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OF NATIONAL GOVERNMENT**

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Ref. No. IMM/2/2

11th November 2020

Darren Gillen
Chair
Business Ireland Kenya
NAIROBI

**RE: KEYNOTE PRESENTATION AT THE BUSINESS IRELAND KENYA, EUROPEAN
BUSINESS COUNCIL COFFEE HOUR, 29TH SEPTEMBER 2020.**

Reference is made to your letter dated 12th October 2020 on the above subject.

Enclosed please find the response to the queries raised by the European Business Council at the Coffee Hour on 29th September 2020.


Alexander Muteshi Imbenzi CBS, OGW, ndc (k)
DIRECTOR GENERAL

Encl.

1	Will there be a requirement to exit the country to re-apply for visa/work permit once the extension period has expired	The practice worldwide is that a person is required to depart the host country if they have no valid immigration status.
2	What would be the appropriate visa to apply for a European Trainer to hold one or repeated training for Kenyans here on site and his services are paid for in Europe as a part of the project?	The trainer should apply for a visa to allow entry into the country and the hosting institution to apply for a Special pass to cover the duration of the training. The Special pass can be issued for up to three months at a time for a maximum of 6 months in a given year.
3	The Efnis Portal is currently allowing uploading of application requirements for special passes, this however does not seem to be working for work permit applications. Is immigration Department accepting hard copy work permits or this is now done online?	The Efnis is functioning and all documents are being received online Once documents are uploaded, there is no need to submit hard copies
5	With pending Dependent Pass, what options are available for staying in the country while the pass is awaiting approval	Options available are visitors pass, special pass, pupils pass, work permit or any other valid immigration status.
6	In terms of NGOs work permits-these are further affected by NGO Coordination Board who have to send a recommendation letter in order to approve the application. In recent time they have just issued approvals for one year It was mentioned in the conversation with the Irish Embassy this year that the NGO Coordination Board were looking to approve a law that would allow for 2-year application-What is the update on the same?	It was stated that the mandate for recommendation of NGO work permits lies with the Board and the Directorate acts guided by the recommendations of the board. The NGO Board can be contacted to respond on their projections.

7	Special Pass –Clarify Is the new Directive for 6 Months? Historically, the duration has been for 3 Months	Special passes are issued for up to three months at a time for a maximum of six months in a given year.
8	If I am a foreign citizen owning a House or Apartment in Kenya, what would be the suitable permit?	The person may apply for a category of permit that fits his or her reason for stay in the country. For example, category 'D' for employment, category 'K' for retired persons, category 'G' for business among others.
9	We were advised that documents are received in a box at the reception, and feedback is given later. How soon can the concerned company receive confirmation that a permit has been fully cancelled?	After the receipt of the letter and original permit for cancellation, the permit is normally cancelled within two weeks and notification generated online.
10	What is the procedure of opening Opening a Temporary file should a file be declared missing by a processing officer?	This is purely an internal administrative matter. However, with the ongoing digitization, cases of lost or misplaced files will be history.
11	Could the Director General of Immigration services clarify the role of those offering to assist in permit application for a processing and fee and whether there is any regulation on those offering such services?	The relationship between the applicant and the department is direct through the online system. The use of intermediaries and brokers is an independent arrangement between the applicant and the agencies involved and the directorate is not party to the matter. Any applicant dealing with third parties is at risk of misinformation, which may lead to delay in processing of their documents.
12	If an applicant held a special pass for a maximum of 6 Months prior to getting his/her work permit declined, and an appeal is in progress, can such applicant apply for special pass?	Yes, but this special pass act as a visitors pass and does not allow the person to work, but to await the outcome of appeal as envisaged in regulation 34(1) a, which states that a person who wishes to enter and remain in Kenya for a limited period for the purpose of applying a review of a decision denying a permit, may apply for a special pass.
13	1) We find that work permits for Tanzania nationals take inordinately long time to be approved (6 months or more). This is despite EAC protocols allowing free movement of labour on EAC.	Permits are not processed selectively based on nationality. Our statistics indicate that 98% of work permits applied for by Tanzanian nationals are issued within stipulated timelines. A case may delay due to other conditions not related to the process for instance, verification of the required documents, missing information etc. This can affect any application in the system regardless of the nationality.

	<p>What is causing such unusual delay?</p> <p>II) If a work permit is rejected, say for failure to provide a supporting document or that job can be done by Kenyans, can the applicant submit a second application with the reason for rejection being comprehensively addressed?</p>	<p>The law is very clear that once a permit is rejected, the applicant appeals to the Cabinet Secretary in charge of immigration matters. The applicant should provide all requirements before a decision is reached. It is notable that where documents or more information is required, the case is deferred to allow compliance.</p>
14	what is the timeline for appeals on rejected work permits	<p>A person whose work permit has been rejected can appeal to the Cabinet Secretary in charge of immigration matters within 90 days</p>
15	There are many foreign investors living in Kenya who have had their domicile in Kenya for generations, is there a possibility for introduction of Citizenship document / Pass in order to enable this generation to carry out business?	<p>There is a path to Citizenship and Permanent Residence for long-term residence. However, they must make individual applications and there is no blanket issuance as envisaged in the question.</p>
16	Why is there not a visa available for expats that are married to a Kenyan beside a Dependent pass which requires them not to work, or a work visa, which does not allow them to get Permanent Residency in Kenya. Could the Directorate of Immigration services share any updates on any foreseeable changes to this?	<p>Any foreigner whether a spouse of a Kenyan or not must apply to the get a Permit or Pass allowing them to work. Where such spouses are not working, they are eligible for Dependent passes.</p>
17	What information is available on investments permits for expats	<p>There is a One - Stop - Shop at the Kenya Investment Authority that provides all critical information and assistance to foreigners wishing to invest in the country.</p>
18	Could the Directorate expound on Police Clearance	<p>In some cases, we require clearance exonerating an applicant from criminal history from his country of residence. This is applicable to students over 18 years applying for student or internship passes, Permanent Residence and Citizenship application</p>
19	Recently we saw a partnership launch between Directorate of Immigration and	<p>The Department will not cater for those charges.</p>

	<p>Posta Kenya, and the launch was to have the passports delivered to the clients' post office box. Unfortunately, the details of this engagement was not communicated appropriately to the clients who have had to be asked to pay a standing charge of 180/-. Is there a possibility of the DIS catering to these charges</p>	
20	<p>Are there any policy changes that affect refugees that we should be aware of?</p>	<p>There are no policy changes.</p>