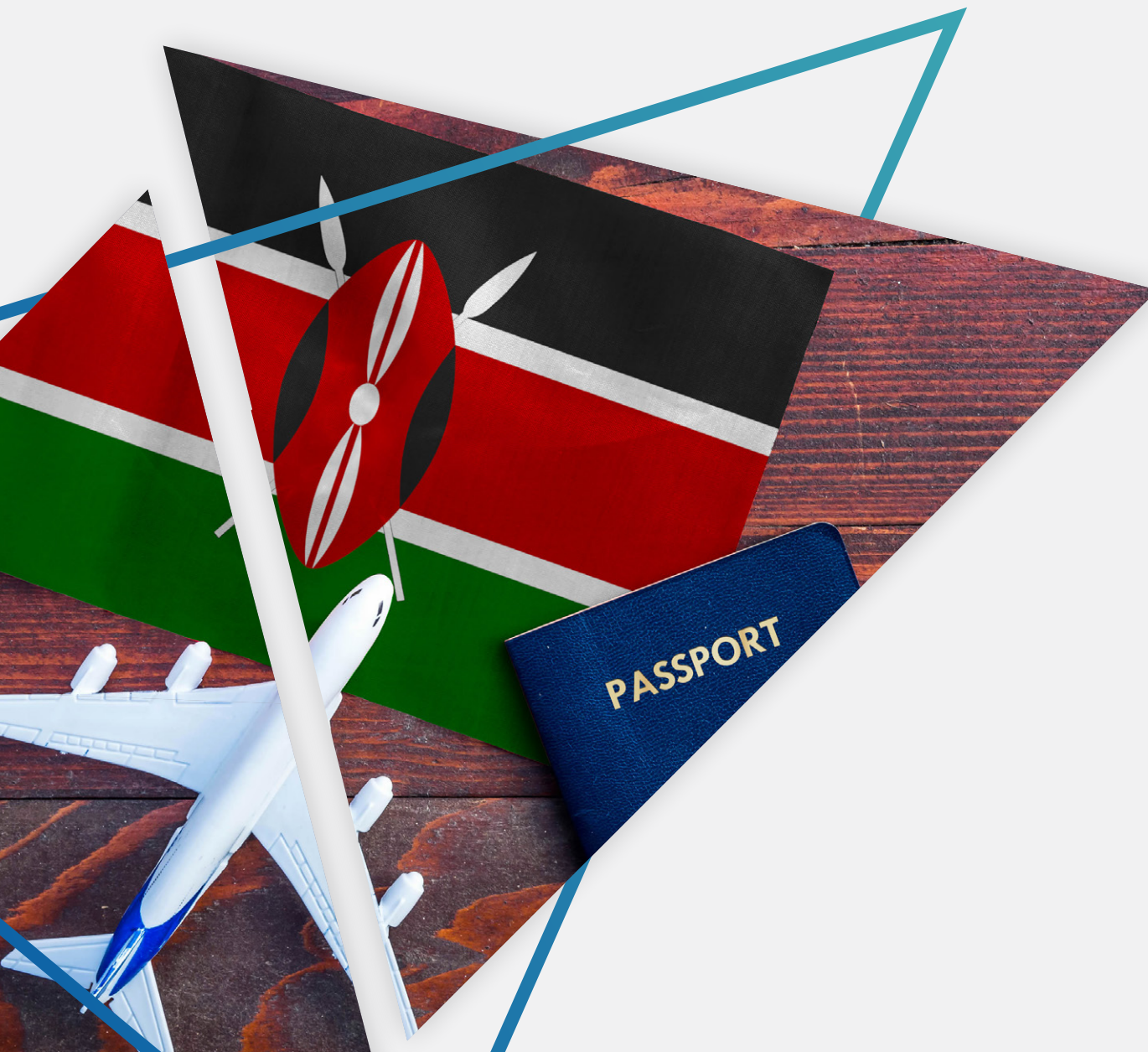


Immigration Law

ALERT | 13 February 2025



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Immigration developments in Kenya



Over the past three months, the Government has made changes to the immigration laws and regulations in Kenya by introducing new classes of work permits, while at the same time doing away with the visa requirements for citizens of African states, other than Libya and Somalia.

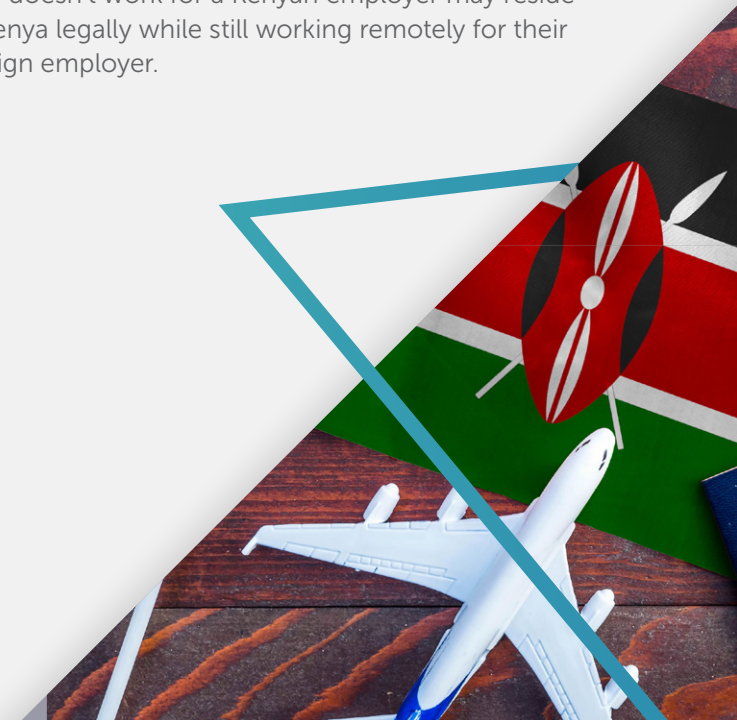
This article delves into the changes introduced by the Government and the intended effect of these developments.

