



KISII UNIVERSITY
UNIVERSITY EXAMINATIONS

FOURTH YEAR EXAMINATION FOR THE AWARD OF
THE DEGREE OF BACHELOR OF LAWS
FIRST SEMESTER, 2023/2024
(AUGUST-DECEMBER, 2023)

LLBK 412: IMMIGRATION AND REFUGEE LAW

STREAM: Y4 S1

TIME: 2 HOURS

DAY: THURSDAY, 9:00 – 11:00 AM

DATE: 16/11/2023

INSTRUCTIONS

- 1. Do not write anything on this question paper.***
- 2. Answer Question ONE (COMPULSORY) and any other TWO questions.***
- 3. Illustrate your answer with relevant cases and statutory provisions where applicable.***

QUESTION ONE

Mr. Makanyengo Onyango Miguna is a prominent politician in Kenya; and being a Kenyan citizen, he was duly issued with a Kenyan passport by the Department of Immigration under the Jubilee Administration.

Mr. Makanyengo Onyango Miguna later turned out to be critic of the Jubilee Administration's policies in fighting corruption to the extent that he was stripped off his citizenship. This apparent threat to his life compelled him to escape to neighboring Republic of Tanzania through a non-designed border point.

In retaliation to Miguna's escape, the Director of Public Prosecutions in Kenya instituted criminal charges in the Chief Magistrate's Court alleging that Mr. Miguna was liable for a charge of theft of a motor vehicle. Mr. Miguna has dismissed the said charges of theft of motor vehicle as a fabrication.

Upon his arrival in Tanzania, Mr. Miguna applied for asylum due to the perceived threat to his personal life and safety.

The Attorney-General of the Republic of Kenya has now applied to Tanzanian authorities seeking for orders to have Mr. Miguna repatriated to Kenya to face prosecution for theft of a Motor Vehicle.

Mr. Miguna has now approached you for advice as a Legal Counsel specialized in matters relating to International Immigration and Refugee Law. Advise Mr. Miguna on his rights in the light of the 1951 United Nations Convention relating to the Status of a Refugee on the issues of :-

- a) Doctrine on Non-Refoulement **(20 Marks)**
- b) Refugee status **(10 Marks)**

QUESTION TWO

Discuss the meaning of the following terms in the study of Immigration and Refugee Law:-

- i) An Asylum Seeker **(5 marks)**
- ii) An Internally Displaced Person **(5 marks)**
- iii) A Stateless Person **(5 marks)**
- iv) An illegal Immigrant **(5 marks)**

QUESTION THREE

Analyze the circumstances under which a person can become a citizen of Kenya in terms of the provisions of the Constitution of Kenya, 2010 and the Kenya Citizenship Act Cap. 170 Laws of Kenya. **(20 marks)**

QUESTION FOUR

Explain the reasons why Refugees need Recognition and Protection in terms of International Refugee Law, and the Refugee Act, 2006 Laws of Kenya. **(20 marks)**

QUESTION FIVE

Describe the Pull and Push factors of Migration. **(20 marks)**