

**THE INFLUENCE OF IMMIGRATION POLICY AS A COUNTER-TERRORISM  
MEASURE IN KENYA: A CASE STUDY OF JOMO KENYATTA  
INTERNATIONAL AIRPORT**

**CLARA NENLYVE ATUBUKHA**

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## DECLARATION

### Declaration by the Candidate

This thesis is my original work and has not been presented for a Masters of Arts or any other award in any other University.

Sign: .....

Date: .....

NAME: CLARA NENLYVE ATUBUKHA

REG NO: MIR-3-0609-1/2020

### Supervisors

This thesis has been submitted with our approval as University Supervisors.

1. Signature: .....

Date: .....

Name: Dr. Joshua Miluwi

2. Signature: .....

Date: .....

Name: Samuel Muli

## **DEDICATION**

I dedicate my thesis to members of my family, specifically my mother Mrs. Okallo Beverlyne, my father Mr. Okallo Daniel, my siblings Clayne, Cyril, Jules and Tracy. I also dedicate this work to my colleagues at Intrepid Travel.

## **ACKNOWLEDGEMENTS**

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## ABSTRACT

This study aimed at examining the influence of immigration policy as a CT measures in the Jomo Kenyatta International Airport. The objectives of the study were; to assess the influence of CT institutionalization policy on CT measures in Kenya, to determine the influence of documentation issuance policy on counter-terrorism measures within JKIA and to explore the influence of CT legal procedure policy on counter-terrorism measures within JKIA. The study used Securitization, the Instrumental Theory of Terrorism and Meyers' theory of socioeconomic and foreign policy factors shaping immigration control policy. The study targeted 1,900 employees associated with the airport, which led to a sample size of 19 respondents. Case study, qualitative and quantitative research designs were employed. Interview schedules and questionnaires were major data collectors. Analyzing data comprised descriptive and qualitative statistics. The study established 100% of the respondents agreed to the need for counter-terrorism institutionalization policy Kenya being adopted. There was a high efficiency of the organization's handling of cases of undocumented foreigners (refugees and asylum seekers) from countries ranked as high-risk terrorist nations. The organization's handling of cases of undocumented foreigners from countries ranked as high-risk terrorist nations. The study concluded that that the agencies work together to address security issues at the airport, and that the organization is creating awareness in the community. The study recommended enhanced collaboration and cooperation between various security and intelligence gathering agencies with the provisions of the law to step up counter-terrorism efforts at international airports. Measures and systems should also be instituted in airports for deterrence of illegal entry of persons and contraband goods that could otherwise act as agents or enablers of terrorist activities once they enter the country. The airports' management must also strictly adhere to immigration rules by tightening illegal movements of people and goods that could end up being security and terrorist related risks.

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## **ABBREVIATIONS AND ACRONYMS**

ATA	Anti-Terrorism Assistance
ATPU	Anti-Terrorism Police Unit
CT	Counter-Terrorism
DOS	Department of State
INA	Immigration and Nationality Act of 1952
JKIA	Jomo Kenyatta International Airport
KEP	Kenya Entry Permit
KIT	Kenya-In-Transit
KVP	Kenya Visitor's Pass
MAPPA	Multi-Agency Public Protection Agency
NIS	National Intelligence service
SPSS	Statistical Package for Social Sciences
U.S. / US	United States
UK	United Kingdom
UN	United Nations
USA	United States of America
VWP	Visa Waiver Program

## CHAPTER ONE: INTRODUCTION

### 1.0 Background of the Study

In Canada, CT includes preventing provocations caused by individuals engaging in violent exertion in their country or a foreign country. CT involves detection focusing on stopping terrorists, together with their associates, sympathizers, capabilities, and plans; through discourse, intelligence gathering, and analysis for felonious executions. Heightening intelligence capabilities regarding terrorism is crucial; and it includes expanding collaboration, information sharing. It also includes denying terrorists the means of openings that allow them to pursue terrorism. CT mitigates vulnerabilities and aggressiveness, which intermediates terrorist planning. CT involves executing individuals involved in terrorist-related crimes. CT is interested in responding to terrorism attacks and hence responding proportionately and in a systematized manner to terror enabling conditions (Reuben et al., 2021).

Globally, a good case study on immigration policy in India. Between 1980 and 2023, India witnessed over 115 terrorist attacks and threats. Unlike in the past, in recent years, terrorism attacks have become more fatal, with the highest number of incidents being 1025 as recorded in 2016, which also led to death counts being 470 and 702 injuries. These high incidents could be because of India's proximity to countries highly ranked in harboring terrorist cells (Global Terrorism Index, 2022). Therefore, India's immigration policies provide counter-terrorism measures, given its proximity to countries known for harboring terrorist cells are close, with examples being Bangladeshi, Afghanistan, and Pakistani (Global Terrorism Index, 2022). Because of the many terrorism problems, the country has established immigration policies that help it contain and control illegal migrants' entry. Examples of immigration policies include the Citizenship Act of 1955, which has undergone six amendments, including 1986, 1992, 2003, 2005, 2015, and 2019. Another policy is The Foreigners Act of 1946. Amendments included 2015, which instructs the exceptions of entry into India without valid entry documents, and the duties of citizens to report foreigners sheltered by them but are illegally in the country for processing.

In Africa, the threat to the government has been treated as a common crime until recently, and it has been realized that much still needs to be done concerning counter-terrorism measures. According to Nkuna (2020), many developing countries need more resources to address the problem; thus, other foreign countries are involved in counter-terrorism or counter-terrorism plans on behalf of developing countries. Nigeria has been assisted by envoys from France to

develop proper strategies for combating terrorism; through the implementation of the right security bills, e.g., accessing funds from donors to facilitate counter-terrorism measures in the country. In South Africa, the main defence used as a measure against terrorism is policy. Nkuna (2020) adds to the applause the use of CT laws that have been adopted and implemented in South Africa, with examples being the Minimum Information Security Standard (MISS) 1998; the South African Police Act (1995); the National Strategic Intelligence Act (1994); the Employment Equity Act (1998); and the Public Service Act (1994).

In East Africa, many countries use the military as a counter-terrorism measure. In Uganda and Burundi, for example, their armies have notable experience in setting in motion insurgency warfare originating from their protracted civil wars. According to Mohamud (2019), troops demonstrated more flexibility in warfare asymmetry. In Somalia, because of the lack of a CT unit and properly trained police, the country has allowed other countries to deploy their armies within its territories to level and counter-terrorist cells. This new experience proved a valuable element needed in defeating and pushing the Al-Shabaab out of Mogadishu. Kenya's Defence Force is among the military with vast peacekeeping experience and adds to the existing achievement experienced by AMISOM in Somalia (Mohamud, 2019).

In Kenya, terrorism experience is in multiple attacks committed by foreign nationals who gain entry into its territory through airports and borders with neighboring countries, especially Somalia. A number of these terrorists enter Kenya legally as refugees, visiting relatives, tourists, foreign contractors, and business people. Large-scale terror attacks have much more devastating damage, targeting state interests, big private business interests, and more human casualties. In countering this an Executive Order No. 2/2023 formed the Ministry of Interior to coordination of national government. Regarding CT measures, MICNG was mandated to perform various functions, including the registration and immigration of persons. MICNG is mandated to register and maintain a comprehensive check of the population. The MICNG operates through departments such as the National Registration Bureau, which is tasked to identify and register persons by conducting the duty to eliminate illegal registrations.

Additionally, the Department of Refugee Affairs performs the task of identifying refugees, determining their statuses, and issuing their identification cards. Additionally, it recommends Class M authority over refugees, including work permits, issue stamps to allow refugees to live in the country. Additionally, the Civil Registration Department engages in recording of births and deaths. The Immigration Services department is centrally placed to manage the general

immigration services, from reviewing legal migration guidelines, issuing Kenya passports, processing non-resident visas, and granting citizenship to qualified foreigners. The government provides consular services for nationals and foreigners visiting and registering with the embassies, thereby enforcing relevant legislation (Dakane et al., 2021).

According to Dakane et al. (2021), immigration policy is another measure in Kenya's effort of CT. The centrality of immigration policy in national security gained prominence after the 9/11 terrorist attacks in the US that targeted the Pentagon and World Trade Organization and were planned by Al Qaeda outside the territorial boundaries of the USA. Since then, several states have endeavoured to closely monitor the movement of people into their territories with a focus on border control, registration of persons, and issuance of visas (immigration services), which has resulted in many policy changes. After 9/11, policymakers declared transnational terrorism as high threat level threatening global security. Different states coded binary measure, and military involvement from the USA, UK, France among others.

As a CT measure, Immigration policy entails all of those programs whereby countries control the affluence of persons who want to establish hearthstone within their borders rules regarding rights of access to the home (entry and residence), authorization to share in the labour request (work permits), the rights of shelter campaigners and deportees, the rights of emigrants to bring family members (family reunification), and rules for the accession of citizenship by emigrants and their family members (naturalization). Similar rules may be linked to philanthropic 'rights' of individualities (as in the case of shelter and family reunification law) or respond to picky state objects similar to demographic and labor request needs. In such cases, the prohibition of an immigrant is following the immigrant convicted, sentences and imprisonment of offences under certain statute; those who served a minimum of three years; those acquitted by courts of offences regarding invalid immigration status; those suspected of committing offences under international treaties and ratified conventions (Atubukha, 2022).

## **1.2 Statement of the Problem**

Terrorism in Kenya continues because foreign nationals enter the country illegally and conduct acts of terrorism. They use the airports and cross from all entry points, especially using the Somali-Kenya borders in the East and North of Kenya. Examples of terrorists who attacked Kenya as proof that terrorism is a border entry security problem are the '*the White Widow*' a British nationality responsible for the West Gate terrorism attack, and whose point of entry was the Jomo Kenyatta International Airport (Auer et al., 2019). However, because of the presented

problems, the long-term consequence is a possible future attack on the Jomo Kenyatta International Airport. The short-term consequences were the West Gate attack on 21<sup>st</sup>, month of September, in the year 2013 and the Lamu Airport attack in January 2020 (Nyagah et al., 2023).

Even though the study by Auer et al. (2019) was contextually appropriate to the aim of this study, it failed to present the facts about the terrorists' entries into Kenya through entry points which are supposed to be protected against terrorists using existing immigration policies. Atallah (2019) studied challenges facing CT measures but failed to address gaps inside the context of immigration policies documents and interpretations; rather, it addressed the implementation challenges. Adam (2020) analysed cross-border activities based on the context of free trading purposes as a security threat. It failed to capture data regarding the extent the immigration policy was applied. Dakane et al. (2021) studied how illegal immigration affected security in Kenya's North Eastern region. The study did not address JKIA as the study area and the context of the immigration policies in CT, it only addressed national security and never focused on CT measures. The current study will cover the established identified gaps by conducting a study at the Jomo Kenyatta International Airport.

### **1.3 Purpose of the Study**

To examine the influence of immigration policy as a CT measures in the Jomo Kenyatta international Airport.

### **1.4 Specific Objectives**

- i. To assess the influence of CT institutionalization policy on CT measures within JKIA in Kenya.
- ii. To determine the influence of documentation issuance policy on counter-terrorism measures within JKIA in Kenya.
- iii. To explore the influence of CT legal procedure policy on counter-terrorism measures within JKIA in Kenya.

### **1.5 Research Questions**

- i. What is the influence of institutionalization policy on counter-terrorism measures within JKIA in Kenya?

- ii. How does documentation issuance policy influence counter-terrorism measures within JKIA in Kenya?
- iii. What is the influence of legal procedure policy on counter-terrorism measures within JKIA in Kenya?

### **1.7 Scope of the Study**

Immigration policies concerning terrorism activities was examined as the content scope. The study was done within JKIA and interviewed the staff from the Immigration Department at the JKIA in Nairobi as the study area, and the contextual scope. The study targeted the National Intelligence Service (NIS), National Police Service (NPS), JKIA security staff, and the Immigration Department. JKIA was justified as the study area after several threats that were eminently linked back to the airport. One of the terrorists that attacked the West Gate had travelled through JKIA three months before the attack, and in 2016, intelligence was received of a possible attack on JKIA (Cherono, 2016). Thus the reasons for conducting the dissertation.

### **1.8 Limitations of the Study**

The respondents were suspicious of knowing the motive behind the study. The fact that the contents of the study were sensitive raised suspicions, and it needed extreme convincing to get authorization at the top levels. To counter the limitation, the researcher sought an introductory letter from KeMU and permits from NACOSTI.

Encountering COVID-19 limitations. Because the world was trying to curb the pandemic, the staff maintained social distancing and required procedural clearance papers from the researchers. Thus, the study solved this limitation by asking institutions for clearance. Additionally, a drop-and-pick approach was used, whereby interview schedules were issued and collected in 3 to 7 days, to which most were filled. The research conducted the final data collection in the post-COVID-19 era. The researcher had to be vaccinated and followed protective protocols to allow the study to be conducted effectively.

There was a limitation on immigration policy influencing and CT activities in JKIA in Kenya. The content further captured immigration policy on illegal immigrants, terrorism activities, gaps exploited by terrorist groups and organizations, and legislative implementations to prevent or mitigate risks of terrorism activities. The issue was that counter-terrorism was a wide topic that entailed many subjects. However, the researcher decided only to cover the parts that the contents described.



The other limitation was the methodological approach, which required the researcher to collect data from respondents using primary data. The study used a case study research design targeting 1,900 employees and a sample of 19 respondents who filled questionnaires and interviews.

### **1.9 Significance of the Study**

The study is important to policymakers in the government of Kenya, as they will be able to benefit by approaching counter-terrorism from a broader perspective. This means the government is expected to use one or a few approaches to curb terrorism. The study provided findings to government on methods of CT and creating strategy implementation plans for law enforcement and anti-terror units.

The study is also important to academicians and future researchers, as they will be able to benefit from the findings by observing the lack of adequate information regarding the coordination of immigration services and national security and policies on registrations of persons. The inadequacy of such information explained the need for further research. The study was considered resourceful by contributing to knowledge and literature by focusing on how strategic management effectiveness in broadening the understanding of the CT. Further, the study provided information to counter-terrorism practitioners on developing effective security bills to address counter-terrorism efforts. Lastly, the study was able to fill the existing research gap in similar academic researches.

### **1.10 Assumptions of the Study**

The study met the following assumptions: That the study received authorization from the relevant academic institutions, especially JKIA; the respondents were cooperative and knowledgeable about the study; secondary data was required, accessible to the right database or files that informed the study.

### **1.11 Operational Definition of Terms**

**Counter-terrorism strategies:** Britannica Dictionary defines counter-terrorism as an action by a group or army, and such, aimed at preventing terrorist attacks or destroying terrorist networks. Mohochi (2021) defines *counter-terrorism* as all the efforts to prevent terrorism. Counter-terrorism involves using security strategies that include multilateral and bilateral collaboration with like-minded states, institutional building, legislative

reforms, and training of citizens and security personnel on dealing with terrorism. Departments are charged with dealing with threats at the scale of terrorism do. The Department specifically has instructions that guide their actions.

In many cases, these actions are performed through interdepartmental approaches. In the case of this study, the activities being investigated are those of the Immigration Department, Airport Security, the Anti-terrorism Department, the National Intelligence Service, and personnel working within JKIA. In the study, counter-terrorism measures are studied using illegal immigrants, terrorism activities, immigrant terrorist groups and organizations, and risks of terrorism activities.

**Immigration policy:**

By the Collins Dictionary, immigration policy is a set of ideas or plans used to decide whether to allow or reject a person or an action. According to the Cambridge Dictionary, the term immigration policy are sets of ideas and plans agreed by people from the same group subjective to foreign citizens from another country with the aim of controlling movements in restricted or sovereign territories. According to Perez (2015), immigration policy refers to laws a state uses to control an influx of foreign citizens seeking entry and residence within its borders. According to this study, it means laws that govern how foreigners are treated. It acts to identify documented and undocumented persons entering a country. It addresses the rights of persons arriving and living in a country, with another aspect being to prevent illegal residence and entry of unauthorized persons. In the study, immigration policy entails the study of work permit policy, asylum policy, and residential policy. Immigration policy entails documentation issuance, counter-terrorism legal procedure, and counter-terrorism institutionalization policies.

**Counter-terrorism activities:** This refers to issues that departments charged with dealing with threats at the scale of terrorism do; performed using interdepartmental approaches, with examples being rescuing hostages, preventing possible threat, investigating reported terror threats and terrorism acts, auditing risks of terrorism occurring, controlling migration regarded as source of terrorism threat, detecting possible terrorism threats, scanning passengers for risky terrorism equipment or weapon or complementary items (e.g., money being laundered), proliferation, border patrolling, military operations, monitoring possible threats, community policing, e.t.c (Spencer, 2016). In the case of this study, the activities being investigated are those of the Immigration Department, Airport Security, the Anti-terrorism Department, the National Intelligence Service, and personnel working within JKIA. In the study, counter-terrorism activities are studied using illegal immigrants, terrorism activities, immigrant terrorist groups and organizations, and risks of terrorism activities.

**CT institutionalization policy:** This variable refers to adopting policies or existing policies that instruct the formation of organizations mandated to curb terrorism at different levels of operations and governance in a nation (Ateku & Owusu-Mensah, 2023).

**CT legal procedure policy:** In the study, the term refers to processes that are described within the Constitution or by specific policies that guide the investigating, arresting, prosecuting, judging, and sentencing of terrorists and their associates (Meher & Shukla, 2017).

**Illegal immigrants:** According to this study, it refers to people who enter another foreign country from their country without proper documentation and methods (Facchini et al., 2017).

**Documentation issuance policy:** The law refers to passports, visas, and citizenship identifiers for immigrants entering and leaving the country, focusing on

checking and clearing immigrants from terrorism links before issuing them with the document (Mau, 2010).

**Terrorism activities:**

According to this study, it means the actions and conducts by people who aim at attacking other people with the motive of spreading violence, extremism, fear, and destruction of infrastructure for political and religious reasons (Spencer, 2016).

## **CHAPTER TWO: LITERATURE REVIEW**

### **2.0 Introduction**

Theoretical and empirical materials explained the research topic and its selected variables within this chapter.

### **2.1 Theoretical Review**

Securitization Theory, Instrumental Theory of Terrorism, and Meyers' Theory of socioeconomic and foreign policy factors shaping immigration control policy were used.

#### **2.1.1 Securitization Theory**

The securitization theory was formulated by Buzan and Weaver in 1983 and then published in 1995 (Waever, 1996). The theory has undergone several improvements made by Hansen (2000), Wilkinson (2007), and others (Stritzel, 2014). The Securitization Theory argues that government adopts security approaches that correspond with administrative techniques to help assess the influence of policy on illegality. The Securitization approach can be more applicable when provisions are made beyond the limits of subject-object antinomy (a mutual incompatibility of two things). The subject-object antinomy of Securitization is explained in the sense that public and government processes involve actors closely co-existing in policies. The assumptions are; first, states apply securitization to respond to perceived threats and insecurities. The second assumption of the theory is that the process and logic of Securitization are always a source of tension between domestic and international actors. Thirdly, Securitization is an instrument of domestic politics and is used by governments to legitimize their authority and policies, as well as to mobilize public support. Fourthly, Securitization often leads to the adoption of policies that are repressive, exclusionary, and discriminatory. Fifthly, security is the main concern of a state, and the states' primary purpose is providing citizens with security. The sixth assumption is that security threats are real, unpredictable, and complex, and can come from internal and external sources. The seventh assumption is that states must pro-actively protect their citizens from such threats. The eighth assumption is that using military force is a legitimate tool for states to provide security, but it should be used as a last resort. The ninth assumption is that international cooperation is essential for states effectively addressing security threats. The tenth assumption is that states are the main actors in international relations as they have the power to shape the political environment, make and enforce laws, regulate national economies, and defend against outside threats (Buzan & Weaver, 1996).

