



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI**

**JUDICIAL REVIEW NO.488 OF 2016**

**IN THE MATTER OF AN APPLICATION BY DEQUINA BERNIE FOR LEAVE TO APPLY FOR JUDICIAL REVIEW ORDERS OF CERTIORARI MANDAMUS AND PROHIBITION**

**AND**

**IN THE MATTER OF THE KENYA CITIZENSHIP AND IMMIGRATION ACT NO. 12 OF 2011, THE CONSTITUTION OF KENYA 2010 AND THE FAIR ADMINISTRATIVE ACTIONS ACT**

**BETWEEN**

**DEQUINA BERNIE .....APPLICANT**

**AND**

**THE CABINET SECRETARY FOR INTERIOR.....1<sup>ST</sup> .RESPONDENT**

**THE DIRECTOR OF IMMIGRATION.....2<sup>ND</sup> RESPONDENT**

**COURT RULING**

**In Chambers**

**Before Hon R.E ABURILI J**

**Duty Judge**

I have perused the chamber summons dated 12<sup>th</sup> October 2016, the grounds, the verifying affidavit and the annexures supporting the statutory statement.

I am satisfied that this matter is extremely urgent for consideration exparte in the first instance. I certify it as urgent.

On the application for leave to apply for Judicial Review orders, on the material available, I find that the exparte applicant has established that he has a prima facie arguable case for in-depth consideration at the substantive motion stage. I hereby grant the applicant leave to apply for Judicial Review Orders of Prohibition, Certiorari and Mandamus as sought in prayer No. 2 of the Chamber Summons dated 12<sup>th</sup> October 2016.

In view of the impending deportation of the applicant who is detained at Nyayo House, which action will render these proceedings a nullity, I hereby order that the leave herein granted shall operate as stay of enforcement of the Deportation Order until the hearing and determination of these Judicial Review proceedings which shall be fast tracked.

The substantive motion to be filed and served upon the respondents within three (3) days from the date hereof.

Mention on 17<sup>th</sup> October 2016 to confirm compliance for directions. Costs in the cause.

Orders accordingly.

Dated, signed and issued in Chambers at Nairobi this 12<sup>th</sup> day of October, 2016.

**R.E. ABURILI**

**JUDGE**

**12<sup>TH</sup> October, 2016**