

# GMS Flash Alert

Immigration Edition

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## Kenya - New Procedures for Verification and Registration of Foreign Nationals

Kenya's Cabinet Secretary for Interior and Co-ordination of National Government (CS) issued a directive for verification and registration of expatriate employees and their dependants. The aim is to identify expatriates working in Kenya and establish the validity of their work permits.

Unusual as it may seem, this directive by the CS is regulatory and within the provision of the Immigration Act which allows the immigration office to summon expatriates or call for information, documents, and other particulars that are necessary for purposes of determining whether a person should be permitted to remain in Kenya or not.<sup>1</sup>

In accordance with the directive, the Immigration Department has commenced **a 60-day verification** and registration process effective 21 May 2018.

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### WHY THIS MATTERS

The new procedures could present expatriates in Kenya with some difficulties and inconvenience, particularly for those who are located well outside Nairobi and have to travel to Nairobi in order to be processed under the new requirements.

Failure to comply could result in penalties or other sanctions as explained below.

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### New Procedure for Verification and Registration

Expatriates are required to physically visit the Immigration Department offices at Nyayo House in Nairobi with the following documents:

- Original work permit;

- Valid official endorsement on passport;
- Valid alien card;
- Official payment receipt; and
- Kenya Revenue Authority Personal Identification Number (PIN).

All expatriates with valid work permits will be issued with new digital identification cards.

Upon lapse of the 60-day window, the Immigration Department will conduct a crack-down on the expatriates who are in Kenya illegally. This includes arrests and detention, court appearances, custodial sentences or fines, and deportation, as applicable to both employers and employees.

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## KPMG NOTE

As noted by the CS, the expatriate community is estimated at upward of 100,000 (excluding dependents) and the verification exercise is expected to run for 60 days starting 21 May 2018. Excluding weekends and public holidays, the Immigration Office has about 42 days to process approximately 2,000 expatriates daily. If the process is not decentralized or the period extended, expatriates could be faced with challenges and inconveniences, especially those who have to travel from far away to get to Nairobi to be processed.

Those concerned by the new procedures should consult with their qualified immigration counsel as soon as possible.

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## FOOTNOTE:

1 To see the Kenya Immigration Act Cap 172 on the Kenya Law reports Web site, [click here](#).

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This article is excerpted, with permission, from "Kenya – Work permit: Tightening the Noose on Immigration Irregularities," in *Regulatory Alert*, a publication of the KPMG International member firm in Kenya.

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