

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

PETITION NO. 388 OF 2013

BETWEEN

JEAN-PIERRE KABARE 1ST PETITIONER

PHOEBE WANGECHI WAHOME 2ND PETITIONER

AND

ATTORNEY GENERAL 1ST RESPONDENT

DIRECTOR OF IMMIGRATION 2ND RESPONDENT

RULING

The 1st petitioner in the amended petition dated 31st July 2013 seeks an order that the court do declare him to be qualified to be registered as a Citizen of Kenya and that he is entitled to be registered as such on the grounds that he is married to a Kenyan citizen, the 2nd petitioner, and has Kenyan children. He states that he has applied for citizenship but the Director of Immigration has not dealt with the application.

It is the responsibility and the obligation of the Department of Immigration to consider such application in accordance with provisions of **Article 47(1)** which entitles every person to expeditious, efficient, lawful, reasonable and procedurally fair administrative action. **Article 47(2)** requires that a written reason be given if administrative action is likely to affect the person adversely.

In order to expeditiously deal with this matter, I direct as follows;

- 1. The Director of Immigration or such office that deals with applications for Citizenship, shall deal with the 1st petitioner's application in terms of Article 47(1) and (2) of the Constitution.**
- 2. The petitioners shall be at liberty to apply for further orders.**

DELIVERED and DATED at NAIROBI this 8th August 2013

D.S. MAJANJA

JUDGE