



PERMANENT RESIDENCE CATEGORIES IN KENYA

Eligibility, application requirements, rights and compliance strategy

August 2026

AT A GLANCE

Kenya's Directorate of Immigration Services administers four principal Permanent Residence categories: former Kenyan citizens (A), qualifying long-term work-permit holders (B), qualifying children of Kenyan citizens (C), and spouses of Kenyan citizens (D). Each category has distinct statutory tests, evidential requirements and government charges.

Permanent Residence is an indefinite immigration status, not citizenship. It creates significant residence, employment, education, property and social-service rights, but remains subject to statutory obligations and may be lost in specified circumstances.

INTRODUCTION

Permanent Residence provides a qualifying foreign national with the right to enter, remain, work, study, own property lawfully, move and settle in Kenya, and access social services, subject to the Kenya Citizenship and Immigration Act, 2011 and applicable conditions.

The status is granted on application; it is not automatic merely because a person has lived, worked, invested, married or been born into a family connected with Kenya. The applicant must select

the correct category, establish the statutory threshold and submit a complete, consistent and verifiable record.

A separate and earlier route may be available through permanent residency; Category D. Current administrative guidance applies this category to spouses of Kenyan citizens who have been married for at least three years and who can demonstrate a bona fide marriage and family life.

The two statuses have different legal consequences. Citizenship is a nationality status

while permanent residence is an immigration status. An applicant may pursue the route that best fits the family's circumstances, or assess both routes as part of a coordinated strategy.

1. LEGAL FRAMEWORK

Permanent Residence is governed principally by sections 37–39 of the Kenya Citizenship and Immigration Act, 2011 and the Kenya Citizenship and Immigration Regulations, 2012. The Directorate administers applications through the eFNS portal.

2. THE FOUR ADMINISTRATIVE CATEGORIES

Category	Primary applicants	Core threshold	Indicative fees (KES)
A	Former Kenyan citizens by birth	Renounced/lost Kenyan citizenship and foreign law precludes dual citizenship	50,000 processing; 100,000 issuance
B	Long-term work-permit holders	Work permits for at least 7 years and continuous Kenyan residence for the preceding 3 years	50,000 processing; 750,000 issuance
C	Qualifying children of Kenyan citizens	Foreign citizenship and qualifying parental/citizenship connection	20,000 processing; 750,000 issuance
D	Spouses of Kenyan citizens	Bona fide marriage for at least 3 years	50,000 processing; 150,000 issuance

Category A - Former Kenyan citizens

This category applies to a person who was a Kenyan citizen by birth, later renounced or otherwise lost Kenyan citizenship, and is precluded by the law of the country of acquired citizenship or domicile from holding dual citizenship. Principal documentary requirements include:

- online application, Form 23 and Category A questionnaire;
- proof of former Kenyan citizenship, such as a birth certificate, identity card or Kenyan passport;
- proof of current citizenship and the applicable naturalization or registration record;
- proof of renunciation or loss of Kenyan citizenship;
- police clearance from the country of domicile; and
- application letter and recent photographs.

Indicative government charges: KES 50,000 processing and KES 100,000 issuance.

Category B - Lawful long-term residents

This category applies to a person who has held Kenyan work permits for at least seven years and has been continuously resident in Kenya for the three years immediately preceding the application. Principal documentary requirements include:

- a) all Kenyan work permits and evidence of the qualifying residence period;
- b) valid passport, foreign national certificate and police clearance;
- c) valid tax compliance certificate;
- d) application letter, Form 23, residence-status form and Category B questionnaire;
- e) employment or professional evidence, including an employer introduction where applicable; and
- f) evidence of a tangible contribution to Kenya's socio-economic development.

Indicative government charges: KES 50,000 processing and KES 750,000 issuance.

The Directorate indicates that priority may be given to investors and highly qualified professionals and that applicants may be interviewed. A technically qualifying residence history should therefore be supported by a strong contribution narrative and objective evidence.

Category C - Children of Kenyan citizens

The Directorate describes Category C as applying to qualifying children of Kenyan citizens who were born outside Kenya and acquired foreign citizenship, including cases where the foreign nationality framework does not permit dual citizenship or where the child was born before a parent acquired Kenyan citizenship. Principal documentary requirements include:

- a) application letter, Form 23 and Category C questionnaire;
- b) certified birth certificate of the applicant;
- c) proof of the parent's Kenyan citizenship, including Kenyan passport or identity card;
- d) applicant's valid foreign passport and proof of current nationality;
- e) dependant or student pass records, where applicable;
- f) police clearance where required; and
- g) recent photographs.

Indicative government charges: KES 20,000 processing and KES 750,000 issuance.

A child may already be a Kenyan citizen by birth if either parent was a Kenyan citizen on the child's date of birth. Citizenship status should therefore be analyzed before pursuing Permanent Residence; the correct route may instead be recognition or documentation of citizenship.

Category D - Spouses of Kenyan citizens

This category applies to a foreign spouse who has been married to a Kenyan citizen for at least three years and whose marriage is bona fide. Principal documentary requirements include:

- a) application letter by the Kenyan spouse;
- b) Form 23, residence-status form and Category D questionnaire;
- c) certified marriage certificate and, for a foreign marriage, the supporting joint affidavit or recognition documents;
- d) valid passports and proof of the Kenyan spouse's citizenship;
- e) all permits or dependant passes, a valid foreign national certificate and tax compliance certificate;
- f) police clearance and recent photographs; and
- g) independent evidence of a genuine marriage and family life.

