

Immigration Insights

by CDH Employment Law

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Revised fees for immigration services in Kenya from 1 March 2024

Kenya is the largest and most advanced economy in East and Central Africa. The country is open for business to well-positioned companies with strategic objectives to tap into the growing potential of emerging markets in the region.

The Expat Essentials Index 2023 by InterNations (the largest global community for people living abroad whose mission is to make life easier for expats and connect global minds worldwide) ranked Kenya as the top country in Africa for expatriates to get started and settle due to language, cost of homes, and ease of finding housing. According to the Economic Survey 2023 published by the Kenya National Bureau of Statistics, the number of foreign nationals registered in the country declined in 2022 compared to 2021. Further, the number of work permits issued increased by 8,6% in 2022 from the previous year, while the number of renewed work permits decreased in 2022 compared to those renewed in 2021.

The Economic Survey 2023, also indicates that in 2022, about 1,541,000 visitors jetted into Kenya for various reasons such as holidays, business, transit, religious missions, sports and study, among others.

In an unprecedented turn of events via a special gazette notice dated 7 November 2023, the Kenyan Government, through the State Department of Immigration Services, revised the charges of its immigration services:

"It is notified for the general information of the public that pursuant to Regulation 60 of the Public Finance Management (National Government) Regulations, 2015, the Cabinet Secretary for National Treasury and Economic Planning has granted to the Cabinet Secretary for Interior and National Administration the authority for the State Department for Immigration and Citizen Services to revise charges and levies on its services."

This notice led to an uproar from stakeholders and citizens at large who faulted the Government for the changes that had not been subjected to public participation, as is required by the Constitution of Kenya. Consequently, the Cabinet Secretary for Interior and National Administration issued a further gazette notice on 14 November 2023 revoking the earlier gazette notice, to allow for public participation and issuing further revised fee rates for immigration and citizen services. The public participation exercise was carried out between 14 November 2023 and 5 December 2023.

An internal memo dated 29 February 2024 from the Ministry of Interior and National Administration directed all section heads, regional co-ordinators, national registries, county co-ordinators, and sub-county registrars to implement the revised fees with effect from 1 March 2024, with regional co-ordinators being tasked to ensure compliance.

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The affected immigration services are outlined below.

Permits

The table below shows a comparison of the previous fees and the new fees for various permits.

| Permit | Current fee per year (KES) | New fee per year (KES) | New fee USD approximation |
|--------------------------------------------------------|----------------------------|------------------------|---------------------------|
| Class A – Prospecting and Mining | 250,000 | 500,000 | 3,425 |
| Class B Agriculture and Husbandry | 100,000 | 250,000 | 1,712 |
| Class C – Prescribed Profession | 100,000 | 250,000 | 1,712 |
| Class D – Employment | 200,000 | 500,000 | 3,425 |
| Class F – Specific Manufacturing | 100,000 | 250,000 | 1,712 |
| Class G – Specific Trade Business | 100,000 | 250,000 | 1,712 |
| Class I – Approved Religious and Charitable Activities | 5,000 | 50,000 | 343 |
| Class K – Ordinary Residents | 100,000 | 250,000 | 1,712 |
| Class M - Refugees | Gratis | Gratis | N/A |

** 1 USD = KES 146 as of 5 March 2024.*

The processing fees for all classes of permits have been adjusted from the current KES 10,000 to KES 20,000 per application. It is important to note that permit processing fees are non-refundable.

Applicants whose permit applications have been rejected and who wish to appeal the decision of the Permits Determination Committee will now be required to pay a processing fee of KES 20,000. Previously, the Government did not charge for service.

The gazette notice introduces an express permit that will cost an applicant USD 10,000 per year to obtain.

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Special passes and dependent passes

Previously, no processing fee was payable for dependent passes and special passes. Applicants for the special pass and dependent pass will now pay KES 5,000 in processing fees. The processing fee is in addition to the issuance fees of KES 10,000 (per year) for dependent passes and USD 200 for special passes. Spouses and children of Kenyans will be required to pay KES 20,000 to be issued with the crucial dependent pass.

Dependent pass holders are also required to obtain a re-entry pass which previously cost KES 1,000 but will now be issued for KES 5,000.

Student and intern passes

Foreign nationals who wish to study and undertake their internships in Kenya are now required to pay USD 100 for either a student pass or an intern pass.

Learning institutions are obligated to ensure before admitting a person for training or instruction that a person is not:

- a foreign national who is in the country illegally;
- a foreign national whose status does not authorise them to receive such training or instruction; and
- a foreign national on terms or conditions in a capacity different from those authorised in their status.

