



REPUBLIC OF KENYA



**Shakoor v Cabinet Secretary for Interior Coordination and National Government
& 2 others (Judicial Review Miscellaneous Application E223 of 2025)
[2025] KEHC 12630 (KLR) (Judicial Review) (16 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 12630 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW MISCELLANEOUS APPLICATION E223 OF 2025
JM CHIGITI, J
SEPTEMBER 16, 2025**

BETWEEN

NADEEM KHAN SHAKOOR EX PARTE APPLICANT

AND

**CABINET SECRETARY FOR INTERIOR COORDINATION AND NATIONAL
GOVERNMENT 1ST RESPONDENT**

DIRECTOR GENERAL OF IMMIGRATION SERVICES 2ND RESPONDENT

THE ATTORNEY GENERAL 3RD RESPONDENT

RULING

1. The application that is before this court for determination is the one dated 1.8.25 wherein the Applicant seeks the following orders:
 1. That pending the hearing and determination of the substantive Judicial Review proceedings, this Honourable Court be pleased to issue a conservatory and interim order of stay of any actual, threatened, or intended deportation, removal, arrest or detention of the Applicant, Nadeem Shakoor Khan, by the Respondents or their agents.
 2.spent
 3. That the costs of this application be in the cause.
 4. Any other relief that the court may deem just in the circumstance.



2. It is his case that he is apprehensive that the Respondents may proceed with deportation or arrest proceedings before the substantive Judicial Review application is heard and determined, thereby rendering the judicial process nugatory and occasioning grave injustice.
3. He has received direct threats made by an immigration official who is also a member of the permit determination committee.
4. He argues that he has previously lodged a complaint against this official with the EACC.
5. It is his case that following that, she issued personal threats, explicitly stating that her husband, a police officer, has the capacity to track his whereabouts at any time.
6. He argues that he has reason to believe that immigration officers may be planning to detain or deport him arbitrarily and without due process, particularly given the delays and irregularities already experienced in the processing of my permits and passes.
7. He argues that he is the Trust Coordinator of BHIO, which implements sensitive humanitarian and national security-linked programs in collaboration with the Judiciary, DCI, ODPP, Ministry of Gender, UN Agencies and others. Deportation would not only shatter my family but also disrupt public interest projects with national relevance.
8. He argues that he was recently invited, both personally and as the Coordinator of Blue Heart Trust International Organization (BHIO), to participate in official national collaborations, including the commemoration of the World Day against Trafficking in Persons held on 30th July 2025, alongside key government institutions.
9. He argues that he is married to a Kenyan citizen of over twenty-one (21) years, and we have three (3) Kenyan children, aged 11, 16, and 19 years and he is their primary emotional, financial, and psychological support.
10. He argues that his current immigration challenges stem not from non-compliance, but from bureaucratic frustration and ethically questionable demands, including a request for confidential victim data, which his organization rightly declined on legal and moral grounds.
11. He argues that he has done everything lawfully expected of him to regularize my status, including applying for Kenyan citizenship, which is still pending determination, and previously seeking a Visitor's Pass, which was only rejected in February 2025, almost two years after submission as set out in his Pass Application and the Rejection notice.

The Applicant's submissions:

12. He submits that he faces imminent deportation, particularly following the vacation of stay orders in JR No. E070 of 2024 by this Honourable Court on 18th July 2025 summarily and without further notice, rendering these proceedings nugatory.
13. He submits that he has received direct threats from a serving immigration officer, a member of the Permit Determination Committee, against whom he lodged an anti-corruption complaint with the EACC who expressly warned that her police officer husband could track and ensure his arrest and this amounts to a credible, well-founded apprehension of arbitrary action.
14. He places reliance in the case of *Republic v Kenya Revenue Authority ex parte Stanley Mombo Amuti* [2018] eKLR, where the Court underscored that conservatory reliefs are necessary where executive action threatens to render judicial proceedings nugatory.



15. He also relies on the case of *Centre for Rights Education & Awareness (CREAW) & 7 Others v Attorney General* [2011] eKLR, where the Court outlined the applicable test for the grant of stay orders to be:
 - a. Existence of a *prima facie* case with an arguable claim;
 - b. Demonstration of a real danger of prejudice and irreparable harm; and
 - c. Consideration of public interest.
16. He submits that since he has already been granted leave to institute substantive Judicial Review proceeding the same amount to a judicial acknowledgment that the claim raises serious triable issues, not frivolous or vexatious.
17. He submits that with the deportation he would suffer grave prejudice including:
 - a. Separation from his Kenyan wife of 21 years and three Kenyan children, to whom he is the primary caregiver;
 - b. Collapse of ongoing humanitarian and security-linked programs under Blue Heart International Organization (BHIO), an entity partnering with the Judiciary, DCI, ODPP, and UN agencies;
 - c. Denial of his right to be heard and loss of access to fair trial guarantees under Article 50.
18. He places reliance in *Mumo Matemu v Trusted Society of Human Rights Alliance & 5 Others* [2013] eKLR, where it was held that courts must weigh public interest when considering conservatory orders. Here, public interest overwhelmingly favours preservation of the Applicant's presence.
19. He submits that the Respondents stand to suffer no prejudice if interim stay is granted; they will retain the authority to act should the substantive Judicial Review fail. If he is deported before the matter is heard, the Judicial Review will be rendered academic.
20. In *Gatirau Peter Munya v Dickson Mwenda Kitbinji & 2 Others* [2014] eKLR, the Supreme Court held that conservatory orders exist to maintain the status quo and protect rights from imminent violation. The same reasoning applies here.
21. The Respondents did not file any responses to the application.

Analysis and Determination:

The issue for determination is whether this Court can issue the orders sought.

22. The Respondent has not denied the Applicants allegation that he has previously lodged a complaint against this official with the EACC and that following the report, he received personal threats, explicitly stating that the said official's husband, a police officer, has the capacity to track the Applicant's whereabouts at any time.
23. Upon looking at the message that the Applicant seek to rely on, I have noted that it is a message that was sent in the year 2021. Clearly, this cannot amount to a current threat years later. The court is not persuaded that the threat can be the basis of advancing the urgent application for stay. The court wonders why the same was not advanced in the court in 2021. It amounts to an afterthought and I so hold.
24. From the correspondence that have been exchanged between the Applicant and the different Government offices it would appear like the said government departments have activities which in the court's view are activities that don't point at their intention to deport the Applicant.



25. If anything, those letters go against the arguments that the Applicant is advancing. They do not demonstrate a state of threat to deport him as alleged.
26. If at all there was an intention to deport him then the respondents or they said ministries would not be engaging him in activities around counter trafficking.

Disposition:

27. The court is of the view that it should issue an order, maintaining the status quo pending the hearing and determination of the application and I so hold.

Order:

1. Pending the hearing and determination of the substantive Judicial Review proceedings an order of status quo is hereby issued.
2. Costs shall be in the cause.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 16TH DAY OF SEPTEMBER, 2025.

J. CHIGITI (SC)

JUDGE

