



CM ADVOCATES LLP



IMMIGRATION & GLOBAL MOBILITY PRACTICE GROUP

*We are your trusted ally in immigration
advisory services and global mobility solutions.*

NAIROBI • MOMBASA • KAMPALA • DAR ES SALAAM • KIGALI • LAGOS

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At CM Advocates LLP, we pride ourselves on being able to provide our clients with consistently timely, high quality, innovative and commercially relevant legal advice. Since technical know-how is not adequate, we constantly seek to build excellent working relationships with our clients and clearly understand their businesses as well as the realities and imperatives they face. Our strategy is to build teams that are specific to our clients' needs and to combine specialist legal skills, industry experience and practical know-how.

Our focus and aim is getting to the core of our clients' legal needs and creating and adding value to them. We do this by delivering timely, innovative, practical and commercially-sound advice and legal solutions. We have set up robust systems to ensure consistently high quality out-put in every assignment we undertake and we are uncompromising in our quality control. Moreover, we always seek to protect our clients' interests, mitigate their risks and create superior outcomes for them.

Our ability to deliver on our promise is made possible by our team of highly skilled and expertly trained lawyers led by our Managing Partner at the fore front of every transaction. We are singularly focused on our clients' success and are committed to safeguarding and promoting your interests.

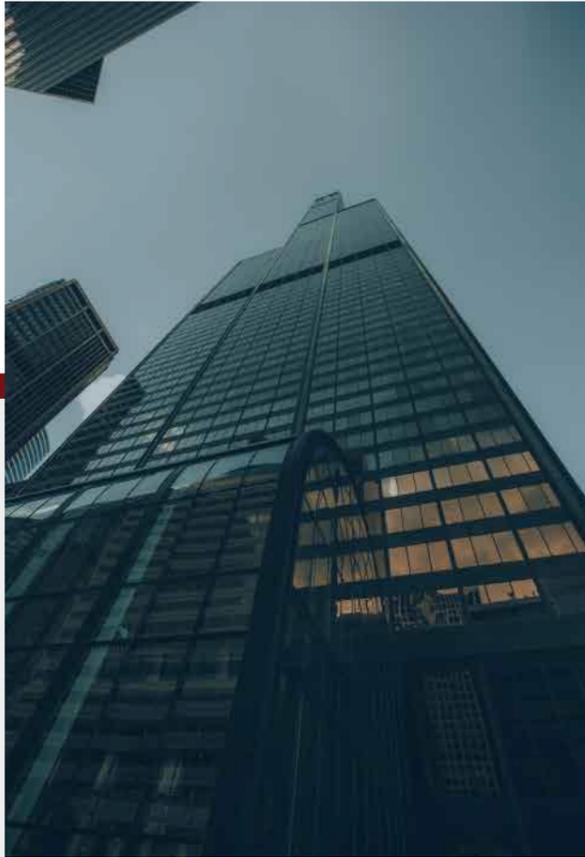
Indeed, our pride is to ensure you succeed in your business or project.

We have a culture of professionalism, team work and respect, where talented professionals with different views, experiences and backgrounds can thrive. To remain on the cutting edge, we put extra emphasis on continuous learning, knowledge sharing and peer reviews. This has enabled the Firm to curve a niche for itself in both existing, new and emerging branches of law. The Firm's local and international clientele cuts across various sectors of our economy like financial services, real estate development, manufacturing, telecommunication, agribusiness, tourism, hospitality, energy and mining.



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Overview

Our team of immigration lawyers support public and private sector clients on the full suite of Global Mobility Consultation, Business Immigration, Employee Transfers, Investor Immigration and Family Immigration matters.

We understand that the world is increasingly becoming more interconnected with international organizations having a global reach that has necessitated the constant migration of its workforce. International organizations must bear in mind and appreciate the legal issues presented by the increased interconnectivity and global mobility, which issues may arise from a migrating workforce, to setting up of foreign operations, as well as ensuing taxation and legal issues. Legal relocation and mobility support form a critical component beyond the logistical concerns and cultural support to be accorded to a migrating workforce. This must therefore be considered to ensure seamless transition of employees from one geographical area to another in a manner that helps the affected persons and companies navigate the terrain with ease, all while ensuring no party is left exposed or vulnerable when it comes to adherence to the relevant laws.

Whatever the requirements, we seamlessly work with clients to help them navigate the immigration law hurdles and conditions and ensure compliance with the Kenya Citizenship and Immigration Act (Act No. 12 of 2011) and regulations made thereunder to avoid any penalty fees or legal action.

