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**THE KENYA CITIZENSHIP AND IMMIGRATION
(AMENDMENT) BILL, 2021**

A Bill for

**AN ACT of Parliament to amend the Kenya Citizenship
and Immigration Act; and for connected purposes**

ENACTED by the Parliament of Kenya, as
follows —

1. This Act may be cited as the Kenya Citizenship
and Immigration (Amendment) Act, 2021.

Short title.

2. Section 2 of the Kenya Citizenship and
Immigration Act, in this Act referred to as the principal
Act, is amended by inserting the following new definitions
in their proper alphabetical sequence —

Amendment of
section 2 of No.
12 of 2011.

“Kenyan living abroad” means a citizen of Kenya who
is domiciled in a country outside Kenya;

“returnee” means a Kenyan living abroad who is
returning to reside permanently in Kenya.

3. The principal Act is amended by inserting the
following new Part immediately after section 32 —

Insertion of new
Part VA in No. 12
of 2011.

**PART VA – MANAGEMENT OF THE
AFFAIRS OF KENYANS LIVING
ABROAD**

Interpretation.

32A. In this Part, “Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to foreign affairs.

Duties of the Cabinet Secretary.

32B. (1) The Cabinet Secretary shall put in place mechanisms to safeguard the welfare of Kenyans living abroad including —

- (a) developing and implementing strategies for Kenyans living abroad to participate in the development process;
- (b) developing measures to enhance the safety and security of Kenyans living abroad;
- (c) developing and implementing mechanisms for engagement with Kenyans living abroad; and
- (d) establishing an administrative and institutional framework for the co-ordination of matters relating to Kenyans living abroad.

(2) The Cabinet Secretary shall, for the effective implementation of subsection (2), —

- (a) facilitate information sharing as a means of ensuring continuous engagement between the National and county governments and Kenyans living abroad;
- (b) develop policies to incentivize the participation of Kenyans living abroad in the economic development, governance and democratic processes in Kenya;
- (c) establish a collaborative framework with Kenyans living

- abroad to promote Kenya as an investment destination;
- (d) in consultation with other relevant state agencies, put in place fiscal and non-fiscal measures to promote investment, in Kenya, by Kenyans living abroad;
 - (e) in consultation with the relevant State agencies, put in place measures for the protection of Kenyans living abroad including access to legal representation, adequate healthcare services and access to basic services during a pandemic or other emergency in the country of residence;
 - (f) develop and regularly update an integrated database on Kenyans living abroad, and in particular, document the expertise and skills of Kenyans living abroad;
 - (g) facilitate the timely issuance or renewal of passports and the processing of any documents required to be issued by the National Government to Kenyans living abroad;
 - (h) develop a framework for the reintegration of returnees upon arrival in Kenya; and
 - (i) nominate recipients of the Presidential Distinguished Service Award for Kenyans living abroad.

Delegation.

32C. (1) The Cabinet Secretary may designate a department within the Ministry or delegate to such public officers as the Cabinet Secretary may consider necessary for the effective discharge of the functions specified under section 32B.

(2) The Cabinet Secretary shall, in ensuring that the services specified under

section 32A are accessible to all Kenyans living abroad, liaise with public officers serving in the respective Kenya missions.

Returnees.

32D. (1) A returnee shall have the right to access government services.

(2) For purposes of subsection (1), the Cabinet Secretary shall liaise with the relevant Kenya mission to ensure that a person who intends to permanently return to Kenya is adequately facilitated to access government services including—

- (a) updating any citizen information including voter registration, National Social Security Fund and the National Health Insurance Fund;
- (b) updating any documents relating to the education of that person; and
- (c) access to other social services.

Consular services.

32E. (1) The Cabinet Secretary shall ensure that services provided at Kenya mission shall be, as far as possible, made accessible to Kenyans living abroad taking into account the geographical size of the country or territory in which the Kenya mission is located and the number of Kenyan citizens ordinarily resident in that country or territory.

(2) For purposes of subsection (1), the Cabinet Secretary shall ensure that—

- (a) services provided at Kenya missions are timely and appropriate to the circumstances; and
- (b) Kenya missions are progressively established in territories or countries in which Kenya does not have representation.

Voluntary saving schemes.

32F. (1) The Cabinet Secretary shall, in consultation with the relevant Kenya mission, promote the establishment of

voluntary saving schemes for Kenyans living abroad.

(2) For purposes of subsection (1), the Cabinet Secretary may liaise with financial institutions in Kenya to negotiate favourable terms on the investment of any savings.

(3) The Cabinet Secretary may, in consultation with the Cabinet Secretary responsible for finance and the Governor of the Central Bank of Kenya—

- (a) develop policies and programmes offering incentives to Kenyans living abroad to invest in Kenya;
- (b) establish a database setting out information on programmes and projects in Kenya for investment by Kenyans living abroad; and
- (c) put in place measures for the prevention of fraudulent practices that hinder investment, in Kenya, by Kenyans living abroad.

Associations of Kenyans living abroad.

32G. (1) Kenyans living abroad may, pursuant to Article 36 of the Constitution and subject to the relevant laws of the country in which they reside, form an association.

(2) An association formed under subsection (1) may, subject to the laws of the respective country in which it is formed, be registered at the relevant Kenya mission.

(3) For purposes of subsection (2), the Kenya missions shall keep and maintain an up-to-date register of all associations of Kenyans living abroad.

(4) Kenya missions may collaborate with the relevant associations for the holding of events to mark a national day in Kenya.

Reporting requirements.

32H. The Cabinet Secretary shall submit an annual report to Parliament on the

implementation of policies relating to the management of welfare of Kenyans living abroad and returnees.

MEMORANDUM OF OBJECTS AND REASONS

The principal purpose of the Bill is to put in place mechanisms for the protection of the interests of Kenyans living abroad and to ensure their active participation in the socio-economic development of the country. The collective community of Kenyans living abroad play an important role in the development agenda of the country. For instance, foreign remittances account for a substantial percentage of the Gross Domestic Product. The Bill seeks to enhance these contributions while simultaneously tapping into the skills and expertise of Kenyans living abroad.

The Constitution requires the State to safeguard the welfare of all Kenyan citizens whether or not they are situated in Kenya. It is on this premise that the Bill has also proposed enhanced Kenya mission services and provided a framework for the voluntary establishment of associations of Kenyans living abroad. This two-pronged approach will ensure that not only is the State aware of the challenges of its citizens abroad but also Kenyans living abroad can collectively advocate for their needs.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not delegate legislative powers, nor does it limit the fundamental rights and freedoms.

Statement on how the Bill concerns county governments

The Bill proposes to enhance the participation of Kenyans living abroad in the socio-economic development agenda as well as governance processes. Development and governance processes involve the delivery of services and discharge of functions by both the national and county governments. The provisions of the Bill would thus have an impact on the discharge of devolved functions by county governments. The Bill is therefore a Bill concerning county government in terms of Article 110 (1) (a) of the Constitution.

Statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 12th April, 2021.

IRUNGU KANG'ATA,
Senator.