In this study, the theory was approached in the manner that the terrorist act has already been experienced. Therefore, prevention activities or curbing approaches react to an already performed action. The researcher chose this theory because it explains the need for the government to work with other governments and the public for immigration policy influence to be more effective. Creating the immigration policy requires seeking contributions from all stakeholders, such as Jomo Kenyatta International Airport (JKIA). Lack of involvement could cause the policy to be ineffective in influencing CT measures. According to the theory, four rotation stages make up a cycle of events. The first is the push by the public affected by the insecurity in question, e.g., terrorism. The fact that terrorism has occurred, for example, the Westgate attack of 2013, left many people dead, injured, and property destroyed. This provoked the public to accept the threat as being real and a constructive risk. Because of this, the issue gets pushed to the second stage, terrorism being made security agenda, and therefore passing through policy-making aspects. In this regard, scientific facts are applied, including investigations, the possibility of this threat occurring again, and therefore possible preventions are applied. Here is where the research variables (independent variables are applied).

The process of investigations has found that there was a need to improve CT institutionalization policy, documentation issuance policy, and CT legal procedure policy towards addressing terrorism attacks caused by unprotected or likely sloppy protection. With this being actualized, the theory suggests the third stage, which is the securitization actor; the threat is perceived to exist and stands as a problem that could escalate if not controlled, e.g., lack of implementation of protection of entry points to the country. Then the last stage is the securitization move, which deals with the implementation of the cycle. With the cycle complete, the country is treated as being much safer. However, with the re-occurrence of the threat (terrorism), e.g., in 2019 when Dusit D2 was attacked, the cycle is repeated; that could also make sure that the previously modelled cycle is audited to understand where the previous actions toward solving the problem were wrong. In addition, new input is made to the new threat, increasing the country's protection from the threat.

### **2.1.2 Instrumental Theory of Terrorism**

The theory was proposed by Crenshaw (1987). The theory has undergone several developments from contributions by Bas Van Fraassen in 1980. The theory argues that terrorism is made up of acts resulting from premeditated political influences and decisions by terrorists and governments whose actions increase the development of terrorism. According to the theory, terrorism refers to deliberate actions targeting changes in government policies, with parties

being involved in wars. Decision-making is based on logic of the cost-benefit analysis, evaluating cost and benefits related actions. The theory posited that a terrorists organization gets seeking the attainment of political agenda. Violence from terrorism deliberately aims to achieve political mileage by inflicting fear.

The Theory assumes individuals or groups undertake terrorism to achieve specific goals or demands, such as freedom, autonomy, or recognition. Secondly, the theory assumes that terrorism is rational based on cost and benefit calculations. Thirdly, it assumes that terrorists are rational actors who pursue their goals through purposeful and calculated strategies, tactics, and actions. The fourth assumption is that terrorism is used as a tool of coercion to achieve goals, such as influencing public opinion or forcing governments to make policy changes. The fifth assumption is that terrorists clearly understand their capabilities and the potential outcomes of their actions. The sixth assumption is that terrorists motivated violence seeks to achieve ideological, religious, political, or economic objectives (Strindberg, 2020).

Kenya has dealt with terrorism by acting after an attack has occurred; thus meaning that the policy has gaps that make CT measures weak in dealing with terrorism. The theory touches on the premeditated interest of committing a crime, e.g., terrorism, as this study's main type of crime. The acts of terrorism in Kenya show some similarities in the patterns that they were committed. As such, using this information drives the institutions charged with policymaking to provide policies that act as a solution to terrorism when implemented. The reverse psychology of terrorism behavior involves blocking or entering Kenya airtight. To make this possible, the paper suggested studying CT institutionalization policy, documentation issuance policy, and CT legal procedure policy applied at the JKIA. The results will further recommend that the theory be applied to other variables in studies that curb terrorism.

### **2.1.3 Meyers' Theory of Socioeconomic and foreign policy factors shaping immigration control policy**

Proposed by Meyers (2016), the immigration control policy is decided from interplay between socioeconomic and overseas coverage factors; and the form of migration, i.e., transient labor migration, everlasting varied immigration, similar permanent immigration, and refugees. Meyers considers five socio-monetary and foreign policy elements: The economy, the diverse composition of the immigrating population, wars, the scope of what is foreign, and ideological scope.

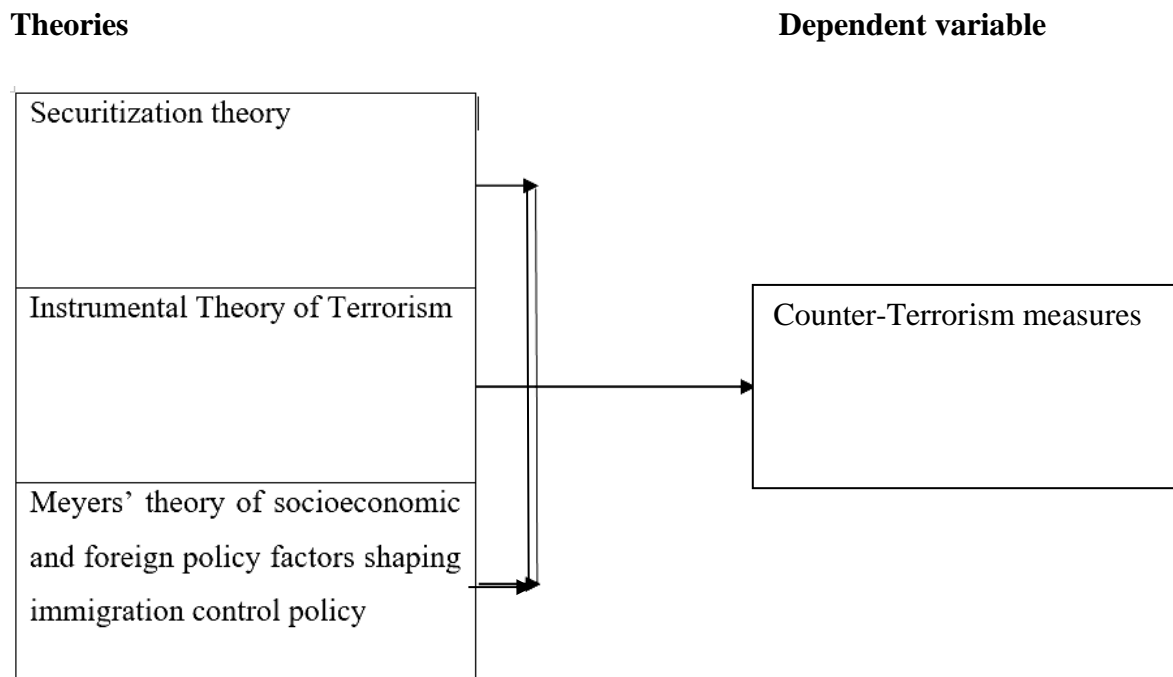
Meyers' socioeconomic and foreign policy theory assumes that socioeconomic development and foreign policy are interdependent. That is, changes in one will affect the other. For example, a nation's economic development can influence its foreign policy decisions, such as engaging in trade or forming alliances. Similarly, changes in the international environment, such as political changes or the emergence of new powers, can shape a nation's economic policies and goals (Meyers, 2016).

The theory applies to the explanation that more effort must be made toward limiting certain social and economic activities for security. Even if these factors are normally conducted through standard processes, they are negatively used by terrorists to commit terrorism. For example, there is a relationship between immigration, asylum, business travel, and terrorism. It is hard to catch suspects of terrorism when they have no background showing this link, especially when they are used for the first time to commit terrorism. In other cases, it is considered a discrimination practice to lock people from a certain country and entry into Kenya based on these countries being related to being a hive of terrorists and terrorism cells, which is an example of the Trump policy that barred several Islamic countries' citizens from entering the United States of America. In line with this example, Kenya has been suggesting and partially applying restrictions towards Somali nationalists from getting into the country. In addition, there have been efforts to close refugee camps and forcefully return refugees to their countries of origin, which especially targeted the Somali refugees, who are the majority in the Dadaab refugee camp. The lesson that this theory teaches the study is that there are strong logical thinking processes the lawmakers and the country need to apply when connecting social and economic factors to policies to stop foreigners from tapping into these aspects that these actions could attract discriminatory ideas from the world community, which is heavily condemned.



**Figure 2.1**

***Theoretical Framework***



***Source: Author (2023)***

**2.2 Empirical Review**

This part of the study reviewed different scholars' views on counter-terrorism activities, immigration policy, immigration policy implication gaps exploited by terrorist groups and organizations, and legislative implementations to prevent or mitigate risks of terrorism activities.

**2.2.1 Concept of Counter-Terrorism**

This section delves into the literature on counter-terrorism efforts and will point to a gap in the literature on how such efforts have been affected by immigration policies in sections 2.2.2, 2.2.3, and 2.2.4.

A study was conducted by Mohamud (2019) on how AMISOM had an influence on the state-building in Somalia from 2007-2019. The main argument was that military action is an effective tool in physically eliminating terrorists, with the case of the Operation Linda Nchi done by Kenya in Somali and one continuing between the borders of Kenya, and Somalia meant to respond to terrorist attacks by the Al Shabaab. Applying security bills to curb terrorism in Africa has not been a priority; because African countries are low-income countries. The

poverty level in most African countries has made it hard to implement different bills that can be used as strategies in counter-terrorism. Since governments are in constant social unrest, political activities have made it hard to focus on bills necessary for curbing terrorism.

Despite the successes of AMISOM in Somalia from 2007-2019 as highlighted by Mohamud (2019) who argued that the main issues is about the resources that are needed to implement successful nation-building projects. He further argues that, AMISOM needs more political will and consistency in advancing the state-building process. Mohamud (2019) continues to argue that AMISOM's inefficiencies are deeply concerned with transitioning from peacekeeping to a state-building mission. Without appropriate and sustainable initiatives to build a strong government and rebuild trust between communities, AMISOM will continue to face difficulties. If it can close the inefficiency gaps, AMISOM's state-building process in Somalia will likely reach its long-term peace and stability goals. The current study will identify how different government regimes and their military use immigration policy as a counter-terrorism tool. The study by Mohamud (2019) could have missed the implementation of CT measures by the military within the Kenyan borders. There were no sample responses to inform the study. This study filled the gap and complemented the study by Mohamud (2019) by conducting quantitative and qualitative research that depended on primary data collection and analysis approaches.

Mythen et al. (2019) conducted a study on the practical challenges Muslim face, which leads to them being branded terrorists and becoming victimized, at risk of misjudgement and mistaken identity, and threats to their safety. Security laws are one of the means of effectively countering terrorism. Despite the policies being informative and properly adopted to suit the country's effort in CT measures, its implementation has continued to discriminate against Muslims; with evidence of forced disappearances, illegal arrests, profiling, intimidations, and extra-judicial killings. This study collected data based on the professionalism of the respondents as it relates to the topic of the study, which is the adoption and implementation of migration policy as a CT measure in JKIA.

### **2.2.2 Counter-Terrorism Institutionalization Policy**

Edna (2020) studied CT multi-agency cooperation in Kenya's aviation industry. Edna's main findings showed there were much stronger and more unified efforts necessary for the long-term sustainability of security in the industry. Formation of stronger collaborative ties between

relevant security personnel in the Police Service, Airports Authority, and Ministry, would enable effective and efficient measures to protect against potential terror attacks.

The investigation also revealed that a lack of cohesive strategies and strategies specific to the aviation sector makes it harder to efficiently detect and prevent threats, resulting in weaker response times in emergency scenarios. To build more robust security measures, the security departments are required to work together in order to understand potential risks and ensure the proper protocols are implemented across all industry stakeholders. Ultimately, Edna (2020) concluded that while the current approach to security in the aviation industry is far from perfect, the implementation of more collaborative efforts across multiple agencies and organizations has the potential to increase security significantly and protect citizens against terrorism in the long term. These initiatives must be undertaken most expeditiously to prevent further incidents of terrorism and ultimately to safeguard the industry against the risks of a heightened threat of terror (Edna, 2020).

Adhiambo's (2016) research focused on the effect of terrorism on the air transport industry within Kenya, and the use of 303 respondents as sample. Through qualitative interviews, focus groups, and content analysis of media reports, the study found that terrorist activities had significant negative effects on the industry, primarily caused by increased travel safety risks, higher insurance premiums, and delays in investment plans. Additionally, it was noted that terrorism had caused travel concerns for potential customers, particularly for travellers who had to make longer international journeys with transfer stops in airports affected by terror activities. Furthermore, terrorism-related instability caused disruptions to services, financial losses, and job insecurity among air transport industry personnel in the region. While the research design adopted by Adhiambo (2016) was appropriate for examining the effects of terrorism on air transport in Kenya, the sample size was too big and, thus, too general in providing findings.

Moreover, the study did not incorporate a comparative analysis to provide a broader perspective on how terrorism had affected other countries' air transport industries. These limitations could be addressed by a future study that takes a wider scope and utilizes a quantitative approach. The study presented many gaps that were to be filled by this study. First, the study had a content gap. It study failed to discuss immigration policy in counter-terrorism despite indicating many travel challenges that increased the risk of terrorism and terrorist using

air travel to and from different destinations. The current study will use JKIA which will increase the analysis of results that are more accurate, focused, and informed.

The study by Omweno (2021) aimed to investigate Kenya's responses to CT using aviation industry security related regulations. The research sample size consisted of 500 airline and aviation professionals. Using a quantitative survey design, the study found that Kenya has implemented an effective mix of policies and regulations to combat terrorism and promote safety in its aviation industry. Moreover, the research identified improved security systems, aviation-specific insurance and efficient communication between stakeholders as critical aspects of the regulations in response to aviation security. The findings from this study offer valuable insights into how Kenya can use a combination of policy measures and regulations to maintain aviation security. The study presented a methodological gap, failing to touch on qualitative data. Therefore, the current study conducted qualitative and quantitative data analysis.

Odhiambo (2019) conducted a study to explore passenger profiling enhancing aviation security within the territories of Kenya. The sample size was 65 respondents from airports. A qualitative research design was used, which consisted of conducting interviews and questionnaires. The study revealed that passengers were averagely screened, and background checks were usually overlooked. Moreover, the respondents argued that profiling techniques were averagely difficult to carry out as there needed to be a database to track passenger activities, making it impossible to evaluate suspicious behaviour. They noted that more resources were needed to strengthen aviation security. Lastly, it was discovered that profiling techniques were viewed favourably as they provided effective risk analysis methods and helped improve passenger security. The current study has complemented the study by Odhiambo (2019) through the adoption of a quantitative research design to address the gap left by only using a qualitative research design.

### **2.2.2 Counter-terrorism documentation issuance policy**

Lebovic (2020) indicate that airport institutional policies often become instruments of passport denial and security regulation using qualitative data collected using interviews and observations, which were conducted on individuals whose passports had been denied in five U.S. international airports like Washington-Dulles, O'Hare International, San Francisco, George Bush, and JFK. The study had a sample size of 23 individuals who varied in gender, age, racial, and ethnic background and whose careers included a variety of fields, such as

doctors, researchers, entrepreneurs, journalists, professors, and military members. The study revealed the frequent and varying ways passport denials had been wielded at airports across the U.S., regardless of an individual's career or country of destination. Furthermore, the findings illustrate that many instances of passport denial have violated an individual's right to free movement as established by international law. Ultimately, the study shows that through passport denials, airports and the state apparatus, including the National Security Agency, use a "hidden and brutal process of legal technicalities, control, and surveillance" to determine who can access the state's infrastructure and privilege to travel freely. The study had a methodology gap, as it was conducted using qualitative research. Lebovic left a contextual gap. This study aimed to investigate findings using mixed research methods.

The research "The Global Evolution of Travel Visa Regimes" by Czaika et al. (2018) investigates the global trend of airport visa policies, seeking to determine the institutional policy trends for air travel visas and restrictions. This was conducted by a survey with a sample size of 256 passengers from 9 airports in Europe, Asia and Latin America, representing various careers and educational backgrounds. The research design employed by the authors utilized a content analysis method with interviews with respondents from various airports to collect qualitative data on current trends in airport policies. There was a positive correlation displayed in relationships analysed between airport regulations and global economic activity. Visa policies for airports tend to be tailored in line with changing global economic activities. The authors of this paper concluded that airport authorities need to be mindful of global economic activity to adjust and shape their respective visa regulations. These findings provide important insights into how airports shape their visa policies, emphasizing the importance of having clear visa requirements to help accommodate travellers and avoid potential difficulties and issues. The study left a contextual gap by studying airports in Europe, South America and Asia. By conducting the study in Kenya and at the JKIA, the current study filled this gap. The study also had a methodological gap, as it used a qualitative research design. By doing a quantitative research design, the gap will be filled. The study also used passengers as the sample, which might have led to inaccurate data. The current study will use security professionals and personnel working inside JKIA.

Avdan (2014) research sought to uncover the link between visa, passport and citizenship policies and their impact on interdependence, transnational terrorism and access to the territory. A total of thirty respondents in airports located in two different countries were sampled in the study. Respondents were mainly engaged in business, hospitality, technology, law and civil

service careers. Through a survey research, quantitative data collection was conducted. The study found that many respondents felt that more stringent rules regarding issuing passports, visas and citizenship were needed to reduce the risk of transnational terrorism and strengthen economic interdependence. Most respondents agreed these policies should be enforced at airports to prevent unauthorized individuals from gaining access to foreign territories.

Additionally, it was found that the existing rules and regulations regarding visa and passport issuance could have been more effective and could be improved to provide greater security and interdependence. The study results have implications for policymakers as they need to develop more robust policies and implementation procedures to control access to foreign territories and prevent potential terrorist threats. The study's respondents were not attached to the security department and, thus, could not address CT-related activities. The current study conducted a study that used security personnel within JKIA to inform the study.

#### **2.2.4 Counter-terrorism legal procedure policy**

Mwangi's (2022) study focused on judicial activism, CT, and populism policy within Kenya. The research involved a coalition of three organizations – CORD, two others – and ten others, represented by the Republic of Kenya. Sample equalled 300 respondents sourced from airports throughout Kenya. Using exploratory research design, qualitative data was collected. The research found that the judicial policy was not implemented with great consistency and reliability.

Additionally, the research revealed that most counter-terrorism legislation lacked depth and tended to overlook the factors that affected terrorist networks, particularly those involving rural areas. Finally, the research demonstrated that populist opinions often influenced the views of those responsible for overseeing judicial processes and legislation. The findings from the study can be utilized to strengthen legal practices in Kenya and ensure that legislation is appropriate and effective in dealing with the nation's terrorist threats. The study presented a contextual gap as its sample was not linked to security personnel but to personnel in the legal department. Therefore, the current study introduced security personnel as respondents to complement the procedure of arresting and prosecuting terrorists from JKIA and other airports. The study also presented a geographical gap, as it failed to determine the cases conducted against suspected terrorists arrested at the JKIA as the study area.

