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The effect of Kenya's immigration policy on regional integration in the East African Community

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Abstract

The purpose of this study is to examine the effect of Kenya's immigration policy on regional integration within the East Africa Community (EAC). Although Kenya's immigration policy aligns with the East Africa Community (EAC), as detailed in the 2010 Kenyan Constitutional and the Kenyan Citizenship and Immigration Act of 2011. Obstacles persist that prevent the free movement of people, labour, establishment rights, and residence rights despite East African Community (EAC) foreign citizens being exempt from visa and work permit requirements. The Kenyan government, however, insists on demanding these documents. The study employed a mixed methods approach with a convergent parallel research design. Quantitative data was analysed using inferential statistics in SPSS version 25, while qualitative data was analysed through content analysis. A sample size of 400 respondents was used. The findings show that Kenya's immigration policy has successfully encouraged the free movement of labour, people, establishment rights, and residence rights within the EAC. In conclusion, Kenya's immigration policy has significantly contributed to advancing regional integration within the EAC. It is suggested that the Kenyan government simplify the permit procedures for EAC investors aiming to establish legitimate businesses in Kenya. The immigration policymakers in Kenya should ensure that the rights and benefits available for EAC foreign nationals wishing to reside in Kenya are covered by the policy in accordance with EACMP.

Key words: Common market protocol, East Africa Community treaty, enhancement, immigration policy, visa.



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INTRODUCTION

Immigration policy has long been connected to the flow of people, capital, and labour from one sovereign state to another (Molland, 2022). In the second half of the 20th century, it became increasingly important to create a more integrated global community (Mose, 2021). The E.U.'s immigration policy encompasses freedom, security, and justice; it has been expanded to include 28 member states and has had a significant influence on a range of economic, political, and social policy domains (Berlin, 2019). However, it does not indicate whether the immigration policies of the E.U. member states support the right of establishment as specified in the E.U. immigration policy (Lutz, 2021). The issuance of a single work permit is essential to ensure access to the labour market for both E.U. nationals and third-country nationals. However, there are complexities in the employment of third-country national workers, with the need for multiple permits and the involvement of various authorities in the E.U. (Gros, 2019).

In Africa, the constituents' blocs progressed recommendations and arrangements to encourage the unrestricted movement of individuals, merchandise, and amenities inside their domain (Nyoni, 2021). In addition to this, the Economic Community for West African States's founding treaty on immigration arrangements strives to allow citizens the right to enter, live, and set up financial activities in any member state (Mose, 2021). Similarly, the South Africa Development Community member states signed different territorial conventions in the 1990s, which impacted the principles of national participation and integration in the community (Palmer, 2020). The SADC member states have failed to implement a common immigration approach due to the fact that member states within the SADC preferred inwards-looking policies and prioritised state sovereignty alongside the benefits of regional integration (Lawela, 2019).

The East African Community member states cooperation is based on vital goals aimed at improving regional integration within the bloc (Raise, 2018). These goals are not limited to increased trade and improved competition, which

creates numerous buyers and an increased number of investors within the EAC (Berlin, 2019). The EAC was established with the aim of creating operational immigration rules to facilitate the unrestricted movement of workers, capital, and legal economic activities, which are crucial for achieving regional integration goals (Fidel, 2019). Unrestricted trade is the fundamental objective of regional integration in which merchandise, capital and worker's movements are smoothed through international conventions (Bischoff, 2021). Nonetheless, the East African Community was first integrated and later disintegrated due to political disparities and comparative advantages such as stages of economic development and prosperities of the founding member states within the EAC (Sikola, 2019).

The new EAC was reinstated in 1999 through a new treaty and came into force in the year 2000. The three original members signed the treaty Uganda, Kenya, and Tanzania, which expanded to include Burundi and Rwanda in 2007. Additionally, South Sudan joined the community in 2016. The EAC integration pillars are pegged on the establishment of an effective and operational Free Trade Area and Customs Union. It further foresees an operational Single Market, a Common Currency and finally, a political federation (Nyoni, 2021).

