

**THE IMMIGRATION ACT 1967****No. 25 of 1967***Date of Assent: 18th August 1967**Date of Commencement: By Notice***ARRANGEMENT OF SECTIONS***Section*

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**SCHEDULE**

**An Act of Parliament to amend and consolidate the law relating to immigration into Kenya, and for matters incidental thereto and matters connected therewith**

**ENACTED** by the Parliament of Kenya, as follows:—

1. This Act may be cited as the Immigration Act 1967, and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.

Short title  
and  
commencement.

Interpreta-  
tion.

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2. (1) In this Act, except where the context otherwise requires—

“child” includes a child adopted under the Adoption Act, but does not include—

(a) a child adopted otherwise than under that Act, unless the Minister is satisfied that the circumstances of the adoption were such as substantially to satisfy the requirements of subsections (1), (2), (3) and (4) of section 4 of that Act;

(b) a married woman; or

(c) a person who has attained the age of eighteen years;

“entry permit” means an entry permit issued under section 5 of this Act, or a provisional entry permit issued under section 20 of this Act;

“immigration officer” means any person appointed to that office pursuant to section 10 of this Act;

“medical practitioner” means a medical practitioner appointed for the purposes of this Act by the Minister for the time being responsible for health;

“pass” means a pass to enter and remain temporarily in, or to re-enter, Kenya, issued under regulations made under this Act, and includes any class or description of pass which may be so prescribed;

“passport” means a passport issued to a person by or on behalf of the government of the State of which he is a subject, or a valid passport or other valid travel document or document of identity issued to a person by an authority recognized by the Government of Kenya, such passport or document being complete and having endorsed thereon all particulars, endorsements and visas required from time to time by the government or authority issuing the passport or document or by the Government of Kenya or by any written law;

“prescribed” means prescribed by regulations made under this Act;

“prohibited immigrant” has the meaning ascribed thereto in section 3 of this Act;

“the repealed Acts” means the Acts repealed and the subsidiary legislation revoked by section 22 of this Act.

(2) In this Act, except where the context otherwise requires, any reference to this Act includes a reference to regulations made thereunder.

*Prohibited Immigrants*

3. (1) In this Act, a prohibited immigrant means a person who is not a citizen of Kenya and who is—

Prohibited  
immigrants.

- (a) incapable of supporting himself and his dependants (if any) in Kenya;
- (b) a mental defective or a person suffering from mental disorder;
- (c) a person who—
  - (i) refuses to submit to examination by a medical practitioner after being required to do so under section 11 (1) (d) of this Act; or
  - (ii) is certified by a medical practitioner to be suffering from a disease which makes his presence in Kenya undesirable for medical reasons;
- (d) a person who, not having received a free pardon, has been convicted in any country, including Kenya, of murder or of any offence for which a sentence of imprisonment has been passed for any term and who, by reason of such conviction, is considered by the Minister to be an undesirable immigrant;
- (e) a prostitute, or a person who is living on or receiving, or who before entering Kenya lived on or received, the proceeds of prostitution;
- (f) a person who, in consequence of information received from any government or from any other source considered by the Minister to be reliable, is considered by the Minister to be an undesirable immigrant;
- (g) a person, or a member of a class of persons, whose presence in Kenya is declared by the Minister to be contrary to the national interests;
- (h) a person who, upon entering or seeking to enter Kenya, fails to produce a valid passport to an immigration officer on demand or within such time as that officer may allow;
- (i) a person who was, immediately before the commencement of this Act, a prohibited immigrant within the meaning of the former Immigration Act (now repealed) by reason of paragraph (f) or paragraph (g) of section 7 (2) of that Act;
- (j) a person whose presence in or entry into Kenya is unlawful under any written law other than this Act;

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(k) a person in respect of whom there is in force an order made or deemed to be made under section 8 of this Act directing that such person shall be removed from and remain out of Kenya;

(l) a dependant of any of the persons mentioned in the foregoing paragraphs of this subsection.

(2) Subject to subsection (3) of this section, the entry into and presence in Kenya of a prohibited immigrant shall be unlawful, and a person seeking to enter Kenya shall, if he is a prohibited immigrant, be refused permission to enter Kenya, whether or not he is in possession of any document which, were it not for this section, would entitle him to enter Kenya.