The study by Imran and Rahim (2021) focused on examining how criminal justice effectively challenged terrorism within Pakistan. The research took a qualitative approach, utilizing 50 respondents as a sample size from the airports in Pakistan. The respondents viewed the judicial process as weak and experienced many difficulties when holding criminals accountable for their actions. Respondents noted a lack of due process, education and awareness about relevant laws, and inconsistent sentences and verdicts, among other issues. They also pointed to an insufficient criminal justice system, which allows many offenders to evade consequences, ultimately leading to more violence and terrorism. In response, the authors suggest improved resources and efforts to strengthen criminal justice in Pakistan and greater investments in public education to prevent crimes and reduce terrorism. The contextual scope left a gap by focusing on Pakistan. The current study was done in Kenya, particularly within JKIA. The study also had a methodological gap by investigating using qualitative research design only. This gap was filled with the use of Qualitative and quantitative research designs, and thus an introduction of quantitative methods and data using primary data collection questionnaires.

Stolzenberg et al. (2021) researched to evaluate the relationship between criminal records and the probability of arrest. The research had a sample size of 35 respondents examined in six major metropolitan airports across the country. All the respondents had varying experience levels in careers such as police officer, fire fighter, pilot, or military officer. The research design was descriptive and quantitative. In this research design, variables were quantified to correlate between prior criminal records and probability of arresting persons considered high risk by airport systems. It was established that passengers with prior criminal records got a more likely probability of being arrested. High arrest probability insignificantly varied with experience of the police officers, fire-fighters, pilots, and military officers. On content gaps, Stolzenberg failed to address procedures of arresting and court cases related to terrorism- crimes. Stolzenberg had a contextual gap as it failed to address a study in Kenya, and thus the reason for the current study.

### **2.3 Summary of Empirical Study and Research Gaps**

On CT measures, Mohamud (2019) studied armies as a measure of CT in Somalia between 2007 and 2019. The study failed to capture the use of military and other departments within JKIA, and thus a geographical and methodological gap. Mythen et al. (2019) studied practical challenges Muslim face in the UK. However, it left a contextual gap, and a content gap (used a sample of Muslim immigrants only). Concerning institutionalization policy, Edna (2020) studied multi-agency cooperation on CT within the aviation industry in Kenya. It left a

geographical gap (not a case study of JKIA), a methodological gap (used quantitative data only), content gap (no relationship between immigration policies and CT), Adhiambo (2016) investigated the effect of terrorism on the air transport industry in Kenya. The study had a content gap (not done on immigration policies and CT); methodological gaps (no quantitative data); contextual gap (not done in JKIA alone). Omweno (2021) investigated Kenya's legal and regulatory CT approach towards the aviation sector. The study showed a methodological gap (no qualitative quantitative data) and contextual gap (JKIA not being the case study). Odhiambo (2019) studied passenger profiling CT measures within Kenya. The study had methodology and contextual gaps (not done in JKIA, and lacked quantitative data).

Regarding documentation issuance policy, Lebovic (2020) studied passport denial and national security, an application on the airport institutional policies in the USA. There was a contextual gap (no data on Kenya), and a methodological gap (no quantitative data). Czaika et al. (2018) investigated the global trend of airport visa policies through institutional policy trends for air travel visas and restrictions. There was a methodological and contextual gap (not done in Kenya, failed to use security related personnel within JKIA, and no quantitative data). Avdan (2014) studied the link between visa/passport/citizenship policies and transnational terrorism. The study left a contextual gap (not conducted on JKIA security). Regarding legal procedure policy, Mwangi (2022) researched judicial activism, CT and populism laws within Kenya. There was a contextual gap (not conducted in JKIA), methodological gap, (no quantitative data and respondents having no security career background). Imran and Rahim (2021) studied criminal justice system's effectiveness and challenges against terrorism within Pakistan. There was a methodological gap (not conducted using quantitative data), and a contextual gap (not conducted in Kenya). Stolzenberg et al. (2021) researched the relationship between criminal record and the probability of arrest. The study had a methodological gap (non-qualitative data was used) and a contextual gap (not using JKIA as a case study).



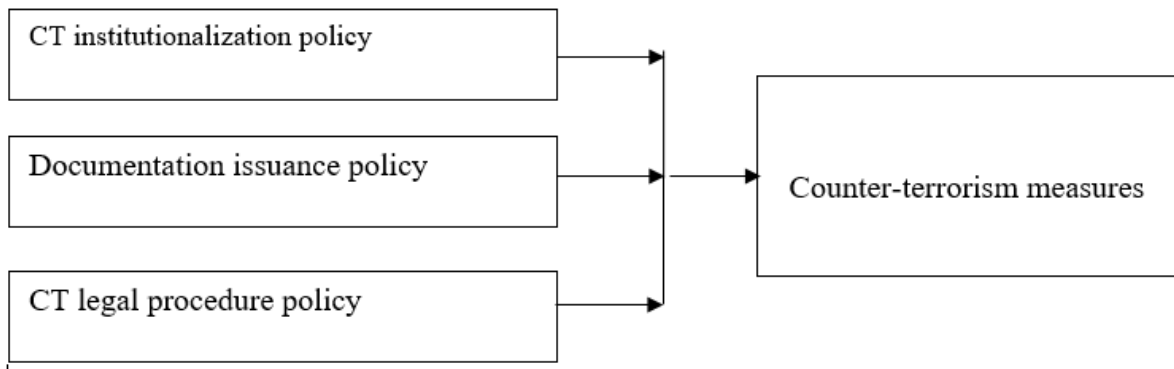
## 2.4 Conceptual Framework

Figure 2.2

### *Conceptual Framework*

#### **Independent Variable**

#### **Immigration Policy**



*Source: Author (2023)*

In Figure 2.1, the IV was immigration policy, while the DV was counter-terrorism measures. Immigration policy (which was measurable through CT institutionalization policy, documentation issuance policy, and CT legal procedure policy) which affects counter-terrorism measures (measured by illegal immigrants, terrorism activities, immigrant terrorist groups and organizations, risks of terrorism activities).

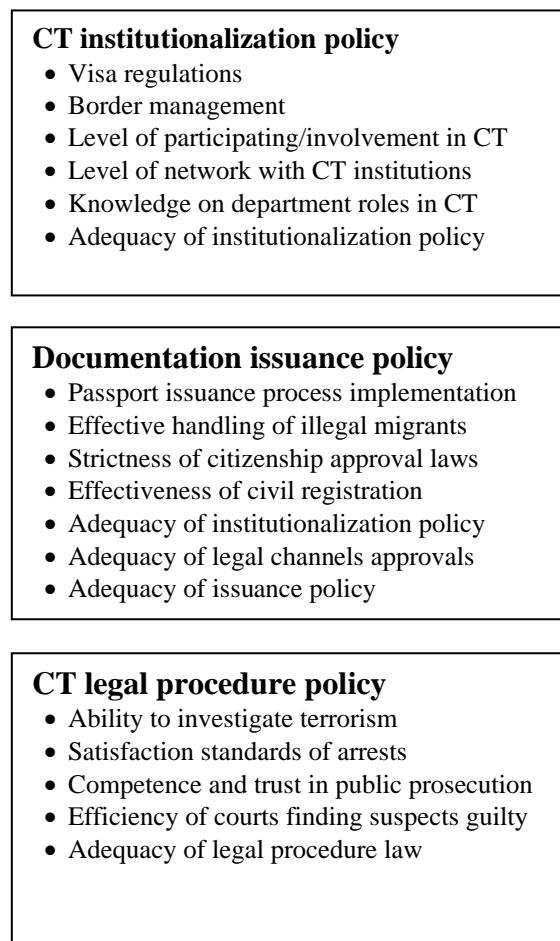
## 2.5 Operationalization of Variables

Figure 2.3

### *Operationalization Framework*

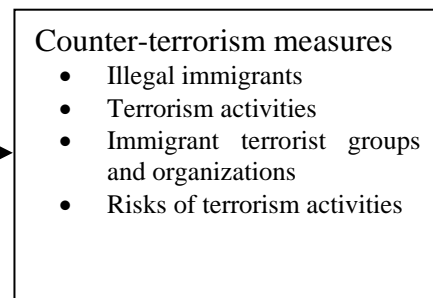
#### Independent Variable

#### Immigration Policy



#### Dependent Variable

#### Counter-terrorism measures



*Source: Author (2023)*

CT institutionalization policy will be measured using visa regulations, border management, level of participation/involvement in CT, level of a network with CT institutions, knowledge of department roles in CT, and adequacy of institutionalization policy. Documentation issuance policy will be measured through passport issuance process implementation, effective handling of illegal migrants, the strictness of citizenship approval laws, the effectiveness of civil registration, adequacy of institutionalization policy, adequacy of legal channels approvals, and

adequacy of issuance policy. CT case procedure policy ability to investigate terrorism, satisfaction standards of arrests, competence and trust in public prosecution, the efficiency of courts finding suspects guilty, and adequacy of legal procedure law. Finally, counter-terrorism measures will be measured through illegal immigrants, terrorism activities, immigrant terrorist groups and organizations, and risks of terrorism activities.

## CHAPTER THREE: RESEARCH METHODOLOGY

### 3.1 Introduction

Research design, target population, sample procedure, instruments, data collection methods, operational matrix, and data analysis methods formed parts of the chapter.

### 3.2 Research Design

Using a case study, the study analyzed findings from a single organization or institution. The design applied to qualitative and quantitative methods of data collection and analyses (Shorten & Smith, 2017). A study that uses interviews and closed-ended questionnaires fit the mixture of qualitative and quantitative research designs. To begin, qualitative research refers to an approach that collects and analyses non-numerical data such as opinions and experiences.

Qualitative data was recommended due to its ability to investigate backgrounds concerning the research problem and its strong intention of retrieving information for further research. The study collected data and presented trends that exist and therefore predict the future outcomes that were likely to occur, and therefore recommend the right policy, practice and academic approaches to the problem being studied. The collected data was made for the purposes of comparing all the studies. Qualitative data allowed in-depth analysis of the respondents views. (Shorten & Smith, 2017).

According to Shorten and Smith (2017), the quantitative research collects data from closed-ended questions which was used to explain the correlation between immigration policy (IV), and counter-terrorism (DV) within questionnaires.

### 3.3 Target Population

Willie (2022) defines target population as the number of people/items in totality. The study population is 1900 employees of the Airport, as provided by the Kenya Airports Authority (2021) as shown in Table 3.1.

**Table 3.1**  
***Study Population***

<b>Department</b>	<b>Population</b>
Board of Directors (BoD)	12
Managing director	1
Executive (Exclude Managing director and BoD)	76
HRM and Adm. Division	127
Finance Division	153
Corporate Services Division	25

Operations Division	945
Infrastructure Division	119
Engineering Services Division	122
Legal Services Division	105
Internal Audit Dept	25
Security Services Dept	190
<b>Total</b>	<b>1900</b>

*Source: Kenya Ports Authority HRM (2023)*

### **3.4 Sampling Procedure**

Oribhabor and Anyanwu (2019) defined sampling as selecting subjects as a representative of a population. A sample is thus a portion of a population in question, depending on what the researcher studies. Sampling secures a representative group for collecting information that reflects the entire population. The paper conducted sampling using scientific methods. The study first used the Mugenda and Mugenda (2003) formulae to calculate the sample size.

The 1900 people are working in JKIA. They have the right working experience, and the study is interested in informing the findings. The study also sought to address specific respondents inside the population.

#### **3.4.1 Sample Size**

According to Oribhabor and Anyanwu (2019), when a population is below 10,000 requires a scientific sampling formula based on the size and nature of the subject being studied. Mugenda and Mugenda (2003) formulae explains that when a population is below 100, 100% is used as a sample; when a population is between 100 and 999, 30% is used as a sample; and finally, when the population is more than 1000 or between 1000 and 9999, the sample size is 10%. In this case, the population is 1900, which means that 10% is adequate for the study. The total population's result was 1900. Given the research was on immigration policy as a CT measure within JKIA', the Department of Security produced 19 employees as a sample size as in Table 3.2.

**Table 3.2**

***Purposive Sampling***

<b>Department</b>	<b>Population</b>	<b>Sample size</b>
Security Services Dept	190	19
<b>Category</b>	<b>Sample size</b>	
NIS departmental staff representatives	5	
JKIA security department staff representatives	3	
Ministries of Immigration and Registration of Person staff representatives	1	
Kenya Police Service department staff representatives e.g.		
Kenya Airports Police Unit	5	
DCI	3	
Anti-Terror Police Unit staff	2	
<b>Total</b>	<b>19</b>	

*Source: Author (2023)*

**Purposive Sampling Techniques**

Campbell et al. (2020) defines purposive sampling as identifying the respondents with the required information that needs extra knowledge and experience. The selection was based on the superiority of the people working in the selected categories. Purposive sampling is an extremely useful tool for researchers studying topics that require specific targeted groups for accurate and reliable results. With the constantly evolving challenges to global airport security, purposive sampling allows researchers to identify a more suitable and meaningful sample of respondents.

**3.5.1 Validity**

Validity involves assessing the differences in measures and interpretation of questions by respondents despite them using the same collecting or measuring instrument (Jilcha, 2020). Validity measures if the contents of data collecting instruments inform the researcher's intentions. To attain higher validity, an instrument of data collection is constructed by consulting the university supervisors and statically or research experts.

To make this possible practically, the researcher first prepared instruments for data collection. The researcher proposed the collection tools to the supervisor. The supervisor looked at them severally while telling the researcher the correct and incorrect sections and questions. The supervisor used professional data collection experts because of many years of working and

teaching experiences and publication experiences. The study tapped into this expertise to perfect the data collection instruments. The researcher approached people with backgrounds in airport security and immigration policy that applied to airport operations. In doing so, the researcher used information from the experts in similar study areas to improve on the contents that required research questions.

### **3.5.2 Reliability**

Bolarinwa (2015) explains reliability as the consistency of questionnaires, in that when tested, items can individually score relatively similar results with a test-retest method, thus considered as being stable. To test the reliability of research instruments, the test and the re-test method gets employed in conducting pilot studies. Revisions were made appropriately based on the staff's recommendations in the various institutions.

Piloting was done using the questionnaires and interview schedules tested on respondents. The study area was the Moi International Airport in Mombasa. The purpose was to evaluate the questions' relevance, clarity, comprehension, and meaning. Piloting ensures researchers ascertain instrument reliability (Muiruri et al., 2016). During pilot studies, the researcher targeted 19 respondents. These are presented in Table 3.3.

**Table 3.3*****Target Population for Pilot Study***

<b>Category</b>	<b>TP</b>
NIS departmental staff representatives	2
MIA security department staff representatives	3
Ministries of Immigration and Registration of Person staff representatives	1
Kenya Police Service department staff representatives e.g., Kenya Airports Police Unit	5
DCI	3
Anti-Terror Police Unit staff	2
<b>Total</b>	<b>19</b>

*Source: Author (2023)*

The researcher first issued the respondents the research instruments during the pilot study. The researcher performed all the research procedures proposed for the study, with the respondents being made to know it was a pilot study. After the data was collected, the researcher conducted data entry and then data analysis for reliability purposes. The researcher emphasized using data analysis tools readily available through a statistical software. In doing so, the researcher used the Crombach alpha co-efficiency test. This test looked at ensuring that all the entries made per objective were a value above 0.7, which was considered reliable enough. Any value below this was checked against, with the comparison, being analyzed more to evaluate frequencies and percentages produced, which showed the variations that caused the drop in reliability results. The researcher used the outcome of the comparison to correct the research instrument. The major problem with this drop was explained by the possibility of the researcher including the wrong respondents (those not experiences or knowledgeable about the questions asked), the possibility of the question being negative and others being positive and vice versa; there was also the possibilities of the data collection instrument being entirely a reflection of conflicting information with regards to the operations not being in line with the contents of the study. These were the avoidances that the reliability test sought to address.

**3.6 Methods of Data Collection**

A university approval got acquired through an introductory letter; dated 29 November 2021 that kick off processes of collection of data. The researcher sought appointments with the respondents through their authorities and the administration organizations where the respondents were stationed. The researcher then collected a research permit from the Kenya Airports Authority (JKIA/JKIA/10/16/8); dated 14 February 2022. The researcher then



conducted the data collection process on 14 February 2022. The researcher and respondents met according to appointments.

Data was collected using closed-ended questionnaires administered to all respondents, including the Kenya Police staff/National Air Support Department, NIS staff, JKIA security staff, and the Immigration Department staff. Closed-ended inquires gave on-point information, minimized bias, and sped data analysis. The questions asked entail information about the specified objectives. There was a used of statements, which prompted respondents to agree or disagree (Appendix 3).

The researcher used interview schedules on all the respondents, including the Kenya Police staff/National Air Support Department, NIS staff, JKIA security staff, and the Immigration Department staff. The type of interview method was unstructured. Unstructured interviews entail collecting open-ended findings that are long explanations of the questions asked rather than a yes or no answer. The interview was divided in five: A-Background Information; B-CT Institutionalization Policy; C-Documentation issuance policy; D-CT Legal Procedure Policy; and E-Counter-terrorism Activities. The researcher went to the study area. A call was made, informing respondents that it was time for data collection. Respondents free to take the interview invited the researcher to their offices or during breaks in social halls and relaxing lounges. The interviewer and interviewee met, greeted, and the researcher presented the respondent with consent forms to have them sign or verbally agreed upon. The researcher presented the interview schedules as a one-on-one interrogation whereby the researcher asked the respondents questions. The researcher listened as the respondents answered and took notes of the points the respondents were giving. Each interview took up to 30 minutes.

### 3.7 Operational matrix

The study presents the operational matrix in Table 3.4.

**Table 3.4**

*Operational matrix*

Variable	Types of variables	Measures	Level of scale	Approach of analysis
Immigration policy	Independent variable	CT institutionalization policy Documentation issuance policy CT legal procedure policy	Nominal Ordinal Interval	Descriptive and Inferential

Counter-terrorism Activities	Dependent variable	Illegal Immigrants Terrorism activities Immigrant terrorist groups and organizations Risks of terrorism activities	Nominal Interval Ordinal	Descriptive and inferential
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*Source: Author (2023)*

### 3.8 Methods of Data Analysis

The filled interviews and questionnaires received were referenced, coded and data entered into statistical software. Data was cleaned, checked for errors, and analysed through descriptive statistics, thereby producing frequency and percentage displaying tables and graphs. The use of descriptive statistics (Mugenda & Mugenda, 2003). The study conducted an inferential analysis of multiple regression Analysis (MRA) nature and results in the statistics addressed the existing relationships between the IV and DV as per the equation:

$$Y = \beta_{\alpha} + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \beta_4 X_4 + \epsilon \dots\dots\dots \text{Eq1}$$

Whereby,

Y - DV (Counter-terrorism activities)

X - IV (Immigration policy)

$\beta_{\alpha}$  - Constant

$X_1$  - Institutionalization policy

$X_2$  - Documentation issuance policy

$X_3$  - Legal procedure policy

$\epsilon$  - Margin of error

## **CHAPTER FOUR:**

### **DATA ANALYSIS, PRESENTATION AND INTERPRETATIONS**

#### **4.0 Introduction**

This chapter covered response rate, analysis of demographic information, and finally, the analysis of the specific information, including the influence of CT institutionalization policy on CT measures at JKIA in Kenya; the influence of documentation issuance policy on CT measures at JKIA in Kenya; the influence of CT legal procedure policy on CT measures at JKIA in Kenya; CT measures at JKIA in Kenya; and regressions.

#### **4.1 Response Rate**

There were 19 respondents sampled. During the data collection process, the researcher retrieved 15 interviews, an equivalent of 78.95%, considered adequate to proceed with analysis as per Mugenda and Mugenda (2003) who suggested 50% to 69% (being adequate) and 70% to 100% (being very good).