Besides the foregoing, we assist those who want to acquire Kenyan Citizenship or register as dual citizens of Kenya and any other country. In addition, we help clients navigate immigration issues relating to refugee or asylum status in Kenya and the wider East Africa region.

CM Advocates LLP boasts of a dedicated multi-disciplinary team of immigration lawyers and specialists who understand the importance of global mobility and the need to offer bespoke solutions, specifically catering to the challenges experienced within this sector. We understand that foreign jurisdictions have different laws, cultures and practices. As a relocating applicant or employee, the information gap should not deter you from growth and immigration opportunities. This is why as a team, we specialize in formulating thorough global mobility strategies that facilitate international relocations and transfers into Kenya and the wider East African region through our branches in Uganda, Tanzania and Rwanda.



Our Immigration Services

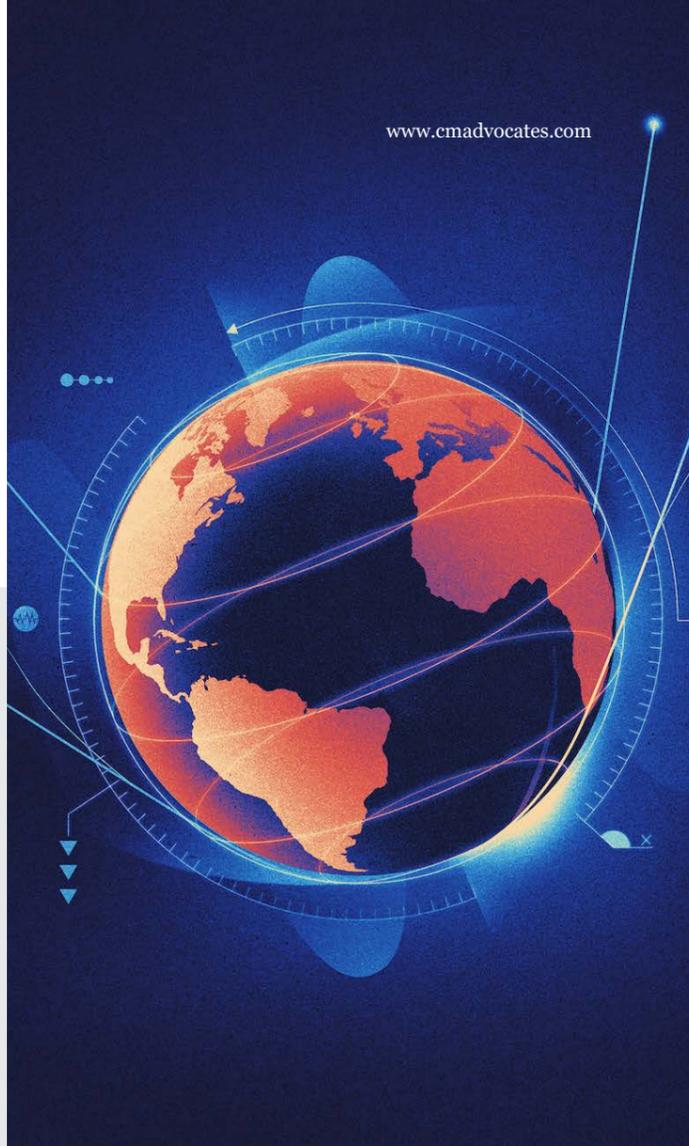


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GLOBAL MOBILITY SERVICES

Global mobility has become increasingly important as companies move employees from one jurisdiction to another as necessitated by their widespread presence across the globe. Our team understands that having a worldwide work force requires a fair amount of complex immigration, tax, compliance and strategic aspects. Our global mobility consultants specialize in implementing global assignments to businesses and their employees by offering the following services:

- (a) Advising businesses on local immigration regulations and relocation logistics;
- (b) Advising on issues relating to foreign contracts of employment and the applicable local labour laws;
- (c) Advising on taxation of employees and business in light of applicable bi-lateral agreements and other statutory provisions on taxation;
- (d) Assisting businesses connect with consulates or embassies;
- (e) We assist clients to process **ALL CATEGORIES OF WORK PERMITS** that is **Class A work permit** (Mining), **Class B** (Investment in Agriculture and Animal Husbandry), **Class C** (Prescribed/regulated professions), **Class D** (Employment), **Class G** (General Investment), **Class F** (Investment in Manufacturing Industry), **Class K** (Ordinary Residents/Retirees) and **Class M** (Refugees)



