THE REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE
(SUB REGISTRY, SAN FERNANDO)

Claim No. CV2014- 02526

IN THE MATTER OF THE CONSTITUTION OF TRINIDAD AND TOBAGO

AND

IN THE MATTER OF AN APPLICATION BY RHONDA DANIELS ALLEGING THAT THE PROVISIONS OF SECTIONS 4 AND 5 OF THE SAID CONSTITUTION PROTECTING HER FUNDAMENTAL RIGHTS AND FREEDOMS ENSHRINED IN THE SAID CONSTITUTION AND IN PARTICULAR SECTIONS 4(a), 5 2(a) HAVE BEEN CONTRAVENED IN RELATION TO HER FOR REDRESS IN ACCORDANCE WITH SECTION 14 OF THE CONSTITUTION

BETWEEN

RHONDA DANIELS Claimant

AND

THE ATTORNEY GENERAL OF TRINIDAD AND TOBAGO Defendant

BEFORE THE HONOURABLE MR. JUSTICE PETER A. RAJKUMAR

APPEARANCES

Mr. N. Ramnanan for the Claimant

Mr. N. Byam for the Defendant

JUDGMENT

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Background

1. The claimant claims inter alia to have an order for her deportation made on August 9th 2010 set aside. Despite that order she returned to the jurisdiction and is here now, having pleaded guilty to breaching that order and being convicted and fined $ 500.00. She claims that unless that order is set aside she would not be eligible to pursue her claim for permanent residence.

2. Her claim arises in the following circumstances.

Chronology

(i) **October 31st 2007** - Claimant entered the country. (There had been prior entries which are not relevant for the purpose of the application)

Immigration Act Chapter 18:01 – "the Act"

> Section 9(2) – is relevant - *(2) Subject to this Act, an immigration officer shall issue to a person who has been allowed to enter Trinidad and Tobago under subsection (1) (other than a person mentioned in paragraph (a) or (b) thereof), a* ***certificate*** *which shall be expressed to be* ***in force*** *for* ***a specified period*** *and subject to such terms and conditions as may be mentioned therein.*

(ii) She alleges that her time allowed on her certificate expired on March **15th 2008**, one **week before** her baby was born, suggesting that as she had delivered a child on March 22nd 2008 that she had been informed before by Immigration Officer Craigwell that she could stay until she delivered the baby, and should then leave the country and re-enter. In fact this is not true. Her time allowed did not expire one week before her child was born. It had expired since **January 31st 2008**, as she had arrived on October 31st 2007 and was allowed to stay for 3 months. She had not applied for any extension of that period.

(iii) **March 22nd 2008** – she gave birth. She alleges that the child was ill for 3 months thereafter and underwent surgery.

(iv) She was placed under an order of supervision to report to immigration officials on June 27th 2008 and then on July 4th 2008. She suggests that this accounted for and excuses her failure to report up to June 2008. However while under an order of supervision she in fact failed to

report to them well after the time that she alleges her child was ill, on **July 11th 2008**, in breach of an express condition of the Orders of supervision.

(v) **She was arrested on July 27th 2008**.

At Paragraph 8 of her witness statement she claims that she explained to officers that her child had been ill and she could not afford a ticket. She clearly had opportunity to explain. She clearly knew that the issues of:-

a. whether she had **overstayed** her time,
b. why she had not reported to Immigration officers in breach of a condition of her order of supervision, and
c. her right to remain, if any,

were being considered.

(vi) She obtained a ticket for departure on **July 28th 2008**. As the flight was overbooked she actually left on a flight the following morning on **July 29th 2008**. It is suggested that she was detained pending the departure of her flight. In fact the records of the Immigration Department reflect that she was left at the Arouca Police Station.

(vii) **29th July 2008 - Departed**

In relation to this she claimed

a) A declaration that the act of the Immigration Division of the Ministry of National Security in securing and/or **compelling** the departure of the Applicant from Trinidad and Tobago on the **29th day of July 2008 without the holding of a Special Enquiry** was in breach of Section 4 (a), 4(b), 4(c), 5(2)(e) and 5(2) (h) of the **Constitution of the Republic of Trinidad and Tobago Chap 1:01**.

On her own affidavit it is clear that she had overstayed her time and that she was well aware of this and its consequences.

(viii) **Special inquiry and Voluntary departure**

It appears that s. 24 of the Immigration Act was applied.

