entry because he did not have valid travel documentation. The Appellant made declarations to seek asylum in the Cayman Islands on the same day and he was deemed an irregular migrant pending an asylum assessment. The Appellant completed the interview for asylum on 29 December 2022.
- 3- Whereas On the 11th August 2023 the Asylum application was refused by CBC Director; the decision was communicated by letter, in both English and Spanish the Appellant indicated his desire to appeal against the decision of Director.
- 4- Whereas a notice of appeal was filed with the RPAT on October 2023, in accordance with section 111(6) of CBC Act (2022 Revision), PART 7 at section 111. (1) Of the same Act provides guidance in the consideration of an application for asylum. Accordingly, the Director of Customs & Border Control shall have regard to the Refugee Convention (*The 1951 Convention to the Status of Refugees*) and any directions given by the cabinet relating to asylum applications. That Convention defines a refugee as a person who:
"...owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."
- 5- Whereas the CBC filed Appeal Statement on 14 October 2024, and the Appellant filed Grounds of Appeals on 1st November 2024 incomplete and poorly drafted (by hand writing) Grounds of Appeal with the RPAT,

This Notice and Grounds were signed and filed by Michel Fuentes Diaz, with the assistance of his McKenzie Friend, address for service is Detention Center at Breakers Town Hall, P.O. Box 1271 GT KY1-1108, Tel: 548-2867 and email:

maceo.throwaway430@passinbox.com

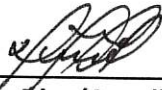
due to lack of Counsel Advice and representation.

- 6- Whereas the RPAT summoned for a Hearing on 28th October 2025 (a very long time after the appeal was filed).
- 7- Whereas the decision is duly signed –upon reading it I assume– by the Chair of the RPAT on 3rd October 2025 but dated in the front page on 3rd November 2025.
- 8- During the hearing to the translator –a Cuban National well connected to the Military Regime and Intelligence apparatus of the Havana Dictatorship, a lady was used as translator, the translation was incomplete and twisted, which I noticed even with my poor English.
- 9- Whereas, in its decision the RPAT accepted and mentioned that in the Communist Dictatorship of Cuba I will be afforded DUE PROCESS contrary to what has been proven and denounced and punished by the USA Government and the vast majority of Democracies in this world and by respected NGO like Amnesty International, my further written submission in this process will present evidences.
- 10- That many of my assertion were not accepted but refused at all material times, upon the dictated indication of the Legal Department Lawyer representing CBC (a learned lawyer vs. an unrepresented appellant) a clear inequality of arms, a prejudice could be felt in that room.
- 11- Whereas, there were procedural irregularities, the Due Process was not followed, these amount to the reality that I have not received a Fair Trial.
- 12- The Tribunal failed to accord the Applicant a fair hearing consistent with the principles of natural justice in circumstances where the Applicant had a reasonable expectation that his application would not be reduced without an opportunity to make submissions to the Tribunal upon the specific issue of Political Persecution in Cuba.
- 13- That the RPAT failed to see that I am a Police Officer with 30 years of service in the Repressive and Politically Manipulated Interior Ministry in Cuba, a real Police State and Political Police, proven over and beyond by the UN Org and by many European Governments and the UK, and NGO on Human Rights, I am considered by the Communist Castros Regime a Defector, and as such will be punished –severe- if returned to Cuba.
- 14- The Tribunal further acted unfairly and irrationally in failing to take into account that there are many Precedent in these Islands from 2015 until present of other Police and Political Secret Police of Cuba all of them member of the DREADED Interior Ministry (MININT) like me who has been granted asylum here –easily- just because they were from MININT and defected (i.e. Pedro Lopez Placeres, Yusmaidys Ortiz Perez, Mr. Viera and his brother in Law, Mr. Barquin), many of them participated in Political persecution, Political Violence and Torture of Cuban Dissidents. Dangerously and Recklessly the Cayman Islands is a Sanctuary used as a safe haven by such oppressors
- 15- That the RPAT failed to alternatively take into proper account the Applicant's Submission in a manner which fully and accurately would reflected the Applicant's actual circumstances, and not taking into account his not legal representation, when with hostile approach the RPAT was allowing the Respondent's Counsel muting me and posing double entendre questions, many times during the hearing.

This Notice and Grounds were signed and filed by Michel Fuentes Diaz, with the assistance of his McKenzie Friend, address for service is Detention Center at Breakers Town Hall, P.O. Box 1271 GT KY1-1108, Tel: 548-2867 and email: maceo.throwaway430@passinbox.com

- 16- That at no material time did the Tribunal took into consideration that I have not been convicted of Criminal act in Cuba or here, my Cuban Police Record is CLEAN, and there is no any evidence of Conviction against me. From where –if not from the Cuban Dictatorship- the CBC and its Representative is taking and making such unsubstantiated allegation? My Police Record will be exhibited during this current appeal.
- 17- The RPAT failed and insisted to give credibility to a Communist Regime (Castros' Dictatorship) which is discredited, sanctioned by the European Parliament and Union, by the USA Senate and Congress, by the USA Government and Department of State, and has been for many years, and right now is the USA Gov list of Government that support and practice Terrorism included but not limited to Terrorism of State. I was part of the lower end –executers- of that Apparatus, and CBC and RPAT failed once and again to listen and asses my plea.
- 18- Therefore, the Tribunal acted unfairly, irrationally, unlawfully, erroneously, and in a manner that was unreasonable and contrary to the golden principle of Natural Justice, against its statutory duties and responsibilities. Accordingly, the decision of the Tribunal should be set aside for substantial wrong and miscarriage of justice so that the Applicant's application can be reheard in accordance with law.

DATED: 27th day of November 2025



Michel Fuentes Diaz (Appellant assisted by a McKenzie friend)

TO: The Clerk of the Court

AND TO: The Chairman of RPAT
CBC Director
George Town
Grand Cayman

This Notice and Grounds were signed and filed by Michel Fuentes Diaz, with the assistance of his McKenzie Friend, address for service is Detention Center at Breakers Town Hall, P.O. Box 1271 GT KY1-1108, Tel: 548-2867 and email: maceo.throwaway430@passinbox.com