On 1 October 2024 the Government issued Legal Notice 155 of 2024, which was later amended by the issuance of Legal Notice 198 of 2024 on 16 November 2024. The two legal notices created the following new classes of work permits.

1. **CLASS N Permit:** This permit is tailored for foreigners who live in Kenya but work remotely for foreign companies (companies not located in Kenya). Such people are considered to be digital nomads. The legal notice defines a digital nomad as *"someone hired by a foreign company but works remotely from Kenya, or a freelancer in Kenya providing remote services to a company based abroad"*.

To qualify for the Class N Permit the applicant must have a valid passport, provide evidence of remote work, provide proof of accommodation in Kenya, have a clean criminal record from their home country, have a guaranteed annual income of at least \$24,000 from sources outside Kenya, and declare that they will not take up any paid or unpaid job or engage in any income-generating activities for a Kenyan-based employer or company.

This permit resolves the long-standing dilemma that faced unmarried foreign couples residing in Kenya where one couple held a Kenyan work permit and their partner was unable to qualify for a dependent pass on account of not having a marriage certificate. With the introduction of the Class N Permit the partner who doesn't work for a Kenyan employer may reside in Kenya legally while still working remotely for their foreign employer.



Immigration developments in Kenya

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2. **CLASS P Permit:** This permit is tailored for foreigners working with internationally recognised and accredited not-for-profit organisations (NPO) operating in neighbouring countries that are facing hardship.

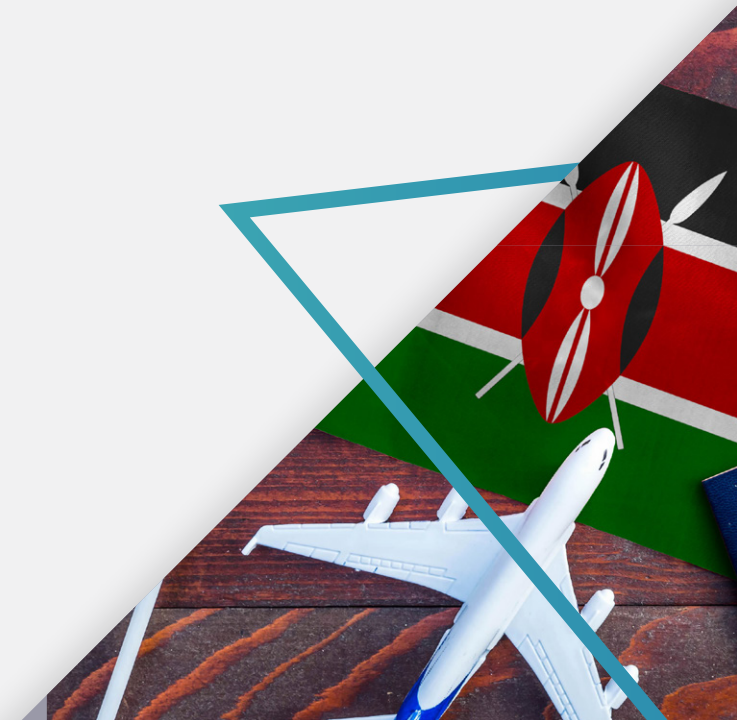
The permit creates a safe abode for the dependents of such employees, allowing them to live in Kenya on dependent passes with the NPO employee being the principal permit holder. Previously, such dependents would have had to either find employment in Kenya or apply for an ordinary residence permit (Class K Permit).

3. **CLASS Q Work Permit:** This work permit is tailored towards foreign professionals working for religious or charitable organisations. Such people should not be involved in preaching or leading religious services or rituals, **(if they are involved in such activities then the Class I Permit will be applicable)** and their presence in Kenya will be beneficial to the country.

However, the question remains as to whether non-governmental organisations and public benefit organisations are categorised as charitable organisations and whether their employees qualify for the Class Q Work Permit.

4. **CLASS R Permit:** This class creates a permit category for citizens of countries that are members of the East African Community (EAC). Previously, citizens of EAC member countries would be required to obtain similar permits to citizens of non-EAC member countries but the application and issuance fees would be waived. With the creation of the Class R Permit the exemptions on applicable government fees have been upheld and the process of permit issuance to our neighbours can be better managed.

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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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