- (f) We assist clients to process **ALL CATEGORIES OF PASSES** ; ie Kenya Dependent's pass, Special Passes, Research Passes Internship passes and Student Passes
- (g) We assist in **OBTAINING VISAS** to enable entry to Kenya for whatever reasons such as Business Visas, Tourist Visas , Multiple Journey Visa, East African Visa and any other single entry visa for any other reasons e.g family, medical and other reasons.
- (h) Formulating essential policies in compliance with the applicable law e.g. data protection policy, sexual harassment policy etc.; and
- (i) Providing ongoing global mobility support.

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BUSINESS IMMIGRATION SERVICES

Our immigration lawyers are dedicated to offering progressive expert legal advice and solutions on all Corporate/Business immigration matters, including:

- (a) Advisory to various business sectors such as start-ups, SMEs, multi-national corporations etc. We assist in obtaining relevant immigration work permits and all other essential immigration compliance requirements;
- (b) Advisory to investors of various categories and assisting with procurement of the requisite investors' work permits. We consider the nature of the investment/operations in offering our services and constantly draw on the Kenya Investment Authority's and other agencies' offerings to advise businesses on the soundest investment opportunities in Kenya;
- (c) Advisory on mining and natural resources law to foreign investors who wish to engage in the mining sector. We assist in liaising with relevant government agencies to issue authorisation licenses and procure requisite immigration work permits;
- (d) Obtaining the relevant research and students' passes/E-visas on behalf of academic institutions;
- (e) Undertaking due diligence guidance regarding the impact of immigration regulations and requirements on corporate restructuring (including mergers and acquisitions), divestitures, and reductions in force;



- (f) Conducting immigration audits to ensure that organisations are and remain compliant with the immigration requirements and regulations;
- (g) Tax advisory services;
- (h) Supporting human resource functions of organisations on a variety of employment-related immigration issues. For example, we procure the requisite visa and work authorisation permits for both Kenya and regional personnel relocating from and into Kenya and the East African region. Such personnel include professionals, managers, executives and essential workers;
- (i) Advisory on the procedural requirements for the revocation of expatriate employees' work permits;
- (j) Periodic opinions on issues affecting immigration statuses to involved parties; and
- (k) Representing any parties aggrieved with the decisions of the Cabinet Secretary for the Ministry of Interior Coordination of Government or any office within the immigration department.



3 REGULATED PROFESSIONS WORK PERMITS

We understand that unlike other ordinary businesses/professions, regulated professions require additional regulatory requirements from relevant regulatory bodies. As such, we provide detailed legal advice and solutions to foreigners who are members of prescribed/ regulated professions and possess prescribed qualifications under the Eighth schedule of The Kenya Citizenship and Immigration Regulations, 2012.

Our Immigration Lawyers possess multi-disciplinary expertise to assist the following professionals, among others, with the following services;

(a) Scientists:

- (i) general legal advisory;
- (ii) assistance in procuring relevant clearances from government bodies;
- (iii) assistance in establishing the appropriate organisation to run scientific activities/research e.g.
- (iv) establishment of a charitable trust for scientific purposes; and
- assistance in procuring the relevant immigration work permits.

(b) Medical professions:

- (i) legal advisory on the aspects of Health Law and policies in Kenya applicable to the medical profession;

- (ii) assistance in obtaining the relevant clearances from the respective regulatory bodies; and
- (iii) assistance in obtaining the relevant immigration work permits.

(c) Engineers:

- (i) general legal advisory;
- (ii) assistance in procuring relevant clearances from the Engineers Board of Kenya;
- (iii) advisory on the appropriate business type to carry out engineering services in Kenya; and
- (iv) assistance in obtaining the relevant immigration work permits.

(d) Information and Communication Technology (ICT) Experts:

- (i) general legal advisory;
- (ii) advisory on data protection and intellectual property (IP) in Kenya;
- (iii) assistance in procuring relevant clearances from the ICT Authority body of Kenya;
- (iv) advisory on the appropriate business type to carry ICT-related services in Kenya; and
- (v) assistance in obtaining the relevant immigration work permits;

(e) Architects /Quantity surveyors:

- (i) general legal advisory; and
- (ii) assistance in obtaining the relevant immigration work permits.

