



Dira Immigration Consultants

Document Name: Kenya Immigration Handbook

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At Dira, we provide the value you are looking for!



Introduction

Kenyan Immigration is overseen by the Ministry of Interior and Coordination of National Government and the Department of Immigration Services (DIS).

There are two main types of work authorization, both of which are multiple-entry:

Short-term work option (183 days)

The Special Pass work authorization is granted to all categories of workers and is issued for an initial period of between 1-3 months. It is generally granted for incremental periods of one month or more, and extensions are available for a maximum incremental period of six months within a year. The main criteria are: intended length of stay of up to six months, and the nature of contract or activity. In very exceptional circumstances, the authorities would allow special passes beyond six months. It is ideal for short term assignments and in cases where the employer would wish to engage the services of an expatriate as the long work permit is being processed.

Long-term work authorization option (6 months and above)

The Class D Work Permit is granted to any skilled and experienced category of professional or technical worker and permits work for up to two years, but is also issued for one year if so required by the applicant organization. Renewals are available on application. Where the expatriate is accompanied by his family, they are issued with a dependant pass or student pass for children attending school in Kenya. The dependant passes are processed after the main work permit is issued and remain valid as long as the work permit is valid. Holders of dependant passes are further required to acquire a re-entry pass to allow them multiple entries into Kenya without a visa.

The main criteria are as follows:

1. The position should be technical, or representing the interests of a foreign investor;
2. The foreign national possesses unique and rare qualifications; and
3. There are local personnel that have been trained or are in training to succeed the foreign national assignee.

Business travellers

Business travellers into Kenya are issued with a Visitor's Pass/Business Category. The pass is only issued at the port of entry after the traveler has been issued with an entry visa either at the Embassy or on arrival.

Allowable activities

- Attend internal meetings and conferences;
- Attend client meetings;
- Conduct internal/external audit, provided the activity is performed in a meeting environment
- Undertake sales and marketing activities, provided the activity takes place at a trade show and in a meeting environment; and
- Receive training or undertake training (not "on-the-job" training), provided the training activity is observational and in a meeting environment

Business visitor restrictions

Business travelers who engage in only allowable business activities may still require work authorization if any of the following conditions will apply to their trip.

- Be under the direct control of the host entity;
- Perform “hands on work”;
- Perform activities that will generate profit and/or other benefits to host entity either directly or indirectly;
- Perform activities on behalf of/in the name of/as a representative of the host entity.

SENSITIVE NATIONALITIES

The following list of nationalities is considered restricted. Nationals of these countries are required to seek pre-approval before they travel to Kenya. Whereas the entry visa is issued at the port of entry, they are required to provide a letter of approval issued by the Director of Immigration Services prior to their travel.

This list is as provided for under the Kenya Immigration and Citizenship Regulations of 2012.

Afghanistan	Jordan	Senegal
Armenia	Kosovo	Somalia
Azerbaijan	Lebanon	Syria
Cameroon	Mali	Tajikistan
Democratic Republic of Korea	Palestine	
Iraq		

Note: Work permit applications for the above nationalities (including Nigeria) are scrutinized strictly from a security perspective and tend to take long to be processed. On this premise, it is advisable to avoid resourcing from these nationalities for short term and urgent assignments.