#### **4.2 Demographic Information**

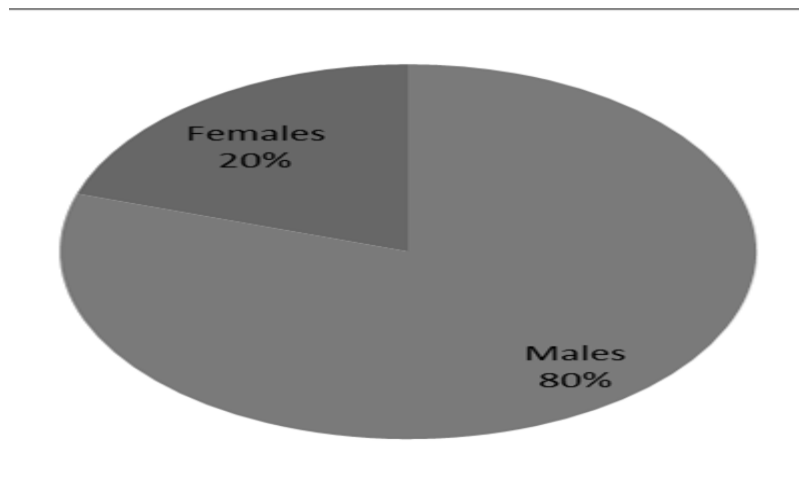
This section entails the analysis of gender, age, education, and positions the respondents held in the study area or organization during the data collection process.

##### **4.2.1 Gender**

Presented are the researcher's findings relating to age (Figure 4.1).

**Figure 4.1**

*Gender of the respondents*



*Source: Author (2023)*

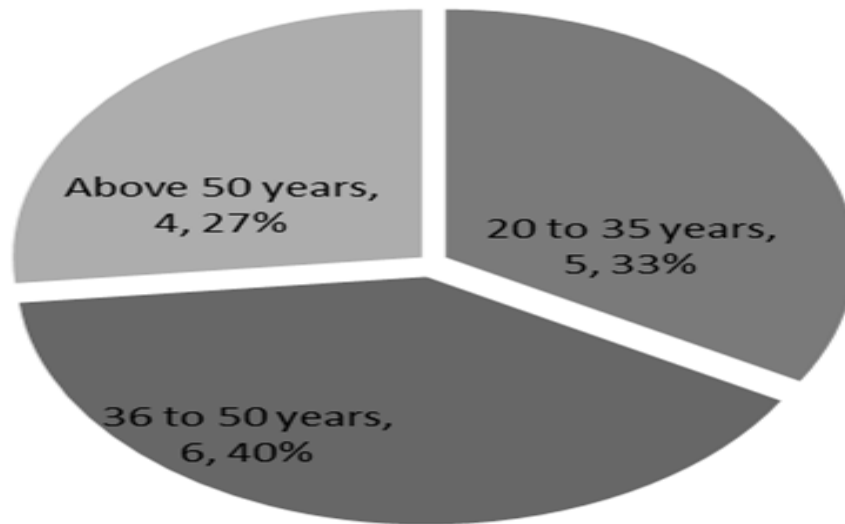
Majority (80%) were male, followed by 20% of women. The researcher's aim was met with the study having collected the research data from male and female respondents. However, it was not the actual representation of the constitutional recommendation of at least 1/3 female gender rule; thus meaning the organization the study was conducted in was male-dominated, especially at the management level. However, the result showed evidence of the researcher's effort to avoidance of total gender bias.

**4.2.2 Age**

To collect data, the researcher strived to make sure that different age brackets are represented (Figure 4.2).

**Figure 4.2**

*Age of the respondents*

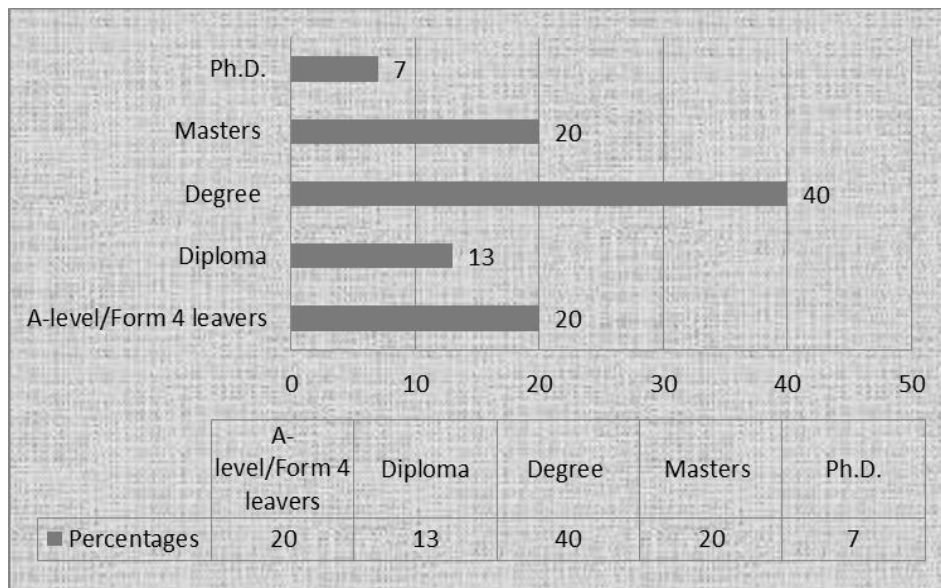


*Source: Author (2023)*

Main findings were that a majority (40%) of respondents had ages between 36 and 50 years, then 33% between 20 and 35 years, and 27% had over 50 years. The main finding implied that the organization, especially the management department, was occupied by people who were not youthful and not elderly. This was seen as an organization that aimed at attracting more people with the latest skills in the market, the latest education certificates, and the urge to introduce innovation towards the growth and development of the organization. It also meant the organization employed people with average experience and increased their experiences with further training, yet tapping into their freshly acquired knowledge and education and youthful activeness to increase organizational operations.

### **4.2.3 Education**

The study aimed to investigate the respondents based on their education levels (Figure 4.3).



*Source: Author (2023)*

Most respondents (40%) were holders of degrees. On the other hand, 20% had obtained A-level or form four certificates, another 20% had a Masters' level of education, 13% were diploma holders, and 7% were PhD holders. The main finding coincided with the interpretations of the previous section's findings on the respondents' age. The main finding means that the majority of employees of the organization have the required levels of education suitable for operations within the organization and respective departments. The respondents were learned enough to have a proper contribution towards this study. They also showed evidence of having a reliable response that was considered effective in meeting a Cronbach alpha coefficient above the recommended threshold. Generally, the results showed that the researcher was not biased regarding education levels when selecting the respondents.

#### 4.2.4 Position and organization affiliations

After investigations, findings were posted on positions and organizations affiliated with (Table 4.1).

**Table 4.1**

*Position and organization affiliations*

<b>Organization</b>	<b>Position</b>	<b>Percentage (%)</b>
JKIA	DCIO	6.67
NIS	Internal Intelligence Division Officer	6.67
Asset Recovery Agency	Investigative Agent	6.67
KPS	Inspector	6.67
GSU	Investigator	6.67
DCI-ATPU	Detective & investigator	13.34
NPS-DCI	Sergeant & investigator	13.34
KAA	Supervisor, Assistant Security Manager, Aviation Security Officer/Supervisor	20.01
National Police Service (NPS)	Accident investigator/records, Corporal, Constable	20.01
<b>Total</b>		<b>100.0</b>

*Source: Author (2023)*

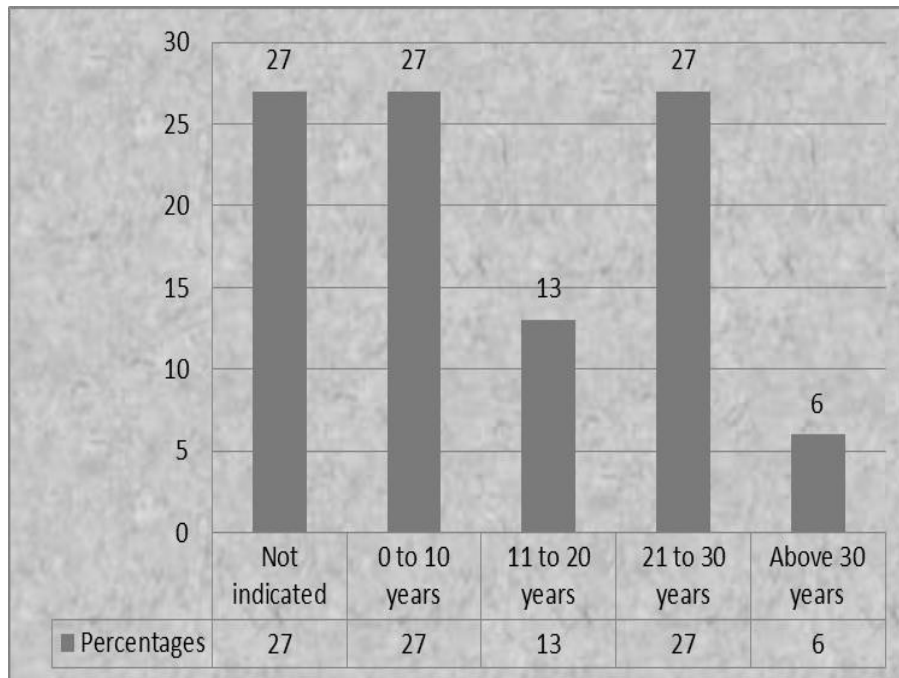
As indicated in table 4.1, all the organizations involved in the study were fairly represented in terms of sharing of crucial information for answering the research questions. The respondents were tabulated based on their organizations and ranks as this was important in reflecting the credibility of the data collected and its relevance in addressing the research objectives. At least 6.67% representation was obtained from all the organizations, with KAA and the National Police Service (NPS) providing the highest number of respondents with a tally of 20.01%.

#### 4.2.5 Working Experiences

The study presented results relating to working experience (Figure 4.4).

**Figure 4.4**

*Respondents' working experiences*



*Source: Author (2023)*

A majority (27%) of respondents shared 0 to 10 years' worth of working experience. A similar number (27%) had 21 to 30 years of working experience, followed by 27% who did not indicate, 13% who had 11 to 20 years of experience, and 6% who had above 30 years. The study indicated that many respondents shared adequate experienced required to inform of happenings within the study area. The researcher also ensured the study was not biased when selecting the respondents, as it collected data from all the working experiences to get the mixture of data required for data analysis.



### 4.3 Influence of CT institutionalization policy on CT measures at JKIA in Kenya

**Table 4.2**

*Influence of CT institutionalization policy on CT measures at JKIA in Kenya*

Statements and main findings	Not in agreement (%)	Responses/ Agreement (%)
Counter-terrorism institutionalization policy Kenya can adopt	0	100
Reducing terrorism attacks	79.79	20.21
Effectiveness of Departments	73.32	26.68
Organizational effectiveness in national security concerns related to foreign persons passing through JKIA and other airports	26.63	73.37
Institutional roles in border management and coordination from the Constitution of Kenya 2010 and relevant laws perspective	26.63	73.37
Institutions' involvement in CT measures according to the Kenyan Constitution 2010	26.63	73.37
Organization has a deep network with other organizations in mandates to counter-terrorism measures	26.63	73.37
<b>Mean</b>	<b>37.09</b>	<b>62.91</b>

*Source: Author (2023)*

#### 4.3.1 Recommendation for counter-terrorism institutionalization policy Kenya can adopt

When asked to recommend a CT institutionalization policy, 100% of the respondents said that the current policy is efficient. A 100% of the respondents stated the agencies work together to address security issues at the airport, and the organization is creating awareness in the community. The finding aligns with Musoma (2020), who explained that most respondents (37.7%) agreed to use laws on weapons and instruments causing violence. Another majority (44.2%) strongly agreed to the unification (multi-agency approach), prevention, punishing and combating terrorism. Most (44.2%) respondents strongly agreed that Kenya is part of several international communizing laws on extradition, intelligence distribution, multi-agency approaches, and joint operations centres.

### 4.3.2 Roles towards reducing terrorism attacks

On the efforts of KAA in reducing terror attacks, 20.21% of the respondents stated that the airport has managed to put up mitigations, including screening equipment to deter possible attacks. It also emerged that the airport has security personnel trained to adequately on issues of CT. Awareness programs exist for security personnel and stakeholders and the working of multi-agencies as an approach towards curbing terrorism. Finally, the findings showed that there are constant patrols in place. The respondents agreed with screening to deter devices and further stated they are using technologies that include CCTVs. They conduct patrols, and the airport uses coordinated specialized agencies in the position of duty, e.g., the GSU, DCI, NIS, KAPU etc. At the same time, 73.37% of the respondents stated the airport deals with access controls, which usually involve using a physical barrier, e.g., roadblocks, heavy concrete, metallic entrances, fences, police at guard of entries, checkpoints, identification of people, and biometric locks. There is also the training of personnel on security issues, trends at international levels, and certifying 2-year government training programs that align with the duties of providing or contributing to security within the airport. Furthermore, 20.21% of the respondents stated that they had roles in deterring, detecting and preventing terrorism by acting against it. They conducted screening of passengers and airport resources, with the inclusion of baggage. They patrolled and did surveillance at the airport. 100% of the respondents mentioned one thing in common: screening passengers and luggage was the most used and effective step to reduce terrorism.

The finding was supported by Lee and Jacobson (2021), who had a study to analyse aviation checkpoint queues impacting screening. The study established that passenger screening on arrival refers to joining a queue for primary and secondary screening, whereby passenger baggage undergoes screening in routine devices, e.g., a magnetometer and X-ray machine. Selected passengers get directed for secondary screening on specialized devices, while non-selected from the primary screening exit the screening process, or non-selected from primary screening with the possibility of threats (small proposition but still needing extra screening) are directed to the secondary screening. Another study by Odhiambo (2019) on the uses of passenger profiling in enhancing aviation security in Kenya found within JKIA uses Computer Assisted Passenger Pre-screening System (CAPPS), that contains data in a passenger's Passenger Name Record (PNR), e.g., their sex, age, whether accompanied/not accompanied, if baggage was checked/unchecked, payment methods, payment place and time, boarding

sequence, and selection of seat, among others. Therefore, on arrival, the system seeks to match patterns of PNR data and intent of travelling. CAPPs data matching profiles leads to the flagging of passenger for further screening. At the same time, CAPPs informs authorities of passenger travel patterns. CAPPs II was used for passenger information collected by travel agents to make reservations. CAPPs II checked passenger information government and commercial databases to see if they were at the security screening place. CAPPs II uses multiple outsourced databases.

#### **4.3.3 Effectiveness of Departments**

A 26.68% of the respondents said their department is very effective in deterring and preventing terrorism. The respondents also stated that measures put in place, resources, and equipment or technologies to aid in security are responsible for the department's effectiveness. The respondents stated that the effectiveness of his department is very high, and this was made possible through the special skills needed to be put together; this was also made possible through multi-agency approaches to detect crimes and criminals. The respondents thought that the department was very effective. The respondent further suggested that security systems, scanners, CCTVs, and other technologies were the reason for the very efficient operations. It was also found that the National Security Officers were responsible and the backbone of the organization's security efficiency.

All the respondents suggested the department they were working in was very effective, which complies with findings from Agoi (2023) on the critical success factors of the Kenya Airports Authority. The study established that KAA had trained personnel in specific security areas to mitigate airport risks. The KAA has made use of and installation of screening procedures. They have installed surveillance, e.g., CCTV. They have ensured the reporting of high-risk/pilferage cargo. The KAA has enhanced the demolition of settlements near airports to prevent the harbouring of terrorists near the airports.

#### **4.3.4 Responses on open-ended questionnaires**

##### **Responses on organizational effectiveness in national security concerns related to foreign persons passing through JKIA and other airports**

There were 73.37% of the respondents who stated that NIS cooperates with other agencies and assists them in ensuring that security matters are taken seriously for purposes of national interest. The respondents revealed that the agency secures illegal cash transit through the JKIA and fights against crime as key financiers are flagged, arrested and cash frozen, reducing money

laundry. The respondents mentioned insufficient personnel and limited resources as ongoing ineffectiveness. The respondents stated all personnel have excellent training and equipment. The respondents mentioned screening passengers, beefing up patrols, checking documents, monitoring movements through CCTVs, and checking languages. The respondents had yet to answer this. The respondents acknowledged the enforcement of National and international laws and regulations/promoting/protecting the rights and fundamentals of freedoms as enshrined in the Bill of Rights. The respondents opined it is very effective. The respondents stated the use of proper screening and checking documents. The respondents revealed they have sniffer dogs to ensure the safety of luggage and bomb experts to ensure suspected luggage is examined. The respondents explained it ensures persons found within JKIA illegally are presented to the court.

According to Edna (2020) on the role of multi-agency cooperation on CT within the aviation sector of Kenya, most organizations (NPS, NIS, Immigration Department, the Kenya Airports Authority) easily provide information to partner agencies whenever they need information that is relevant to their work (highest mean); followed by them deliberating on pertinent security issues; joint training with other agencies; providing information to other agency which was the strength of the most organization. On the other hand, most organizations effectively supported multi-agency approach from politics; they embraced working with all state agencies supporting aviation security as their strength.

### **Responses on institutional roles in border management and coordination from the Constitution of Kenya 2010 and relevant laws perspective**

A 73.37% of the respondents said that the NIS works with other departments in supporting the border activities with material support, advice and assisting the staff in security offices with security-related matters. The respondents thought that the Constitution does not impose directly any roles of border management to the agency; however, the agency may share information with relevant state agencies. The respondents stated that providing security at the border is part of their role. They worked to prevent illegal immigrants from entering the country. The respondents stated they had a role in managing the borders. The respondents should have given a response here. The respondents explained that they collect intelligence at border points, and the DCI was working with other agencies to uphold all the laws in the Constitution. The respondents opined to there is a police border control unit that works within a multi-agency approach (mentioning the KAA etc.) in conjunction with other cross-border organizations in enforcing international and other harmonizing laws. The respondents stated supported the

immigration laws enforcement for security, and arresting of criminals. They mentioned placing border patrols. The respondents mentioned maintaining law and order and protecting all infrastructures within. The respondents mentioned that guarding borders is the border patrol's duty to prevent illegal entries and then mentioned the Immigration Act.

Another key finding was the Constitution's implementation through patrolling borders by multi-agencies, in contradiction with the study by Dakane et al. (2021), who studied how illegal immigration affected security within North Eastern Kenya and found that the 2010 Constitution was not specific in classifying the Department of Immigration Services from a security agency perspective. In support of this study, 44% of respondents agreed to observe additional security forces in curbing illegal immigration; 77% showed the great extent of immigration policies' poor implementation and linked this to the rapid influx of illegal immigrants; 66.7% reported cross-border crimes affecting security, and state the need for combating illegal immigration being ineffective despite the efficiency of security resources.

### **Responses on institutions' involvement in CT measures according to the Kenyan Constitution 2010**

An accumulation of 73.37% of the respondents found that the NIS is a special branch that offers direction on security intelligence. A similar number of respondents agreed the Directorate of Criminal Investigation, the Judiciary, the Director of Public Prosecution and the National Intelligence Service, the ATPU, the KRA, the Immigration departments are tasked with the role. The same respondents added KPS, KAA, NSIS, ODPP, Customs Department, the Ministry of Foreign Affairs, NPS, NIS, Police Border Control Unit, the Kenya Defence Forces, KPS, and Interpol to being involved.