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CHARITIES & NOT-FOR-PROFIT PUBLIC BENEFIT ORGANISATIONS

We offer comprehensive immigration law advisory services to foreign nationals who wish to engage in charitable, non-profitable or religious activities in Kenya for the benefit of the general public, including:

- (a) Advisory on and assisting organisations with lawfully constituting in Kenya, either as a company limited by guarantee, a local or international public benefit organisation or a branch thereof, a charitable trust or a society;
- (b) Procuring respective immigration work/resident permits to enable foreign nationals to engage directly in charities and not-for-profit activities in Kenya;
- (c) Procuring work permits for the Ministers of Religion to enable them to run a church, missionary or any other religious-related activities;
- (d) Procuring recommendation letters from the Non-Governmental Organizations (NGO) Coordination Board for the issuance of work permits to foreign volunteers/missionaries and obtaining other relevant clearances from key government agencies;
- (e) Undertaking donor funding assessments to determine compliance with the regulatory framework in order to meet the threshold for



attracting donation funds;

- (f) Obtaining special passes for persons who wish to engage in short-term consultancy activities/ services which are charitable/non -profitable or religious; and

- (g) Advisory concerning long-term residence status.



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INDIVIDUAL AND FAMILY IMMIGRATION SERVICES

We understand the pressure that comes with relocating to a new country. We therefore have a vibrant individual and family immigration docket that assists individuals to relocate and settle in Kenya together with their families. In this regard, we assist the following individuals;

- (a) **Foreign investors** looking to invest and carry on business in Kenya who require investor permits as well as dependent and student passes for their family members;
- (b) **Foreign skilled professionals** who require relevant work permits as well as dependent and student passes for their family members;
- (d) **Extended Family Members** with whom individuals wish to migrate and settle within Kenya. This mainly includes elderly parents, guardians or any other person of an extended family member that may be deemed appropriate; and
- (e) **Foreign citizens** looking to marry Kenyan citizens.

We also assist with applications for the following documents:

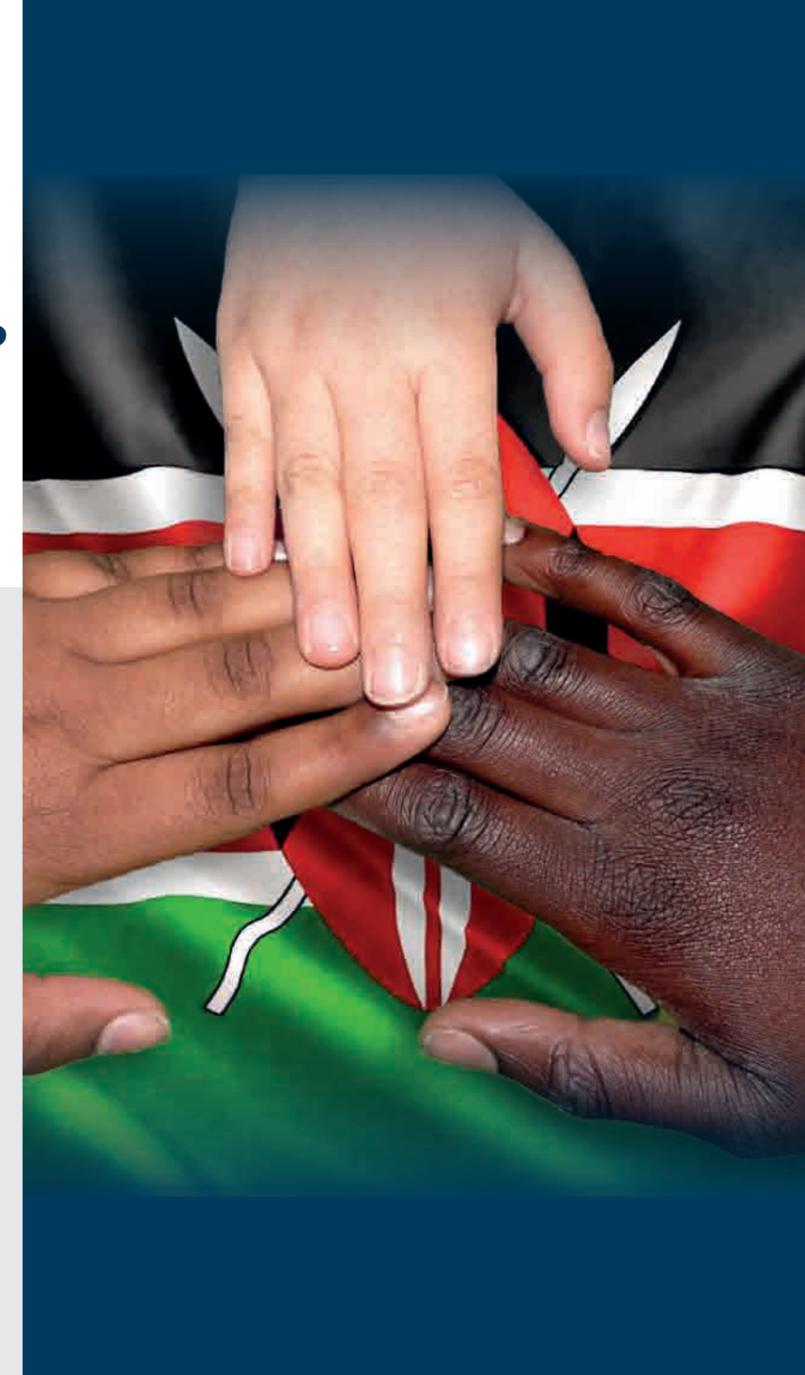
- (i) **Retirements resident permits (Ordinary Residents)** - we regularly assist foreigners and expatriate employees who intend to settle, relocate in Kenya together with their families upon retirement, and acquire retirement permits or permanent residence to enable them to. Additionally, we offer tax advisory services concerning their pension/annuities, among other legal advisory services;
- (ii) **Entry E-Visas** - including business visas and preparing the individual invitation letters, Tourist/Family visits/- Medical Reasons etc. visas as well as multiple entry visas;
- (iii) **Immigration documents** for children of school-going age to enable them to access educational facilities; and
- (iv) **Permanent Residence status** - We assist individuals who are lawful residents in Kenya to procure permanent residence status upon meeting all the mandatory requirements.