The provisions of the EAC Treaty, as outlined in Article 104, advocate for the smooth movement of the EAC citizen's labour and to ensure that the right of residence and the right to establish any legal economic activities within the EAC are put in place and implemented by member states in accordance with the EAC regional integration aspiration (Bischoff, 2021). This protocol further demands that the EAC member states harmonise their immigration policy to ensure an increase in the number of skilled individuals, increased free movement of people, increased number of business entrepreneurs and increased legal residency of foreign EAC nationals within their borders to advance regional integration in the EAC (Sikola, 2019).

These freedoms and rights necessitated reform of the outdated EAC member state immigration policy to promote integration within the EAC further. In this

light, Kenya had to adjust its immigration policy. Despite Kenya’s immigration policy being in line with the EACMP as outlined in the constitution of Kenya 2010 and the Kenyan Citizenship and Immigration Act 2011, there are still obstacles hindering the free movement of persons, labour, right of establishment and right of residence, while EAC foreign citizens are exempt from visa and work permit requirements, Kenyan government still mandates these documents (Nyoni, 2021).

Studies done by Makanga (2021), Sikola (2019) and Wambua (2021) examined the impact of the EAC regional integration on Kenya's immigration policy without paying attention to the extent to which Kenya's immigration policy, a key aspect in advancing regional integration have facilitated

regional integration in the EAC. Lawela (2019) has, however, examined the influence of immigration policies on the EAC integration process but focused on regional immigration policies as a whole on the integration process in the EAC. However, this study is specific to Kenya's immigration policy. This, therefore, implies that the extent to which Kenya's immigration policy advances regional integration in the EAC has received little attention.

This study strives to fill this gap by examining the effect of Kenya’s immigration policy on regional integration in the EAC, focusing specifically on rights of establishment, free movement of labour, and rights of residency and free movement of persons

