

IN THE SUPREME COURT OF SEYCHELLES

Reportable

[2020] SCSC 759
MA194/2020 and MA197/2020
Arising in MC 82 of 2020

PIORT ROMAN KRAWCENIUK
(rep by Karen Domingue)

Petitioner

and

ATTORNEY GENERAL
(rep. by Ms Mole and Mr Knight)

Respondent

Neutral Citation: Piort Roman Krawceniuk v Attorney General (MC 82/2020) [2020] SCSC 759
(15 October 2020)

Before: **Burhan J**

Summary: Urgent application: judicial review.

Heard: 15 October 2020

Delivered: 15 October 2020

ORDER OF COURT

It is ordered that:

- (a) The current visa issued to the petitioner be extended to 22 October 2020.
- (b) In the interim, both parties are given time to file further submissions in respect of the leave to proceed application for judicial review by 19 October 2020.
- (c) The order in respect of the leave to proceed application for judicial review is fixed for 20 October 2020.

- (d) Copy of this order to be handed over to both counsel to be forwarded to the Department of Immigration.
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BURHAN J

- [1] The petition was brought on an urgent basis on 13 October 2020. A brief hearing was held on 14 October 2020 and 15 October 2020.
- [2] the petitioner, Piort Roman Krawceniuk, a Polish national, has filed an application for leave to review seeking the following reliefs:
- (a) A writ of mandamus compelling the Respondent to extend the stay of the petitioner in the jurisdiction beyond 15 October 2020 and after the disposal of the present case;
 - (b) A writ of mandamus compelling the Respondent to allow the Petitioner to follow his law degree and pursue his business in Seychelles;
 - (c) A writ of certiorari to quash the decision of the Respondent that the Petitioner must leave Seychelles by 15 October 2020 and that he cannot attend law lectures since he has paid the processing fee and has been accepted by the University of London.
- [3] He seeks this relief on the factual basis that:
- (a) Is a Polish national who has been visiting Seychelles for the past seven years;
 - (b) He has business interests in Seychelles;
 - (c) He is enrolled as a student at the University of Seychelles;

(d) He is financially autonomous;

(e) He does not want to be stranded as the Polish borders are closed due to the covid-19 pandemic;

(f) Due to his health conditions, supported by a medical certificate, he fears that he might be exposed to covid-19 should he travel;

(g) The medical doctors who examined him on 7 October 2020 stated in the medical report that he was unfit to travel for at least two weeks until he is fully recovered.

[4] Learned Counsel for the Petitioner in her submissions relied on the aforementioned facts to seek leave to proceed in the application for judicial review.

[5] In submissions before this court, Learned Counsel for the Respondent brought to the notice of Court that the application for a Gainful Occupational Permit should be applied for from outside the jurisdiction. Applications from persons within the jurisdiction would not be accepted. Learned Counsel also brought to notice that the same applies to student visas. He also informed court that the Ministry of Foreign Affairs has informed the Respondent that the Polish Borders are open and has provided the necessary documentation to establish this.

[6] Learned Counsel for the Respondent further states that he is aware of the medical certificate that was issued on 7 October 2020 indicating that the petitioner is unfit to travel for a period of 14 days from the date of issue. He brought to the notice of Court that the only way that the petitioner's visa could be extended was by way of order of court.

[7] Learned counsel for the Respondent also informed Court that the petitioner has already been granted four extensions to his visa, and under the immigration decrees, no further extension would be allowed.

[8] Having considered the medical condition of the petitioner, this court exercising its powers of equity makes and order that:

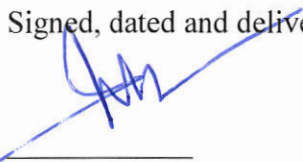
(a) The current visa issued to the petitioner be extended to 22 October 2020.

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(d) Copy of this order to be handed over to both counsel to be forwarded to the Department of Immigration.

Signed, dated and delivered at Ile du Port 15 October 2020.



Burhan J