Indicative government charges: KES 50,000 processing and KES 150,000 issuance.

The spouses may be interviewed. Marriage alone is insufficient: the evidential record should establish validity, duration, genuineness and continuing family life. Permanent Residence is distinct from citizenship by marriage, for which the general constitutional threshold is at least seven years.

3. STATUTORY APPLICANTS BEYOND THE STANDARD A–D PRESENTATION

Section 37 additionally refers to spouses, children and dependants of eligible persons; children of registered citizens born before their parents acquired citizenship; and widows or widowers of Kenyan citizens. The exact administrative route, documentation and fee treatment may not map neatly onto the Directorate's four public category pages.

CASE-SPECIFIC REVIEW REQUIRED

Applicants falling within the statutory text but outside a clearly published online category should obtain a written eligibility and filing analysis before lodging an application or selecting an eFNS category.

4. RIGHTS OF A PERMANENT RESIDENT

Subject to the Act, section 38 provides that a permanent resident has the right to:

- a) enter and remain in Kenya;
- b) be employed in Kenya;
- c) attend educational institutions;
- d) own property legally in Kenya;
- e) move and settle anywhere in Kenya; and
- f) access and enjoy social services and facilities in Kenya.

Permanent residency does not confer Kenyan citizenship, entitlement to a Kenyan passport, voting rights or eligibility to hold offices reserved exclusively for citizens. In addition, permanent residents remain subject to Article 65 of the Constitution and other applicable land laws, under which non-citizens may generally hold interests in land only on a leasehold basis for a term not exceeding ninety-nine years.

5. DURATION, FAMILY MEMBERS AND DOCUMENTATION

- a) The Directorate states that Permanent Residence is not renewable and has indefinite validity, provided the holder complies with Kenyan law.
- b) The status is not automatically transferable to a spouse, child or other family member; each person must make an individual application.

- c) A foreign national certificate remains required for qualifying adult permanent residents and must be maintained in accordance with current administrative requirements.
- d) The permanent residence certificate should be retained securely and used consistently across immigration, employment, banking, tax and other official records.

6. HOW PERMANENT RESIDENCE MAY BE LOST

Section 39 provides for loss of status in several circumstances, including:

- a) acquisition of Kenyan citizenship;
- b) failure to comply with statutory obligations or conditions;
- c) a removal order coming into force;
- d) written notice to the Director that the holder intends to cease holding the status;
- e) a marriage that is not bona fide;
- f) violation of the Act;
- g) fraud, false representation or concealment of a material fact in obtaining the status;
- h) specified conduct involving an enemy during war;
- i) within five years after acquisition, conviction and imprisonment for three years or longer; and
- j) continuous domicile outside Kenya for two years, except for a person who was previously a Kenyan citizen by birth.

COMPLIANCE WARNING

A permanent resident should obtain advice before prolonged relocation outside Kenya, a material change in marital status, surrender of the status or any response to an immigration investigation or removal process.

7. RECOMMENDED PRE-APPLICATION DUE DILIGENCE

- a) Confirm that dates of permits, travel and physical residence meet the relevant threshold without unexplained gaps.
- b) Reconcile names, birth details, nationalities and passport histories across all documents.
- c) Address expired passes, overstays, prior refusals, cancellations or unresolved applications before filing.
- d) Obtain police clearances, tax compliance records, certified translations and legalization or authentication early.
- e) For Category B, prepare a documented contribution case covering employment, investment, tax, skills transfer, jobs, professional impact or public benefit.
- f) For Category C, first determine whether the applicant is already Kenyan by birth or eligible

for citizenship registration.

- g) For Category D, compile objective evidence of a bona fide and subsisting marriage and ensure that both spouses' records are consistent.
- h) Maintain lawful immigration status while the Permanent Residence application is pending.

8. CM ADVOCATES LLP: INTEGRATED ADVISORY SUPPORT

CM Advocates LLP's Immigration & Global Mobility Practice advises individuals, families, investors, professionals and employers on Permanent Residence eligibility, residence audits, application strategy, documentary due diligence, interview preparation, complex immigration histories and engagement with the Directorate.

Practice Contacts:

Immigration & Global Mobility Practice

Where nationality, family mobility, children, succession, property or cross-border planning issues arise, the Practice works with the International Family Advisory Unit.

E: immigration@cmadvocates.com

International Family Advisory Unit

E: internationalfamily@cmadvocates.com

CM Advocates LLP – Contact Details

Head Office Nairobi

I&M Bank House, 7th Floor, 2nd Ngong Avenue
T: +254 20 2210978 or +254 716 209673
P.O. Box 22588 – 00505, Nairobi Kenya
E: law@cmadvocates.com

Mombasa Office

Links Plaza, 3rd Floor, Links Road, Nyali
T: +254 041 447 0758 / +254 41 447 0548
P.O. Box 90056 – 80100, Mombasa Kenya
E: mombasaoffice@cmadvocates.com

Regional Presence

Uganda | Tanzania | Rwanda | Zambia | Ethiopia | South Sudan

www.cmadvocates.com

Disclaimer: This publication is provided for general informational purposes only and does not constitute legal advice. Specific legal advice should be sought in relation to particular facts, immigration status, residence history, nationality, family circumstances, employment, investment, tax, property, succession or regulatory compliance.

© CM Advocates LLP. All Rights Reserved.