

IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO. OF 2026

R OF SECTION 93(1 a-b) OF THE IMMIGRATION TRANSITION LAW (2018 REVISION)
on against the refusal of the Director of Customs and Border Control to extend the
vina Newell to remain in the Cayman Islands being the mother of a Caymanian
irtue of a Court ordered Residence Order in favour of the Applicant .

AND: IN THE MATTER OF Order 77A Rule 4 for a Declaration TO PROHIBIT THE EXPULSION from
the Cayman Islands of Bovina Newell.

AND: IN THE MATTER OF SECTION 9 of THE CAYMAN ISLANDS CONSTITUTION ORDER 2009

AND: IN THE MATTER OF SECTION 13(1); 2(d)(iii) and 3((a-d) of THE CAYMAN ISLANDS
CONSTITUTION ORDER 2009

AND: IN THE MATTER OF SECTION 17 of the CAYMAN ISLANDS CONSTITUTION ORDER 2009

AND: IN NTHE MATTER OF SECTION 23 of THE CAYMAN ISLANDS CONSTITUTION ORDER 2009

AND: IN THE MATTER OF SECTION 24 of the CAYMAN ISLANDS CONSTITUTION ORDER 2009

AND: IN THE MATTER OF SECTION 26 of the CAYMAN ISLANDS CONSTITUTION ORDER 2009

AND: IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW pursuant to order 53 of the
Grand Court Rules

AND: IN THE MATTER OF AN APPLICATION pursuant to Order 3 RULE 5 of the Grand Court Rules

BETWEEN: BOVINA NEWELL APPLICANT

AND: THE DIRECTOR OF CUSTOMS AND BORDER CONTROL RESPONDENT

EX PARTE NOTICE OF MOTION TO APPLY FOR INJUNCTION

TAKE NOTICE THAT the Court at the Law Courts, George Town, Grand Cayman will be moved
on at or as soon thereafter as counsel can be heard, by counsel for THE
APPLICANT for the following relief namely :-

1. An Order directing the Respondent, whether by his/her servants, agents or otherwise to refrain from any and all actions, which may infringe upon the Applicant's Rights under the provisions contained in Section 13(2) and 13 (2)(a-c) of the Cayman Islands Constitution Order 2009, ("the Order") unless and or until the protections afforded to the Applicant, in the said provisions contained within Section 13(2)(d)(iii) and 13(3)(a-d) of the said Order are observed, and this Injunction Application is determined.
2. A Declaration that the Respondent whether by his/ her servant, agents or otherwise be restrained and prohibited from any and all actions the objective of which is the

detention of the Applicant, and or removal from the Cayman Islands, under any provision of the Border Control Law (2024 Revision) and in particular Section 101(1) of the said Act or the Immigration (Transition) Act (2022 Revision) until a Judicial Review Application is determined.

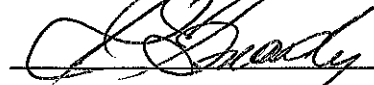
3. Costs and such further, consequential, or other relief as this Honourable Court seems just.

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

1. **Wednesbury unreasonableness:** The decision of the Respondent to refuse the grant to the Applicant, authority to remain and to require that the Applicant depart the Cayman Islands immediately, on July 15 2026, she being the biological mother of a Caymanian Child, that is dependent upon her, by virtue of an existing Residence Order of the Court, in respect of the Child, the subject of the said Order, to reside with the Applicant, as the biological father of the Child is also subject to the said Order, to pay maintenance for this said Child, and that to require the Applicant to depart the Cayman Islands would be a direct breach of the Child's Constitutional Rights under the provisions contained in Section 17(1)(b) and (f)(ii) of the Cayman Islands Constitution Order 2009, the effect of which would be against the interests and welfare of the Child, as the Child would be by implication be sent into exile, as it is proposed that the child must also depart along with the mother, and on account of the age of the Child and the existing Court Order, and that the conduct of the Respondent in the given circumstances, is a fettering and an improper exercise of the Respondent's discretion, by applying a law and policy, and in the process, failing to adequately or at all consider, the peculiar circumstances of the Applicant, in accordance with Section 9 of the Cayman Islands Constitution Order 2009, the existing Order of the Court, and Section 17 of the said Order, and this conduct and decision is unreasonable and should be set aside.
2. That the Applicant, at the time, and continuing, of her request for authority to remain, the Respondent has failed to adequately consider or at all, the fact that the Applicant poses no threat to the interests of the state's defences, public safety, public order, public morality or public health, to provide grounds for derogation from the provisions of the protections offered by section 13(2) (d) and (3) of the Cayman Islands Constitution Order 2009, and therefore the said decision of the Respondent was not "objectively and reasonably justifiable in a democratic society...between the means employed and the purpose sought to be realized"; as provided for in section 16(4)(d) of the Cayman Islands Constitution Order 2009.
3. **PREJUDICIAL, DISCRIMINATORY AND BIASED CONDUCT**

That the Respondent has demonstrated by conduct, a definite breach of Sections: 9;13;16;17;23;24 and 26 of the Cayman Islands Constitution Order 2009 ("**the Law**") by demanding that the Applicant depart the Cayman Islands on July 15 2026, which conduct is contrary to the principles of natural justice as well as particularly Sections 9;16 and 17 of the Cayman Islands Constitution Order 2009.

Dated the 15 day of July 2026

A handwritten signature in black ink, appearing to read 'D. Brady', is written over a horizontal line.

DENNIS E. BRADY (ATTORNEY-AT-LAW FOR THE APPLICANT)

TO: The Clerk of the Court

AND TO: The Director of WORC

AND: The Director of Border Control

AND TO: The Attorney General

THIS NOTICE OF MOTION was **FILED** by Dennis Brady, Attorney-at-Law for and on behalf of the Applicant whose address for service is that of his said Attorney-at-Law, Anderson Square Building P.O. Box 11740 APO, Grand Cayman KY1-1009, Cayman Islands.