

# Immigration Department Notice

## Client Alert

January 2021

### Restrictions on Concurrent Applications for Special Pass and Work Permit

The Department of Immigration Services is no longer processing special pass applications that are filed at the same time as work permit applications. This requirement applies to both new and renewal applications. The Department of Immigration seeks to tighten up the issuance of special passes by banning applications from foreign nationals who are in the country.

This means that employers who file the two applications together will have the special pass request rejected and will need to complete the lengthier work permit application process before the employee may travel to Kenya. Employers who require a foreign national employee to start work in Kenya sooner should apply for a special pass alone, wait until it is approved, and then travel to Kenya and apply for a work permit.

### Processing Timelines for Permits and Passes

Over the last few months of the year 2020 leading up to the date of this article, there have been excessive delays in the processing time for permits and passes. The delays could be attributed to a number of factors, including the effects of the new measures taken by the Department of Immigration concerning Covid-19, and increased scrutiny of applications by immigration authorities. For instance, where the processing time for new work permit applications would take approximately 3-5 months, it is now common for this wait time to go beyond 8 months. Special passes on the other hand can take about 2-4 months to be processed and dependant pass applications could take up to 10 months.

The implication of the prolonged processing timeline is that, applicants might be required to remain in their home countries and await approval of the applications and dependants travelling to Kenya on tourist visas before applying for dependant passes risk having the visas expire before their dependant pass applications are approved. Employers may also need to adjust their time lines accordingly

## Alien Card Applications

In a move to reduce congestion at the immigration offices and adhere to the Ministry of Health safety guidelines on Covid-19, the Department of Immigration now requires that all foreign nationals applying for alien cards (foreigner certificate) must book appointments for biometric collection through the electronic Foreign Nationals Services (eFNS) portal (available [here](#)).

At the moment, the waiting list for biometric appointments is at least five months out. It is presumed among other factors that the delay is caused by a limitation of the number of appointments that can be scheduled on a particular day. It is important to note that biometrics are collected with each application including renewal applications.

It is expected that the process change will affect any transaction that requires a foreign national to have an alien card, e.g. purchasing a vehicle, applying for a driver's license, which means that one might have to wait for long periods of time to secure an alien card before proceeding with the transaction.

## Application for eVisa

With effect from 1<sup>st</sup> January 2021, the Government of Kenya fully automated the application process and issuance of visas. All passengers travelling to Kenya from countries requiring visas to enter Kenya will be required to apply and obtain an eVisa prior to arriving to the country.

This change in policy means that that no visas will be proceeded or issued on arrival to Kenya.

The application process for the e-visa includes:

- Creating an account on eVisa (available [here](#));
- Completing the application form and make the relevant payment; and
- Upon approval of the application, downloading and printing off the eVisa.

We shall continue to keep you updated on any further developments. In case of any queries, please contact:

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