

THE COMMISSION ON ADMINISTRATIVE JUSTICE
(Office of the Ombudsman)



Hata Mnyonge ana Haki

REPUBLIC OF KENYA
COMMISSION ON ADMINISTRATIVE JUSTICE
(OFFICE OF THE OMBUDSMAN)
ATI REVIEW APPLICATION NO. CAJ/ATI/D.IMM/003/14/26 - JK

JACKSON'S LAW PARTNERS ADVOCATES.....APPLICANT

VERSUS

DIRECTOR GENERAL, DIRECTORATE OF IMMIGRATION SERVICES.....RESPONDENT

RULING

A. BACKGROUND

1. The Commission on Administrative Justice (Office of the Ombudsman) (hereinafter referred to as "the Commission") is established under *Article 59(4) of the Constitution of Kenya, 2010* and the *Commission on Administrative Justice Act, 2011*. The Commission is mandated to address maladministration in the public sector and promote administrative justice, transparency, and accountability in public administration. In addition, the Commission serves as the oversight and enforcement body for the right of access to information under *Article 35 of the Constitution*, as operationalized through the *Access to Information Act, 2016* (hereinafter referred to as *ATI Act, 2016*).
2. *Article 35* of the Constitution guarantees every citizen the right to access:
 - a. Information held by the State; and
 - b. Information held by another person and required for the exercise or protection of any right or fundamental freedom.

B. FACTS OF THE REVIEW APPLICATION

3. The Commission on 27th April 2026, received an application for review under *Section 14(1) (a)* of the *ATI Act, 2016* from the Applicant to review the Respondent's decision declining to grant access to information on the administrative position of the respondent indicating that Class Q work permits are restricted exclusively to organizations registered under the Societies Act and the legal basis for the permit classes presently being administered as Class P.Q and R permits. The Applicant had sought information through letter dated 10th March 2026.
4. Section 22(3)(a) of *ATI Act, 2016* empowers the Commission to call for information or report regarding a complaint lodged with it from a public entity or private body.
5. Upon receipt of the Application, the Commission through an Access to Information Notice dated 11th May 2026, notified the Respondent of the Application for review pursuant to Section 22(3) of the *ATI Act, 2016* and Regulation 25(1) *ATI General Regulations, 2023* and requested for an Institutional Report or further information relevant to the request.
6. The Applicant through a letter dated 18th June 2026 addressed to the Respondent and copied to the Commission indicated that they had held a consultative meeting with the Respondent where the issues raised were constructively addressed and satisfactorily resolved. They further indicated that they did not intend to pursue the matter any further.

C. COMMISSION DECISION

7. Based on the Applicants advise and pursuant to the powers granted by Sections 22(3)(a)(ii) and Regulation 25(10) of the Access to Information (General) Regulations, 2023, **DECIDES:**

- i. **THAT** the Applicant's Application dated 10th March 2026 has been sufficiently addressed by the Respondent.
- ii. **THAT** the present Review Application stands resolved and marked as closed.

Dated, Signed and **Issued** at **Nairobi** this...**28th** ... day of**JULY**.....2026



DOROTHY JEMATOR
ACCESS TO INFORMATION COMMISSIONER

TAKE NOTICE THAT

Section 23(3) of the Access to Information Act, 2016 provides that ***"A person who is not satisfied with an order made by the Commission under subsection (2) may appeal to the High Court within twenty-one days from the date the order was made."***