(3) An immigration officer may in his discretion issue a prohibited immigrant's pass to a prohibited immigrant, permitting him to enter and remain temporarily in Kenya for such period and subject to such conditions as may be specified in that pass.

#### *Entry and Removal of Immigrants*

4. (1) Subject to this section, no person who is not a citizen of Kenya shall enter Kenya unless he is in possession of a valid entry permit or a valid pass.

(2) Subject to this section, the presence in Kenya of any person who is not a citizen of Kenya shall, unless otherwise authorized under this Act, be unlawful, unless that person is in possession of a valid entry permit or a valid pass.

(3) This section shall not apply to—

(a) the accredited representative to Kenya of the government of any Commonwealth country, and the wife and any child of such representative;

(b) the accredited envoy to Kenya of a foreign sovereign State, and the wife and any child or such envoy;

(c) a person upon whom the immunities and privileges set out in Part II of the Schedule of the Diplomatic Privileges (Extension) Act have been conferred under that Act, and the wife and any child of any such person;

(d) a person upon whom the immunities and privileges set out in Part III of the Schedule of the Diplomatic Privileges (Extension) Act have been conferred under that Act, and the wife and any child of any such person;

Prohibition on entry without permit or pass.

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- (e) the accredited diplomatic or consular staff of the persons referred to in paragraphs (a) and (b) of this subsection, and the wives and any children of any such accredited diplomatic or consular staff;
- (f) the official staff of the persons referred to in paragraphs (a) and (b) of this subsection, and the wives and any children of any such official staff;
- (g) the domestic staff of the persons referred to in paragraphs (a), (b) and (c) of this subsection, and the wives and any children of any such domestic staff;
- (h) any person, or class or description of persons, exempted by the Minister from the provisions of this section by notice in the Gazette.

(4) Where any person ceases to be a person to whom subsection (3) of this section refers, then, after the expiration of such reasonable period following that cessation as an immigration officer may in his discretion allow for the departure of that person from Kenya, his presence in Kenya shall, unless otherwise authorized under this Act, be unlawful.

5. (1) There shall be the classes of entry permits specified in the Schedule of this Act.

Issue of entry permits.

(2) Where a person, other than a prohibited immigrant, has made application in the prescribed manner for an entry permit of a particular class, and has satisfied an immigration officer that he belongs to that class and that the conditions specified in the said Schedule in relation to that class are fulfilled, the immigration officer may, in his discretion, issue an entry permit of that class to that person.

(3) Any person who has applied for an entry permit of any of the classes E to L (inclusive) and who is aggrieved by a decision refusing him such an entry permit may, in the manner and within the time prescribed, appeal against that decision to the Minister, whose decision shall be final and shall not be questioned in any court.

6. (1) Where an entry permit, other than an entry permit of class K or L, has been issued to a person, and that person, without having obtained the written approval of an immigration officer—

Invalidation of entry permits.

- (a) has failed to engage, within fourteen days of the date of issue of the entry permit or of that person's entry into Kenya, whichever is the later, in the employ-

ment, occupation, trade, business or profession in respect of which that entry permit was issued; or

(b) has ceased to engage in the said employment, occupation, trade, business or profession; or

(c) has engaged in any employment, occupation, trade, business or profession, whether or not for remuneration or profit, other than the said employment, occupation, trade, business or profession,

that entry permit shall thereupon cease to be valid and the presence of that person in Kenya shall, unless otherwise authorized under this Act, be unlawful.

(2) Where an entry permit of class K or L has been issued to a person, and that person, without having obtained the written approval of an immigration officer, engages in any employment, occupation, trade, business or profession, whether or not for remuneration or profit, that entry permit shall thereupon cease to be valid and the presence of that person in Kenya shall, unless otherwise authorized under this Act, be unlawful.

Permits etc.  
void for  
fraud etc.

7. Any entry permit, pass, certificate or other authority, whether issued under this Act or under the repealed Acts, which has been obtained by or was issued in consequence of fraud or misrepresentation, or the concealment or non-disclosure, whether intentional or inadvertent, of any material fact or circumstance, shall be and be deemed always to have been void and of no effect.

Power to remove  
persons  
unlawfully in  
Kenya.

8. (1) The Minister may by order in writing direct that any person whose presence in Kenya was, immediately before the making of that order, unlawful under this Act, or in respect of whom a recommendation has been made to him under section 26A of the Penal Code, shall be removed from and remain out of Kenya either indefinitely or for such period as may be specified in the order.

