

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2026

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

IN THE MATTER OF ORDER 55 OF THE GRAND COURT RULES

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

RICHARD CONSTANTINE TAYLOR

Appellant



-v-

DIRECTOR OF WORC

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 1st Defendant dated 12 June 2025 was erroneous in law, unreasonable and / or a breach of natural justice.
- ii. The decision of the 1st Defendant dated 12 June 2025 is quashed.
- iii. The decision of the 2nd Defendant dated 18 March 2026 is erroneous in law, unreasonable contrary to the Immigration Regulations and is quashed and is to be remade

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

- iv. The matter is to be remitted to the 2nd Defendant for the reconsideration in accordance with the Law.

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 are currently published. The only guidance is found in the forms and the Regulations themselves.
4. Despite no policies being published, the application form, "WORC/RRW (2023/06) R37", which the Appellant completed makes reference to "Guidance Notes". These Guidance notes purport to "fully detail the necessary requirements" and also "points are awarded based on the threshold defined in the Regulations and in the R-30 Guidance Notes".
5. The Guidance Notes also appear to provide detailed instructions.
6. However, there are currently no Guidance Notes. It is not believed there have been guidance notes since at least 2019. The previous guidance notes are published on the WORC website. It is not known whether the previous guidance notes were published on the old Department of Immigration website.

7. In the absence of clear policies , it is averred that the points system, is arbitrary and opaque.
8. Of particular relevance in the Appellant's matter is that there is no definition for various activities found in Factor 5 of the points system, in particular:
 - Sports Programme.
 - Voluntary organisation
9. Factor 5 of the Points system states that 1.5 points will be awarded for each year that an applicant has provided a minimum of 35 hours of service annually for up to eight years, if they have;
 - i. Participated and assisted in a sports programme.
 - ii. Volunteered for a non-profit, charitable or voluntary organisations.
10. Nowhere in the Regulations, nor any guidance is there a requirement that:
 - i. A Sports Programme has run by a Not for Profit Organisation.
 - ii. That a voluntary organisation has to be a Not for Profit Organisation.
11. Factor 5, explicating differentiates be NPOs, Charity's and Voluntary Organisations.
12. Equally, there is no policy in how to assess qualifications provided by an applicant and whether they relate to a applicant's field of expertise or trade.
13. On 12 July 2024, the Appellant applied for Permanent Residence ("PR") in the Cayman Islands and an Residency and Employment Rights Certificate ("RERC"). From the application it was clear that the Appellant:
 - Was a Warehouse / Plant Supervisor.
 - Part of his role was to oversee safety procedures for employees

14. The Appellant updated his application on a number of occasions and by the time that his application was considered by the 1st Defendant, the following information was before him.
- The Appellant had obtained a first aid qualification from the Red Cross.
 - Numerous letters detailing the Appellant's community involvement in particular his involvement in a Sports Programmes / volunteering with a voluntary organisation called Kelly Holdings.
15. The Letter from Kelly Holdings made it clear that:
- i. The Appellant had volunteered.
 - ii. Between 2017-2024, the Appellant had been involved with the Cayman Islands Marathon and his involvement was attending at race week meetings, assistance with overnight set up and the management on the day of event.
 - iii. That his involvement with the Cayman Islands Marathon amounted to more than 35 hours each year.
 - iv. The Appellant was involved with NORCECA Beach Volleyball tournament in the years 2019, 2022 and 2023 and each year he spent 8 hours volunteering his time.
 - v. The Appellant was involved with the Kelly Butterfly 5K swim and for the years 2023 and 2024 he dedicated 2 hours each year.
16. The Appellant was seeking to be awarded over 110 points under the points system and in particular, 7 points for Factor 2b and 20 points for Factor 5.
17. In a decision of the 1st Defendant dated 12 June 2025, the Appellant's PR application was denied on the basis that he had been awarded 100.53 points. The Appellant was awarded 5 points for Factor and 12 points for Factor 5.
18. In a document titled "Permanent Residence Points Assessment" ("PRPA") the 1st Defendant clarifies the award of points for Factor 2b on the basis that:

"Factor 2b School Letter states he attended High School".