NATIONALITIES THAT DO NOT NEED A VISA TO ENTER KENYA

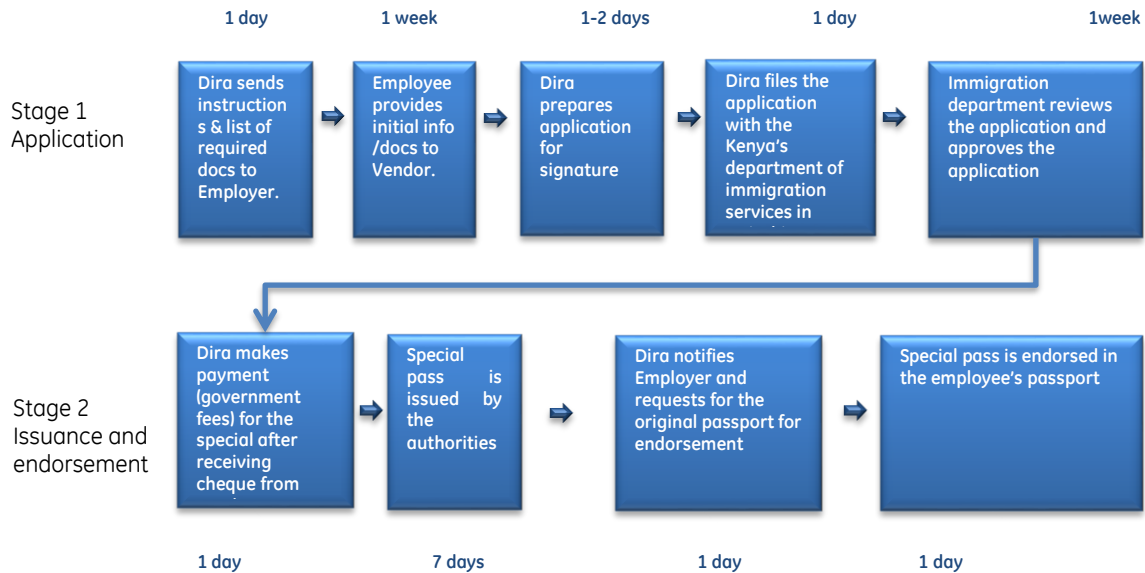
Brunei	Lesotho	St. Kitts and Navis	Zambia
Burundi	Malawi	St Lucia	Zimbabwe
Cyprus	Malaysia	Swaziland	Ethiopia
Dominica	Maldives	Seychelles	San Marino
Fiji Islad	Mauritius	Tanzania	
Guyana	Namibia	The Bahamas	
Ghana	Nauru	The Gambia	
Grenada	Papua New Guinea	Tonga	
Jamaica	Rwanda	Trinidad and Tobago	

Note: All the other nationalities can be issued with a visa on arrival. The other option is to apply for the visa at the Kenya Embassy/Consulate in their home country.

A) Short-term work permit (Special Pass) for assignments not exceeding 180 days

QUICK REFERENCE	
VALIDITY PERIOD	180 days
MULTIPLE ENTRIES	Yes
IMMEDIATE RENEWAL ALLOWED	Issued for an initial period of 90 days. A second pass for a further 90 days is issued on application
LIMIT OF RENEWALS	Two passes of 90 days each
POSSIBLE RENEWAL IN-COUNTRY	Yes
QUOTA REQUIRED	No

PROCESS OVERVIEW



REQUIRED EMPLOYEE DOCUMENTATION

- ✓ Copy of national passport (valid for six months beyond the assignment and with at least 3 blank pages)
- ✓ Two passport sized photos (coloured)
- ✓ A detailed resume
- ✓ Copies of academic and professional certificates (transcripts are not allowed)
- ✓ Confirmation of residential address and phone number

REQUIRED DOCUMENTATION FROM EMPLOYER

- ✓ Application/motivation letter duly signed (Dira to prepare draft letter)
- ✓ Copy of company registration certificate

RECOMMENDATIONS

Special passes are ideal for short term and urgent assignments. Resourcing from the restricted countries should be avoided since applicant will be subjected to strict security clearance that is likely to delay the process.

Where there is a need to mobilize an employee quickly before the processing of the work permit, it is possible to acquire a special pass in the interim. The two applications, work permit and special pass applications may be lodged concurrently without either affecting the other.

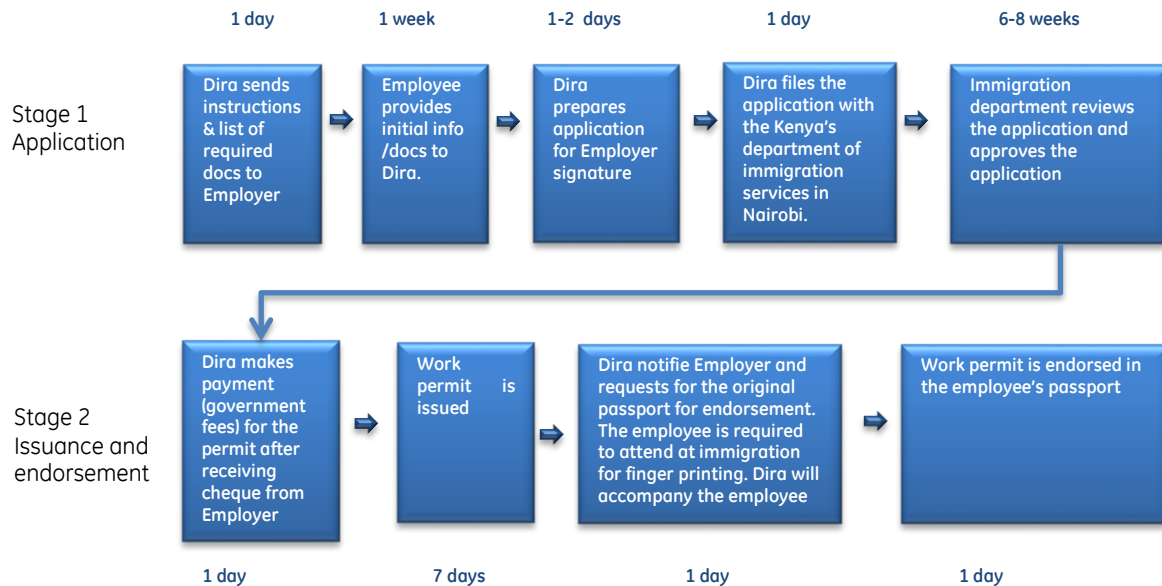
It is also possible to change from a business visitor to worker in country.