According to Edna (2020), who studied the role of multi-agency cooperation on CT within the aviation sector of Kenya, the involved parties are the NPS, NIS, the Immigration Department, the Kenya Airports Authority, the KPS, the Inspectorate Services, the Kenya Bureau of Standards, the Port Health Services, the Secretariat, and the Customs and Boarder Control. On the other hand, Waringa (2021), who analysed the roles of the NPS or KPS on CT operations in Kenya, mentioned the NCTC, the UNODC, the NCRC, and the ATPU. Magogo (2017) on CT strategies in Eastleigh, Nairobi mentioned the parties involved the KDF, NIS, NPS, Private Security Agencies' personnel, the Ministry of Interior. Another study by Moragori (2021) on border management policies on national security in Nairobi, Kenya, named the Immigration Department, the DCI, the ATPU, the GSU, the KAA, the KPA, KEBS, Anti-narcotic, KAPU,

KRA, KCAA and the NYS. Twaha (2017) on national security immigration CT in Kenya, explained it was the role of the Immigration Department in CT, together with ATPU, NIS, the Immigration Department, KPAU and KAA.

**Responses on if the organization has a deep network with other organizations in mandates to counter-terrorism measures**

A 73.37% response agreed to NIS having deep networks with other CT agencies. NIS and others share intelligence, share activities in providing security services and advise government accordingly, with the focus being to identify threats before they are serious offences. A similar number of the respondents agreed to his agency was effective. The same number of respondents stated that it is possible through multi-agency approaches. The respondents said ‘yes’ to closely working with other agencies through sharing information. The respondents thought about working together with other agencies to perform information sharing and acting on them in a detective way. The respondents answered that NPS has a network with other organizations in the world fighting terrorism, e.g., headed by the US, Britain, France, Israel etc. It was also stated that they work with the multi agencies in sharing information and training. The respondents agreed.

In support of the findings, Edna (2020) on multi-agency roles in CT within the aviation sector in Kenya revealed NPS, NIS, Immigration Department, and KAA’s perception concerning the success of multi-agency was a score of 84.6% towards the answer that it was successful (most outcomes or goals being achieved) as opposed to working alone.

**4.4 Influence of documentation issuance policy on CT measures at JKIA in Kenya**

**Table 4.3**

*Influence of documentation issuance policy on CT measures at JKIA in Kenya*

Statements and main findings	Not in agreement (%)	Responses/ Agreement (%)
Recommendations regarding passport/visa issuance policy	93.33	6.67
Migration laws in place to assist the organization in curbing terrorism	79.99	20.01
Institutional roles in Visa Regulations according to the Constitution of Kenya 2010	86.66	13.34

Effectiveness of the implementation of the passport issuance process in comparison to existing policies	53.31	46.69
The country has efficiently managed civil registration documents focused on registered/documentated foreigners within Kenya	66.65	33.35
Knowledge of legal channels to residence approval for foreigners entering Kenya	73.32	26.68
Documentation issuance policy that Kenya can adopt towards improving CT efficiency in airports	59.98	40.02
The organization's handling of cases of undocumented foreigners (refugees and asylum seekers) from countries ranked as high-risk terrorist nations	39.97	60.03
<b>Mean</b>	<b>69.15</b>	<b>30.85</b>

*Source: Author (2023)*

#### **4.4.1 Recommendations regarding Passport/visa issuance policy**

When asked to recommend the policy Kenya should adopt regarding visa and passport issuance, 6.67% of the respondents recommended that there was a need to vet passport issuance staff to improve secured passports attainment. The results reflected those of Vuluku (2015), who stated that vetting increases trust in the personnel, increases professionalism, addresses ethnic issues, and finally, eliminates possibilities of corruption which is a major risk factor affecting public organizations. Ejupi (2019) analysed the vetting of security personnel in Kosovo, leading to the study's recommendations being extended to the copying and adoption of laws of Kosovo, e.g., Law No. 03/L-178 2010 regarding Classification of Information and Security Clearances; and Law No. 03/L-063 2008 regarding Kosovo Intelligence Agency. Another study by Stebbins et al. (2019) suggested Kenya's policy should use sections that define vetting as involving the use of Artificial Intelligence (AI), computational instruments, statistical methods, behavioural detectors, social media, sentiment analysis, and cyber-vetting. Nkuna (2020) adds to the recommendations by suggesting Kenya could use the South African laws, namely the Minimum Information Security Standard (MISS) 1998; the National Strategic Intelligence Act, 39 of 1994; the Employment Equity Act (55 of 1998); the Public Service Act (103 of 1994); and the South African Police Act (68 of 1995).

#### **4.4.2 Migration laws in place to assist the organization in curbing terrorism**

20.01% of respondents acknowledged the Immigration Act and the organization's use of a multi-agency approach to smoothen the transition of packages from transit. The respondents also stated the organization's use of Pax Laws being adhered to, e.g., checking, using screening technologies to check, conducting physical checks, and limiting the weight of the package to prevent them from risking the flights from safe departure, travel, and arrival because of over-weight. The respondents revealed that they use the immigration control policy that limits dealing with passengers transiting at the port. The passengers are not held responsible by Kenyan laws, making it potential for exploitation. It was also revealed that a multi-agency approach by sharing information to numb threats and deal with the issue of terrorist attacks. The thirteenth and fourteenth respondents at KAA thought that information sharing with other agencies or government was an important law, and regulating the flow of people from other countries using laws of e-visa and working permits was practiced.

The main point was that the different respondents worked to ensure that all rules and regulations were followed, which amounts to assisting the Immigration department, which does the core visa-related duties. This finding is connected to the findings by Abiodun and Tunde (2020), who revealed that in Switzerland, the International Security Police-Airport Unit (PSI) controls migration through the verification of travel documents (e.g., visas) and issuing temporary emergency passports. Using the McAleenan (2019), improving intelligence increased actionable intelligence and characterization of terrorist threats. The Department also closes information gaps between travellers and crew that could be a possibility of national insecurity.

#### **4.4.3 Responses on open-ended questionnaires**

##### **Responses on institutional roles in Visa Regulations according to the Constitution of Kenya 2010**

According to 13.34% of the respondents, the function of the NIS was answered to ensure the national parameters concerning national security were placed and working. To analyze, gather, and transmit or share intelligence with relevant state agencies, with this specific meaning of security and counterintelligence. The respondents revealed that the agency has no role in visa regulations, which does not align with their constitutional mandates. Agencies were involved through multi-agency approaches by assisting the Department of Immigration with related information. 20.01% of the respondents stated that the organization was ensuring all citizens



acquire visas before traveling or entering the country and meeting all regulations before attaining visas. The respondents said they ensure all people carry the required visa and documents. The respondents said that they conducted investigations on visa applications and their validity. Another 20.01% of the respondents answered about enforcing immigration laws and regulations while working with the immigration department. The respondents stated they ensure all rules and regulations are followed. The respondents stated that they ensure people needing visas do not have criminal records.

The main point was that the different respondents worked to ensure that all rules and regulations were followed, which amounts to assisting the Immigration department, which does the core visa-related duties. This finding is connected to the findings by Abiodun and Tunde (2020), who revealed that in Switzerland, the International Security Police-Airport Unit (PSI) controls migration through the verification of travel documents (e.g., visas) and issuing temporary emergency passports. Using the McAleenan (2019) improving intelligence increased actionable intelligence and characterization of terrorist threats. The Department also closes information gaps between travellers and crew that could be a possibility of national insecurity.

### **Responses on the effectiveness of the implementation of the passport issuance process in comparison to existing policies**

46.69% of the respondents thought that the NIS sees the present visa issuance system as very effective, That the measures put in place deter issuance of the same to non-residents, e.g., the vetting process. The passenger issuance implementation process is effective because it gives up-to-date and correct details that make it easy to use. That online passport application has made it easy to acquire documents, deterring corruption and cartels and issuing counterfeit ones. The existing policies have been upgraded to conform to international standards.

Many respondents said visa issuance was very or highly effective and was backed up by the possible use of online and technological approaches that made it accurate and effective; and found to be in line with Kamurua (2023), who studied Ministry of Immigration's strategic monitoring and evaluation, and found DIM's functions are directing immigration together with citizen services, thus leading to the issuance of travel documents and facilitation of international travelling, management of databases of registered persons, investigation and prosecution of immigration-related offences, liaison with other agencies in the fight against the

cross border, international and transnational crimes, providing the consular services in a mission to grant Kenyan citizenship and registrars dual citizenship.

Another study by Macotiende et al. (2021) revealed that E-Visa processing entailed, on average, 31.8% of the respondents agreeing to use e-visa as a proper method of eradicating terrorism from using fake documents. It confirmed that the process involved the immigration directorate provides all the required information on visa processing online, which makes my work easier; the immigration directorate's online payment for Visas has enhanced positive customer experience; Migrant are allowed to submit online applications for Visas; the status of Visa processing is communicated online hence enhances the speed of services; the immigration office provides feedback on Visas online. All of which explained and supported findings, with 39.5% as response on Personal Identification Secure Comparison and Evaluation System (PISCES), a process involved in visa issuance, was used to prevent and deter crime.

### **Responses on the extent to which the country has efficiently managed civil registration documents focused on registered/documented foreigners within Kenya**

33.35% of the respondents stated that Kenya is ranked among the most secure countries globally, with strict apparatus and enforcement against threats, especially regarding documentation processing and identification of foreigners. The agency has no role; instead, relevant departments are tasked; e.g., the Ministry of Interior introduced the Huduma Number to improve management and security. That is registration through the duo citizenship process, documents, and passport issuance. That foreigners arriving in Kenya are documented except for the users of porous borders and relatives crossing through using wayward government officials who are corrupt. He also stated that the hyped Huduma card and community policing are working towards filling this gap. The respondents mentioned well-maintained identification records. All students of Kenya schools are educated about the importance of getting registered documents within maturity; registration offices are opened in rural areas.

Using the Huduma number or card and community policing or registration within rural areas and in schools or immediately under-age people living in Kenya turned 18 years was the most preferred method of ensuring foreigners are registered or documented and recorded in the country's database. Tito (2020), who studied a comparative assessment integration between the identity management and population registration systems, established that NIIMS requirements, Kenyan citizens' homes and in the diaspora, foreigners in the country and also the refugee populations from the age of six are required to provide biometric data that will be

used to issue identification to enable access to government services. The system accesses a broad range of biometric data, including iris patterns, DNA, hand geometry, fingerprints, and retina etc., thereby creating an air of negative perception and insecurity due to possible privacy-invasive data gathered by the government. The NIIMS national identification systems were motivated by security issues and, specifically, the war against terrorism. The technology-enabled national identification system with sophisticated security features enhances the security of the identification of persons especially using biometrics and cryptology, which should be adopted in Kenya and rolled out as a security caution as it helps reduce criminal acts (forgery, identity theft sharing and lending) which facilitate criminals. In another study by Leal (2020), Zimbabwe's collection of biometrics, including DNA and facial recognition data, is important to reduce the reliance on systems that have not worked neatly before, e.g., the current system of identifying the populace based on the fingerprint. This system improves security using biometric recognition.

### **Responses on knowledge of legal channels to residence approval for foreigners entering Kenya**

26.68% of the respondents suggested registering with local authorities, the police centers, and the chiefs concerned. The respondents explained logging into the portal of the immigration department, filling in the online form, and submitting all the required documents for approval by the Kenya citizenship and immigration laws. The respondents stated the production of legal documents from their mother countries and stated purposes/reasons for applying for residence. The respondents revealed the need to verify people through the foreign affairs Ministry with the countries of origin for security apparatus and other legal entity applications above the border.

The main finding was that foreigners seeking to reside in the country were required to apply or register with various authorities, which is in line with Osano and Koine (2016) who revealed that one of the reasons why foreigners come to Kenya is to work. According to the study, it was recommended that foreigners interested in doing business or entering the country start or run a business. Among the most required authority to register their interest was the Ministry of Immigration. The study mentioned that the department conducts its duties by the revised Immigration Act of 1967 (Cap. 172) that mandates the roles of the Ministry are controlling and regulating entries and exits within all ports, border posts, and residency by the issuance of new or renewal of permits and passes according to the Immigration Act. It reviews grounds for

Quasi-Consular functions for commonwealth citizens represented in Kenya and requests the government for the same. It enforces Citizenship, Aliens Restrictions, Immigration, and visa regulations. Foreigners breaking the law are denied access at airports and deported. Kenya's dual citizenship supports circular migration, return migration, and mentorship programmes. Brain drain remains a challenge despite workers needing more critical skills being provided opportunities in public institutions after studies (Osano & Koine, 2016)

### **Responses on documentation issuance policy that Kenya can adopt towards improving CT efficiency in airports**

In combination, 40.02% of the respondents suggested ensuring all documents are correct and reflect the owner's identity without arousing suspicions or errors. The respondents stated that all databases of relevant agencies are linked to the one held by Interpol. The respondents explained the act of properly vetting the application and monitoring the applicants' activities. The respondents referred to terrorism as a global problem that needed a multi-sector approach and a Homeland Security law to anchor the existing Constitution. Strict multi-agency vetting for suitable personnel applying for documents. The respondents mentioned borders are well secured; probation officers are mandated to investigate persons not with documents and those seeking documents from within the country.

Many respondents mentioned corporations among different sector players, e.g., strict multi-agency vetting, multi-sector approach, and linking of all databases of relevant agencies as a solution to documentation issuance policy towards improving CT efficiency in airports. According to International Labour Organization (2020), existing laws support the findings already. For example, the Kenya Citizenship and Immigration Act of 2021 and the Kenya Citizenship and Immigration Regulations of 2022 demand foreigners' applications for online visas through e-visa services for single-entry, transit, and courtesy visas. In 2017, the Kenyan President announced Africans to receive visas on arrival in Kenya, except for Eritreans, Libyans, and Somalis.

The Directorate of Immigration (DIS) gives information on permits and passes obtainable for Kenya through the government website. DIS presents services targeting foreign nationals online. Work and residence permits get issued to foreign nationals with desires for employment and voluntary service according to classifications A to M as guided by Article 45(2) of the Kenya Citizenship and Immigration Act, 2021; which also states employers must lodge applications for employment of foreign nationals. Class D permits are issued for specific

employment offerings by a specific employer to skilled or qualified persons not in Kenya, with reasons given on how the employees' visit is to benefit Kenya. Refugees can apply for work permits in class M free for specified occupations, professions, trades, and businesses. The requirements are: Valid national passport; Application form (online); Two cover letters presented by employers or applicants, and a recommendation letter by the Department of Refugee Affairs (International Labour Organization, 2020).

### **Responses on the organization's handling of cases of undocumented foreigners (refugees and asylum seekers) from countries ranked as high-risk terrorist nations**

An accumulation of 60.03% of the respondents revealed that the NIS gathers information concerning such people and uses relevant laws/strictly followed actions, e.g., detention, imprisonment, or deportation of foreigners to their respective countries. That it is purely a Ministry of Interior matter, which excluded it as a direct responsibility to the Asset Recovery Agency. That there are rules and regulations to deal with the issues. Undocumented foreigners are vigorously interrogated, and they are deported when found not to meet the threshold of being a refugee or asylum seeker. The NPS, embassies, NAS, UNHCR, the Military, Judiciary, Immigration, Interpol use the Geneva Convention in solving refugees' and asylum seekers' related security issues; including profiling related consultations; and Interpol's background checking procedure. NIS intelligence on possibilities of terrorism criminals are presented to court for deportation actions.

Nzano (2018) on profiling process by security agents and freedom of movement by Somali within Eastleigh areas explained profiling as not targeting family income, residences, among other demographic aspects, especially religion. However, still asylum seekers being profiled are victims of police violence in Kenya. More security screening restrict asylum admissions, particularly, with a report of 2.23% Somalis being likely to not freely move. Profiling statistically showed negative effect on right of asylum seekers; with over 13.69% being victimized.

Instead of providing protection, government pushes Somalis back. Amnesty International reported the government regularly violated the Refugee Act and immigration laws with acts of non-adherence to statutory framework requiring transparency. Kenya discriminated Somali refugees and claimed they were an Al-Shabaab related threat. The refugees face violence from security forces. According to Muthaara (2018), who studied how illegal immigration affected security, Ethiopians were among the most profiled immigrants. They are followed by Somalis,

Pakistanis, and Nigerians, which are also higher enough. The least profiled nationalities were Europeans, Ugandans, and Indians.

#### 4.5 Influence of CT legal procedure policy on CT measures at JKIA in Kenya

**Table 4.4**

*Influence of CT legal procedure policy on CT measures at JKIA in Kenya*

<b>Statements and main findings</b>	<b>Not efficient (%)</b>	<b>Efficiency/ Agreement (%)</b>
The judiciary's judgement and sentencing	86.66	13.34
Laws that mandate organizations to operate as counter-terrorist units	26.63	73.37
CT institution policy Kenya can adopt towards improving CT efficiency within airports	46.64	53.36
Ways Kenya makes its citizenship approval laws strict to foreigners in terms of security checks	59.98	40.02
Level of Kenya Police Service's (CT Unit) effectiveness in investigating terrorism and reporting accurately to respective institutions and departments according to the Constitution of Kenya 2010	59.98	40.02
Arrests of terrorists made by the KPS satisfying the procedural standards	59.98	40.02
Level of public prosecutor, the AG, and other respective officers satisfy procedure in law when prosecuting terrorists and their associates	59.98	40.02
Past examples of the judiciary's effectiveness in judging and sentencing terrorists and their associates according to the law	59.98	40.02
International judicial services' successful judgement and sentencing of both terrorists and their associates	59.98	40.02
Recommendations of CT legal procedure policy that Kenya can adopt towards increasing CT efficiency in airports	59.98	40.02

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*Source: Author (2023)*

#### **4.5.1 The Judiciary's Judgement and Sentencing**

Regarding the judiciary being up to the task with the law in judging and sentencing terrorists and their associates who are found guilty of terrorism-related activities. The twelfth respondent's responses were. A 13.34% of the respondents stated that Kenyan judiciary has failed due to a high lack of jurisdiction to try some cases. Many cases have not been completed successfully, leading to failed sentencing due to insufficient evidence. There is a lack of agreements between Kenya and other nations on Kenya being allowed to try and sentence foreign threats, resulting in deportations and, thus, failure to prosecute and sentence terror suspects. These have resulted from extradited fugitives and extradition treaties.

The findings are contradictory to several cases that required the judiciary to rule for or against either national security or data protection in cases where security, e.g., the Kenya National Police Service or other agencies, had conducted themselves in a way that could have suggested a breach of the Rights to Privacy by accessing information to prevent or investigate crimes. The study's findings contradict *Kisorio et al* (2021) , according to the case, although both national security and right-to-privacy laws are intended to protect citizens and non-citizens equally and protect their personal properties, they have fallen short of these aspects since they have been less effective and, as such, led to increasing cases of an unlawful search, arrests, communication interceptions, surveillance, and other forms of acts that contravene the same laws.

Nevertheless, this study will investigate the relationship between the right to privacy and national security by studying data protection laws in Kenya. This is because despite Kenya having numerous data protection laws governing privacy and national security, it has left out gaps that need to be filled. The first gap is that some people in Kenya do not enjoy the right to privacy. These include immigrants and refugees in Kenya. The second gap is the overwhelming cases of infringement of rights to privacy in courts today. Examples of evidence include *Kisorio et al.* (2021) whereby Safaricom PLC accessed, copied and shared data of the accused, which led to the accuser losing up to Ksh. 300 million. In the case, the judge ruled favour of the Safaricom PLC action. The judge supported the judgement by citing the Constitution, Article 24(1)(d), and the Kenya Information and Communications Act, Section 27A(3)(b), accepts Safaricom to disclose subscribers' particulars when investigating crimes and

that a court order to investigating was issued. The judgement cited Article 24 of the Constitution, stating the right to privacy as being limited to the actions taken by the state for national security purposes.