19. No reference was made to the Appellant's first aid qualification and why it was not accepted by the 1st Defendant. It is not even clear from the document if it was reviewed or seen by the 1st Defendant.
20. The PRPA confirmed that no points were awarded for the volunteering that the Appellant did with Kelly Holdings on the basis that Kelly Holdings is not a "NPO" and therefore does not meet criteria to award points.
21. The Appeal Statement provided by the 1st Defendant seeking to justify the award of points asked the Appellant to revert to the PRPA to see how points were awarded for Factor 5. The Appeal Statement made no reference to the Red Cross qualification.
22. The Appellant appealed the decision of the Director of WORC. In the Appeal the Appellant raised the following grounds of appeal.
 - i. The PR points system and the decision was arbitrary and therefore unreasonable because it lacked definitions and policies.
 - ii. The Director of WORC erred when he failed to award the Appellant sufficient points for:
 - Factor 2b, as his first aid certificate was relevant to his role of a Supervisor in a Factory where he was responsible for safety of individuals.
 - Factor 5, as the Appellant should have either been awarded points for volunteering with Kelly Holdings as it could regard as a voluntary organisation or that the volunteering that the Appellant did could be regarded as participating and assistance in a sports programme.
 - iii. The decision of the 1st Defendant was insufficient because there was no explanation provided in regard to why the Red Cross qualification was not accepted, why the Director did not consider whether or not Kelly Holdings could be considered to be a voluntary organisation and why it points were not awarded for participation and assistance in a sports programme.

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23. On 16 October 2025, Regina Jackson, an employee of the 1st Defendant notified the Appellant and 2nd Defendant that no defence was to be provided by the 1st Defendant. The 1st Defendant did not seek to justify the exclusion of points for the First Aid Certificate nor confirm whether it was even considered. Equally, Regina Jackson did not clarify where it is in the Law that requires a voluntary organisation to be a not for profit organisation or whether consideration was given to awarding points based upon the Appellant being involved with a sports programme.

24. If the 2nd Defendant had granted the Appeal, on the basis that:

- i. The decision was erroneous in law, contrary or the Regulations or
- ii. Unreasonable; or
- iii. Contrary to the principles of natural of justice;

The second defendant would have been required to carry out a *de novo* hearing in which the Appellant would have been able to provide further evidence and if accepted could be awarded 110 points and thus achieve PR.

25. In a decision dated 18 March 2026, the 2nd Defendant denied the appeal. The decision letter the Tribunal held:

- i. The Tribunal found no reason why the Appellant should have been awarded 2 additional points for Factor 2b. The Tribunal did not however address whether the qualification was related to the Appellant current field of expertise.
- ii. Kelly Holdings was an event company therefore it is not an organisation that is charitable or non profit. The Tribunal failed to address however whether it could be regarded as a voluntary organisation. The Tribunal did not address whether the Appellant's actions could also be regarded as participation and assistance in a sports programme.

Grounds of Appeal

Unreasonable

26. The Appellant avers that the whole PR points system in the absence of policies and procedures is arbitrary and opaque and thus unreasonable. While it is accepted that policies cannot cover every eventuality and scenario, certain areas crop up frequently which applicants and decision makers require standardised guidance to help them assess matters correctly and consistently.
27. In the absence of policies at the current time, decision makers are making wholly subjective assessments as to:
- What a Sports Programme is.
 - What a voluntary organisation is.
28. In the absence of clear guidance, it is contended the decisions are frequently dependent upon who is the decision-maker is.
29. This not only affects decision makers but also applicants. Applicants who volunteer for organisations might wish to volunteer for a “different” organisation depending on its status. That would have a detrimental effect on Caymanian society as a whole. Certainly, it has never been set out in any formal policy document that, Sports or voluntary programmes have to be a Non profit organisation for the award of points. This illustrates the arbitrary nature of the existing decision-making framework.
30. It is averred that what is relevant and what should be the primary consideration is the extent to which the applicant has successfully settled and integrated into Cayman society by reference to their involvement with community indicatives. It would be wholly arbitrary to not award points for an individual who has volunteered to participate in a sports programme, i.e. the Cayman Marathon, merely because the organisation they were volunteering with was a business when a person who volunteered directly with the Marathon and did the same acts as the other individual obtains points.

31. Equally, the fact that the 1st Defendant did not consider whether the Appellant's involvement with the various sporting programmes could be considered and assessed on that basis. The fact that this did not happen only further aggravates the unreasonableness of the decision.
32. The Appellant is aware of at least two cases before the 2nd Defendant namely PR/004/2026 and PR/018/2026 in which the 1st Defendant has applied the NPO test to participation and assistance with a Sports Programme and with a Youth Programme. It appears that 1st Defendant is applying a policy which is undisclosed to Factor 5. It is averred that reliance upon an undisclosed policy is unlawful. It is contended that if such a policy exists which appears to do, and was applied in the current matter, this further shows the unreasonableness of the decision.

