



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: [] OF 2025

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

**AND IN THE MATTER OF ORDER 55 OF THE GRAND COURT RULES (2023
REVISION)**

BETWEEN:

BROADHURST LLC

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 the _____ day of _____ 2026 at ____ a.m./p.m. or as soon thereafter as counsel can be heard, by counsel on behalf of the Appellant for an order in the following terms:

- i. The decision of the Respondent, the Immigration Appeals Tribunal (“**IAT**”), dated 17 December 2025, Reference: WP/015/2025 (the “**Decision**”) dismissing the Appellant’s appeal from the decision of the Work Permit Board, dated 12 June 2025, refusing the work permit for its employee (Immigration File No. 0227351), was erroneous in law, unreasonable and/or a breach of natural justice.

- ii. The Decision of the IAT be quashed and the appeal be allowed;
- iii. That the matter be remitted to the IAT for rehearing; alternatively, an order the application for the work permit be approved;
- iv. Such further or other relief that this Honourable Court deems fit.
- v. Costs be provided for.

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

Background

1. In October 2024, the Appellant ran advertisements seeking applications for the role of experienced litigation paralegal. No suitable candidates applied for the position. The Appellant reached out to a Caymanian that had applied for another role in the past to determine if they might wish to apply for the current role. An interview occurred; however, that individual decided to proceed with another opportunity.
2. On 18 December 2024, an application for temporary work permit for the role was submitted by the Appellant to the Work Permit Board (the “**Board**”) for an individual to commence work with the Appellant in the role of litigation paralegal (the “**Worker**”).
3. On 2 January 2025, the application for temporary work permit was granted. The Worker subsequently commenced work for the Appellant providing necessary support to its litigation attorneys.
4. In February and March 2025, the Appellant ran advertisements seeking an experienced litigation paralegal. The key requirements for the role were the same as stated in October 2024, which were:
 - a) Paralegal experienced in all aspects of litigation support;
 - b) Client facing with excellent communication skills; and
 - c) Paralegal qualification or similar.
5. The Appellant conducted interviews with respect to all applications received. No suitable persons, legally and ordinarily resident in the Islands, were identified through the recruitment process and accordingly on 1 April 2025, the Appellant applied for a work permit for the Worker.

6. On 11 June 2025, the Board refused the application.
7. On 20 June 2025, the Appellant appealed the decision of the Board.
8. On 3 September 2025, the reasons for the decision of the Board to refuse the work permit were set out in the Appeal Statement. The reasons were stated to be as follows:
 - a. The Board was “*required by section 58(4)(a) & (b) of the Immigration (Transition) Act, (2022 Revision) to take into account the protection of local interest and in particular of Caymanians, as well as the availability of the services of a person already legally and ordinarily in the Islands.*”
 - b. The Board was of the view that an applicant for the role (the “**Applicant**”) “*possessed the qualifications, skills, and experience necessary to competently fulfill the requirements of the role. Accordingly, the Board refused the application with a view to protecting local interests, particularly that of Caymanians.*”
9. On 13 October 2025, the Appellant submitted its detailed grounds of appeal with respect to the decision of the Board. The grounds were as follows:
 - a. Misdirection on the statutory test in section 58(4)(b) of Immigration (Transition) Act, (2022 Revision) (the “**Act**”). The statutory requirement is to consider: “*the availability of the services of a suitable person already legally and ordinarily in the Islands.*” By paraphrasing this in the decision as “*the availability of the services of a person already legally and ordinarily in the Islands*”, the decision omitted the critical requirement of suitability. The Board treated the Applicant as suitable despite her recorded lack of litigation experience and a poor interview for a client-facing litigation support role. That was a misdirection as to the correct legal test and therefore an error of law.
 - b. Failure to take mandatory considerations into account (section 58(3)(b) of the Act). The Act required the Board to consider the Worker’s professional and technical qualifications and experience and competence to undertake the position. The reasons were silent on the Worker’s experience and competence; instead it focused solely on an alternative candidate. That omission was an error of law.
 - c. Material mischaracterization of the advert. The advert expressly required an experienced litigation support paralegal and a client-facing role. The decision omitted those core requirements. The failure to grapple with those material

requirements compromised the assessment with respect to determining local availability and suitability; and was an error of law.

- d. Unexplained reliance on section 58(4)(a) of the Act. No reasons were provided for invoking protection of local interests. The evidence before the Board was that the Appellant is a 100% Caymanian-owned firm employing multiple Caymanians that required immediate assistance in the litigation paralegal role. The absence of reasons is, itself, an error of law.
 - e. Unreasonableness. Despite the Board being on notice that Applicant did not have the required litigation experience; her interview was poor; and her career objective (articles) was incompatible with the position—the Board still concluded she could competently fulfil the role. That conclusion defies the evidence and falls outside the range of reasonable outcomes, particularly given the advert’s emphasis on immediate litigation support and client-facing capability.
 - f. Contrary to natural justice. The reasons for the decision did not explain how the Applicant would meet the client-facing and current litigation-support requirements identified in the advert, nor did they reconcile that with the Board’s acknowledgement that she had been found to lack the required litigation experience and interviewed poorly. A failure to deal with obviously material considerations and to provide intelligible and adequate reasons is contrary to natural justice.
10. The Appellant requested that the matter proceed to a hearing de novo and for the Appellant to be able to present fresh evidence with respect to same.