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(2) A person to whom an order made under this section relates shall—

(a) be removed to the place from whence he came, or with the approval of the Minister, to a place in the country to which he belongs, or to any place to which he consents to be removed if the Government of that place consents to receive him;

(b) if the Minister so directs, be kept in prison or in police

custody until his departure from Kenya, and while so kept shall be deemed to be in lawful custody.

(3) Subject to this section, an order under this section shall be carried out in such manner as the Minister may direct.

(4) Any order made or directions given under this section may at any time be varied or revoked by the Minister by further order in writing.

(5) In the case of a person who arrives in Kenya as a stowaway, the powers of the Minister under this section may be exercised either by the Minister or by an immigration officer, and this section shall have effect accordingly.

(6) Any order made before the commencement of this Act under the repealed Acts directing that a person be removed or deported from Kenya and remain out of Kenya, whether indefinitely or for a specified period, shall for all the purposes of this Act (including the exercise of the Minister's powers under subsections (2), (3) and (4) of this section) be deemed to be an order made under this section, and shall be enforced accordingly.

(7) An order made or deemed to have been made under this section shall, for so long as it provides that the person to whom it relates shall remain out of Kenya, continue to have effect as an order for the removal from Kenya of that person whenever he is found in Kenya, and may be enforced accordingly:

Provided that nothing in this subsection shall prevent the prosecution for an offence under this Act or any other written law of any person who returns to Kenya in contravention of such an order.

(8) Where a person is brought before a court as being unlawfully present in Kenya, and the court is informed that an application to the Minister for an order under this section has been made or is about to be made, the court may order that such person be detained in prison or in police custody for a period not exceeding fourteen days, pending a decision by the Minister.

9. (1) The master of a ship, the captain of an aircraft, the guard of a train or the person in charge of a vehicle arriving from or leaving for any place outside Kenya, or the owner of or agent for such ship, aircraft, train or vehicle, shall, if so required by an immigration officer, furnish a list in duplicate,

Duties and liabilities of carriers.

signed by himself or by some person authorized to sign it on his behalf, of the names of all persons in the ship, aircraft, train or vehicle, and such other information as may be prescribed.

(2) The master of a ship, the captain of an aircraft or the guard of a train about to call at any port or place outside Kenya, shall, if so required by an immigration officer, take into his custody any person in respect of whom an order has been made under section 8 of this Act, or any person to whom section 12 (2) of this Act applies, and, on due payment, afford that person a passage to that port or place, and proper accommodation and maintenance during that passage.

(3) Where any person who is conveyed to Kenya in a ship or aircraft is refused permission to enter Kenya on the ground that he is a prohibited immigrant—

(a) the master of the ship or the captain of the aircraft shall, if so required by an immigration officer, take that person into his custody and secure that he is removed from Kenya;

(b) the master, the owner and the agent in Kenya of the ship, or the captain, the owner and the agent in Kenya of the aircraft, shall be jointly and severally liable to pay to the Government all expenses incurred by the Government in respect of the transport and maintenance of that person and his removal from Kenya, and the amount of such expenses shall be a civil debt recoverable summarily at the suit of the Minister.

(4) Any person who is taken into the custody of the master of a ship, the captain of an aircraft or the guard of a train pursuant to this section shall be deemed to be in lawful custody while he is in Kenya.

#### *Administration, Offences and Legal Proceedings*

Immigration  
officers.

**10.** (1) There shall be such number of immigration officers as may be necessary for the purposes of this Act.

(2) In the performance of their functions under this Act, immigration officers shall act in accordance with such instructions as may be given by the Minister.

Powers of  
immigration  
officers.

**11.** (1) For the purposes of any of his functions under this Act, an immigration officer shall have power—

(a) to board, or enter, and search any ship, aircraft, train or vehicle in Kenya;

- (b) to require any person seeking to enter Kenya to answer any question or to produce any document in his possession for the purpose of ascertaining whether that person is or is not a citizen of Kenya and, in the case of any person who is not a citizen of Kenya, for the purpose of determining whether that person should be permitted to enter Kenya under this Act;
- (c) to require any person seeking to enter or leave Kenya to produce to him a valid passport and any form of declaration that may be prescribed;
- (d) to require any person seeking to enter Kenya to submit to examination by a medical practitioner.