#### **4.5.2 Responses on open-ended questionnaires**

##### **Responses on laws mandating organizations CT units by organizations**

A 73.37% response proposed the Constitution (Article 242), together with the NIS, Prevention of Terrorism, and National Security Council Acts. Additionally, they proposed the Proceeds of Crime and Anti-Money Laundering Act (No. 9 of 2009); Proceeds of Crime and Anti-Money Laundering Act (2023); Terrorism Act (No. 30 of 2022); the Panel Code; the POTA; and NPS Acts the Economic Crimes and Counter-terrorism Acts to deter sources funding terrorists.

To address multi-agencies' roles, Edna (2020) explained the integration necessity inclusive of NPS, NIS, Immigrations, and KAA's perceptions combined the feedback as being fulfilments of the 2014 Security Laws (Amendment) Act that established the Border Control and Operations Coordination Committee (BCOCC) with a legal mandate of enhancing efficient and effective security of all ports of entry/exit through a coordinated approach. The study also added the Kenya Citizenship and Immigration Act No.12 of 2021; the use of the Terrorism Act of 2000 from the UK; the Protection of Aircraft Act, 1970; the Constitution of Kenya, 2010; The Civil Aviation Act, 2023; Kenya Security Laws Amendment Act, 2014 (Section 75); and the Civil Aviation (Security) Regulations, 2019.

##### **Responses on recommended CT institution policy that Kenya can adopt towards improving CT efficiency within airports**

53.36% of the respondents suggested zero tolerance towards terrorists and allies or people committing abetting and in cohort with terrorists; the strengthening of measures towards security apparatus, systems, or methods. They identified an attachment to the community policy. The use of multi-agency approaches was effective. They were equipping personnel with modern equipment, training personnel, and enacting laws towards aviation counter-terrorism. Global information sharing in deterrent laws, judicial capability, staff training, security, and other personnel on emerging tactics. It also suggested using modern equipment, i.e., CCTVs, biometric data, and roving wiretaps. They established the use of frequent drills on terror activities.



Modernized equipment and multi-agencies mainly affected recommended institution policies on CT adoptable in improving airport CT efficiency. These align with implementing the Multi-Agency Cooperation Approach to Terrorism policy (by-laws). The Kenya Civil Aviation Regulations (2019) and Edna (2020). After 9/11, Kenya reinforced aviation security laws, and established a new security organizations and structure. Terrorism acts against the aviation industry are increasing their complexity that needs organization to oversee all security functions properly. Thus a rise in demand for effective coordination and cooperation by security personnel. The Kenyan aviation security structure composes of many agencies, each specifically implementing a mandate and having a common CT goal.

The inter-agency body, “Border Control and Operations Coordination Committee (BCOCC)”, was formed and enforced to coordinate counter-terrorism measures among the multi-agency players and to exercise oversight authority over operations of the respective partnering agencies in Kenya’s aviation industry. According to the Department of Immigration Services (2017), the BCOCC has listed members whose functions include the coordination of the exchange of information among respective security supporting agencies responsible for the industry’s security. The members are the National Police Service, Kenya Revenue Authority (Customs and Border Control), Department of Immigration Services, National Intelligence Service, Port Health Services, KPS Inspectorate Services, Kenya Bureau of Standards and Kenya Airports Authority. Kenya Airports Authority is the lead and coordinating agency of the security activities of this body.

### **Responses on ways Kenya makes its citizenship approval laws strict to foreigners in terms of security checks**

A combination of 40.02% of the respondents established that the general information is published in different newspapers and Huduma Centres in the country. That person must be a lawful resident of Kenya for at least 7 years and satisfy the conditions prescribed in the Kenyan citizenship law. The security checks and controls all borders. That there was the process of enacting laws to deter foreign criminals' registration. They used laws that guard the country's territories, borders, and integrity. Security checks apply without discrimination. The foreigners conformed to international laws and respected the laws of the country, which mandated them not to harbor criminal activities. They maintained a strict biometric system.

The main finding was that a strict check of foreigners seeking citizenship was the way to go to ensure the nation is safe from terrorism of a possibility of such. The study findings align with

the report and the manual of Hawkins and Kaplan in the Homeland security report which explains that continuous immigration vetting is necessary for citizenship acquisition. It entails background checks seek information the USCIS renders appropriate and benefiting to security; identity checks confirming individual and combating potential fraud; and security checks for identity of potential public safety threats (McAleenan, 2019).

**Responses on the level of the Kenya Police Service's (CT Unit) effectiveness in investigating terrorism and reporting accurately to respective institutions and departments according to the Constitution of Kenya 2010**

A combination of 40.02% of the respondents noted that the KPS is effective in its roles and succeeds, leading to the culprits' punishment. That the ATPU, as part of the KPS, has an extreme mandate for CT measures. That the CT unit is effective in investigating terrorism despite some issues like equipment and resource inferiority. The NPS has a mandate that is very effective in implementation. The Kenya Police Units charged with CT are doing good work, e.g., sharing information with other agencies that they were efficient and can still do better.

Many respondents stated extreme, effective, good work, and very efficient. These align with Chepsoi (2021), who studied national police service effectiveness in CT within Nairobi County, found community policing, prompt surveillance, border patrol, modern technology, and prosecution of terrorists being used as common interest approaches that allow for community-police consultation in operational policing priorities, and collaborations in solving insecurity.

Waringa (2021) studied police service roles in CT operations within Kenya and found that the National Police Service plays a key role in the fight against terrorism in Kenya. The study further confirmed that there are various counter-terrorism measures that the Government of Kenya has put in place to fight terrorism. Despite the significance of the role of the police service in counter-terrorism operations and the existence of various counter-terrorism measures by the Government, the study found that the threat of terrorism in Kenya is still imminent, which implies that the counter-terrorism approaches currently practised by the National Police Service are ineffective. There are many factors, as has been discussed in this study, that constrain counter-terrorism operations by the National Police Service. Until these issues are addressed, Kenya will continue to be susceptible to terrorist attacks since enforcing the national counter-terrorism strategy remains challenging in such circumstances, because the fight against

terrorism, as has been affirmed in this study, should be a coordinated effort by the different units and agencies involved in counter-terrorism. This study concludes that the factors predisposing Kenya to the threat of terrorism are yet to be adequately addressed. The concluding converge is that the absence of practical intra and inter-institutional coordination and intelligence sharing has impeded the internal security agencies' access to Al Shabaab's operational intelligence hence their inability to pre-empt terror attacks.

### **Responses on arrests of terrorists made by the KPS satisfying the procedural standards**

40.02% of the respondents agreed that the KPS could search, investigate, and arrest perpetrators. The organization (KPS) arrests terrorist suspects. The challenges include danger and police having to act within foreign laid procedures. The KPS made many gains, e.g., arrests, and prosecution, with successful sentencing. The KPS has also infiltrated terrorism cells and dismantled them with help from other agencies.

Many respondents agreed the NPS arrested terrorists effectively. In contradiction, Botha (2014) revealed that 4005 Somali-looking individuals were arrested from 4–10 April 2014, leading to discrimination related responses, which fuels discriminatory arrests. After the 2002 Paradise Hotel bombing, local Muslims in Kenya feared discrimination.

### **Responses on the level of the public prosecutor, the AG, and other respective officers satisfy procedure in law when prosecuting terrorists and their associates**

There were 40.02% of respondents explained that the job was effective. The job is attributed to the convictions they have managed to get. That is a challenge because it is hard to know intentions and prove them as terrorists with intentions of conducting terrorism before it occurs. Depending on the evidence tendered, public prosecution and the A.G. offer respective roles, with inputs satisfying procedure provided on the law in prosecuting terrorists. The N.P.S. is effectively suppressing and countering terrorism. The D.P.P. and other human rights groups are working against efforts by multi-agencies to protect the suspects of terrorism under the human rights approach, which expands the environment for terrorism to thrive.

Many respondents suggested the prosecution was not that well done in prosecuting terrorists. This is in line with Haji (2022), who explained Kenya has set up Inter-Agency Guidelines in the investigating and prosecuting terrorism financing, to curb the challenges posed by a disjointed approach in addressing serious crimes like terrorism and terrorism financing. A coordinated Multi-Agency/ Multi-Stakeholder/ Multi-Sectoral approach towards investigation

and prosecution is necessary. The Director of Public Prosecutions guides the prosecution process. These guidelines are not only aimed at ensuring that there is effective cooperation in investigating and prosecuting terrorists and their financiers meant to enhance partnership between agencies and ODPP investigations.

Haji (2022) also revealed that the guide leads to the process that while exercising state powers of prosecution, a prosecutor has regard to the provisions of the law as well as ODPP policies and guidelines. In particular, a prosecutor has regard to the National Prosecution Policy, Decision to Charge, ODPP Diversion policy, and Plea Bargaining guidelines. The ODPP liaise with the relevant agencies to ensure that cases under investigation satisfy the two-stage test, i.e. evidential and public interest test, as provided for in the Guidelines on the Decision to Charge. Agencies cooperate with and support the ODPP in C.T. and C.F.T. investigations and, in particular, furnish the ODPP with any information to further prosecutions of C.T. and C.F.T. cases. The ODPP provides up-to-date information to any relevant agency about the progress of C.T. and C.F.T. cases. Concerning terrorism financing, the ODPP may take measures for the recovery or forfeiture of assets under Section 18 of the ODPP Act and any other relevant legislation in liaison with relevant agencies. In cases where a prosecutor has sufficient evidence to charge an offender, but the prosecution may not be the best course of action, a prosecutor may opt for an alternative to prosecution (under the ODPP Diversion Policy) or an alternative to trial (under the ODPP Plea Bargaining Guidelines).

### **Responses on past examples of the judiciary's effectiveness in judging and sentencing terrorists and their associates according to the law**

40.02% of the respondents agreed to the Judiciary is effective in its work. Some improvements were witnessed, and there was a need for relevant laws to make it easier for them. That bail should always be denied. That evidence was tendered in court. The Judiciary has proved to be equal to the task. That incorporation had prevented the Judiciary system judgments from being fluked. Failure is seen in cases where Kenyan courts failed to find judgment and released suspects, who were then found guilty and sentenced, to prove that Kenyan courts are not functioning well in completing the sentencing of criminals (possibly also connected with proceeds of terrorism or crimes that fuel terrorism). That they provided and supplied the right evidence. 6.67% of the respondents disagreed, suggesting that Somalia is compromised, allowing terrorists to take advantage and succeed in getting free.

Many respondents agreed to the courts are efficiently provided evidence and that the prosecution conducts their work properly, e.g., by providing evidence properly. Kimari and Mungai (2020) supported the findings and gave guidance on the successes of judicial rulings regarding the prosecution and sentencing of terrorists. First, it addressed the standard of proof in terror offences by providing the *Abdalla Said Katumu v R* [2018] ; *Abdirizak Muktar Edow v R* [2019] ; *Mohammed Haro Kare v R* [2016] ; *Nur Deka Maalim v R* [2016] ; and *Osman Mohamed Balagha v R* [2018] . It further addressed success in appropriate charges under the Prevention of Terrorism Act 17, with examples being *Hamidu Said Ligoli v R* [2017]; *Ibrahim Adan Abdirahman v R* [2018]; *Pius Wambua & 5 others v R* [2017]; and the case of *Julius Yohana Mbunguni v R* [2018] . It also provided the address on how it succeeded in conducting a fair Trial and Sentencing through cases, e.g., *Ibrahim Katana Mzungu v R* [2015]; *Isaac Lekushon Taruru v R* [2017]; *Joseph* and finally, the case of *Nuseiba Mohammed Noordin Osman v R* [2018].

### **Responses on international judicial services’ successful judgement and sentencing of both terrorists and their associates**

A 40.02% of the respondents agreed that it was effective. That it was possible through a multi-agency approach. That it is purely varied from one state to another, especially when sentencing. That at the international level, offenders had been sentenced by courts, e.g., the Hague Courts, e.g., a case where Libya was accused of funding terrorists of the PAN AM flight 203. Finally, 6.67% of the respondents disagreed, suggesting that one hundred percent is not achieved because the suspect is given bonds, which they pay and disappear. Courts and world human rights organizations determine ‘promptness’ of cases according to facts of circumstances presented in setting up clear case time limits. In the UN Human Rights Committees, precise time-limits get fixed.

### **Responses on recommendations of CT legal procedure policy that Kenya can adopt towards increasing CT efficiency in airports**

A combination of 40.02% of the respondents stated strict adherence to laws regarding migration. That there was adherence to UN regulations. That there was the enacting of laws through parliament. That terrorism is a global thing that calls for international approaches on all fronts, including legal frameworks, to be adopted. That there was service decentralization, i.e., branching offices at the entry points. That they were denying terrorism suspects a court

bond until a full hearing and results are determined. Many respondents stated Kenya should adopt the UN regulations and other international frameworks.

## 4.6 CT measures at JKIA in Kenya

**Table 4.5:**

*CT measures at JKIA in Kenya*

Statements and main findings	Not efficient (%)	Efficiency/ Agreement (%)
Existence of gaps that can be exploited by terrorists	93.33	6.67
Extent Kenya's international security has curbed terrorism	93.33	6.67
Efficiency of JKIA Protection from terrorist attacks	93.33	6.67
Levels of legislative implementations to prevent terrorism	93.33	6.67
Role of JKIA in filling migration policy gaps	93.33	6.67
Threats at JKIA	79.99	20.01
Gaps that are exploited	79.99	20.01
Government Roles to enhance security	73.32	26.68
Recommendations for preventing terrorist attacks	86.66	13.34
<b>Mean</b>	<b>87.4</b>	<b>12.6</b>

*Source: Author (2023)*

### 4.6.1 Existence of gaps that can be exploited by terrorists

The 6.67% of the respondents stated that the porous borders due to the police officers not having the required resources, and the communities sharing the borders, e.g., the Somalia-Kenya border share similar cultures and activities, which make it difficult to separate citizens from foreigners without imposing biased treatment, which is against human rights, e.g., acts of discrimination; also stated an open democracy as the second gap.

The study by Reuben et al. (2021) was conducted to assess border and state security between Kenya and Somalia between 1991 and 2017. The study's findings revealed that the majority (60%) indicated banditry and terrorism incursions arise from the unclosed and uncontrolled borders in Mandera County. It also found that 67% of residents stated terror activities included

general attacks against people. Another study by Adam (2020), which evaluated informal cross-border trade on security issues between Somalia and Kenya, revealed that Kenya's geographical location (bordering Somalia) attracts terrorists, making it a target. The border between the countries has been used by terrorists from South Asia and Middle East countries; still being analysed in terms of geographical location. That its easy to make undetected entry into Kenya on porous borders from all five neighbouring countries and the coastline. Political instability in Somalia has allowed the spread of terrorists that, because of their rooted establishment, threaten Kenya's borders with many members and recruitments from Kenya. The unchecked inflow of Somali refugees to Kenya has been studied and found to be used by terrorists disguised as refugees who then move freely across the border.

Another study by Li (2015) on the effect of democracy towards promoting or reducing transnational terrorism showed contradictions to the study results, stating democratic participation reduces transnational terrorism, and that authorities' constraints increased terrorism incidents, e.g., governments that subside press freedom. Another study by Scarcella et al. (2016) was done on terrorism-encouraging factors, e.g., radicalization, authoritarianism, fundamentalism, and extremism. It was established that authoritarianism was ranked the lowest, with 8% in the study area, but still, its practice contributed to terrorism.

#### **4.6.2 Extent Kenya's international security has curbed terrorism**

A 6.67% of the respondents stated sharing of intelligence was the utmost benefit; collaboration and regional meetings help deal with terrorism issues. The findings aligned with Kibusia (2020) studied contribution of a multi-agencies towards security CT in Kenya. The majority (58%) agreed to coordinate the flow of information towards public support and minimise anxiety. However, the study also mentioned low extends of information sharing because of several issues, e.g., inadequate resourcing, lack of follow-up, lack of morale incentives, and action and ego wars (common between Somalia and Kenya, Kenya and Tanzania due to political differences among heads of states), break between analysis, and lack of uniform doctrinal standards or template on operating procedures.

#### **4.6.3 Efficiency of JKIA Protection from terrorist attacks**

A 6.67% of the respondents stated that the airport is well-protected and intense security measures are in place; government agencies are working around the clock to protect the port. The study aligned with Mutwiwa (2021), who studied how security drills influenced CT preparedness in JKIA. The study showed that the frequency of security drills was 72% in 2016,



49% in 2017, 73% in 2018, 71% in 2019, and 82% in 2020. The drills have been increasing to increase the efficiency of security and protection. Another finding was that the airport was heavily protected from the possibility of chemical or biological attacks (84%), hostage-taking (77%), and active shooters (39%). It was established that 44% had rehearsal security plans, which though not the majority, was adequate (especially if they were on supervisory and high-ranking officials). The study also established that security drills have minor improvements on the workability of JKIA (which showed a 60% response).

#### **4.6.4 Levels of legislative implementations to prevent terrorism**

A 6.67% of the respondents suggested effectiveness of judicial systems, and punitive penalties to increase the deterrence of terrorism.

#### **4.6.5 Role of JKIA in filling migration policy gaps**

A 6.67% of the respondents revealed within JKIA has a dedicated staff (creative). Secondly, the organization has staff that work around the clock with high levels of professionalism. Thirdly, the organization has resources to secure the facility, e.g., installed scanners and trained officers. Fourthly, JKIA does reverse screening of passengers from high-risk countries. The fifth is that the organization uses E-visa to vet the passengers before entering Kenya.

The finding agrees with Macotiende et al. (2021), who analysed personal identification on the performance of the Immigration department in Kenya. It established that most respondents stated Personal Identification Evaluation System (PISCES) sped up customer service delivery. In the case of this study, a mean of 3.9 reflected PISCES being linked to crime prevention and deterrence. A mean of 3.7 came second in establishing that employee performance was increased as PISCES led to the online collection, analysis and comparison of immigrant information that targeted reducing immigration crimes.

#### **4.6.6 Threats within JKIA**

A 20.01% of the respondents mentioned that the airport is at risk of nothing because of its efficient use of three approaches, namely the multi-agencies, human capital and resources in place. That there are threats experienced at the airport. IEDs personnel, vehicles, baggage, storming armed attacks, cyber-attacks, and chemical, radiological, nuclear, and biological threats are possible. That they were using security forces and equipment to secure the airport and conducting multi-agency operations have prevented the organisation from realising such threats. It was also established that the organization had prevented the threats using threat and risk assessment, e.g., parking lot being installed far from departure and arrival areas as a

security risk prevention strategy made after assessing the risk of the two facilities being close to each other. The thirteenth and fourteenth stated that missile and bomb-related threats threatened JKIA. To deal with these two issues, the airport has been conducting patrols through the services of the GSU. It restricts the aimless loitering of the public inside and around the airport. It also uses CCTVs to conduct surveillance. JKIA has also put up primary screening equipment and issued badges to staff and persons of interest working in the airport to prevent attacks.

In general, the main finding was within JKIA is under many threats, which it has succeeded in preventing; however, as opposed to the opinions of the respondents in the study by Ondieki (2017) regarding human trafficking on security. The study revealed human trafficking is the main threat to airport security, with many trafficking passing the checkpoints undetected. Most trafficking activities were unnoticed, including on transit through Kenya, from other nations to Kenya, and within Kenya. However, the most realized trafficking was that from Kenya to other countries, which authorities have managed to deter.