A special pass does not allow the employee to be accompanied by his dependant. They can only visit as visitor in their own capacity.

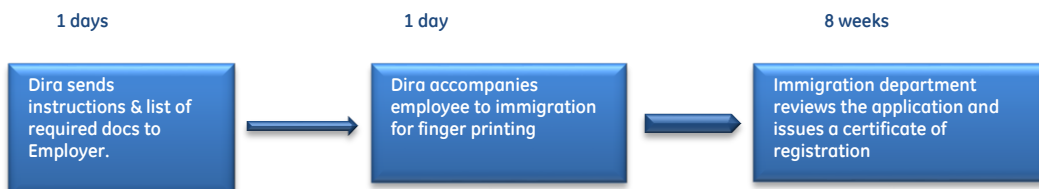
B) Long-term Work Authorization (Class D Work Permit)

QUICK REFERENCE	
VALIDITY PERIOD	1 or 2 Years
MULTIPLE ENTRIES	Yes
IMMEDIATE RENEWAL ALLOWED	Yes
LIMIT OF RENEWALS	No
POSSIBLE RENEWAL IN-COUNTRY	Yes
QUOTA REQUIRED	No

PROCESS OVERVIEW



Note: Once the work permit is issued, the employee is by law required to be registered as a foreign national. Herein below is a process overview.



REQUIRED EMPLOYEE DOCUMENTATION

- ✓ Passport copy – colour copy of bio-data page valid for six months beyond assignment end date
- ✓ A detailed resume detailing work experience and academic and professional qualifications
- ✓ Copies of academic and professional certificates (transcripts are not accepted)

Two colored passport sized photos

- ✓ Copy of employment contract/assignment letter
- ✓ Where the employee is already employed in Kenya and working on a work permit, a letter of non-objection from the current employer printed on the company letterhead

REQUIRED DOCUMENTATION FROM EMPLOYER

- ✓ Employment report indicating the locals and expatriates in employment and their qualifications
- ✓ Application letter duly signed (Dira to provide draft)
- ✓ Application form duly signed (Dira to provide)
- ✓ Details of a Kenyan understudy (copy of national ID, copy of CV and copies of academic certificates)
- ✓ Copy of certificate of company registration

RECCOMENDATION

The job title and job description is very critical for any work permit application. Employer should consider seeking guidance from Dira to come up with proper and acceptable job title and job description to present a strong case to immigration department. Out of our experience, majority of applications are rejected or deferred since the information provided by the employer is insufficient and not because the applicant is not qualified.

Further, where Employer intends to bring on board a big number of expatriates either on short term or long term assignments, it may help to consider a project profiling meeting with immigration officials.

This enables the authorities to appreciate the needs of the employer and enables them to consider any applications objectively. As your vendor, we are willing and ready to support you in organizing such meetings and attend with you to address any issues raised by the government.

PENALTIES FOR NON COMPLIANCE

Penalties for foreign nationals

According to the immigration laws of Kenya, any person who violates immigration regulations/laws will be punishable by a fine and/or one-year imprisonment. This applies to both the foreign national and any local national complicit in the illegal working or overstay. The foreign national may also be deported/repatriated and the work authorization, if any, may be cancelled.

Penalties for employers

Employers may be liable for criminal penalties for employing foreign nationals in breach of immigration laws. Noncompliant employers in Kenya face fines. Directors of companies who are directly involved in allowing a foreign national to work who know or have reasonable cause to believe that the work is unauthorized face imprisonment for up to one year. In addition, noncompliant employers are highly unlikely to have future work permit applications granted.

For avoidance of doubt, an employer is considered to be any person or organization benefiting from the services of a foreign national in Kenya. As such, the foreign national does not have to be an employee of FSG. As long as he is found in the premises of FSG conducting an assignment that will benefit FSG, for all immigration purposes, FSG is deemed to be the employer.