(2) An immigration officer investigating any offence or suspected offence under this Act shall have all the powers and immunities conferred by law on a police officer for the purpose of such investigation.

12. (1) Any immigration officer or police officer who has reasonable cause to suspect that a person has committed an offence under this Act, or is unlawfully present in Kenya, may, if it appears to him to be necessary to do so in order to secure that the purposes of this Act shall not be defeated, arrest that person without warrant; and sections 33 and 36 of the Criminal Procedure Code shall apply to any such arrest as if the reference in the said section 33 to a police officer included a reference to an immigration officer.

Power of arrest  
and search of  
persons.

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(2) Any person other than a citizen of Kenya who, having been ordered to be deported from any country, enters Kenya on his way to his final destination, may be arrested without warrant by any immigration officer or police officer and may be detained in prison or in police custody for so long as is necessary for arrangements to be made for his departure from Kenya, and shall be deemed to be in lawful custody while so detained.

(3) A person who is not a citizen of Kenya shall, on being required to do so by an immigration officer or a police officer—

- (a) declare whether or not he is carrying or conveying any documents;
- (b) produce to the officer any documents which he is carrying or conveying;

and an immigration officer or police officer may search any such person, and any baggage belonging to him or under his control, in order to ascertain whether that person is carrying or conveying any documents, and may examine, and may detain for such time as he thinks proper for the purpose of examination, any documents produced to him or found on such a search.

(4) An immigration officer may by summons in writing require any person other than a citizen of Kenya to attend at his office and to furnish to that officer such information, documents and other particulars as are necessary for the purposes of determining whether that person should be permitted to remain in Kenya.

Offences.

13. (1) Any person who—

- (a) makes, whether within or outside Kenya, any false declaration or statement, which he knows or has reasonable cause to believe to be false or misleading, for the purpose of obtaining or assisting another person to obtain any entry permit, pass, written authority, consent or approval under this Act; or
- (b) knowingly misleads any immigration officer seeking information material to the exercise of any of his powers under this Act; or
- (c) alters or wilfully defaces any entry permit, pass, written authority, consent or approval, or any copy of any entry permit, pass, written authority, consent or approval, or any entry or endorsement in any passport, issued, granted or made under this Act or under the repealed Acts; or
- (d) knowingly uses or has in his possession any forged passport, entry permit, pass, written authority, consent or approval, or any passport, entry permit, pass, written authority, consent or approval which has been altered or issued without lawful authority, or any passport or similar document in which any entry visa, or endorsement has been forged, or altered or issued without lawful authority; or
- (e) gives, sells or parts with the possession of any passport, entry permit, pass, written authority, consent or approval intending or knowing or having reasonable cause to believe that it may be used by any other person; or

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- (f) uses as a passport, entry permit, pass, written authority consent or approval issued to him, any entry permit, pass, written authority, consent or approval issued to another person; or
- (g) having left or been removed from Kenya in consequence of an order made or deemed to have been made under section 8 of this Act, is found in Kenya while that order is still in force; or
- (h) being a prohibited immigrant and not having a valid prohibited immigrant's pass, fails to comply with an order of an immigration officer to leave Kenya; or
- (i) harbours any person whom he knows or has reasonable cause to believe to be a person who has committed an offence under paragraph (g) or paragraph (h) of this subsection,

shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three years, or to both such fine and such imprisonment.

(2) Any person who—

- (a) wilfully obstructs or impedes any immigration officer or police officer in the exercise of any of his powers under this Act; or
- (b) refuses or neglects to answer any question, to furnish any information, to produce any document, to attend at any place or to submit to medical examination, when required to do so under this Act; or
- (c) unlawfully enters or is unlawfully present in Kenya in contravention of this Act; or
- (d) harbours any person whom he knows or has reasonable cause to believe to be a person who has committed an offence under paragraph (c) of this subsection; or
- (e) fails to comply with any term or condition imposed by an entry permit or pass, being a term or condition which he is required to comply with; or
- (f) not being a citizen of Kenya, engages in any employment, occupation, trade, business or profession, whether or not for profit or reward, without being authorized to do so by an entry permit, or exempted from this provision by regulations made under this Act; or

(g) employs any person (whether or not for reward) whom he knows or has reasonable cause to believe is committing an offence under paragraph (f) of this subsection by engaging in that employment,

shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding one year, or to both such fine and such imprisonment :

Provided that no person shall be guilty of an offence under paragraph (b) of this subsection for refusing or neglecting to answer a question which tends to incriminate him.

