

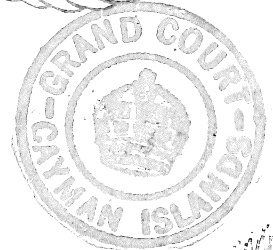
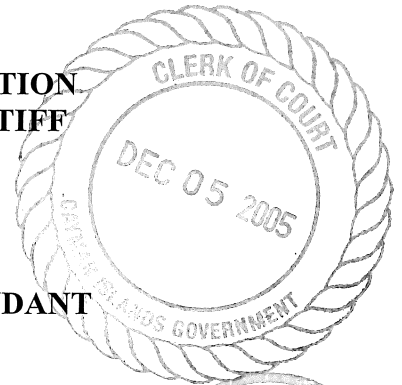
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 557 OF 2005

BETWEEN: ANDREA THOMPSON T/A PEPPA'S PRODUCTION
PLAINTIFF

AND: THE CHIEF IMMIGRATION OFFICER
DEFENDANT

EX-PARTE APPLICATION FOR LEAVE
TO APPLY FOR JUDICIAL REVIEW
(GCR O.53, r.3)



To the Clerk of the Court, Law Courts, George Town, Cayman Islands	
Name, address and description of applicants	Andrea Thompson T/A Peppa's Production, of PO BOX 178 SAV, Grand Cayman, Cayman Islands.
Judgement, order, decision or other proceeding in respect of which relief is sought	1. The decision of the Chief Immigration Officer made on or about 8 th November 2005 (the "Decision") refusing an application made by the Plaintiff pursuant to section 51 of the Immigration Law (2003 Revision) (the "Law") for temporary work

	permits (the “Temporary Work Permits”) in respect of Rodney Price, Wayne Thompson, Julian Griffiths-Jones, Devon Douglas, Justin Hinds, Austin Green, Jason Welch, Craig Marsh, Mark Price, Kibaki Halloway and David Harrisingh (hereinafter known collectively as “Bounty Killer”)
--	---

Relief Sought

1. An Order of *Certiorai* to quash the Decision of the Defendant and for the same to be remitted to the Defendant for re-consideration in accordance with the judgment of this Honourable Court made herein;
2. An Order that (if leave to apply for judicial review is granted) that the hearing of the Originating Motion be expedited by the service on the Defendant of the Originating Motion pursuant to GCR O.53, r.5 by 4 pm on Friday, 9th December 2005 and that the hearing of the Originating Motion be listed for hearing in open Court on Friday, 16th October 2005 at 10 am;
3. An Order that the Defendant disclose and discover to the Plaintiff's attorneys copies of all documents in the possession or control of the Defendant relevant to the Plaintiff, Bounty Killer and the Temporary Work Permit Applications by Monday, 12th December 2005;
4. Further and/or other relief; and
5. Costs

Name and address of Applicant's attorneys, or if no attorneys acting, the address for service of the Applicant	ASSOCIATED ADVOCATES CHAMBERS PO Box 10067 APO Financial Integrated Services Building 196, Shedden Road George Town Grand Cayman Cayman Islands
Signed: <i>Associated Advocates Chambers</i> ASSOCIATED ADVOCATES CHAMBERS	Dated: 1 st December 2005

GROUND ON WHICH RELIEF IS SOUGHT

The Plaintiff relies on the following grounds:

1. Lack of due – process: That there is no statutory procedure by which a decision of the Chief Immigration Officer to refuse an application for a Temporary Work Permit can be appealed to the Immigration Appeals Tribunal and that the Decision is amenable to judicial review;
2. Illegality: That the refusal of the Chief Immigration Officer to grant the Temporary Work Permits was illegal and/or *ultra vires*;

3. **Abdication of duty:** That the reliance placed on the recommendation of the Cayman Musical and Entertainment Association by the Chief Immigration Officer in making the Decision was an abdication of the duty incumbent on the Chief Immigration Officer under the Law to make a decision such that the aforesaid statutory duty remains undischarged;
4. **Unlawful delegation to third party:** That the reliance placed on the recommendation of the Cayman Musical and Entertainment Association (“CMEA”) by the Chief Immigration Officer in making the Decision was an abdication of the duty incumbent on the Chief Immigration Officer under the Law to make a decision such that the aforesaid statutory duty remains undischarged or was an improper delegation of its duty to a third party by the Defendant;
5. **Procedural unfairness:** That the Defendant acted with procedural unfairness by failing to give the Plaintiff adequate or any opportunity to deal with or respond to the point of concern of CMEA and the Defendant regarding the song lyrics sung by Bounty Killer and the band’s stage act before refusing the said Application in breach of the rules of natural justice and the requirements of procedural fairness;
6. **Irrelevant consideration:** That in taking into account an untrue allegation that the said Mr. Rodney Price had been convicted for profanity the Defendant took into account an irrelevant consideration;
7. **Unreasonableness and/or irrationality:** The decision of the Defendant to refuse the Temporary Work Permit Applications was unreasonable and/or irrational in the circumstances;

8. Failure to give adequate reasons for the decision: The Defendant failed to give any full and detailed reasons for the Decision as he is required by law to do;
9. Legitimate expectation – substantive: The Defendant made a clear and unequivocal representation to the Plaintiff regarding the grant of the Temporary Work Permits namely that he would grant the Application “unless something new came up” upon which it was reasonable for the Plaintiff to rely and upon which she did so rely. The Defendant was thereby bound by his representation and it was not lawful for him to refuse to grant the Temporary Work Permits applied for having made such a representation;
10. Legitimate expectation – procedural fairness: The Defendant created a legitimate expectation that the Plaintiff would be able to make further representations about the application and any restrictions imposed by the Defendant in the event that “the Plaintiff had any problems with any of the restrictions.” By failing to afford the Plaintiff such further opportunity the Defendant breached the Plaintiff’s legitimate expectation of procedural fairness
11. The Plaintiff will further rely on the Affidavit of the Plaintiff sworn herein as providing further and other grounds upon which Relief is sought.

Stephen Hall-Jones

STEPHEN HALL-JONES
Counsel for the Plaintiff

Associated Advocates Chambers
ASSOCIATED ADVOCATES CHAMBERS
Attorney for the Plaintiffs

This Application for Leave to Apply for Judicial Review was issued by ASSOCIATED ADVOCATES CHAMBERS, Attorneys for the Plaintiffs whose address for service is Financial Integrated Services Building, 196, Shedden Road, George Town, Grand Cayman, Cayman Islands (Ref:AAC/MIS).