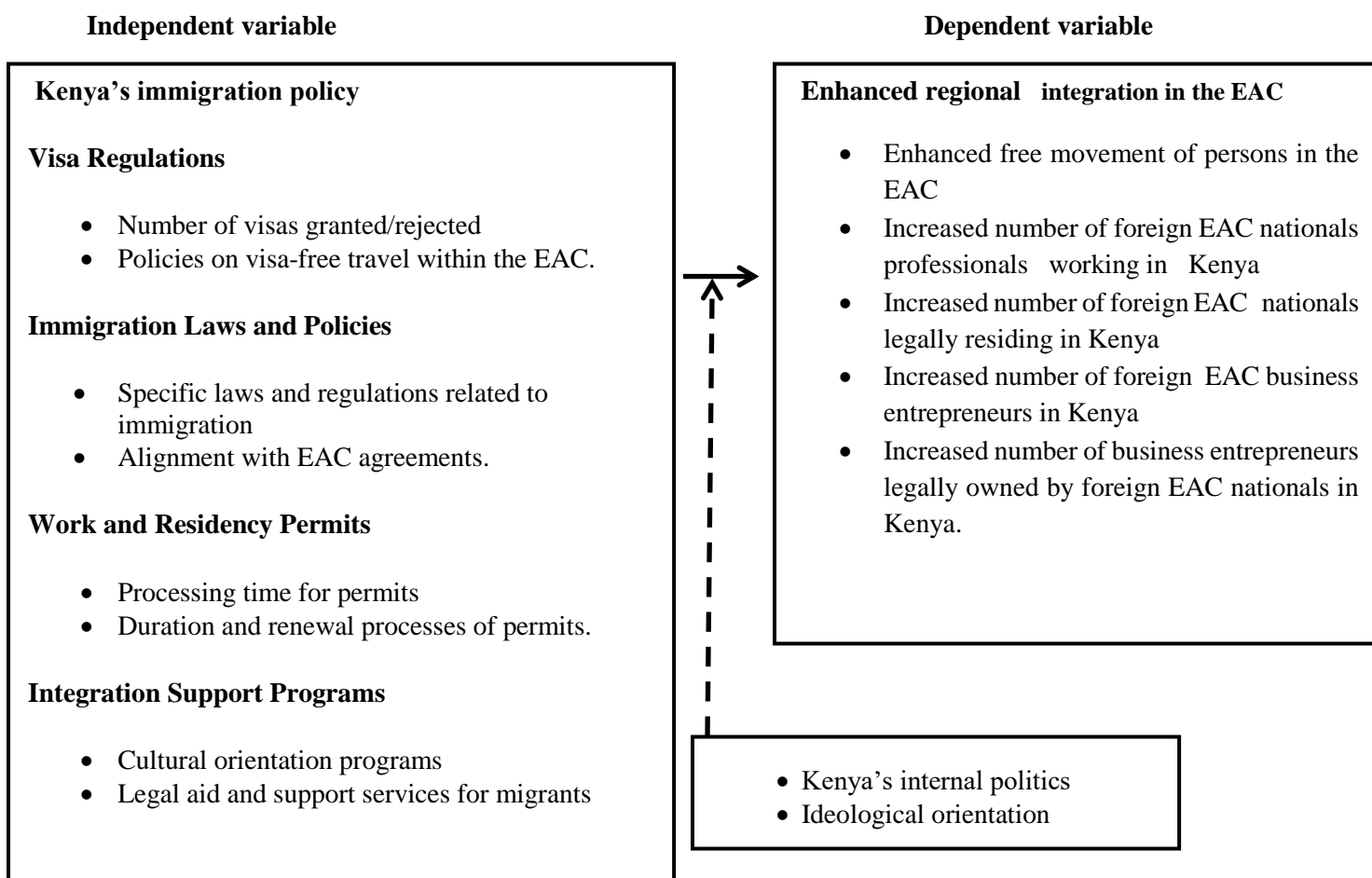


Figure 1: Conceptual Framework

The diagram in Figure 1 illustrates the conceptual framework guiding this study, highlighting key variables and their potential interactions. In this framework, enhanced regional integration within the East African Community (EAC) is the dependent variable, while Kenya's immigration policy serves as the independent variable. The study aims to explore how Kenya's immigration policies impact regional integration in the EAC. Specifically, greater freedom of movement within the EAC has led to an increase in the number of foreign nationals and professionals from EAC countries working, residing legally, and conducting business in Kenya. This growth is tied directly to Kenya's immigration policies, including visa regulations, border control measures, immigration laws, work and residency permits, and integration support programs. These factors are represented by indicators such as the number of visas granted or denied, policies on visa-free travel within the EAC, the efficiency of border control, security infrastructure, and alignment with EAC agreements. Additionally, work permit processing times, renewal procedures, cultural orientation programs, and legal aid for migrants play a crucial role. Furthermore, regional integration in the EAC can be affected by intervening factors such as Kenya's domestic political landscape and its ideological stance.

LITERATURE REVIEW

Theoretical Framework

Liberal Intergovernmentalism Theory

The study adopted the liberal intergovernmentalism theory, which is one of the classical theories developed by Moravcsik, 1990 to explain the European regional integration process (Sikola, 2019). The theory highlights the significance of the nation-state in the process of integration and asserts that the key participants in regional integration are the national governments of the member states (Sikola, 2019). Based on realist principles, scholars like Stanley Hoffmann 1965 emphasised the importance of national interests and the willingness of nations to work together as key factors in analysing regional integration (Werner, 2019). The idea encompasses the influence of domestic interests in shaping the preferences of a nation-state while maintaining that governments retain ultimate authority over the process and trajectory of integration (Ingeri, 2020).

Several characteristics of this theory make it suitable for this study. First, it is grounded in a broader social science theory and is based on three main assumptions: state preferences, state bargaining, and institutional choice (Bischoff, 2021). In the EAC, the founding states were driven by state preferences, including general political ideas and interests or issue-specific policies, such as immigration policy (Nyoni, 2021). Therefore, the government of Kenya can initiate immigration policies and laws geared towards EAC regional integration.

The theory was applicable to this research since the EAC member states developed the EACMP, which requires member states to adopt laws that allow for the unrestricted movement of people, labour, the ability to start businesses, and the right to dwell. Critics, such as those who adhere to the perspective of historical institutionalism, contend that the theory primarily emphasises interstate negotiations and periods of treaty modification while neglecting the many unforeseen repercussions that arise from such revisions, particularly in relation to immigration policy (Lutz, 2021). As a result, the current study adopted institutional theory and neo-factionalism theory to complement the theory of liberal intergovernmentalism.