(3) Any reference in subsections (1) and (2) of this section to an entry permit, pass, written authority, consent or approval includes a reference to any such document issued or purporting to have been issued under the repealed Acts.

(4) For the purposes of paragraphs (f) and (g) of subsection (2) of this section, a person who performs for the benefit of or at the request of another person any work or service of a kind which is commonly performed by a person in employment, shall be deemed to engage in an employment, and that other person shall be deemed to employ that person.

**Evidence.**

**14.** (1) In any legal proceedings under or for any of the purposes of this Act, a certificate purporting to be signed by a responsible minister or official, or duly accredited representative in Kenya, of the government of any country, and purporting to be authenticated under the hand of the Minister, shall be admissible as evidence of any of the following matters stated therein, namely—

- (a) the birth, and the date and place of the birth, and the parentage, of any person stated in such certificate to have been born in such country;
- (b) the death or marriage, and the date, place and circumstances of the death or marriage, and the parentage, of any person stated in such certificate to have died or been married in such country;
- (c) the relationship by blood, marriage or adoption of any such person as aforesaid to any other such person;
- (d) the true or the reputed name or names of any such person as aforesaid, or of either of the parents, or of the husband, wife or child, of any other relative by blood, marriage or adoption of any such person;

(e) the adoption of any child stated in such certificate to have been adopted in such country, and the date, place and circumstances of any such adoption, and the true or the reputed name or names of any child so adopted and of either of his natural or adoptive parents.

(2) In any prosecution for an offence under this Act, in any civil proceedings whatsoever, and in any proceedings in the nature of *habeas corpus* or under section 28 of the Constitution (which relates to the enforcement of protective provisions), all answers to questions lawfully put to, and all documents lawfully obtained from, any person by an immigration officer in the exercise of his powers under this Act, shall be admissible evidence.

(3) In any prosecution for an offence under this Act, a person shall be deemed to know the contents of any declaration or statement which he has signed or marked, whether or not he has read that declaration or statement, if he knows the nature of the document.

(4) A copy of an order purporting to be signed by the Minister and to be made for any of the purposes of section 8 of this Act, or purporting to be signed by an immigration officer and to be made for any of the purposes of section 8 (5) of this Act, shall be prima facie evidence of its contents in any court.

**15.** Whenever in any legal proceedings under or for any of the purposes of this Act any one or more of the following questions is in issue, namely—

- (a) whether or not a person is a citizen of Kenya;
- (b) whether or not a person is one of the persons mentioned in section 4 (3) of this Act;
- (c) whether or not there has been issued or granted to any person any passport, certificate, entry permit, pass, authority, approval or consent, whether under this Act or under the repealed Acts;
- (d) whether or not any person was at any time entitled to any such issue or grant as is referred to in paragraph (c) of this section,

the burden of proof shall lie on the person contending that such person is a citizen of Kenya, or one of the persons mentioned in the said subsection, or a person to whom such an

Burden  
of proof.

issue or grant was made, or a person who was entitled to such an issue or grant, as the case may be.

Institution  
and conduct  
of criminal  
proceedings.

16. A prosecution for an offence under this Act may, without prejudice to any other power in that behalf, be instituted by any immigration officer, and where the proceedings are instituted or brought in a subordinate court any immigration officer may prosecute or conduct the proceedings.

#### *Regulations*

Regulations.

17. (1) The Minister may make regulations prescribing anything that may be prescribed under this Act, and generally for facilitating the implementation of this Act, including in particular, but without prejudice to the generality of the foregoing regulations—

- (a) prescribing the places and times at or between which persons may enter or depart from Kenya;
- (b) providing for the issue, periods of validity, terms and conditions of issue and cancellation of entry permits;
- (c) providing for classes of passes, and for the issue, periods of validity, terms and conditions of issue and cancellation thereof;
- (d) providing for passes in respect of wives and children to be endorsed on entry permits;
- (e) prescribing the making of deposits or giving of security by persons issued with entry permits or passes, and the circumstances in which deposits and securities may be forfeited;
- (f) prescribing the information to be furnished and the returns to be made by employers with respect to the persons employed by them, including in particular information as to the citizenship, description of employment, remuneration, experience and qualifications of such persons, and as to training schemes;
- (g) providing for the exemption from any of the provisions of this Act of any person or class of persons, and for the period of validity, terms and conditions and termination of any such exemption.