Erroneous in Law / Contrary to the Regulations

Factor 2b

33. It is contended that there was sufficient information before the 1st Defendant and the 2nd Defendant that the Appellant should have been awarded 7 points for Factor 2b. In the past the Director of WORC has accepted and awarded points for qualifications of this nature and therefore it is not clear why points were not awarded in this case.
34. The Appellant advanced two arguments in his Grounds of Appeal before the 2nd Defendant, firstly that there was sufficient evidence before the 1st Defendant for him to conclude that the Appellant was entitled to be awarded 7 points and secondly, that the Labour Act places a requirement on employers to have a safe place of work. As such, the Appellant as Plant supervisor had a safety aspect to his role, thus necessitating a first aid qualification.
35. The 2nd Defendant did not address the primary argument advanced by the Appellant and in their decision rather confusingly states:

The Appellant in the Grounds at Item 26. Contends that it should not be necessary for the Worker to produce the letter from his employer confirming why First Aid is relevant to his role as Plant

Supervisor. Therefore, the Tribunal found no reason why the Appellant should have been awarded two additional points.

36. As the Tribunal have not considered the appropriate test, i.e. whether the Appellant's conviction applies to his current field of expertise or how they relate to his occupation, it is averred that the second defendant's decision is erroneous / contrary to the Regulations.

Factor 5

37. It is contended that both the 1st and 2nd Defendant's have erred by applying a test which cannot be found in the Regulations nor with Factor 5 itself, namely a voluntary organisation must be a NPO. Factor 5 is clear volunteering more than 35 hour annually for:

- i. A non profit organisation; or
- ii. A charity; or
- iii. A Voluntary Organisation

Results in the award of 1.5 points for every year of volunteering.

38. The 1st Defendant is clear from the PRPA form that volunteering needs to be with an NPO. However, in doing this the 1st Defendant has excluded the possibility of a voluntary organisation not being an NPO, thus narrowing unlawfully Factor 5. It is therefore contended that the 1st Defendant's decision not to award points for the volunteering the Appellant did with Kelly Holdings was erroneous.
39. Furthermore, if it is the case that there is a requirement that volunteering must be done with an NPO, it is contended that no such requirement applies to participation and assistance with a sports programme. In this case, the Appellant volunteered for three sports programmes, which should have resulted in him being awarded points for the years that he participated and assisted with them. The fact that no points were awarded for this, is a further error.
40. The 2nd Defendant did not grant the appeal on the basis that:

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As per the Regulations points are awarded under II.h. for volunteering for non-profit, charitable or voluntary organisations. It is noted that Kelly Holdings is an event company which provides client services to include event management, marketing and communications. Therefore it is not an organisation that is charitable or non-profit.

41. It is not clear why the 2nd Defendant has not assessed whether Kelly Holdings is a “voluntary Organisation”, which was the basis of the Appeal. As the Tribunal has not assessed whether Kelly Holdings is a voluntary organisation, it is contended that the Tribunal has erred in Law.
42. Equally, as the Tribunal has not even considered the submissions in regard to whether it is a sports programme, it is contended that the Tribunal has further erred in Law.

Sufficiency of decision

43. In the decision, the 1st Defendant has wholly failed to explain:
 - i. On what basis they did not accept the first aid qualification.
 - ii. On what basis they require a voluntary organisation to be a not for profit organisation.
 - iii. Why they did not consider the Appellant active with the sports programme as participating and assistance in a sports programme.
44. It is therefore averred that the 1st Defendant’s decision was erroneous and should have been quashed. The fact that the 2nd Defendant did not grant the appeal amounts to an error of Law.
45. Like the 1st Defendant, the 2nd Defendant’s decision is also inexplicably short. The 2nd Defendant fails to address:
 - i. Whether or not the absence of policies or definitions renders the decision arbitrary and opaque.
 - ii. Whether or not the first aid qualification related to the Appellant’s field of expertise or trade.
 - iii. Why a voluntary organisation has to be a not for profit organisation when the Regulations do not state that.

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- iv. Why the Appellant's involvement with the sports programmes should not be assessed accordingly.
46. By failing to deal with and address the matters set out in the Grounds of Appeal it is contended that the decision of the 2nd Defendant is erroneous and should be quashed.

Conclusion

47. As such it is averred that the decision should be quashed and the matter remitted to the 2nd Defendant for reconsideration.

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