The Decision

11. The IAT in the Decision dismissed the Appellant’s appeal. The IAT’s operative reasons for the refusal were stated as follows:

“The Appellant indicated that it conducted interviews with respect to all applicants. No suitable persons, legally and ordinarily resident in the islands, applied for the role and accordingly on 1 April 2025 applied for a work permit for the Worker. The Appellant submits that the board err in law as its suitable Caymanian lacked litigation experience, poor interview for a client-facing litigation support role, career objectives (articles) was incompatible with the position, and misdirected itself as to the correct legal test. Furthermore, the Board did not explain how the Caymanian would meet the client-facing and current litigation-support requirements identified in the advert. The Worker’s relevant

experience as per the Application form indicated that she has a Law degree, experience working as a legal and company secretary and three months in paralegal role.

The Tribunal having considered all submissions is of the view that either of the Caymanian applicants have the required qualifications can be taught basic law, the procedures of drafting (templates), uploads to the courts, litigation, etcetera.

The Tribunal determined that there was no error in law, nor was the Board unreasonable, contrary to the principles of natural justice or at variance with the regulations in its decision to refuse the work permit grant to the appellant given the statutory requirement of 58(4)(a) of the Immigration Transition Act (2022 Revision).

Accordingly, the appeal is dismissed.”

Grounds of Appeal

12. Ground 1. The IAT erred in law by failing, in accordance with s.58(3)(b) of the Act, to take into account the Worker’s professional and technical qualifications and their experience and competence to undertake the position applied for. The Worker’s experience as a litigation paralegal and suitability for a client-facing role were directly relevant to the determination of the IAT, and its failure to consider those matters was an error of law.
13. Ground 2. The IAT erred in law by failing to take into account the qualifications and experience required for the role and the suitability of the Applicant against those requirements. The Applicant did not possess litigation paralegal experience, did not demonstrate the required communications skills, and was not suitable for a client-facing role. These were the stated requirements for the role and the IAT’s failure to consider them was an error of law.
14. Ground 3. The IAT erred in law by applying the incorrect legal test. The statutory question under s.58(4)(b) required consideration of the availability of the services of a suitable person already legally and ordinarily resident in the Islands. The IAT’s approach—namely that the Applicant could be trained to acquire the necessary skills—was an error in law.
15. Ground 4. The IAT erred in law by taking into account an irrelevant consideration and/or acting procedurally unfairly in relying on training as a basis to dismiss the appeal. Section 58(2)(c) permits consideration (in the circumstances to which it applies) of the extent to which an employer has established adequate training or scholarship programmes for Caymanians; however, neither the Board nor the IAT relied upon or applied s.58(2)(c) as

part of the reasoning process. No evidence was before the Board or IAT as to training programmes, and the Appellant was given no opportunity to provide evidence or submissions on that issue.

16. Ground 5. The IAT erred in law by taking into account a matter which it ought not to have taken into account and/or by materially misapprehending the relevance of the Applicant's experience. The IAT relied on the Applicant's paralegal experience when the Applicant had no experience in the required role as a litigation paralegal and the Applicant's experience in any law-firm role was in a corporate (not litigation) support role more than nine years prior.
17. Ground 6. The IAT erred in law with respect to its reliance upon s.58(4)(a) of the Act. No adequate basis was provided for the IAT's determination that the refusal was justified by reference to protection of local interests in circumstances where the statutory suitability analysis under s.58(4)(b) was not addressed and where the Applicant did not possess the necessary qualifications and experience for the role. Further, the IAT relied on training without evidence and without giving the Appellant an opportunity to address that issue.
18. Ground 7. No adequate reasons were provided for invoking protection of local interests (s.58(4)(a) of the Act) in circumstances where the Appellant is a 100% Caymanian-owned firm employing multiple Caymanians which required immediate litigation support. The absence of intelligible and adequate reasons is, itself, an error of law.
19. Ground 8. Unreasonableness/irrationality. The IAT's decision was *Wednesbury* unreasonable and/or irrational. The IAT did not apply or address s.58(4)(b) (availability of the services of a suitable person already legally and ordinarily resident) and instead relied on s.58(4)(a) without explaining why that subsection justified refusal on the facts of this case. The IAT's conclusion—particularly in light of the advert's emphasis on experienced litigation support and client-facing capability and the IAT's own acknowledgement of the Applicant's deficits—fell outside the range of reasonable outcomes open to a properly directed tribunal.
20. Ground 9. Breach of natural justice/procedural unfairness. The Appellant requested the opportunity to present further evidence. The IAT did not address that request. The IAT then relied on the proposition that training could be provided in circumstances where it had no evidence before it on that issue and where the Appellant had no opportunity to address it. This was procedurally unfair and contrary to natural justice.
21. Ground 10. Inadequate reasons/failure to address principal issues. The IAT erred in law by failing to give intelligible and adequate reasons for dismissing the appeal. The reasons

must enable the parties to understand why the matter was decided as it was and what conclusions were reached on the principal important controversial issues. The IAT did not explain, with sufficient clarity, (i) how it addressed the statutory requirement under s.58(4)(b) as to the availability of the services of a suitable person, (ii) how it took into account the mandatory considerations in s.58(3)(b), and (iii) on what evidential basis it relied upon training as a determinative consideration. The absence of intelligible and adequate reasons is an error of law.

Dated the 30th day of December 2025.

BROADHURST

Broadhurst LLC

Attorneys-at-Law
for the Appellant

TO: The Clerk of the Court

AND TO: Immigration Appeals Tribunal
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This Notice of Originating Motion was issued by Broadhurst LLC, Attorneys-at-Law for the Appellant, whose address for service is Floor 4, Monaco Towers, 54 Edward Street, George Town, Grand Cayman, Cayman Islands.