(2) Without prejudice to any specific power conferred by this Act, regulations made under this Act may—

- (a) prescribe the particulars, information, proof or evidence to be furnished as to any question or

matter arising under this Act, including any question or matter relevant to the issue or cancellation of any entry permit or pass or the forfeiture of any deposit or security;

- (b) prescribe, in respect of any action required or permitted to be taken under this Act, the place, time and manner of taking that action, the procedure to be followed, the fees to be paid and the forms to be used;
- (c) prescribe penalties for any offence thereunder not exceeding the penalties specified in section 13 (2) of of this Act.

(3) Regulations made under this Act may make different provision with respect to different cases or classes of case and for different purposes of this Act, may impose conditions and make exceptions, and may contain such incidental or supplementary provisions as appear to the Minister to be expedient for the purposes of the regulations.

#### *Transitional Provisions and Repeals*

**18.** (1) Subject to section 19 of this Act, any resident's certificate, certificate of exemption, entry permit or pass (including a re-entry pass) granted or issued, or deemed to have been granted or issued, under the repealed Acts shall have effect according to its terms as if it had been issued under this Act in pursuance of a power conferred by this Act, and the provisions of this Act relating to entry into and presence in Kenya, and to engaging in Kenya in any employment, occupation, trade, business or profession, shall be read and construed accordingly.

Temporary validity of permits and passes issued under repealed Act.

(2) For the purposes of this section, a person who immediately before the commencement of this Act would have been entitled upon application, under the repealed Acts, to be granted a resident's certificate shall be deemed to have been granted under the repealed Acts, immediately before the commencement of this Act, a resident's certificate of the appropriate period of validity.

**19.** (1) The Minister may at any time by notice in the Gazette require any person or class of persons whose presence in Kenya would, but for section 18 (1) of this Act, be unlawful to apply to an immigration officer in the prescribed manner for an entry permit or pass.

Notice by Minister to apply for permits and passes.

(2) For the purposes of any notice under this section, a class of persons may be described as the persons employed by a specified employer, or as the persons engaged in a specified occupation, profession, trade or business, or as the persons who are or who are deemed to be the holders of a resident's certificate or of any specified class or description of entry permit or pass.

(3) After the expiration of the period of three months immediately following the date of publication of a notice under this section, section 18 of this Act shall cease to have effect in relation to any person to whom that notice relates, and any certificate, permit or pass granted or issued, or deemed to have been granted or issued, to that person under the repealed Acts shall cease to have effect.

Issue of permits  
and passes  
after notice.

**20.** (1) Upon application being made by any person to whom a notice under section 19 (1) of this Act applies, in the manner and within the time specified in that notice, an immigration officer may in his discretion issue to that person an entry permit of the appropriate class, a provisional entry permit of that class or a pass.

(2) A provisional entry permit of any class shall, for so long as it remains in force, have the same effect for the purposes of this Act as an entry permit of the same class.

(3) A provisional entry permit shall remain in force for the period of time specified therein, but if no period is specified it shall remain in force until it is revoked by an immigration officer and shall continue in force thereafter for three months after the date on which notice of its revocation is served on the person to whom the permit was issued, or is published in the Gazette, whichever date is the earlier, and shall then expire.

Transitional  
provisions  
regarding  
re-entry.

**21.** Notwithstanding section 19 of this Act, any person, other than a prohibited immigrant, who would but for the repeal of the former immigration law, have been entitled to re-enter Kenya by virtue of the grant of a resident's certificate or of the issue of a re-entry pass, shall, at any time within the period of six months immediately following the commencement of this Act, be permitted to enter Kenya and to remain in Kenya for a period of ninety days, and shall be issued with a pass to that effect under this Act:

Provided that this section shall not apply to a person who has not at any time been resident in Kenya since the 12th December 1963.

**22.** (1) The British Nationality (Offences and Fees) Act, the Immigration Act, the Aliens Restriction Act, the Deportation (Aliens) Act the Deportation (Immigrant Commonwealth Citizens) Act and the Immigration and Deportation (Miscellaneous Amendments) Act 1964 are hereby repealed, and all subsidiary legislation made under the said Acts is hereby revoked.

