

## APPLYING FOR A WORK PERMIT IN KENYA

BY KENDI LATOYA



A work permit is an official document giving a foreigner permission to take a job in a country. In Kenya, Work Permits are issued by the Department of Immigration to any foreigner wishing to engage in employment in Kenya whether in gainful employment or voluntary service.

It is illegal for any foreigner to work in Kenya without a valid work permit. The Law governing issuance of work permits in Kenya is the Kenya Citizenship and Immigration Act, 2011 of the Laws of Kenya.

The Act provides that the Director shall issue a permit of the required class to a person who is not a prohibited immigrant or inadmissible person, who has made an application in the prescribed manner; and satisfied the Committee that he has met the requirements relating to the particular class of permit.

Work permits in Kenya are issued in various classes, below are the different classes:

### Class A

This permit is issued to persons who intend to engage in prospecting for minerals or mining.

#### **Requirements.**

- Obtain or is assured to obtain the necessary licenses and registrations.
- Sufficient capital or resources for investment.
- In an application for renewal of a permit a current license held for prospecting minerals and copy of PIN is required.

### Class B

This work permit is issued to persons wishing to invest in Agriculture and Animal Husbandry.

#### **Requirements.**

- Proof of leasehold interest in land for the purpose.
- Proof of capital available for the purpose.

- Clearance from relevant bodies.
- In an application for renewal of the permit a current license held for prospecting minerals and copy of PIN is required.

### **Class D**

This work permit is issued to a person who is offered specific employment by a specific employer who is qualified to undertake that employment.

#### **Requirements.**

- Copies of academic/professional certificates together with the Curriculum Vitae.
- Evidence that the organization failed to fill the vacancy from the local labor market.
- Dully filled Form 25, signed and sealed by the company.

### **Class G**

This work permit is issued to investors in specific trade, business or consultancy.

#### **Requirements.**

- Documentary proof of capital to be invested/already invested being a minimum of US dollars 100,000 or its equivalent in any other currency.
- Certificate of incorporation of the Company
- Copies of personal and company PIN (Personal Identification Number) if business is running.
- In an application for renewals one should provide audited accounts for previous 2 years and a certificate of tax compliance from the Kenya Revenue Authority.

### **Class I**

This work permit is issued to a member of missionary society approved by the Government of Kenya and whose presence is beneficial to the country.

#### **Requirements.**

- A copy of Certificate of Registration of the organization.
- Academic and professional certificates of the applicant.

### **Class K**

This is a residence permit issued to persons who have an assured income derived from sources outside and undertakes not to accept paid employment of any kind.

#### **Requirements.**

- Documentary proof of assured income.

### **Class M**

Work permit issued to Conventional Refugees.

#### **Requirements.**

- Recognition letters from UNHCR and Department of Refugee Affairs.

**Note:** Section 41 (2) of the Act provides that a person to whom a work permit of class M is issued may engage in any occupation, trade, business or profession.

### **OTHER REQUIREMENTS**

- Dully filled and signed application form (Form 3).
- Cover letter from employer/self/organization depending on the class (as applicable)
- Copies of the National Passport.
- Two coloured Passport size photographs.

### **PROCEDURE:**

An person applying for a work permit should compile all the required documentation together with the prescribed fees applicable for the specific class and present them to the Department of immigration.

The prescribed fees for each class is as below:

CLASS A	MINING	10,000	250,000 FEE P/A
CLASS B	AGRICULTURE	10,000	100,000 FEE P/A
CLASS D	EMPLOYMENT	10,000	200,000 FEE/PA
CLASS G	INVESTORS	10,000	100,000 FEE/PA
CLASS I	RELIGION AND CHARITY	1,000	5,000 FEE/PA
CLASS K	ORDINARY RESIDENTS	10,000	100,000 FEE/PA
CLASS M	REFUGEES	GRATIS/FREE	GRATIS/FREE

#### **Invalidation of a work or residence permit**

The Act provides that where a permit has been issued to a person, and that person fails, without the written approval of the Director, to engage within ninety days of the date of issue of the permit or of that person's entry into Kenya, whichever is the earlier, in the employment, occupation, trade, business or profession in respect of which the permit was issued or take up residence; ceases to engage in the said employment, occupation, trade, business or profession; or engages in any employment, occupation, trade business or profession, whether or not for remuneration or profit, other than the employment, occupation, trade, business or profession applied for, the permit shall cease to be valid and the presence of that person in Kenya shall be unlawful, unless otherwise authorized.

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