Foreign national certificates (alien cards)

Alien cards are mandatory for all foreign nationals residing in Kenya and will now cost KES 5,000 per annum, up from the current KES 1,000. The penalty for failing to renew or obtain an alien card has also been revised upwards from KES 1,000 to KES 10,000 per annum. In addition, it will now cost KES 2,000 to replace a lost alien card.

Immigration visas

People who overstay in Kenya beyond their authorised period will now pay a sanction fee of USD 50. It is not clear from the gazette notice whether the sanction fee is per day or for the entire period an individual has overstayed in the country. The Kenya Citizenship and Immigration Amendment Bill, 2023 does not clarify the position either as it provides that an immigration officer shall impose a penalty depending on the duration of overstay as gazetted by the Cabinet Secretary and we expect to receive guidance on the issue from the Cabinet Secretary and the Immigration Department for certainty on the issue. All people traveling to Kenya must obtain an electronic travel authorization (eTA) which costs USD 30 (except for South Africa, Comoros, Eritrea, Ethiopia, Mozambique, and San Marino nationals who have been exempted from paying the eTA issuance fee). Please see our earlier article on the eTA [here](#).



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The implementation of the overstaying penalty is in line with the amendments proposed by the Kenya Citizenship and Immigration Amendment Bill, 2023. The bill proposes instant penalties for persons who have overstayed in the country. Please see our earlier article on the proposed Immigration Bill, 2023 [here](#).

Previously, there was no fee for an extension of a visitor's pass, which will now be processed at USD 50.

Citizenship

People who have lost their Kenyan citizenship and wish to regain it under section 10 of the Immigration Act will now need to part with KES 50,000, up from KES 5,000. Further, people who wish to declare dual citizenship are now required to pay KES 10,000 for their application to be processed. Kenyans who wish to renounce their citizenship will now have to pay KES 50,000, up from the previous fee of KES 20,000.

It is no longer a cheap affair to apply to be a Kenyan citizen by marriage, as the application fees have shot up from the current KES 30,000 to KES 100,000 (East African nationals will pay KES 50,000 up from KES 5,000). Gaining Kenya citizenship by registration for children and dependents of Kenyans will now cost KES 100,000, up from KES 20,000.

Migrants, stateless people, and their descendants who wish to apply for Kenyan citizenship will now be required to part with KES 10,000, up from KES 2,000.

Registration of citizenship by widows and widowers of Kenyans has also been hiked from the current KES 20,000 to KES 50,000 (East African nationals will pay KES 50,000, up from KES 5,000).

The fees payable by people who have lawfully resided in Kenya and wish to gain citizenship have been revised to KES 1 million from KES 200,000.

Permanent residence

Ex-Kenyan citizens and lawful residents who wish to apply for permanent residence in Kenya are now required to pay KES 50,000 in application processing fees and KES 100,000 and KES 750,000 in permanent residence certificate issuance fees for ex-Kenyan citizens and lawful residents, respectively.

Spouses of Kenyan citizens will now pay KES 50,000 in permanent residence application fees and KES 150,000 to be issued with a permanent residence certificate.

Children of Kenyan citizens who have acquired nationality of countries that do not allow dual citizenship will need to part with KES 20,000 in permanent residence application fees and KES 750,000 to be issued with a permanent residence certificate in Kenya.



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The following category of people, their spouses, children, and dependants are eligible upon application for permanent residence status in Kenya:

- people who were Kenyan citizens by birth but have since renounced or lost their citizenship and are precluded by the laws of the countries of their acquired domicile from holding dual citizenship;
- people who have held work permits for at least seven years and have been continuously resident in Kenya for the three years immediately preceding their application;
- children or dependants of citizens who are born outside Kenya and have acquired citizenship of the domicile;
- spouses of Kenyan citizens married for at least three years; and
- widows or widowers of Kenyan citizens.

Please see our Kenyan immigration guide [here](#) for information on work permits, special passes and dependent passes.

Conclusion

The Economic Survey 2023 indicates that at least 1,200 people were convicted in 2022 for engaging in employment in Kenya without work permits. The fee increases for key immigration may escalate the number of foreigners who are in Kenya illegally. The immigration services fee adjustment is also likely to negatively impact the number of foreigners arriving in Kenya compared to its East African Community counterparts who have not made similar changes. The decline of foreigners will also affect the country's revenues from key immigration services and investments by foreign investors. Similarly, the changes are likely to diminish the country's pride as a preferred destination for expats and multinationals who consider the country as favourable in Africa when it comes to ease of doing business. Employers and investors who were in the process of engaging foreign employees and making investment plans in Kenya will need to adjust their budgets to accommodate the new government fees for immigration services.

As of 11 March 2024, the Foreign Nationals Management system is yet to be updated with the revised fees for the respective immigration services. We are watching out for any developments on the issue and we will keep you updated.

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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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