

Immigration Insights

by CDH Employment Law



ALERT | 6 May 2024

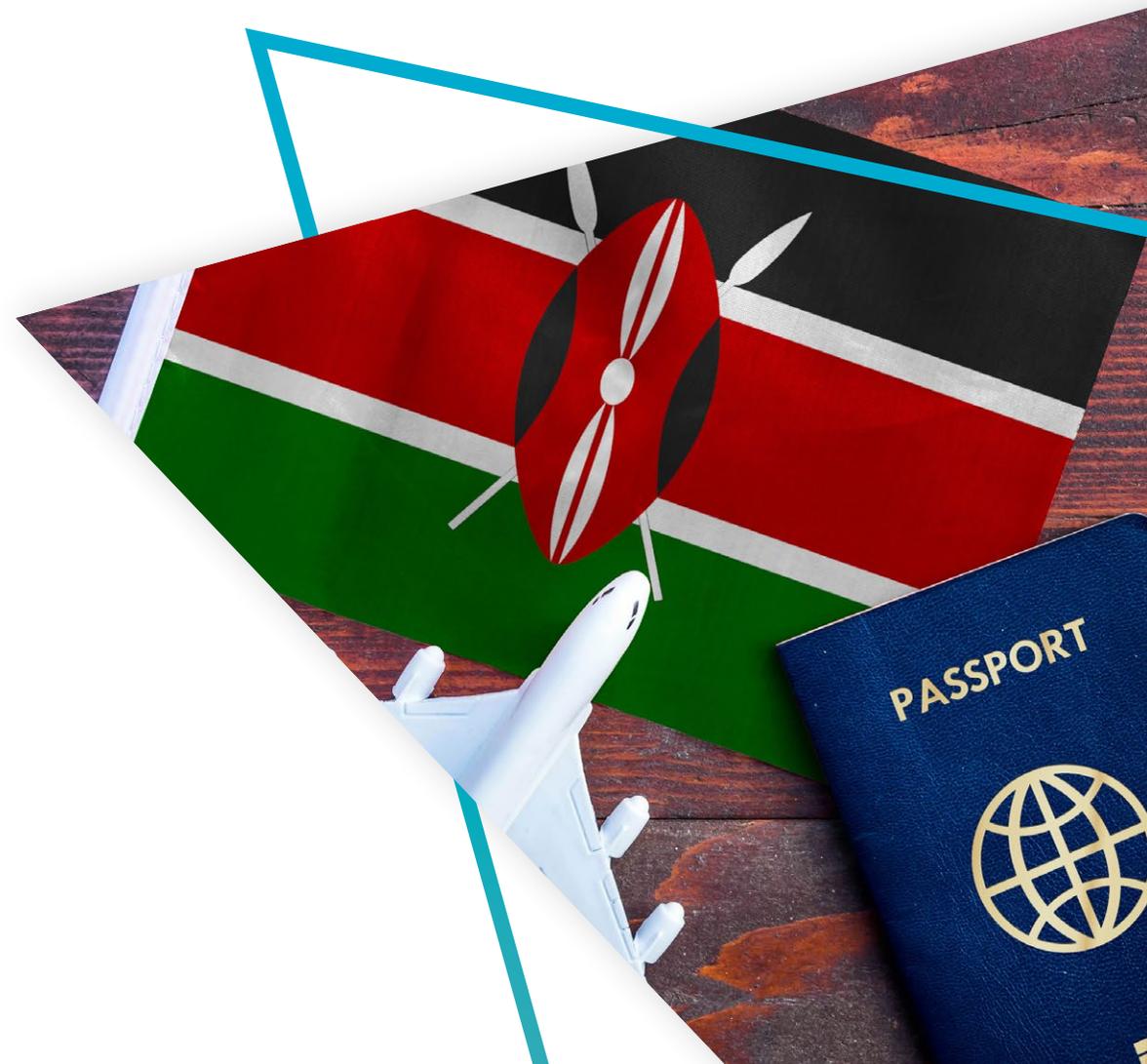
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Permanent residence in Kenya: What you need to know

Kenya is an East African country with a population of approximately 60 million people. It is one of the fastest-growing economies in sub-Saharan Africa and is rated the third best country in Africa for immigrants targeting high-income, well-paying jobs by the Henley Opportunity Index 2024. The World Bank further estimates that in 2023, Kenya's growth accelerated from 4,8% to 5%. The 28th edition of the Kenya Economic Update (KEU) attributes this growth to a strong rebound of the agricultural sector and moderate growth of the services sector. Kenya is also home to diverse tourist attractions, which include wildlife such as the Big Five that inhabit its beautiful savannahs. It is also known for its citizens' athletic prowess, its stable political system and good governance.

