LEGAL NOTICE NO. 185

THE IMMIGRATION ACT

(Cap. 172)

IN EXERCISE of the powers conferred by section 17 of the Immigration Act, the Minister of State for Immigration and Registration of Persons makes the following Regulations:

THE IMMIGRATION (AMENDMENT) REGULATIONS, 2007

1. These Regulations may be cited as the Immigration (Amendment) Regulations, 2007.

2. The Immigration Regulations (in these Regulations referred to as “the principal Regulations”) are amended by deleting regulation 14 and substituting therefor the following new regulation—

14. (1) The following types of passes may be issued under this Part—

(a) a dependant’s pass;
(b) a pupil’s pass;
(c) a visitor’s pass;
(d) an in-transit pass;
(e) an interstate pass;
(f) a prohibited immigrant’s pass;
(g) a special pass.

(2) Subject to these Regulations, the issue of any pass under this Part shall be at the discretion of an immigration officer, and the pass may be issued subject to such terms and conditions as an immigration officer may specify in the pass.

(3) An immigration officer may, at any time, cancel a pass issued under this Part and may vary any term or condition thereof:

Provided that a dependant’s pass shall not be cancelled without the prior approval of the Minister.

(4) The fees specified in the Second Schedule shall be paid before the issue of any pass under this Part.

3. The principal Regulations are amended by deleting regulation
15 and substituting therefor the following new regulation—

15. (1) Any person, being lawfully in or entitled to enter Kenya, by virtue of—

(a) being a citizen of Kenya;
(b) having been issued with an entry permit;
(c) being an exempted person; or
(d) being a person to whom section 4 (3) of the Act applies,

may make an application to an immigration officer, in Form 6 in the First Schedule, for a dependant’s pass.

(2) An immigration officer may issue a dependant’s pass if he is satisfied that—

(a) the person, in respect of whom the application is made, is dependent for his maintenance upon the person making the application for a dependant’s pass (in this regulation referred to as the “applicant”);

(b) the dependant is by reason of age, disability or any incapacity unable to maintain himself adequately or for some other reason relies upon the applicant for his maintenance; and

(c) the applicant has an income sufficient to enable him to maintain and continue to maintain the dependant.

(3) Every dependant’s pass shall be in Form 7 in the First Schedule or, where the applicant is the holder of an entry permit, the particulars of his wife and children (being dependants) may, at the discretion of an immigration officer, be endorsed on his entry permit.

4. The principal Regulations are amended by inserting the following new regulation immediately after regulation 15—

16. (1) A dependant’s pass shall, subject to the terms and conditions specified therein, entitle the dependant in respect of whom it is issued to enter Kenya within the period specified therein and to remain in Kenya thereafter during the validity of the pass.

(2) Where—

(a) the dependent person is no longer dependent on the applicant;

(b) the applicant fails or is unable to maintain the dependant;
(c) the applicant leaves Kenya in circumstances which raise a reasonable presumption that his absence will be other than temporary;

(d) the dependant engages in employment; or

(e) the applicant dies,

then with effect from the date of the dependant ceasing to be dependent or, as the case may be, with effect from the date of the applicant failing or being unable to maintain the dependant, leaving Kenya, entering into employment, or dying as aforesaid, the dependant's pass shall be deemed to have expired and to be of no further validity or effect:

Provided that nothing in this regulation shall render invalid a dependant's pass issued in respect of a married woman who is living with her husband and who has been issued with an entry permit of class D; and that dependant's pass shall, subject to the provisions of the Act, be of full force and effect for the unexpired period of its validity notwithstanding that such married woman engages in any employment under the aforesaid entry permit or has ceased to engage in such employment.

(3) In this regulation, "applicant" means the person on whose application the dependant's pass was issued.

5. The principal Regulations are amended by inserting the following new regulations immediately after regulation 18—

19. (1) A person desiring to enter Kenya for the purpose of—

(a) a holiday;

(b) temporarily conducting any business, trade or profession; or

(c) any other temporary purpose which an immigration officer may approve,

may make an application to an immigration officer, in Form 10 in the First Schedule or in such other Form as an immigration officer may require, for a visitor's pass.

(2) Every visitor's pass shall, unless endorsed in the holder's passport, be in Form 11 in the First Schedule.

20. (1) A visitor's pass shall, subject to the terms and conditions specified therein, entitle the holder thereof to enter Kenya within the period specified therein and to remain in Kenya for such period, not exceeding six months from the date of his entry into Kenya, as may be specified in that behalf, and to re-enter Kenya from Tanzania or Uganda at any time during the latter period.
(2) An immigration officer may, from time to time, extend the validity of a visitor's pass for such further period or periods as he may determine and vary any term or condition thereof:

Provided that the aggregate period of validity of a visitor's pass shall in no case exceed one year from the date of the holder's entry into Kenya.

(3) The holder of a visitor's pass shall not accept or engage in any form of employment in Kenya, whether paid or unpaid, without the written permission of an immigration officer, and if such holder accepts or engages in such employment without such permission as aforesaid, he commits an offence and his visitor's pass shall, with effect from the date of such acceptance or engagement, be deemed to have expired and to be of no further validity or effect.