Empirical Literature Review

This section provides an overview of the literature relevant to the study. It further presents a literature review on four substantial areas: Kenya's immigration policy and right of establishment, free movement of labour, right of residence, and free movement of persons. Empirical studies on related topics are presented. Moreover, the research gap and conclusions are drawn from the reviews.

Immigration Policy and the Right of Establishment

Scholars worldwide have recently focused more on the impact of immigration policies on regional integration. Public opinion and political discourse in many E.U. countries linked immigration to regional integration during the economic decline and high unemployment rate of the 1970s and 1980s (Lutz, 2021). The E.U.'s immigration policy encompasses freedom, security, and justice; it has been expanded

to include 28 member states and has had a significant influence in a range of economic, political, and social policy domains (Berlin, 2019). In terms of reaching a regional agreement on issues of international immigration, the Association of Southeast Asian Nations (ASEAN) has not done much in advancing the right of establishment as member states still have in place stringent immigration policy that slows down the pace of regional integration in ASEAN. It is important that the ASEAN member states immigration policy facilitates the right of establishment to speed up regional integration within the ASEAN region.

To safeguard the sovereignty of African governments, the Organisation of African Unity (OAU), which was subsequently renamed the African Union (A.U.), was founded (Ingeri, 2019). Among the most significant institutions of the African Union are the following: the assembly, the African Union policymaking Council, which is comprised of the foreign ministers of the African Union, the Pan-African Parliament, the African Union Commission primary, which is based in Addis Ababa and is composed of ten commissioners, its secretariat that coordinates the activities of the African Union, which is headed by ten commissioners and has its secretariat that coordinates A.U. activities, the Permanent Representatives Committee, which is comprised of the nominated permanent representatives of the member nation governments, the African Court docket of justice, the African Union peace and security council, the economic, social, and cultural council, the African Peer Review Mechanism, and the African financial institution that works in cooperation with the African Investment Financial Institution (Mose, 2021).

The enhancement of regional integration and development in Africa has been achieved by the A.U. member states. Africa is a great regional bloc since it is composed of sub-regional blocks, which will eventually be key to the ambition of A.U. regional integration (Egbara, 2020). The majority of the EAC member states fail to have clear and distinct immigration arrangements pertaining to the right of establishment, as expounded in the EACMP

(Okunade 2021). The EACMP on establishment rights prohibits discrimination against EAC foreign nationals' right to establish a business or any other legal form of entrepreneurship in any EAC member state (Krastev, 2019). However, power asymmetry prohibits Kenya from implementing this provision of the EACMP. This makes Kenya pursue strategic national interests over other EAC member states. The EAC regional integration index indicates that the level of interstate trade within the EAC has advanced significantly in the last five years. For example, Kenya's exports to Tanzania increased by 50 per cent. Similarly, Tanzanian exports to Kenya also increased (Simon, 2020).

Immigration Policy and the Free Movement of Labour

In the current era of rapid globalisation, immigration has become prominent and is the defining characteristic of our society (Palmer, 2020). The European Union has a long history of human mobility, encompassing both voluntary and forced movements, which have significantly shaped the demographic makeup of the region. Various factors such as political instability, socio-economic challenges, environmental degradation, armed conflicts, insecurity and poverty have been key drivers of mass immigration and forced displacement within the E.U. (Vernby, 2022). The immigration policies of E.U. member states play a crucial role in facilitating the free movement of labour in the E.U. (Sergers, 2019). Through liberalising trade between the U.S., Mexico, and Canada, NAFTA aims to expand access to its market in North America (Mose, 2021).

Through the agreement, the three nations' markets are opened and ensured that future laws will create no impediments to trade (Tamir, 2022). Section 16 of the NAFTA revokes a work permit and permits temporary entry for certain entrepreneurs. However, the significance of politics becomes evident when NAFTA member states are compelled to harmonise their respective immigration policies to enhance the free movement of labour within the region. In South Africa, there are five categories of work permits available. These include the General work permit, which is issued to applicants who have a written and

time-specific job offer that aligns with their academic qualifications (Bischoff, 2021). The exceptional skills work permit is granted to individuals with exceptional skills or qualifications (Berlin, 2019). The Inter-Company Transfer permit is issued to foreign nationals who are employed abroad by a company and are being transferred to a South African branch (Raise, 2018).