Although the applicant now contends that she was not afforded the opportunity of a Special Inquiry, the evidence is clear that she **supplied her own ticket** and was allowed to leave on her

own ticket. Clearly therefore she elected voluntary departure. As has been noted in relation to some of her other allegations, her testimony is not at all reliable.

> ***24.*** *(1) An inquiry by a Special Inquiry Officer shall be separate and apart from the public and in the presence of the person concerned wherever practicable, but the person concerned shall, on request, be entitled to a public hearing.*
> *(2) The person concerned shall be entitled to conduct his case in person* ***or by counsel*** *or solicitor, or may be assisted in conducting his case at the hearing by any other person with leave of the Special Inquiry Officer (which leave shall not be unreasonably withheld).*
> *(3) The Special Inquiry Officer may, at the hearing, receive and base his decision upon evidence considered credible or trustworthy by him in the circumstances of each case.*
> *(4) Where an inquiry relates to a person seeking admission to Trinidad and Tobago, the burden of proving that he is not prohibited from admission to Trinidad and Tobago rests upon him.*
> *(5) If the respondent in a deportation matter admits the factual allegations in the order to show cause and notice of hearing and* ***is willing to leave Trinidad and Tobago voluntarily*** *and* ***at no expense to the Government*** *of Trinidad and Tobago, he may make verbal application for* ***voluntary departure*** *before the Special Inquiry Officer and if the Special Inquiry Officer is satisfied that the case is genuine he may, instead of making a deportation order against such person issue the prescribed form for his* ***voluntary*** *departure.*

(ix) It is undisputed that she made arrangements and supplied her own ticket. This is inconsistent with being forced to depart without a Special Inquiry, as is now being alleged. It is highly unlikely that if she wished a Special Inquiry, instead of electing voluntary departure, that she would have made arrangements for the supply of her own ticket.

First alleged detention

3. It has not been established that she was detained at the Police Station or not free to leave. Her flight had been due to leave at 9.35 pm. In fact she could not travel on that flight but her next flight was the following morning at 5.30am. Given that she would have been expected to be at the airport 3 hours beforehand her stay at the Arouca police station would have been no less

convenient than other options. She does not claim to have been detained or imprisoned then. To now infer that she was detained is not justified on the evidence.

Alternative remedies

4. In any event these matters occurred in July 2008. They could have been the subject of judicial review. They were not. Inordinate delay has occurred. The raising of these allegations now is an abuse of process on the ground that:-

a. **Alternative remedies** were not utilized, for example - judicial review, or action for false imprisonment.
b. There has been **excessive delay,** resulting in any claim for **Judicial Review or False Imprisonment** being out of time**,** for which constitutional procedures can not now be utilised as a substitute.

The first return by boat

5. (i) **October 23rd 2008**. It appears that the applicant went to the island of St. Vincent. From the St. Vincent she boarded the "Lady Young **passenger** boat" – but fails to disclose that she was **listed as crew**. She admitted that she had not planned to return to St. Vincent, whether as a passenger or a member of crew. She alleges that the Captain allegedly took passports, including hers, to Immigration and returned them 2 hours later. There was no record in the Border management system of her arrival in Trinidad and Tobago.

(ii) On **October 26th 2008** she was arrested. On **December 18th 2008** a Special Inquiry officer was appointed. She was given notice of a deportation hearing on December 22nd 2008 and **ordered to show cause** re allegations that she had **entered Trinidad and Tobago at a place other than a port of entry** and **eluded examination by an immigration officer on entry**. She was released on December 22nd 2008.

(iii) As the order for Release is dated December 22nd 2008, it is probable that she was in prison before that date as she alleges, and that the date of her release stated in her affidavit of October 22nd 2008 is an error.

Detention 2

6. In relation to this detention she claims:

a) A declaration that the **imprisonment** of the Applicant for the period (on or about) the 25th day of October 2008 to the 22nd day of October sic (December) 2008 is unconstitutional illegal and arbitrary in that it contravened the claimants' fundamental right to liberty and the right not to be deprived thereof except by due **process of law** as enshrined in sections 4 (a) and 5 *(2) (a)* of the Constitution.

b) A declaration that the imprisonment of the Applicant for the period (on or about) the 25th day of October 2008 to the 22nd day of October sic (December) 2008 is unconstitutional illegal and arbitrary in that it contravened the claimants' right to be immediately furnished with **reasons for her detention** and to be brought **promptly** before an appropriate judicial authority as enshrined in sections 5 (2) (c) (i) and 5 (2) (c) (iii) and 5 (2) (f) of the Constitution.