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KENYA CITIZENSHIP AND NATIONALITY REGISTRATION

Our team understands that certain circumstances require foreigners to settle permanently in Kenya. We are dedicated to assisting such individuals obtain Kenyan Citizenship by providing the following services:

- (a) **Application for Kenyan Citizenship** - we assist individuals who are lawfully residing in Kenya under a valid work permit to procure Kenyan citizenship upon attaining the prescribed duration of residence of seven (7) years in the country and satisfying all the other critical mandatory requirements;
- (b) **Application of Kenyan Citizenship on the basis of Marriage** - we assist non-Kenyan spouses who have been married to a Kenyan Citizen for a period of seven (7) years as well as non-Kenyan widowers/widows of Kenyan Citizens to apply for Kenyan citizenship upon meeting all the mandatory requirements. In liaison with our **Wealth & Private Client lawyers**, we also offer such individuals detailed advice on Estate Planning, and advisory on and assistance with registration of foreign marriages and marriages between Kenyan and non-Kenyans;
- (c) **Regaining of Kenyan Citizenship** - we assist with the regaining of Kenyan citizenship;



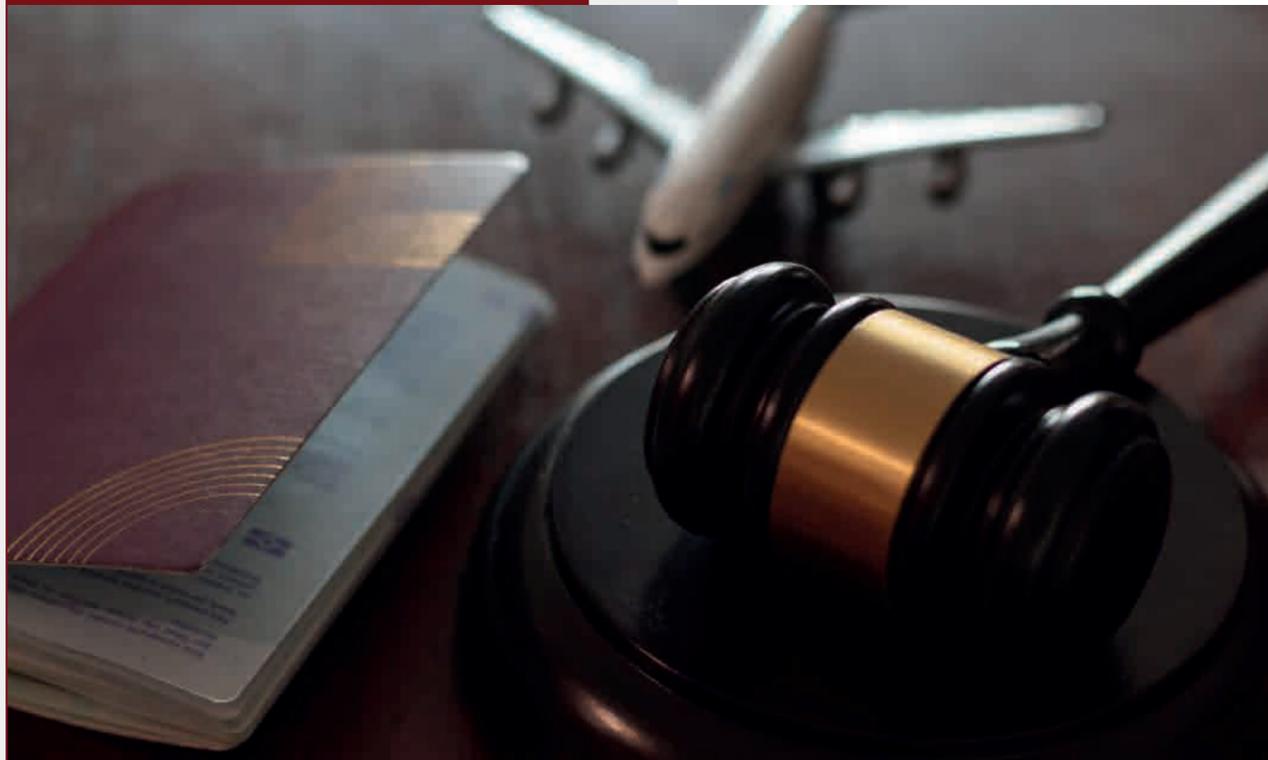
- (d) **Dual Citizenship/Nationality** - we assist in offering legal advice on the underlying factors of dual citizenship/nationality and applications for dual citizenship; and
- (e) **Citizenship for Children/Adopted Children** - in liaison with our Family Law lawyers, we offer comprehensive legal advisory on adoption procedures of non-Kenyan children by Kenyan citizens and procuring citizenship for children.

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IMMIGRATION LITIGATION

When relocating to Kenya, an individual may encounter challenges with applications that may result in litigious proceedings. Our team of Immigration Lawyers will diligently assist you with the following;

- (a) **Judicial Review/Appeals** - this in instances where an immigration application such as a work permit application, citizenship etc. has been declined by an immigration officer; and
- (b) **Challenging Deportation orders in Court** - we prepare pleadings and represent clients in court to challenge such orders.



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REFUGEES/ ASYLUM APPLICATION IN KENYA