Repeal.  
Cap. 171.  
Cap. 172.  
Cap. 173.  
Cap. 174.  
Cap. 175.  
1 of 1964.

(2) Section 38 (5) of the Interpretation and General Provisions Act is hereby repealed.

Cap. 2.

#### SCHEDULE

(s. 5)

##### CLASSES OF ENTRY PERMITS

###### *Class A:* ✓

A person who is offered specific employment by a specific employer, who is qualified to undertake that employment, and whose engagement in that employment will be of benefit to Kenya.

###### *Class B:*

A person who is offered specific employment by the Government of Kenya, the East African Common Services Organization or any other person or authority under the control of the Government or the Organization, and whose engagement in that employment will be of benefit to Kenya.

###### *Class C:*

A person who is offered specific employment under an approved technical aid scheme under the United Nations Organization or some other approved Agency (not being an exempted person under section 4 (3) of this Act), and whose engagement in that employment will be of benefit to Kenya.

###### *Class D:* ✓

A person, being the holder of a dependant's pass, who is offered specific employment by a specific employer, whose engagement in that employment will be of benefit to Kenya.

###### *Class E:* ✓

A person who is a member of a missionary society approved by the Government of Kenya, and whose presence in Kenya will be of benefit to Kenya.

###### *Class F:*

A person who intends to engage, whether alone or in partnership, in the business of agriculture or animal husbandry in Kenya, and who—

- (a) has acquired, or has received all permissions that may be necessary in order to acquire, an interest in land of sufficient size and suitability for the purpose; and

## SCHEDULE—(Contd.)

- (b) has in his own right and at his full and free disposition sufficient capital and other resources for the purpose, and whose engagement in that business will be of benefit to Kenya.

**Class G:**

A person who intends to engage, whether alone or in partnership, in prospecting for minerals or mining in Kenya, and who—

- (a) has obtained, or is assured of obtaining, any prospecting or mining right or licence that may be necessary for the purpose; and
- (b) has in his own right and at his full and free disposition sufficient capital and other resources for the purpose, and whose engagement in that prospecting or mining will be of benefit to Kenya.

**Class H:**

A person who intends to engage, whether alone or in partnership, in a specific trade, business or profession (other than a prescribed profession) in Kenya, and who—

- (a) has obtained, or is assured of obtaining, any licence, registration or other authority or permission that may be necessary for the purpose; and
- (b) has in his own right and at his full and free disposition sufficient capital and other resources for the purpose, and whose engagement in that trade, business or profession will be to the benefit of Kenya.

**Class I:**

A person who intends to engage, whether alone or in partnership, in a specific manufacture in Kenya, and—

- (a) has obtained, or is assured of obtaining, any licence, registration or other authority or permission that may be necessary for the purpose; and
- (b) has in his own right and at his full and free disposition sufficient capital and other resources for the purpose, and whose engagement in that manufacture will be of benefit to Kenya.

**Class J:**

A member of a prescribed profession who intends to practice that profession, whether alone or in partnership, in Kenya, and who—

- (a) possesses the prescribed qualifications; and
- (b) has in his own right and at his full and free disposition sufficient capital and other resources for the purpose, and whose practise of that profession will be of benefit to Kenya.

## SCHEDULE—(Contd.)

*Class K:*

A person who—

- (a) is not less than twenty-one years of age; and
- (b) has in his own right and at his full and free disposition an assured annual income of not less than the prescribed amount, being an income that is assured, and that is derived from sources other than any such employment, occupation, trade, business or profession as is referred to in the description of any of the classes specified in this Schedule, and being an income that either—
  - (i) is derived from sources outside, and will be remitted to Kenya; or
  - (ii) is derived from property situated, or a pension or annuity payable from, sources in Kenya; or
  - (iii) will be derived from a sufficient investment capital to produce such assured income that will be brought into and invested in Kenya; and
- (c) undertakes not to accept paid employment of any kind should he be granted an entry permit of this class,

and whose presence in Kenya will be of benefit to Kenya.

*Class L:*

A person who is not in employment, whether paid or unpaid, and who under the repealed Acts was issued with a resident's certificate, or who would have on application been entitled to the issue of such certificate, or who has held an entry permit or entry permits (whether issued under this Act or the repealed Acts or both) of any of the foregoing classes of entry permit A—K for a continuous period of not less than ten years immediately before the date of application, and whose presence in Kenya will be of benefit to Kenya.