Even if that detention were unjustified, (and this has not been established), any cause of action in respect of false imprisonment must be now barred by the time of filing this action on July 17th 2014, (unlike in **Naidike v The Attorney General [2004] UKPC 49**). To seek to evade that limitation period under the guise of seeking redress under the Constitution has long been recognized to be impermissible.

(i) **On December 23rd 2008** a Special Inquiry/ hearing was held regarding the notice to show cause re allegations that she had **entered Trinidad and Tobago at a place other than a port of entry** and **eluded examination by an immigration officer on entry**. It had been adjourned on December 22nd 2008 due to the absence of her legal advisor. **She claims that it was held on the same day** i.e. December 22nd 2008. However this is not true as the record reflects that it was held the following day to permit her to obtain counsel, which she did. The record also reflects that the applicant was then advised by her legal advisor not to answer questions.

(ii) At that hearing she claimed that she travelled into Trinidad by **airline** - LIAT. This also was clearly not true.

(iii) She was also charged with the offence of being in possession of a Guyanese passport which had been tampered with. This was heard before the Magistrates Court and was finally determined on **May 5th 2010**.

While this was proceeding in the Magistrates' Court she was placed on repeated orders of supervision which required her to report to the Immigration department on a regular basis.

Detention 3

7. (i) She was taken into custody **on July 8th 2010**, and an order for her detention was made on that day. She had allegedly **breached the condition of the order** of supervision to report, allegedly on several occasions, according to the official file. She claims that it was during one particular week, and that she did report, but the specific officer was not in office that week. It was an express term of the orders of supervision that breach of that condition could result in her being subject to being retaken into custody without warrant. She was detained pending a Special Inquiry.

(ii) On **August 6th 2010** an order was made to hold that Special Inquiry.

In relation to this she claims:-

*A declaration that the i**mprisonment** of the Applicant for the period **8th day of July 2010 to the 9th day of August 2010** is unconstitutional illegal and arbitrary in that it contravened the claimants' fundamental right to liberty and the right not to be deprived thereof except by due process of law as enshrined in sections 4 (a) and 5 (2) (a) of the Constitution and that it contravened the claimant's right to be brought promptly before an appropriate judicial authority as enshrined in sections and 5 (2) (c) (iii) and 5 (2) (f) of the Constitution.*

(iii) There was no Judicial Review at that time nor was there any appeal of the subsequent Deportation Order.

(iv) On **Aug 9th 2010 – a deportation** order was made.

(v) She a**lleges that she was orally told of hearing** and that a Special inquiry was to be held on **August 11th** 2010. She alleges that she made arrangements for an attorney to attend on August 11th 2010. She alleges that this hearing was changed to **August 9th 2010.** According to the transcript of proceedings she did request the opportunity to have counsel present but the

hearing proceeded in his absence. At that hearing she was ordered to be deported. She expressly waived her right to appeal. She refused to sign an undertaking not to return.

(vi) In relation to this she claims

*a) A declaration that the **Order of Deportation** made against the Applicant on the **9th day of August 2010** by the Immigration Division of the Ministry of National Security is illegal, null, void, of no legal effect and contrary to Section 4 (a), 4(b), 4(c), 5(2)(e) and 5(2) (h) of the **Constitution of the Republic of Trinidad and Tobago Chap 1:01**.*

*b) An order setting aside the Order of Deportation made against the Applicant on the **9th day of August 2010**.*

(vii) She claims that after the Hearing deportation occurred the very next day - August 10th 2010. This is also not true. In fact the file confirms that she actually departed on August 20th 2010 on BW 483 at 9.50 pm. If the deportation was 11 days after the hearing, (which it was), rather than the very next day after the hearing as alleged, (which it was not), the claimant would have had sufficient time to contact and consult with her attorney, allowing her time, inter alia, to reconsider her decision not to appeal. According to her it had already been arranged for her attorney to represent her on August 11th when she allegedly thought the hearing was on August 11th 2010.

8. **The second Return by boat**

(i) She claims to admit that on February 2012 she returned to Trinidad on vessel from Grenada, **while the deportation order was in effect** and **in breach** of that order. In fact it was on **January 17th 2012** when she returned on that vessel "Eldica David" as a **sailor**, and using the name Rhonda Dastaine. The deportation Order had not been set aside. The Deportation Order had not been appealed.