Our Immigration Lawyers are aware that millions of people worldwide have been forced to leave their home country due to persecution and systematic discrimination, among other reasons. Such individuals can seek international protection under the provisions of the 1951 Refugee Convention and its 1967 protocol, which has been ratified in Kenya under the Constitution of Kenya 2010.

Our immigration lawyers offer the following services;

- (a) Legal representation to persons presenting their claims for refugee status to the Commissioner for Refugee Affairs or persons whose refugee status has been cancelled/ revoked;
- (b) Ensuring that refugee/asylum seekers and their families have been granted the respective identification civil registration documents to enable them to access fundamental rights under the applicable law.;
- (c) Upon successful grant of refugee status, assisting with applications for the appropriate immigration work permit to enable a refugee and any of the spouses to engage in gainful employment, business or profession;
- (d) Assisting refugees who wish to access education facilities to procure the proper immigration student pass/passes where applicable to enable

them to access education facilities;

- (e) Comprehensive legal advisory on resettlement procedures of a refugee to a Third-Party State; and
- (f) Assisting with appeals and judicial reviews against refusals of refugee applications as well as challenging denials of asylum.





When considering immigration, careful planning is essential. Status, requirements, eligibility criteria and type of permits or visa required must all be considered. It is not just a matter of completing and filing the right “form.”

If you have any immigration services requirements, please contact us via through immigration@cmadvocates.com or the contact form in our website to tell us about your requirements or concerns.

After receiving your request, our immigration lawyers or specialists will make a short preliminary assessment based on the information provided and will provide you with a quotation for a consultation. You are then free to decide whether you want to instruct us.

Whether you are based in Kenya or abroad, we offer support over email, phone call, videoconferencing etc.

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OUR PRESENCE



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