#### **4.6.7 Gaps that are exploited**

A 20.01% of the respondents said the airport has a Threat and Risk Committee to analyse possible threats and issue mitigation. The airport has managed to fill loopholes in all possible scenarios, constantly reviews security, and improves it every day. That there is a gap in possible infiltration of human resources or human error. The respondent suggested using background checks continuously to avoid radicalizing the staff. That there is sufficient law to cover the operations on counter-terrorism, and the inefficiency is towards implementing various policies. There was also the issue of converting intelligence into evidence during prosecution and sentencing. The employee wage can be okay at the moment, and the lack of staff incentives could lead to exploitation by terrorists. To deal with this gap, the respondents suggested that auditing should be done to address the payment and wage gaps that exist. There is a need to conduct background checks of personnel, and no interns should be allowed in the security departments to ensure it stays professional and prevents human errors.

The main finding was staff competency, in which all the respondents thought that staff are prone to human weakness and compromise, which terrorists target, and thus, a corrupt system gives room to terrorism occurring or using the facility and escaping unnoticed or un-arrested. Atallah (2019) wrote on access denied due to corruption, extortion and fever cartels JKIA. According to Atallah (2019), there are rouge authority personnel (a ring or group of organized

people) to frustrate travellers to remove money from them with excuses. In this case, the writer touches on travellers being extorted funds for yellow fever, termed as not having vaccinated or having fake vaccine documents. The customer complaints must be high on corruption allegations and lack of trust towards JKIA.

#### **4.6.8 Government Roles to enhance security**

A 26.68% of the respondents stated that the government should invest in human capital as part of enforcing security-related activities, e.g., installation, maintenance and management of airport facilities that are strategic security facilities. The multi-agency approach represents the government as it is present in security enforcement institutions, e.g., the police service and GSU, among others. The government is responsible for capital released by the treasury during budgeting for infrastructural development. The government conducts more awareness on the need to be vigilant and report suspicious activities and persons through public disclosure (whereby ordinary people travelling report to authorities of peculiar activities). It was also established that government retrain personnel on new and fresh approaches to improve their security roles and functions. It also makes advancements in information sharing by collaborating with all departments and personnel using lawful processes and practices. That the government needs to enhance training based on practices on security measures. That there is a need to continue investing in the latest security technologies. Stakeholders' engagement in counter-terrorism should be improved. It also found the need for quality and quantity of personnel that work as it affects the output. That there are enhancements of capacity in knowledge on cyber-attacks, equipment for detection without profiling, and general use of technologies. It was also established that aviation facilities have more serious security aspects, especially planes; infrastructures are provided for security, and more are being developed. Finally, more resources towards the aviation department are being employed as per the budget by the government towards the Department of Defence or Ministry of Interior.

The main finding was that the government was mostly responsible for infrastructure development, especially regarding security-related infrastructure, those who investigated the vulnerabilities of critical infrastructures and cyber threats in Kenya. It found that, in general, Kenyan infrastructure had a risk-scoring medium.

#### **4.6.9 Recommendations for preventing terrorist attacks**

A 13.34% of the respondents recommended the need to strengthen transnational and counter-terrorism bodies. A recommendation was made towards everyone, including the public taking

part in security as an individual's role and responsibility. It was also recommended that there was the need to embrace further and improve multi-agency efforts. It was also suggested that more awareness campaigns should be done to address security issues. Finally, there is a need to receive support from the government to ensure proper implementation of the laws and policies enacted by the government. That there was a need to enhance multi-agency approaches. Those future policies should move towards enacting multi-agency approaches. There is a need to purpose agencies' mandates in tracking counter-terrorism issues. The thirteenth and fourteenth recommended the need to increase labour; the need for diversification of facilities to have more infrastructures, e.g., bigger terminals. The need for more financing toward the aviation sector for increasing wages, as low payment poses a threat to staff to be compromised and corrupt.

The study's main aim was recommendations on improving multi-agency efforts, which was in line with Onyango (2020), who studied the trust within multi-agencies' network, including anti-corruption. The recommendations also touch on administration trust by empowering individual actors and organizations showing confidence, positive responses, transparency, and reliability towards multi-agency networking. Administration trust and efficacy of multi-agencies increases ability to implement anti-corruption strategies.

#### 4.7 Responses on open-ended questionnaires

**Table 4.6**

*Responses on open-ended questionnaires*

<b>Statements and main findings</b>	<b>Not efficient (%)</b>	<b>Efficiency/ Agreement (%)</b>
Failures and gaps that inform CT laws of Kenya that allow a gap for terrorists to take advantage when intending to attack	73.32	26.68
Perception of the level of implementation of CT laws in the organization charged with CT measures, especially in the airports	33.3	66.7
Knowledge regarding the level of strictness in Kenya following up on cases of illegal immigration, and the organization's responsibilities in handling illegal immigration	39.97	60.03
Organizational effectiveness in dealing with national security concerns relating to foreign persons passing through the JKIA and other airports	39.97	60.03

Effectiveness of national security in CT in the organization (success level)	59.98	40.02
Effectiveness of Kenya's immigration policy on increasing CT	53.31	46.69
Extent of Kenya's international security approach being able to curb terrorism	46.64	53.36
Efficiency of JKIA being protected from terrorism attacks	39.97	60.03
Reasons why terrorists from other countries entering Kenya have never used the JKIA	33.3	66.7
Improvements the government has placed to prevent terrorists from coming into Kenya through airports (JKIA)	46.64	53.36
Extent of legislative implementation preventing risks of terrorism in JKIA	53.31	46.69
Organization's effort to fill migration policy gaps that could be exploited by terrorists at the JKIA	66.65	33.35
<b>Mean</b>	<b>48.86</b>	<b>51.14</b>

*Source: Author (2023)*

### **Responses on failures and gaps that inform CT laws of Kenya that allow a gap for terrorists to take advantage when intending to attack**

A 26.68% of the respondents disagreed with any failures or gaps existing. That granting bail to terrorists to continue their activities, jumping bail in court, and punitive punishments. They called for strengthening community policing to deter infiltration by terrorist cells. He called for countering radicalization and violence extremists who harbour terrorists. That regulation in border control – that they have porous borders with which terrorists sneak themselves.

Many respondents said there were no challenges that the terrorists were likely to take advantage of; however, they contradicted Bundotich (2023), who revealed that staff in CT units were averagely trained, and that training was conducted when needed, not as frequently as possible. The CT unit and operation capacity could have been better, but not the best. There were 68% responses on needing more adequate tools. The inter-agency approach was good (71.4%) but not very good (0%). CT units and agencies were not motivated (96.4%). Kenya's capacity in CT was rated as good to fair, each having 39% responses. A lot (46%) of the respondents stated missing support from other international players. As opposed to security agents, the citizens rated more highly in CT input.

### **Responses on perception of the level of implementation of CT laws in the organization charged with CT measures, especially in the airports**

A 66.7% response agreed to a good job being done. That implementing CT laws is perfectly done by the employees at the airport and borders. That CT laws are highly implemented at the airport. The organizations charged with CT measures and that it fully implemented CT laws, but highly trained personnel supported by machine surveillance must be considered. That the level of implementation is quite low because the laws are still new. That specified security organs at the airport have been responding to terrorism through capacity building and information sharing. The Anti-Police Unit is always ahead of the rest in information gathering regarding terrorism. That all suspects of terrorism are arranged at the JKIA law court.

Many respondents stated a very high level of implementation of laws on CT. However, Khamala (2019) contradicted this. Khamala established the laws constrained pre-inchoate crimes. Civil societies resisted enactment delays in the Prevention of Terrorism Act. The Constitutional Court struck out 'vague and ambiguous' Security Law (Amendment) Act, removing the concept of 'presuming criminal intent in encouraging terrorism'. Procedurally, a dilemma on fair trial, due diligence is sought for to prevent torture and killings. The Kenyan operations by the military in Somalia spiralled Al-Shabaab's retaliation and inhuman acts. The action of enacting pre-inchoate laws deems Islamist terrorists, especially secondary offenders as rational actors. The 'reverse harm thesis' justifying education provision to pre-inchoate criminals has improved criminal trials on grounds of terrorism. The issue of invoking 'concurrent responsibility' in the prosecution of Al-Shabaab suspects at the ACJHR should be an effective facility for AMISOM's dignified 'exit' in Somalia.

### **Responses on knowledge regarding the level of strictness in Kenya following up on cases of illegal immigration, and the organization's responsibilities in handling illegal immigration**

A 60.03% response agreed to NIS ensuring due procedure is maintained and taken seriously through action. They have the knowledge and a high level of strictness on illegal immigrants but suggested the agency has no role in the issue. By ensuring that they act in arresting and prosecuting terrorists. The Kenya has ensured laws are efficient in arresting and prosecuting prohibited immigrants. There was a success in profiling suspects, carrying out thorough investigations, and then charging in a court of law. It is also successful in sharing information from mother countries. Through the immigration department, Interpol, UNHCR, Courts and

other related bodies, Kenya strictly follows up on cases of illegal immigration and their deportation by legal means. There are very strict multi-agency teams oversee the approval and repatriation of illegal immigrants. The obtaining of repatriation orders for arrested illegal immigrants. The illegal immigrants are taken to court; after which they are deported to their countries.

Most respondents knew migration laws and their relationship with CT, which was in line with the study by Wairimu (2019), who stated that the immigration laws sought to repeal the Immigration Act cap 172 by addressing aspects that have been a walk to strike a balance between security and facilitation. It traced some factors that facilitated the repeal of the previous immigration laws, e.g., the Kenya Constitution 2010. The study found that promulgating the new Constitution Article 8- 12 and Chapter Three of the new constitutional dispensation meant a departure from the past was to be enacted, although not to the exclusion of the past. Previously, immigration policy drew its legal standing in many Acts – Immigration Act Cap 17284, Citizenship Act Cap 17085 and Alien Restriction Act Cap 17386. These documents are consolidated in the Kenya Citizenship and Immigration Act, 2021 and, as such, repeals the other Acts. Over the years, different classes of illegal immigrants kept emerging, and a review of Immigration laws as informed by immigration practice. Subsequently, a comprehensive list of prohibited immigrants has now been included in the new immigration law.

Wairimu (2019) stated that, practically, efforts had been made to codify the practice. Immigration laws and practice get guided by facilitation to enable free movements at borders to ensure right people are entering and exiting Kenya without possession of threatening agenda or equipment. Wairimu found immigration law put forward aliens that help naturalize threat. Maobe (2020) revealed most respondents knew the Kenya Citizenship and Immigration Act, 2021, and the Kenya Citizenship and Immigration Regulations, 2022. They, however, had a majority without knowledge of the Penal Code, Cap 63; the Counter-Trafficking in Persons Act, 2010; and the Refugee Act, 2006.

### **Responses on organizational effectiveness in dealing with national security concerns relating to foreign persons passing through the JKIA and other airports**

A 60.03% of the respondents cumulatively agreed, with results and revealed that the NIS gathers information and advises the concerned authorities accordingly. The agency has the role of seizing illegal cash on transit at the JKIA as a key role in the fight against crime and

financiers being arrested, flagged, and cash frozen, thus dealing with money laundering. The profiling of passengers passing through the JKIA and putting any suspects on hold for further interrogation and clarifications. They did it thorough checking of travel documents and patrolling backed up by machine surveillance are being done. They deterrent measures frustrate those wanting to use the same transit conduit for drugs, illegal immigration, and terrorism. That terrorism was firmly dealt with. They were intercepting persons with security threat characteristics after the screening. They ensure that all cases reported concerning illegal immigration are dealt with legally.

Many respondents suggest a particular type of checking and interception, e.g., profiling, checking person and luggage, which was in line with Irandu and Rhoades (2016), who stated that boosting security in airports requires government taking full responsibility towards financing baggage inspection X-rays, metal detectors walk-throughs and aviation security training since the governments is the biggest victim of airport terrorism attacks.

#### **Responses on the effectiveness of national security in CT in the organization (success level)**

A 40.02% of the respondents suggested very high, adding that money laundering had been effectively dealt with. The multi-agency approach was highly used and all through mutual legal assistance. There is the use of a multi-agencies approach. They did profiling of suspects, conducting surveillance, increasing technology, training and retraining personnel and conducting multi-agency approaches. National security organs manage to infiltrate and dismantle terrorist cells by countering counter-espionage in collaboration with countries like the US, UK, France, Israel and others.

Most respondents stated security against CT is extremely high, especially because of the multi-agency approach, which was in line with Howie (2014), who found that the airport has various security resources, e.g., manned guarding, alarms and electronics, CVIT, and investigation. It further stated that uniformed police are everywhere, and they are the ones we go to for assistance (RESP2/4/7/2018). Using uniformed police helps detect, deter, delay, and report terrorism activity. Uniformed police enhance security by assuring the safety of passengers and staff. Manned guards' keen observation prevents and discourages terrorists as they spend time on surveillance, safety auditing of the airport and investigating suspects.



### **Responses on the effectiveness of Kenya's immigration policy on increasing CT**

A 46.69% of the respondents believed that it was very effective. They were ensuring all visa is verified before issuance. They were applying strict immigration policy, serving punishment awards by courts, and effective personnel. Collaboration and sharing data on terrorism activities, grouping people involved as persona non grata has thwarted terror cells. Biometric registration of persons was important. The systems are well-upgraded to monitor movements. About 70% was on sharing data and involving other security arms.

The majority state the effectiveness of Kenya's immigration policy on increasing CT was high or very effective. The finding is supported by Nanima (2017), who revealed that Kenya has long used the Aliens Restriction Act and Immigration Acts for refugees and security situations. Another study by Maobe (2020) provided many of the following activities explaining the implementation of immigration policy; in 2018, implementation involved watch listing, detentions, arrests, field visits, repatriations, administrative removals, prosecutions and deportations respectively. On the other hand, in 2019, immigration law was implemented according to watch listings, repatriations, arrests, field visits, detentions, administrative removals, prosecutions, and deportations, respectively. Implementing immigration policy led to increased compliance with document submissions and checking, e.g., the study found endorsements of forged immigration stamps at 78.6%, visa forgery at 71.5%, passports and other travel documents forgery at 71.5%, and finally, acts of impostors at 57.2%.

### **Responses on the extent of Kenya's international security approach being able to curb terrorism**

A 53.36% of the respondents stated government ensures terrorist activities was minimized to zero. That attackers have largely subsided. Multi-agency approaches to sharing information/intelligence. Sharing knowledge pertaining terrorism by ensuring successful CT strategies get applied. Partnerships among states, building secured borders, and CT law enacts was reported as necessary. Kenya, a victim of terrorism, has tightened its foreign relations which attracts foreign support from partnering states towards CT. It was found the government was applying highly effective security apparatus through multi-agencies of from states.

Many respondents stated CT heavily depends on the efficiency of multi-agencies and partners, especially in information sharing. Delvino (2017) observes that in the European Union, the European Commission has proposed the setting up of new immigration systems (Smart

borders), like the *European Travel Information and Authorisation System and the Entry-Exit System*, to automatically identify individuals overstay past legal office occupation contracts.

### **Responses on the efficiency of JKIA being protected from terrorism attacks**

A 60.03% of the respondents stated there is a very high level of protection. JKIA is well protected since they have not heard of any attacks on the facility. Providing different government security apparatus at the airport has brought expertise in different fields, which has maintained security. There is 24/7 security guaranteed and multi-agency approaches. Guarding entrances to the airport, screening passengers and luggage, and perimeter patrolling and surveillance using machines. Efficiency and effectiveness of information sharing among multi-agencies come about. Through a multi-agency approach and sharing information with other bodies globally on counter-terrorism, JKIA has frustrated and sealed loops by enhancing security. They used CCTVs, screening, and movement control. All necessary measures have been placed by involving every security agency in CT and using state-of-the-art screening equipment. There was an elevation of the watch tower used by the GSU.

A lot of the responses compiled to suggest the efficiency of JKIA being protected from terrorism attacks resulted from multi-agencies working in and out of the airport's premises. Edna (2020) revealed that multi agencies set objectives for cooperation; and timely communication. Information shared among agencies was high; contribution and cooperation increased output (e.g. high and accurate levels of detecting, seizing and intercepting terror activities). Agency togetherness intensified the joint training of staff within partner agencies, increasing each institution's effective working.

### **Responses on reasons why terrorists from other countries entering Kenya have never used the JKIA**

A 66.7% of the respondents said that it is because of strict rules and regulations at the airport. There was a deployment of competent security agents and access controls. There was high-security measures put around. There were tight rules and regulations the government has imposed on airport travelers. In highly protected areas with human and machine surveillance, all escape routes are secure, and strict screening of passengers and luggage. There was effectiveness through screening points, high-security apparatus alertness, and proactive information discrimination. There were deterrent measures in conjunction with international parties have been put in JKIA to avert terrorism acts. There was tight security measures and

security presence. There was sharing intelligence with other world CT agencies and applying regulations. There was a mention of strict security measures, e.g., screening at entry points.

Most responses mentioned strict security (physical presence of human and machine resources working together). Kanyi et al. (2016) revealed that increased threats caused KCCA to hire more security personnel and increase compliance with civil aviation regulations. Electronic detection machines, conventional weapon detectors, X-rays, and access controls were used. The SEMTEX and C4, plastic explosives detectors were used and recommended, e.g., early explosive detection systems (EDS) and the CTX-5000 luggage screening device to detect explosives, portable trace detection systems, and explosive material. Magnetometers or metal detectors are involved searching and detection of firearms, knives and other weapons. X-ray devices are the oldest tech in airports since the 1970s for weapons detection. Movement control involves:

- Securing doors and gates.
- Using magnetic stripe cards.
- Proximity cards.
- Biometric readers are limited to staff.

Movement is also controlled using electronic fences and exit lanes. Closed Circuit Television Systems (CCTV) are also used in airport surveillance.

### **Responses on improvements the government has placed to prevent terrorists from coming into Kenya through airports (JKIA)**

A 53.36% of the respondents stated that modern technologies in security have improved. They were being proactive in their plans. The act was ensuring all passengers travelling to Kenya have valid visas. There was increased surveillance and refurbishing the airport to be more secure. They were acquiring sufficient screening machines. There was a use of internationally accepted best practices through capacity building and teamwork involving all stakeholders. There was improved security, especially in the arrival and departure section. They were sharing intelligence with others.

Most respondents agreed to the corporation and technological aspects are being improved. Kanyi et al. (2016) support this study by reporting that the effectiveness of sorting passengers

involves digital surveillance, commonly algorithmic surveillance. CCTV are predominant surveillance tool in airports. CCTV documents threatening behaviour and suspects. Airports continued CCTV installation as a show of priority for airport security. The improved technology, e.g., the sentry developed by Cernium, monitors the movement of passengers, identifying those walking to wrong locations, e.g., secured areas and exiting corridors. If the suspect persists, the siren alerts security officers to act. Exit Sentry are algorithmic surveillance tools working based on real-time CCTV footage. Threats are identified by particular movements not inscribed in the system. It also detects car thieves and people with suicidal thoughts. A Southampton University research reported gait recognition in identifying distinctive walking styles. CCTV algorithmic sorts mobility that is accepted from unacceptable ones, thus deterring threats.