(ii) **Non disclosure**

She **fails to disclose** that despite the Deportation Order she in fact had also attempted to return on **August 24th 2011** and **June 30th 2011**. She was denied entry at the border on each occasion.

(iii) She was charged for breach of the order and pleaded guilty. She acknowledged breaching the order of deportation and pleaded guilty when charged. She claims that she was fined $1500.00. In fact this is not true. The official proceedings of the Magistrate's Court reveal that she was actually fined $500.00.

(iv) In relation to this she claims:-

An order that consequential upon (c) above that the charge No. 2709 of 2013 and consequent ***conviction of the Applicant for breach of the said deportation order*** *dated 9th day of August 2010* ***be set aside****.*

(v) Apparently because of the pending Magistrate's Court proceedings as well as proceedings before the Family Court she was placed on orders of supervision to facilitate her attendances thereat.

Alleged Bias

9.

a. It was alleged that the Special Enquiry was conducted in circumstances that would lead to a reasonable apprehension of bias. But what was the basis of this alleged bias? She claims that the inquiry was brought forward to an earlier date to make it difficult for counsel to appear at extremely short notice, and that she was deported the very next day after the hearing. This is simply not true. She was deported on August 20th. There was sufficient time for her to contact counsel and for him to take any steps that they considered necessary, including reviving the issue of appeal if she wished. The facts were that the claimant had told an earlier Special inquiry that she had entered Trinidad by airline- LIAT. However on affidavit she deposed to very different facts, namely that she in fact had come by boat and that the captain had taken the passports of all on the boat and returned them 2 hours later.

b. It was contended that the intent of the Immigration Authorities *"can be inferred from their 'shopping' for tribunals"*. This cannot stand up to scrutiny. The Claimant was charged on the 4th day of May 2009 for having in her possession a Guyanese Passport which was tampered with. After conclusion of the evidence a no case submission was upheld on May 5th 2010. It was further contended that the Applicant was discharged from the Magistrates Court based on the fact that the evidence led by the Respondent was insufficient to establish that the Applicant had in her

possession a Guyanese Passport which was tampered with. However that charge and the allegations before the Immigration Special inquiry were quite different. The immigration issues were separate from the fraud that was suspected in relation to the passport or the stamp on the passport. They related to her illegal entry into and stay in the country, not the fact that she had in her possession a passport that had allegedly been tampered with.

10. It is simply not true as contended on her behalf that the Claimant was subjected to an enquiry on the basis of the same evidence and circumstances in which the Magistrates court had already upheld a no case submission.

Conclusion

11. The procedure set out in the Immigration Act appears to have been generally followed in respect of the claimant in relation to her apprehension, detention and voluntary repatriation on July 29th 2008 after overstaying her time after entry.

12. In relation to her further entry on a vessel from Grenada on January 17th 2012 notwithstanding that the deportation order against her had not been set aside and was in effect, she was clearly in breach of that deportation order and in fact she pleaded guilty to breach of the order.

13. In relation to her apprehension, **detention**, and **deportation** on August 20th 2010 after arriving in this country by boat from St. Vincent three months after her voluntary repatriation to Guyana, and then breaching the terms of her order of supervision, she was apparently not afforded the opportunity to have counsel at her hearing before the Special inquiry officer. It was sought to be contended, as in ***Naidiki*** (supra) that apart from the effective denial of counsel at that hearing, that her detention, without there being a Minister's declaration that she had ceased to be a permitted entrant, was unlawful. But in fact it must be questionable whether the applicant/ claimant was ever even a permitted entrant in the circumstances that she herself described.

14. The contention that that deportation order was a nullity cannot now be entertained in light of the conduct of the claimant in ignoring it completely in the first instance, returning to the country by boat, and then acknowledging it by pleading guilty to its breach when apprehended.

Further the conduct of the claimant in repeatedly attempting to enter this country in breach of the immigration laws and regulations cannot be overlooked.

15. She entered **by boat** from St. Vincent on October 23rd 2008 less than 3 months after being repatriated voluntarily for overstaying the time that had been allowed on her certificate of entry. She then purported to be a **member of crew** despite having **no intention to return** on that vessel and **without having presented** her passport or **herself to Immigration** authorities.

16. She entered **by boat** from Grenada on January 17th 2012 when she again entered the country **in defiance** of a then subsisting **Deportation Order**.

