

Immigration and Refugee Board of Canada

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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

8 August 2012

KEN104136.E

Kenya: Requirements and procedures for the spouse of a Kenyan citizen to obtain citizenship; whether someone who lived in Kenya and was married to a Kenyan citizen for over seven years, but whose spouse died, has the rights to Kenyan citizenship
 Research Directorate, Immigration and Refugee Board of Canada, Ottawa

The website of the Kenyan Immigration Department indicates that spouses, widows and widowers of Kenyan citizens, who have been married to citizens of Kenya for a period of at least seven years, may acquire Kenyan citizenship (Kenya n.d.).

1. Process for Acquiring Kenyan Citizenship

In a telephone interview with the Research Directorate, an official at the Kenya High Commission in Ottawa indicated that an application to acquire Kenyan citizenship can be submitted to the nearest immigration office when applying from within Kenya (Kenya 2 Aug. 2012). If the person is abroad, the application can be submitted to the nearest Kenyan mission (ibid.). The official explained that immigration offices and Kenyan missions do not process the applications, but forward them to the main office of the Immigration Department in Nairobi (ibid.). Applicants must submit the following documents:

- An application form;
- Two passport size photographs;
- Marriage certificate;
- Certificate of good conduct;
- A sworn affidavit confirming that the marriage was not entered into for the purpose of acquiring immigration or citizenship status;
- Copy of national passport;
- Copy of Kenyan spouse's passport or an identity card;
- Copy of death certificate (ibid.); and
- A registration fee varying from 5,000 to 20,000 Kenyan Schillings [C\$60.77 (XE 11 July 2012) to C\$243.11 (XE 12 July 2012)]

(Kenya 5 July 2012).

The official indicated that it is a requirement to have a resident permit in Kenya when applying from within Kenya, but it is not a requirement when submitting an application from outside the country (ibid. 2 Aug. 2012). Information on the processing time of the applications could not be found among the sources consulted by the Research Directorate.

The official stated that citizenship to the spouses, widows or widowers of Kenyan citizens is not granted automatically (ibid.). The application is examined by the Immigration Department in Nairobi and then the applicant is informed of the results (ibid.). Applicants who apply from abroad are informed by the mission where they submitted their applications (ibid.). Applicants found to be eligible must travel to Kenya to obtain the citizenship certificate in person (ibid.). The official indicated that, if required, the applicant is issued a visitor's visa in order to travel to Kenya for this purpose (ibid.).

2. Dual Citizenship

The official of the Kenya High Commission indicated that the *Kenya Citizenship and Immigration Act, 2011* permits dual citizenship (ibid.). However, according to the website of Kenya's Department of Immigration, a person is required to disclose his or her other citizenship within three months of becoming a Kenyan citizen (ibid. n.d.). He or she must submit the following documents to the nearest Immigration office in Kenya (ibid. 2 Aug. 2012):

- A completed declaration form which is available on the website of the Kenyan Immigration Department;
- 2 passport size photos;
- A Kenyan identity card and passport (original and copies), and
- Non Kenyan passport and certificate of citizenship (original and copies) (ibid. n.d.; ibid. 2 Aug. 2012).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Kenya. 2 August 2012. Kenya High Commission in Ottawa. Telephone interview with an official.

_____. 5 July 2012. Immigration Department. "Public Notice - Revision of Fees." <http://www.immigration.go.ke/index.php?view=article&catid=45%3Akenya-citizenship&id=88%3Arequirements-for-citizenship&tmpl=component&print=1&layout=default&page=&option=com_content&Itemid=125> [Accessed 6 July 2012]

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XE. 11 July 2012. "Currency Converter Widget." <<http://www.xe.com/ucc/convert/?Amount=5000&From=KES&To=CAD>> [Accessed 11 July 2012]

XE. 12 July 2012. "Currency Converter Widget." <<http://www.xe.com/ucc/convert/?Amount=20000&From=KES&To=CAD>> [Accessed 12 July 2012]

Additional Sources Consulted

Oral sources: Representatives of the following organizations were unable to provide information within the time constraints of this Response: Embassy of Kenya, Washington, D.C. and Immigration Department, Kenya.

Internet sites, including: allAfrica.com; Amnesty International; Human Rights Watch; International Crisis Group; International Federation for Human Rights; Institute for War and Peace Reporting; Kenya – Office of Public Communications, Ministry of Foreign Affairs; Political Handbook of the World; Embassy of the Republic of Kenya in the Federal Republic of Germany, Embassy of Kenya, Washington, D.C.; United Nations – Integrated Regional Information Networks, Office of the High Commissioner for Human Rights, Refworld, UN Development Programme, UN Women; United States Department of State.

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