To

The Chief Immigration Officer

67 Frederick Street

Port of Spain

Dear Sir,

Re: Permanent Residency of Esmarene Marsh.

We represent the above applicant.

We are instructed that the applicant applied for a Permanent residency under Section 6 (1) C. Miss Marsh was married on 20th of November, 2015. We are instructed that on 29th of March, 2011, your officers detained the above immigrants for working without the work permits, in the Ocean Chinese restaurant.

The matter was dealt on 7th of April, 2011, in the magistrates’ court before the Magistrate Her worship Miss. Cardinez -Ragoonanan. Her worship reprimanded the defendants and discharged the matter.

Your officers subsequently detained the immigrants under Sec.15 of the immigration act chap 18:01 for an inquiry on suspicion of falling under the provision s of Sec 9 (4) (f)

“ ***was admitted or deemed to have been admitted to Trinidad and Tobago under sec(1) and remains therein after the expiration of the certificate issued to him under subsection (2) .***

However, the persons donot fall under the 9 (4) category unless the minister declares that such person ceased to be permitted entrants and such person shall thereupon cease to be permitted entrant.

There is a privy council appeal judgement which is similar to the present matter.

**Privy council Appeal No.10 of 2003**

**Robert Perekebena Naidike vs The Attorney General of Trinidad and Tobago**

Which made it clear that the declaration by the minister have to be made before the powers of detention under Section 15 could be invoked by the officers. See paragraphs 37 to 57 especially paragraphs 41 and 42.

In the case of YUXIN LIN, he applied for permanent residence and the honourable minister accepted his application since he has been residing here over six years. He was granted a E VISA by the immigration division to leave and reenter this country and to pursue his application for permanent residence. He reentered this country on 7th of July, 2010 and granted permission to stay until the 6th of October, 2010. This certificate was further extended to 6th of April 2011, pending permanent residence. Your office file 12- 10- 21 refers.

It should be noted that on the 29th of March, 2011, Mr. Lin was detained by your officers for working in the Ocean Chinese restaurant without a valid work permit. However this was subsequently discharged. Despite the issue, Mr. Lin was unlawfully detained by your officers despite the mention.

In these circumstances we humbly request you to release them from the detention with an order for super vision pending finality of this matter.

I have been instructed to file a judicial review action and/or writ of habeas corpus if the detainees are not released as soon as could be possible

**Yours in Service**

**Christopher Ross Gidla**

**Attorney at law**