6. The principal Regulations are amended by inserting the following new regulation immediately after regulation 25—

26. (1) Any person who desires to enter or remain in Kenya for a limited period for the purpose of conducting an appeal under regulation 12, or for applying for an entry permit or pass, or for any other purpose which an immigration officer considers suitable, may make application to an immigration officer, in Form 10 in the First Schedule or in such other form as an immigration officer may require, for a special pass.

(2) An immigration officer may issue a special pass for such period not exceeding three months as he may specify in the pass.

(3) Every special pass shall be in Form 15 in the First Schedule.

7. The First Schedule to the principal Regulations is amended by—

(a) inserting the following new forms immediately after Form 5—
APPLICATION FOR A DEPENDANT'S PASS

(One form of application is to be completed in respect of each dependant for whom a pass is required)

To: THE PRINCIPAL IMMIGRATION OFFICER
P.O. Box 30191–00100,
NAIROBI,
KENYA.

I apply for a dependant's pass in respect of (name of dependant)

APPLICANT'S PARTICULARS

(All particulars to be in block capitals)

1. Full names: Mr./Mrs./Miss
2. Address
3. Particulars of entry permit held
4. Relationship to the dependant
5. Particulars of other dependants, whether in Kenya or elsewhere, including wife and children:

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<th>Full names</th>
<th>Relationship</th>
<th>Age</th>
<th>Resident at</th>
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DEPENDANT'S PARTICULARS

6. (a) Full names of dependant: Mr./Mrs./Miss ..............................................................
                                                                                           ..............................................................
(b) Present address .............................................................................................................
(c) Sex ...................................................(d) Marital status ..............................................
(e) Date and place of birth .....................................................................................................

(Proof of birth and/or marriage to be attached to this application)

7. Number, date and place of issue of passport ........................................................................
                                                                                           ..............................................................
                                                                                           ..............................................................
Nationality ..............................................................................................................................

8. Particulars of any change of dependant's name by deed poll, marriage or otherwise .........
                                                                                           ..............................................................
                                                                                           ..............................................................
                                                                                           ..............................................................
                                                                                           ..............................................................
                                                                                           ..............................................................

I ........................................................................................................the applicant, declare that the
                                                                                           foregoing particulars are correct in every detail.

Date .................................................................................................................................

Signature of Applicant

Note.—This application cannot be considered unless all the required particulars are
completed in full.
FORM 7

DEPENDANT'S PASS

.............................................................................................. of (address).................................................................
age (in case of minors)......................................................... is permitted to enter Kenya on or before
.............................................................................................. day of .................................................................

and to remain therein subject to the Immigration Regulations.

Date of issue ....................................................

Receipt Number ..........................................................

Principal Immigration Officer

(b) by deleting Form 10 and substituting therefor the following new Form—

FORM 10

APPLICATION FOR* VISITOR'S/ IN-TRANSIT/ PROHIBITED
IMMIGRANT'S/SPECIAL PASS

1. ................................................................................................................................. make application

for the issue to me of a *visitor's pass/in-transit pass/prohibited immigrant's pass/special pass.

I declare that the following particulars are correct in every detail.

PARTICULARS OF THE PERSON TO WHOM THE PASS IS TO BE ISSUED

1. Full names: Mr./Mrs./Miss. ..............................................................

2. Nationality .................................................................................................

3. Date of birth .............................................. Place of birth ............... ............................................................

4. Occupation ............................................................................................... 

5. Address in country of residence .................................................................

6. Passport or other travel document No. ........................................... and place and date of issue

.................................................................................................................................

7. Reasons for visiting Kenya ........................................................................

.................................................................................................................................

8. Approximate date of arrival in Kenya ........................................................
9. Approximate duration of stay in Kenya

10. Address in Kenya

11. If in Kenya at the time of making this application, particulars of any permit or pass issued to the applicant

12. Particulars and amount of money available for the purpose of visiting Kenya

Date

Signature

NOTES

(i) A cash deposit up to £250 or security for a like amount may be required as a condition precedent to the issue of a pass.

(ii) This application cannot be considered unless all the required particulars are completed in full.

* Delete whichever is inapplicable.

(c) by inserting the following new form immediately after Form 10—
FORM 11
(r. 19)

VISITOR'S PASS

.................................................................................................................. of ........................................................................................................ the holder of this pass is entitled to enter Kenya within ........................................ from the date of issue of this pass and to remain in Kenya for ........................................ from the date of entry into Kenya for the purposes of ..........................................................

........................................................................................................................................................................................................................................................................................................................................

Date of Issue............................... Principal Immigration Officer

Note.—The holder of this pass may not engage in or take up any form of employment within Kenya, whether paid or unpaid, other than such employment as may be authorized as a purpose for which this pass is issued without the written permission of the Principal Immigration Officer.

(d) by inserting the following new form immediately after Form 14—

FORM 15
(r. 20)

SPECIAL PASS

.................................................................................................................. of ........................................................................................................, the holder of this pass is permitted to enter Kenya and remain therein for a period of ........................................ from the date of issue of this pass, for the purpose of ..........................................................

........................................................................................................................................................................................................................................................................................................................................

This pass may be cancelled at any time and is issued subject to the following conditions: ....

........................................................................................................................................................................................................................................................................................................................................

Date of issue............................... Principal Immigration Officer

..................................................................................................................

Receipt Number............................... Principal Immigration Officer.

..................................................................................................................

, Dated the 11th October, 2007.

G. S. KONCHELLA,

Minister of State for Immigration and Registration of Persons.