### **Responses on the extent of legislative implementation preventing risks of terrorism in JKIA**

Cumulatively, 46.69% of the respondents from NIS believed that it is very much high. The laws in place are followed to the letter. They were providing measures that legally guide activities and people. There was an increase patrols and erecting surveillance machines. They were training security officers in the airport and effective intelligence collection. That after promulgating the Constitution 2010 and enacting the Prevention of terrorism act, terrorism activities have seized in the bud. Putting up CT laws are practical, and employing security agencies in action.

Many respondents said legislature targeted the application of machines and guided intelligence collection and surveillance. The finding aligns with Ntinyari and Nguyo (2017), who explained that Kenya lacks CCTV regulations but uses the Data Protection Bill of 2023, borrowed from the UK, to regulate CCTV usage and footage. In the UK, the Data Protection Act helps find persons of interest (terrorists). The Data Protection Act of 1998 protects rights and freedoms to privacy. In security surveillance using CCTV, the law allows for CCTV cameras to be located where they capture high-resolution images for accurate evidence in court. CCTV footages become the government's property upon a recording of terrorism and crime. Thus the law mandates institutions to use them to store data without losing it for up to approximately three (3) months. The Act also makes it necessary to ensure CCTV control rooms are secured by responsible CCTV installers and accessible to the government for footage upon witnessing a crime.

The finding was aligned with Article 35 of the Prevention of Terrorism Act 2022, which grants powers to authorities to limit freedoms and privacy by conducting surveillance in places, e.g., airports. The Prevention of Terrorism Act (2022) limits privacy in the wake of threats and security reasons. The National Intelligence Service (NIS) Act (2022) limits privacy by allowing the NIS to investigate, monitor and interfere with suspects' communications. The Act established the Intelligence Service Complaints Board, though it is limited to making recommendations to a sitting President and their Cabinet. Little information exists concerning Board investigations. The NIS is entirely opaque to senior agents of other organs to a huge degree. Thus, renders meaningless legal operating procedures requiring an agent to interception warrant for an accountable process.

### **Responses on the organization's effort to fill migration policy gaps that could be exploited by terrorists at the JKIA**

A 33.35% of the respondents revealed that this was possible by ensuring all adhered to the strict rules at the airport. They recommended that policies are required for approval and consideration by the relevant authorities and agencies. They are liaising with Interpol and other security agencies in information sharing. Corruption was a setback to progress. Penalties laws are being put in place with deterrent penalties. They were notifying the immigration department of any suspects involved in terrorism travelling to and from the country.

Many respondents said policies improvements and developments should be made to gap caused by lack of laws, to address lacunas affecting the legality of some CT practices conducted differently by different agencies for the good of national security. The results will be highly successful prosecution of offenders within Kenyan courts. Pokalova (2015) supportively stated the legal gaps exists even with improved legislation; and police reforms such as seen within the NPS Commission Acts.

In addition, another study by Wanderi et al. (2022) contradicts this as it reveals that despite the low adoption of all the laws, the existing laws still need to be implemented by the authorities. Most prosecutions by police officers showed lacked sufficient knowledge concerning legal processes to address advocates for defendants who were good at poking holes in the evidence presented in law courts. Most high-profile terror cases involving rich people have historically succeeded in being thrown out of court due to corruption among judges, court staff, and prosecutors. The rampant incompetence, malpractices, human errors, human rights protection, and terrorism in courts have succeeded in not being convicted.

#### 4.8 Regressions Analysis for the Questionnaires

The study aimed at determining the following relationships:

1. CT institutionalization policy does not influence CT measures at JKIA in Kenya.
2. Documentation issuance policy does not influence counter-terrorism measures at JKIA in Kenya.
3. CT legal procedure policy does not influence counter-terrorism measures at JKIA in Kenya.

The results of the multiple regression models were as presented in Tables 4.7 to 4.9.

**Table 4.7**

*Results of the model summary of the multiple regression*

<b>Model Summary</b>				
Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	1.000 <sup>a</sup>	1.000	1.000	.00000

a. Predictors: (Constant), legal procedure policy, institutionalization policy, documentation issuance policy

Source: Author (2023)

In the model summary, the result for the R-square was 1. This meant that 100 percent of the IV measures predicted DV measures. This mean that the ANOVA and majority of the coefficient results were expected to be significant at  $p < 0.05$ , and therefore encouraging the study to proceed with the ANOVA and coefficients sections.

**Table 4.8**

*Results of the ANOVA of the multiple regression*

<b>ANOVA<sup>a</sup></b>						
Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	3.312	4	.828	285560828593157.900	.000 <sup>b</sup>
	Residual	.000	10	.000		
	Total	3.312	14			

a. Dependent Variable: CT measures  
b. Predictors: (Constant), legal procedure policy, institutionalization policy, documentation issuance policy,

Source: Author (2023)

In the ANOVA section, the study found  $p < 0.05$ . This predicted the possibility of most results in the coefficient sections to show  $p < 0.05$ , thus significant.

**Table 4.9**  
*Results of the coefficients of the multiple regression*

Model	Unstandardized Coefficients		Standardized Coefficients Beta	t	Sig.
	B	Std. Error			
(Constant)	2.928E-014	.000		.000	1.000
Institutionalization policy	-2.258E-014	.009	.009	.011	1.000
Documentation issuance policy	.944	.000	.962	6921744.579	.000
Legal procedure policy	-3.833	.000	-3.796	-5324628.714	.000

a. Dependent Variable: CT measures

**Source: Author (2023)**

In the coefficients section, institutionalization policy reported 0.09 ( $p > 0.05$ ); documentation issuance policy reported 0.96 ( $p < 0.05$ ) and legal procedure policy reported -3.796 ( $p < 0.05$ ). To substitute the equation provided in chapter three, the analysis led to a new equation as presented below.

$$Y = 2.93 \text{ (Constant)} + 0.09 \text{ (Institutionalization policy)} + 0.96 \text{ (Documentation issuance policy)} - 3.796 \text{ (Legal procedure policy)} + 0.00 \text{ (Error)} \dots \dots \dots \text{ Eq2}$$

Therefore, CT institutionalization policy was insignificantly influencing CT measures in Kenya, which implied that no institution was established to facilitate CT operations alone. Rather, they depended on the multi-agency approach to accomplish the CT measures. No policy institutionalizes only one organization to provide CT services in Kenya.

The study found that documentation issuance policy positively and significantly influenced CT measures within JKIA in Kenya. The finding meant that Kenya relies on documentation of all people to collect intelligence and assess and separate people who pose a high risk of terrorism and other associated crimes. The government prevented terrorism by controlling and sealing the entry points that terrorists had used in the past, including airports.

The study found that CT legal procedure policy negatively but significantly influenced CT measures within JKIA in Kenya. The result meant that Kenya had not implemented CT

effectively since it is not adequately and successfully convict terrorists and persons found to be associated with acts of terrorism or related crimes; cases take too long in courts, thereby showing the lack of an efficient legal system that should be relied on to arrive at finding terror suspects guilty of evidence proven in courts that suggest they were involved in terrorism or associate crimes. Despite these negative aspects, CT legal procedure policy remained significant in CT measures.



## CHAPTER FIVE

### SUMMARY OF KEY FINDINGS, CONCLUSION AND RECOMMENDATIONS

#### 5.1 Summary of Key Findings

In summary, by studying the influence of immigration policy as a CT measures within JKIA, the researcher assessed the influence of institutionalization policy on counter-terrorism measures; determined levels of documentation issuance policy's influence on CT measures; explored levels of influence of CT legal procedure policy on CT measures within JKIA in Kenya. The study collected data from 15 out of 19 respondents, equivalent to 78.95%. On demographic information, male was a majority (80%); 36 and 50-year-old respondents were many (40%); degrees holders were more (40%); investigators formed the highest (26.68%) number of respondents by career; and affiliations to KAA was the highest (20.01%), specifically the NPS; 0 to 10 years of working experience category had the highest people (27%).

##### 5.1.1 Influence of CT institutionalization policy on counter-terrorism measures in Kenya

In terms of CT institutionalization policy influencing CT measures within JKIA, 100% of the respondents agreed to the need for counter-terrorism institutionalization policy Kenya being adopted.

##### 5.1.2 Influence of documentation issuance policy on counter-terrorism measures within JKIA in Kenya

Regarding documentation issuance policy influencing CT measures within JKIA in Kenya, the main finding was 60.03% of the respondents agreed to efficiency of the organization's handling of cases of undocumented foreigners (refugees and asylum seekers) from countries ranked as high-risk terrorist nations.

##### 5.1.3 Influence of CT legal procedure policy on counter-terrorism measures within JKIA in Kenya

In relation to documentation issuance policy on CT measures, JKIA's handling of cases of undocumented foreigners (refugees and asylum seekers) from countries ranked as high-risk terrorist nations was effective.

## **5.2 Conclusion**

In conclusion, the CT institutionalization policy was efficient, as it allowed agencies within JKIA to work together to address security issues at the airport, and the organization is creating awareness in the community. In line with documentation issuance policy, the NIS gathers information concerning such people and uses relevant laws/strictly followed actions, e.g., detention, imprisonment, or deportation of foreigners to their respective countries. The Ministry of Interior contributed indirectly to asset recovery. The airport used internally structured rules and regulations to deal with the issues of undocumented foreigners such as vigorously interrogating and deporting them when found not to meet the threshold classified as refugees or asylum seekers.

On CT legal procedure policy, the study found NPS works with embassies of countries, UNHCR, NAS, Military Units, the Judiciary, Immigration, and other world bodies through Interpol and in conformity with the Geneva Convention to find solutions for refugees and asylum seekers. The airport's thoroughly profiling was in consultation with other related embassies. Interpol assisted in background checking of passengers who were foreigners. NIS checked on information concerning possibilities of foreigners and travellers being linked to terrorism. Taking criminals to court and conducting deportation was effectively done.

## **5.3 Recommendations**

1. The study recommended conducting staff vetting at document issuance departments for efficiency.
2. There is a necessity to implement ratified laws on CT for more efficient border operations especially when Kenya has advanced in opening the Kenya-Somalia border even as Al-Shabab continues attacks.
3. To ensure airports are safer, multi-agency concepts should be CT institutions use modern equipment and multi-agency approaches for security efficiency.
4. There was the need for policies that increase the strength of multi agencies, e.g., by improving the quality of training and capacity to share information among the two states, especially by furthering AMISOM operations instead of disbanding it entirely, whereby AMISOM can take another turn or be re-institutionalized (re-branded) into a government agency that operates in the two countries.

#### **5.4 Areas for Further Research**

1. There was a need for future researchers to study policies on strengthening airport multi-agencies operations, with the suggested objectives to be the effective training and capacity building in share intelligence among agencies in multi-agencies operations between Somalia and Kenya.
2. There is a need to conduct a study to discuss the effect of extending AMISOM operations rather than disbanding available activities and the organization. The study should focus on AMISOM re-institutionalization (re-branded) its operations under as a government agency in Somalia.
3. There is also the need for a study to investigate the effectiveness of Kenya's implementation of international counter-terrorism laws.

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APPENDICES

**Appendix I: Introductory Letter**

**How Immigration policy influences CT in Kenya**

CLARA NENLYVE ATUBUKHA

Nairobi

Date: .....

Dear respondent(s),

**REF: ACADEMIC RESEARCH – DATA COLLECTION CONSENT**

I, a student of Masters of Arts in International Relations at Kenya Methodist University; having been required to research the topic, above, wish to have consent to engage you as a respondent. With this letter is a questionnaire for you to fill out. I look forward to a favourable response from you.

Regards

Researcher

## **Appendix II: Interview Schedule for Research Respondents**

Instructions: Kindly write your answers as detailed as possible using foolscap. Best Regards!

### **Section A: Background Information**

1. What is your gender?
2. What is your age bracket?
3. What is your highest education level?
4. How long have you served in this Department?
5. State the organization you are working in?
6. Name the position you are holding?

### **Section B: CT Institutionalization Policy**

1. Explain your institution's role in visa regulations according to the Constitution of Kenya 2010, and relevant laws.
2. Describe your institution's role in border management and coordination from the Constitution of Kenya 2010, and relevant laws' perspective?
3. Name all the institutions that are involved in counter-terrorism activities as constituted in the Constitution 2010.
4. In your own opinion, how is your organization effective in dealing with national security concerns relating to foreign persons passing through the JKIA and other airports?
5. Is your organization deeply networked with other organizations that are mandated to conduct Counter-terrorism activities?
6. Describe laws that mandate your organization to operate as a Counter-terrorist Unit or simply function as such?
7. Recommend CT Institutionalization Policy that Kenya can adopt towards increasing counter-terrorism efficiency in its airports?

### **Section C: Documentation issuance policy**

1. How effective is the implementation of the passport issuance process in comparison to existing policies?

2. In a detailed account, how does the organization handle cases of undocumented foreigners (focus is on refugees and asylum seekers) from countries that are highly related to producing terrorists?
3. Kindly describe how Kenya has made its citizenship approval laws strict to foreigners in terms of security checks.
4. Explain the extent to which the country has effectively managed civil registration documentation, with the focus being on if Kenya has registered/documentated all persons who are foreigners in the country?
5. To the best of your knowledge, what are the legal channels for residence approval for foreign persons coming into the country?
6. Recommend a Documentation issuance policy that Kenya can adopt towards increasing counter-terrorism efficiency in its airports?

#### **Section D: CT Legal Procedure Policy**

1. What is your evaluation of the level of the Kenya Police Service (CT unit) can effectively investigate terrorism and report accurately to the respective institutions and departments for the next Constitutional procedures?
2. In your opinion, have the arrests made by the Kenya Police Service on cases relating to terrorism satisfied procedural standards?
3. Explain the level at which you feel the Public prosecution, Attorneys General, and other respective Offices have satisfied the procedure provided by Law in prosecuting terrorists and their associates?
4. Using past examples, has the judiciary been up to the task presented by Law in judging, and sentencing terrorists and associates of terrorists found guilty of conducting terrorism-related activities?
5. Have the international judicial service arms of government succeeded in judging, and sentencing both terrorists and their associates?
6. Recommend CT legal procedure policy that Kenya can adopt towards increasing counter-terrorism efficiency in its airports.

## **Section E: counter-terrorism Activities**

1. Are there failures and gaps that you are informed of in the CT laws of Kenya, which you think terrorists are likely to use to their advantage when seeking to attack the country? If yes, explain in detail the gaps that exist in Kenyan CT laws.
2. In general, what is your perception of the level of implementation of CT laws within the organizations charged with CT measures, especially in airports?
3. To the best of your knowledge, is Kenya strict with following up on cases of illegal immigrants? If yes, what is your organization's responsibility in handling illegal immigration, both suspected and non-suspected of terrorism and national security links?
4. In your own opinion, how is your organization effective in dealing with national security concerns relating to foreign persons passing through the JKIA and other airports?
5. Explain the effectiveness of national security using the counter-terrorism approaches that your organization has succeeded in achieving.
6. How effective has the country's immigration policy increased counter-terrorism?
7. To what extent has Kenya's international security approach helped in curbing terrorism?
8. In your own opinion, describe how efficiently the JKIA is well protected from terrorist attacks.
9. Describe reasons why, if terrorists from other countries enter Kenya for terrorist attacks have never used JKIA?
10. What improvements is the government of Kenya doing to prevent attacks by foreigners coming into the country through airports, with illustration and focus being on the JKIA?
11. To what extent does legislative implementation prevent or mitigate risks of counter-terrorism measures at JKIA in Kenya?
12. What is your organization doing to fill Kenyan immigration policy gaps being exploited by terrorist groups and organizations at JKIA in Kenya?

### Appendix III: questionnaires for the Research Respondents

#### Likert Scale questions

##### Scale:

- 1 – Strongly Disagree
- 2 – Disagree
- 3 – Undecided
- 4 – Agree
- 5 – Strongly Agree

1. To what extent do you agree or disagree with the statements regarding the influence of CT institutionalization policy on counter-terrorism measures in Kenya

A	Statements	5	4	3	2	1
A1	My institution has a role in visa regulations according to the Constitution of Kenya 2010, and relevant laws					
A2	We have a role in border management and coordinated from the Constitution of Kenya 2010, and relevant laws' perspective					
A3	We believe all the institutions being represented in this study have a role in counter-terrorism activities as constituted in the Constitution 2010					
A4	In my own opinion, my organization is effective in dealing with national security concerns relating to foreign persons passing through the JKIA and other airports					
A5	My organization is deeply networked with other organizations that are mandated to conduct counter-terrorism activities					
A6	I am very familiar with laws that mandate my organization to operate as a counter-terrorist unit or simply function as such					
A7	I believe there is an adequate CT institutionalization policy that Kenya has adopted towards increasing counter-terrorism efficiency in its airports					

**2. To what extent do you agree or disagree with the statements regarding the influence of documentation issuance policy on CT measures at JKIA in Kenya**

<b>B</b>	<b>Statements</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
<b>B1</b>	The implementation of passport issuance process in comparison to existing policies is highly effective					
<b>B2</b>	The airport is effective in handling cases of undocumented foreigners (focus on refugees and asylum seekers) from countries that are highly related to producing terrorist					
<b>B3</b>	The Kenyan citizenship approval laws are properly strict to foreigners in terms of security checks					
<b>B4</b>	Kenya has effectively managed civil registration documentation, with focus being on documenting all foreigners					
<b>B5</b>	To the best of my knowledge, adequate legal channels are available for residence approval of foreigners coming into Kenya					
<b>B6</b>	I am positive there is an adequate Documentation issuance policy towards increasing counter-terrorism efficiency in its airports					

**3. To what extent do you agree or disagree with the statements regarding the influence of CT legal procedure policy on CT measures at JKIA in Kenya**

<b>C</b>	<b>Statements</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
<b>C1</b>	The Kenya Police Service (CT unit) is effective in investigating terrorism and reporting accurately to the respective institutions and departments for the next Constitutional procedures					
<b>C2</b>	The arrests made by the Kenya Police Service on cases relating to terrorism satisfy procedural standards					
<b>C3</b>	There is a high level of competence and public trust in the Public Prosecution, Attorneys General, and other respective Offices that satisfy legal procedures for prosecuting terrorists and their associates					
<b>C4</b>	My opinion is that the judiciary is up to the task in-law to successfully judge, and sentence terrorists and their associates found guilty of terrorism					
<b>C5</b>	I have witnessed adequate success in judging and sentencing terrorists and their associates by the international judicial service					
<b>C6</b>	There is adequate CT legal procedure law on counter-terrorism in airports					




**4. To what extent do you agree or disagree with the statements regarding CT measures at JKIA in Kenya**

<b>D</b>	<b>Statements</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
<b>D1</b>	There are little to no failures and gaps in the CT laws of Kenya which terrorists can use to their advantage when attacking					
<b>D2</b>	The level of implementation of CT within my organizations at the airports is high					
<b>D3</b>	There has been a high and accurate operation with the high achievement of arrests, deportations and detention of illegal immigrants					
<b>D4</b>	In my own opinion, my organization effectively deals with national security concerns relating to foreign persons passing through the JKIA and other airports					
<b>D5</b>	The effectiveness of national security succeeding is high					
<b>D6</b>	International security CT approaches are effective					
<b>D7</b>	In my own opinion, JKIA is well protected from a terrorist attack					
<b>D8</b>	I believe no terrorist has ever used JKIA					
<b>D9</b>	JKIA has been upgraded with extremely effective security technology for surveillance and restrictions of unauthorized persons					
<b>D10</b>	There is adequate personnel in CT measures in the JKIA					
<b>D11</b>	The JKIA has improved its screening accuracy					
<b>D12</b>	JKIA has electronic verification systems that are supported by intelligence and multi-agency approaches					



## Appendix V: Nacosti Research Permit

  
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