17. She **failed to present herself to the Immigration authorities** as ordered as a condition of her order of supervision resulting in her apprehension and detention on July 8th 2010. To the extent that she alleges that she did attend, but the relevant officer was not there, this cannot be accepted as it is consistent with a pattern of excuses for each and every one of the numerous instances of overstaying the time allowed her.

18. What is just as important as the excuses is the fact that there would be no need for so many excuses in the first place if there had been compliance with her obligations:

a. to enter the country through recognised ports of entry,
b. not to overstay her time when she did so, and
c. to comply, and ensure that the immigration authorities knew that she was complying, with all the conditions of her orders of supervision.

19. She misrepresented to the Special inquiry officer on December 23rd 2008 when represented by counsel, that she had entered the country by airline – LIAT, when she had in fact arrived on a boat from St. Vincent, she had not presented herself to any immigration officer personally, and she arrived purporting to be a member of the crew of that vessel, when in fact she had no intention of returning on that vessel to St Vincent.

20. Significant and inordinate delay that has been allowed to occur since that deportation order, which is not adequately explained either by her alleged impecuniosity or by the existence of her other priorities.

Law

Alternative remedy

21. The following principles, as reflected in the dicta set out, have been considered In **Maharaj v The Attorney General of Trinidad and Tobago (No. 2) (1978) 30 WIR 310** at page 321 (a) the Court stated (all emphasis added):

> *"In the first place,* ***no human right or fundamental freedom recognised by Chapter I of the Constitution is contravened by a judgment or order that is wrong and liable to be set aside on appeal for an error of fact or substantive law, even where the error has resulted in a person's serving a sentence of imprisonment. The remedy for errors of these kinds is to appeal to a higher court****. When there is no higher court to appeal to then none can say that there was error. The fundamental human right is not to a legal system that is infallible but to one that is fair. It is only errors in procedure that are capable of constituting infringements of the rights protected by s 1 (*a*), and no mere irregularity in procedure is enough, even though it goes to jurisdiction; the error must amount to a failure to observe one of the fundamental rules of natural justice. Their Lordships do not believe that this can be anything but a very rare event."*
>
> Further at *at 321e -"In the third place, even a failure by a judge to observe one of the fundamental rules of natural justice does not bring the case within s 6 unless it has resulted, is resulting or is likely to result, in a person being deprived of life, liberty, security of the person or enjoyment of property. It is only in the case of imprisonment or corporal punishment undergone* ***before an appeal can be heard*** *that the consequences of the judgment or order cannot be put right on an appeal to an appellate court. It is true that instead of, or even as well as, pursuing the ordinary course of appealing directly to an appellate court, a party to legal proceedings who alleges that a fundamental rule of natural justice has been infringed in the course of the determination of his case, could in theory seek collateral relief in an application to the High Court under s 6(1), with a further right of appeal to the Court of Appeal under s 6(4). The High Court, however, has ample powers, both inherent and under s 6(2), to prevent its process being misused in this way; for example, it could stay the proceedings under s 6(1) until an appeal against the judgment or order complained of had been disposed of."*

22. It is clear that if the Claimant had approached the court immediately upon having had a deportation order made against her without having her attorney at law present despite her request that he be present on an application for Judicial review her position would have been much less assailable, especially if she were contending that implementation of that order was being planned before she had the opportunity to appeal. In fact that is not the position here.

a. she comes almost four years later to challenge it;
b. she comes by way by way of constitutional motion, not Judicial review;
c. she expressly waived her right to appeal;
d. she had the opportunity of an intervening 10 days to consult with counsel, who was allegedly retained to represent her if the hearing had been held 2 days later, and to reconsider her position on appeal, (even despite the time limit for such appeal), or Judicial Review , and allowed the time permitted for each to expire, and,
e. in the interim, she has deliberately and intentionally breached the deportation order on at least one occasion and attempted to do so on at least two others,
f. she has repeatedly, and, I find, too often for this to be other than deliberately, misrepresented critical facts on this application , and failed to disclose others.

