



IMMIGRATION APPEALS TRIBUNAL

CAYMAN ISLANDS GOVERNMENT

Appeals
Process and Guidelines

Filing of Notice of Appeal

1. Notice of appeal documentation may be sent via post addressed to Appeals Tribunal Secretariat, Box 105, Government Administration Building, KY1-9000 or delivered directly to the Government Administration Building and placed in the drop box located in the reception area. A receipt will be issued within one working day upon submission of the appeal documents.
2. The appeal documentation should consist of:
 - i. The NOTICE OF APPEAL in accordance with Section 21 (1) (a) of the Immigration (Transition) Law ("the Law") addressed to the Secretary of the IAT, **MUST** be dated and **MUST** include contact numbers and preferably email addresses. *The Secretariat will primarily correspond with appellants via email, if appellants do not have email addresses they will be contacted via their contact number to collect correspondence in person.*

The filing of a notice of appeal must be received by the IAT within 28 days of the communication of the decision to the person.

- ii. The NOTICE OF APPEAL submitted to the IAT must include:
 - a. COVER LETTER notifying of intention to appeal against the decision of WORC;
 - b. COPY OF THE REFUSAL LETTER and stamped envelope where necessary; and
 - c. **ELECTRONIC TRANSFER OF FUNDS - KYD\$1,000.00 or US\$1,219.51 (preferred):**

*Beneficiary 'Short Name'	CIG CABINET OFFICE
Address	133 Elgin Avenue, Govt. Admin. Bldg. Grand Cayman
Beneficiary Bank	RBC Royal Bank (Cayman) Limited
Beneficiary Account Number	KYD 069751126036 or USD 069752625341
Beneficiary Account Type	Chequing
Reference	Appellant's Full Name and IMSS file number

*Beneficiary 'Short Name' name must be entered online as stated above

A copy of the executed direct deposit should be emailed to IAT@GOV.KY

OR

d. Bank draft for KYD\$1,000.00 or US\$1,219.51 made payable to the Cayman Islands Government.

This processing fee is non-refundable.

Late Filing - Notice of Appeal Section 21 (1) (b) of the Law

3. If the notice of appeal is outside the time-frame, a sworn affidavit addressed to the Chairperson of the IAT should be filed applying for 'Leave to Apply Out of Time' and providing an explanation for the delay in filing the notice and providing 'good reason' why the Chairperson should allow the late filing.

Appeal Statements and Grounds Sections 21 (5), (6), (7) and (8) of the Law

4. Following receipt of the complete notice of appeal documentation (refer to 2 above) the IAT will request the

Director of WORC or the Board to provide an APPEAL STATEMENT detailing the reasons for the decision. The Director of WORC or the Board is under a statutory duty to respond within a reasonable period.

5. The Director of WORC or the Board will then forward the APPEAL STATEMENT to the appellant (normally sent via email unless the appellant instructs another method of collection) who shall, within 28 days from receipt, file the detailed grounds of appeals with the IAT and serve a copy thereof on the Director of WORC or the Board.
6. In accordance with Section 21 (8) of the Law “An appeal under this section may be lodged on the ground, or grounds, and no other, that the decision in question is –
 - a) *Erroneous in law;*
 - b) *Unreasonable;*
 - c) *Contrary to the principals of natural justice; or*
 - d) *At variance with the Regulations.”*

When an appellant or agent receives the appeal statement from WORC which details the reason(s) for its decision, the onus is on the appellant or agent to review the reasons provided and prepare ground or grounds that the reason or reasons provided by the Board or Director of WORC contravene either one, some or all of the grounds set out in the legislation.

Late Filing – Grounds of Appeal Section 21 (12) of the Law

7. The period within which detailed grounds of appeal must be filed may be extended at the discretion of the Chairperson of

the IAT upon request of the appellant for good reason shown in writing.

Filing – Written Defence Section 21 (13) of the Law

8. The Director of WORC or the Board may, within twenty-eight days of the receipt of the grounds of appeal provide a written defence which shall be filed with the IAT and served on the appellant.

Hearing of the Appeal Section 22 of the Law

9. A hearing of grounds shall take into account –
 - a) *The reasons provided by the Director of WORC or the Board and all information that was submitted by the appellant at the time of the appellant's original application; and*
 - b) *The written detailed grounds filed by the appellant.*
10. A hearing on grounds shall be based on grounds that are filed by the appellant and neither the parties nor their representatives shall be present at the hearing. However, the IAT may, in its absolute discretion, call upon either party or any persons as it deems necessary and relevant to address it.
11. Where at a hearing on ground the IAT determines that at least one of the grounds contained in section 21(8) have been made out, the IAT will move forward with a rehearing. When rehearing an application the IAT shall do so by way of a “hearing de novo” and shall take into account any fresh evidence put forward by the appellant or the Director of WORC or the Board that may have arisen in relation to the

parties, which is to be submitted in writing.

12. The law in force at the time of the rehearing by the IAT shall govern the proceedings under section 22(5) of the Law.
13. Neither the appellant nor the representative of the appellant shall be permitted to be present at the rehearing of the original application which shall be based on written submissions with respect to fresh evidence or changes in circumstances.
14. Where, in the opinion of the IAT, an appeal under this section was made frivolously, vexatiously or in bad faith, it may award costs on an indemnity basis.

Action that follows once a decision of the IAT has been rendered

15. Upon the issue of a decision letter by the Immigration Appeals Tribunal to the Appellant (or his/her agent), an appointment will be scheduled for the Appellant (or his/her agent) to attend the WORC Headquarters to produce their passport and any affected dependents' passport(s), such appointment to be made within seven (7) working days of the issue of the decision letter from the Immigration Appeals Tribunal.

Right of Appeal against the Decision of the IAT Section 23 (2) of the Law

16. An appeal may be made to the Grand Court from a decision of the IAT on a point of law only, written within 28 days of the IAT decision being communicated to the appellant. Appellants and their Attorneys are required to serve a copy of this appeal on the Immigration Appeals Tribunal.

Regulating your Immigration Status

17. Questions regarding the ability to continue employment, re-entry into the Cayman Islands or other Immigration issues are to be directed to WORC at 949-8344.

Government Administration Building | 133 Elgin Avenue
Box 105 | Grand Cayman KY1-9000
Contact Numbers: (345) 244-3606 | (345) 244-6624
(345) 244-3627 | **Email:** IAT@gov.ky