

IN THE GRAND COURT OF THE CAYMAN ISLANDS
OF 2026

CAUSE NO:

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



ORDER OF ORDER 55 OF THE GRAND COURT RULES

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

DEBBIE ALICIA BROWN

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

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

- i. The decision of the 1st Defendant of 4 December 2024, was erroneous in law, unreasonable and or a breach of natural justice.
- ii. The decision of the 2nd Defendant dated 10 March 2026 was erroneous in law, unreasonable and / or a breach of natural justice.
- iii. The decision of the Defendant dated 10 March 2026 is quashed and is to be remade.

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 application are:

1. On 26 October 2013, the current Permanent Residence system was introduced. Save for a change to Factor 1, the System has essentially remained the same since 2013. No Permanent Residence applications submitted post 26 October 2013 were considered until 2017. When the Plaintiff applied for Permanent Residence, the relevant Act was the Immigration (Transition) Act (2022 Revision) ("the Act") and the Points system was found in the Immigration Regulations (2019 Revision)("the Regulations").
2. To obtain Permanent Residence, an applicant is required to be awarded 110 points in total, after the various factors are considered.
3. Despite the ability for various decision makers to consider PR applications and reach different conclusions based upon the same information, no policies have ever been published in regard to the consideration and determination of applications. As a result, it is averred that the points system, in the absence of policies can be arbitrary and opaque.
4. On 24 November 2025, the Plaintiff applied for Permanent Residence of the Cayman Islands.
5. Applicants for Permanent Residence can obtain points for training and mentoring Caymanians. Depending on whether the training and mentoring takes place during work hours or outside of work hours the applicant receives points.
6. In a decision dated 4 December 2024, the 1st Defendant rejected the Plaintiff's application for Permanent Residence on the basis that she was only awarded 94.50 points.

7. The Plaintiff appealed this decision and Grounds of Appeal were submitted. The Plaintiff challenged the rejection on the basis that:
 - i. In the absence of policies, the points system is unreasonable.
 - ii. The points that she was awarded for Factor 2 were incorrect.
 - iii. The points that she was awarded for Factor 5 were incorrect.
8. As a result of the Appeal, Section 23 (10) of the Act, means that the Defendant cannot remit matters back to the Director of WORC and once an appeal has been submitted the Director of WORC's sole role in proceedings is to provide (if he so chooses) a defence to the Grounds of Appeal.
9. The Plaintiff would contend that both the 1st and 2nd Defendant's decision are erroneous in law and contrary to the regulations on the basis that:
 - i. The Plaintiff should have been awarded 6 points for Factor 5.
 - ii. Both decisions are insufficient and therefore there must be substantial doubt as to whether or not the 1st and 2nd Defendant are applying an undisclosed policy or failed to consider relevant information.
10. From reviewing the decision it is not clear why the Plaintiff was not awarded 6 points as opposed to 4.5 points. The Director's decision is wholly silent as to how it is that points were awarded and distributed for Factor 5.
11. The Plaintiff believes that in the past the Director of WORC has awarded points based on the number of Caymanians trained and mentored in a year, as opposed to the years that the training and mentoring took place, i.e. if 2 Caymanians were trained in 2023 for the request time during work hours, then 3 points would be awarded.
12. It is suspected that points are now awarded based upon the year that the training took place, i.e. in the above example only 1.5 points would be awarded.

13. It is not known when the Director changed the award of points, and if a new policy now exists and the Plaintiff would request that the Director confirms if or when a new interpretation was put in place and whether the General Public was made aware of this.
14. The Plaintiff would contend that she should have been awarded 6 points by 1st Defendant and the 2nd Defendant should have upheld the appeal on this basis. By failing to do either, it is contended that both the 1st and 2nd Defendant have erred in law.
15. In the event that the 2nd Defendant accepted that an error had taken place, they were required to move to a de novo hearing. The Plaintiff would therefore aver that the failure to do so amounts to a further error of law.

Inadequate decision

16. The First Defendant fails to set out why it is that the Plaintiff was not awarded 6 points for Factor 5. The Plaintiff provided letters of support from
 - i. Markel Cupid, who confirm that the Plaintiff had trained and mentored him for 3 years and that this training should was more than 35 hours in year.
 - ii. Elder Govani Ebanks. Elder confirmed that the Plaintiff had trained and mentored him for 1 year and that this training was more than 35 hours in a year.
17. Based upon the above, the Plaintiff believes that she should have been awarded 6 points. However, she was only awarded 4.5 points. It is not clear whether or not the 1st Defendant is applying a "policy" or an undisclosed interpretation of the Law, which the Plaintiff is unaware off. If this the case, that the Defendant is relying upon an undisclosed policy, it is contended that this would not be in accordance with the Law and as such, amount to an error of law.
18. Equally, in the Grounds of Appeal the Plaintiff provided to the 2nd Defendant she raised the issue of a lack of policies. This argument seems to have been wholly ignored by the 2nd Defendant as it is not addressed in the decision letter.

19. The Plaintiff would contend that the total failure to deal with a ground of appeal renders the decision erroneous in law and which cannot be corrected by the Grand Court or by submissions from the Attorney General's Chambers. There is simply no evidence that this ground was even considered by the 2nd Defendant. It is however noted that the 2nd Defendant did consider the issue of Section 9 of the Bill of Rights, something which was not even raised by the Plaintiff.

Conclusion

20. The Plaintiff would therefore request that the decision be quashed and remitted to the 2nd Defendant for proper consideration.

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