It is this magical attraction and oasis of opportunities that makes Kenya ideal for anyone planning to relocate to Africa permanently; whether for investment, residence or work, among other reasons, on a long-term basis.

One way that a person can acquire the status to live in Kenya long term without having to worry about the renewal of a permit is by procuring permanent residency.

Who is a permanent resident?

The Kenya Citizenship and Immigration Act 12 of 2011 (Act) defines a permanent resident as an individual who has been granted permanent residence status in accordance with the Act. Permanent residence status need not be renewed unless it is revoked for any reason specified under the Act.

The following are the specific groups of people who may apply for permanent residence status in Kenya:

i. Category A – Ex-Kenyans

This applies to Kenyan citizens by birth, who renounced or lost their Kenyan citizenship, and the country of their acquired domicile does not permit them to hold dual citizenship. (Where the country of domicile allows dual citizenship, the Kenyan citizen should apply for citizenship not permanent residence.)

ii. Category B – Lawful residents

This category applies to applicants who have held work permits for at least seven years and have been continuously resident in Kenya for the three years immediately preceding the making of the application.

iii. Category C – Children of Kenyan citizens

This applies to children born to Kenyan parents but who hold citizenship that precludes them from acquiring dual citizenship, or those that were born before their parents acquired Kenyan citizenship. (Permanent residence is an alternative to citizenship where the applicant's country of domicile does not allow dual citizenship.)

iv. Category D – Spouses of Kenyan citizens

This applies to individuals married to Kenyan citizens for at least three years and whose marriage is still valid.

v. Widows and widowers of Kenyan citizens

This group of individuals is also eligible to apply for permanent residence status in Kenya.

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Rights and privileges of permanent residents

The Act outlines a range of rights and privileges that can be enjoyed by people with permanent residency status in Kenya, subject to compliance with all the residency rules, regulations and obligations, as may be prescribed. These include the right to:

- enter and remain in Kenya;
- be employed (without needing to obtain a work permit);
- attend educational facilities;
- own property legally;
- move and settle anywhere in Kenya;
- access and enjoy social services and facilities in Kenya; and
- be provided with a permanent residence certificate as prescribed under the regulations.

It is important to note that permanent residency status may be lost in certain circumstances, such as failure to discharge the obligations of a permanent resident; where permanent residence was acquired because of fraud, false representation or concealment of any material fact; assisting an enemy of Kenya in war; and violation of the provisions of the Act.

Processing costs and timelines

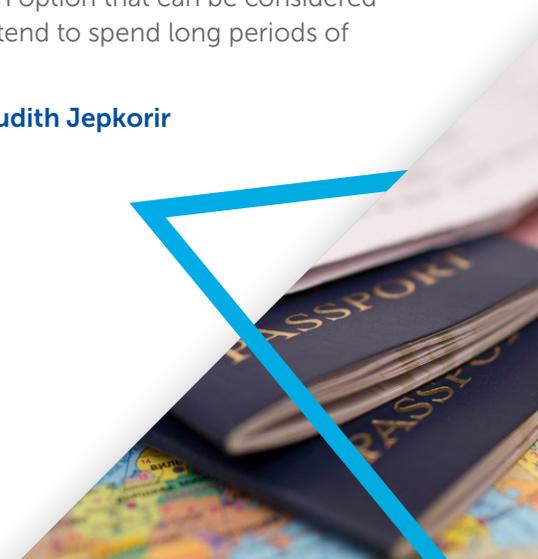
The process of acquiring permanent residency entails making an application to the immigration department accompanied by the required documents and requisite fees.

The issuance fees payable are KES 100,000 for ex-Kenyans, KES 150,000 for spouses of Kenyan citizens and KES 750,000 for lawful residents. Children of Kenyan citizens who have acquired nationalities of countries that do not allow dual citizenship pay KES 20,000 in permanent residence application fees and KES 750,000 to be issued with a permanent residency certificate in Kenya. The timeline within which a permanent residency application is processed may range from five months to two years, depending on the circumstances of each situation.

Conclusion

Being a permanent resident confers a person the right to be in Kenya on a long-term basis without having to undergo periodical renewals compared to work permits. It is therefore an option that can be considered by non-Kenyans who intend to spend long periods of time in Kenya.

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BBBEE STATUS: LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

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