23. In **Thakur Jarooo v The Attorney General of Trinidad and Tobago [2002] UKPC 5** at paragraph 14 of its decision the Privy Council noted:-

> *[14] The Court of Appeal also rejected the appellant's argument under s 4(a). But Hosein JA, in a judgment with which de la Bastide CJ and Ibrahim JA agreed, raised the question for the first time whether the constitutional route which the appellant had chosen for his application was appropriate. The question which he posed was whether proceedings under the Constitution ought really to be invoked in matters where there is* ***an obvious available recourse under the common law****. He referred to Lord Diplock's observation in* Harrikissoon v A-G *(1979) 31 WIR 348 at 349 that* ***the mere allegation of constitutional breach was insufficient*** *to entitle the applicant to invoke the jurisdiction of the court under what is now s 14(1) of the Constitution if it was apparent that the allegation was frivolous or vexatious or an abuse of the process of the court as being made* ***solely for the purpose of avoiding the necessity of applying in the normal way for the appropriate judicial remedy****. He said that in his opinion the appellant's motion was inescapably doomed to failure on the merits. But he also said that it* ***connoted a resort to***

proceedings under the Constitution which lacked bona fides and was so clearly inappropriate as to constitute an abuse of process.

24. At Paragraph 39 of the Jaroo decision the Court stated:

"Their Lordships respectfully agree with the Court of Appeal that, before he resorts to this procedure, the applicant must consider the true nature of the right allegedly contravened. ***He must also consider whether, having regard to all the circumstances of the case, some other procedure either under the common law or pursuant to statute might not more conveniently be invoked. If another such procedure is available, resort to the procedure by way of originating motion will be inappropriate and it will be an abuse of the process to resort to it…."***

25. In **Forbes v Attorney General of Trinidad and Tobago [2002] UKPC 21** the Appellant sought to appeal the decision of the Court of Appeal affirming his sentence and conviction in the absence of the Magistrate's reasons.

26. The Court in **Forbes** (at paragraph 18 of its judgment), stated, "*Their lordships do not think that it would be helpful or desirable to add their own observations to the foregoing citations. They establish that it is only in rare cases where there has been* ***a fundamental subversion of the rule of law that resort to constitutional redress is likely to be appropriate. However the exceptional case is formulated, it is clear that the constitutional rights to due process and the protection of the law do not guarantee that the judicial process will be free from error.*** *This is the reason for* ***the appellate process****."*(Emphasis added)

Delay

27. The Claimant did have the alternative remedy of appealing. The fact that he did not do so, and has delayed long past the time when he could have done so, to now seek constitutional relief, is itself an abuse of process, as recognized by the Privy Council in **Durity v Attorney General of Trinidad and Tobago [2002] UKPC 20**.

28. It stated, (at Paragraph 35), "*In this context the Board consider it may be helpful if they make certain general observations. When a court is exercising its jurisdiction under section 14 of the Constitution and has to consider whether there has been* ***delay such as would render the***

proceedings an abuse or would disentitle the claimant to relief, *it will usually be important to* ***consider whether the impugned decision or conduct was susceptible of adequate redress by a timely application to the court under its ordinary, non-constitutional jurisdiction. If it was, and if such an application was not made and would now be out of time, then, failing a cogent explanation the court may readily conclude that the claimant's constitutional motion is a misuse of the court's constitutional jurisdiction.*** *This principle is well established. On this it is sufficient to refer to the much repeated cautionary words of Lord Diplock in Harrikissoon v A-G of Trinidad and Tobago [1980] AC 265, [1979] 3 WLR 62, 268 of the former report. An application made under s 14* ***solely for the purpose of avoiding the need to apply in the normal way for the appropriate judicial remedy*** *for unlawful administrative action* ***is an abuse of process***. (Emphasis added)

29. Her remedies, alternative to a motion for constitutional redress, included a. an appeal, as provided for by that Act, and possibly b. judicial review – (although the alternative remedy point would probably have had to be overcome). To approach the High court almost 4 years later contending that the Special Inquiry and subsequent deportation order were a nullity;

a. far too late for judicial review,
b. after the time for an appeal had long elapsed,
c. when the claimant, even at the time, expressly waived the right to appeal, and,
d. never reconsidered that decision even after having 10 days thereafter before her deportation, (contrary to what she tried to lead the court to believe),

is a clear abuse of process.

30. In relation to the Applicant's claim by claim form filed on **July 17th 2014 ,**for a declaration that her i**mprisonment** for the period 8th **day of July 2010 to the 9th day of August 2010 was unlawful,** this occurred after the applicant had, once again, failed to comply with a condition of her Order of supervision.

31. The affording of constitutional relief at this stage to an applicant who has not just once, but repeatedly, treated the Immigration laws of Trinidad and Tobago with contempt cannot be justified.

Order

32.

i. **The claimant's claim is dismissed.**

ii. **The claimant is to pay to the defendant costs to be assessed in default of agreement.**

Dated this 14th day of July, 2015

Judge

Peter A. Rajkumar