The state permits you not to formally provide for any regulations for unskilled foreigners, and you cannot work lawfully with a visa. These permits are only valid for qualified foreign nationals; the country permits do not formally make provisions for unskilled foreigners, and one cannot legally work using a visa permit (Molland, 2022). The discrimination against unskilled foreigners is not covered under the individual SADC member states immigration, which renders them ineffective in advancing regional integration in SADC. It is, therefore, important that studies investigate the effect of the SADC member states' immigration policy on regional integration within the region.

The EAC is a bloc on the rise, whose first attempt at integration ended in an acrimonious collapse in 1977 (Ingeri, 2020). The treaty that revitalised the community was signed on November 30, 1999, by Kenya, Tanzania, and Uganda, the three former member states. On July 7, 2000, it became operative after all three partner states had deposited the ratification instruments with the Secretary-General and completed the ratification process (Wambua, 2021). The following safeguards are included in the 1999 treaty as part of a phased approach to regional integration. These safeguards are based on the death traps that were included in the previous treaty. Devolution of powers from the summit to the Council of Ministers; integration that is driven by the business sector and focused on the people; inclusion of civil society as the primary players; stringent payment processes; consensus as a strategy for developing confidence within the EAC; and changeable geometry within the EAC (Makanga, 2021).

Kenyan Immigration and Citizen Act No.12 of 2011 govern Kenya's processes for applying for, granting,

and revoking work permits. The provisions of this Act are set out in the No. 12, 2010 Constitution of Kenya, and Articles 36 to 42 (Basir, 2019). This Act is in line with the provisions of Article 47 of the Common Market Protocol on approximation and harmonisation of laws, policies, and systems. Kenya's immigration policy is intended to encourage investment, tourism promotion, poverty reduction and economic expansion, as outlined in Kenya's Vision 2030 (Palmer, 2020). The fundamental thrust of the country is that it needs talent and skills to drive innovation, construct institutions, construct institutions and carry out developmental initiatives aimed at attaining the socio-economic development objectives outlined in Vision 2030 (Lawela, 2019). Yet, the effect of Kenya's policy on immigration on regional integration still needs an examination to enable the smooth movement of labour within the EAC.

Immigration Policy and Residence Right

It is widely acknowledged that the right of residence is an integral part of the free movement of citizens, workers, and access to the market (Mose, 2021). The need to reside and work in some specific sectors is tied to two central aspects of immigration policy currently under new development at the E.U. level (Okunade, 2020). These include control and openness. Convergence of policy has been achieved much faster on control; while reservation still exists on openness this shows that some of the E.U. member states have contrary immigration policies vis-à-vis the E.U. supranational immigration policy on some areas of immigration (Egbara, 2020). This leaves a gap in the effective E.U. member states immigration policy on the E.U. regional integration to enhance the rights of residents in the E.U. (Okunade, 2020). Foreigners seeking a residence visa in Austria are required to meet an integration agreement, which entails demonstrating proficiency in reading and writing and actively engaging in the social, economic, and cultural aspects of Austrian society (Okunade, 2020).

Fluency in the language of the nation being visited is equally important (Sikola, 2020). This condition is also applicable to immigrants in the European Union. Within the European context, several nations use

quotas to determine the number of refugees they take (Lawela, 2019). The Nordic nations, in addition to the Netherlands, Ireland, and the U.K., pledge to annually receive a designated quota of refugees recommended by the United Nations High Commissioner for Refugees. Residence permits are often only issued if the quota is not surpassed (Makanga, 2021).

In Africa, citizens of the African Union (A.U.) have the right to live in any member state's territory, subject to the laws of the host member state. The immigration policy framework of Kenya within the East African Community (EAC) setting is influenced by its colonial past and the rise of migrant labour (Wambua, 2021). Following the Second World War, troops from Uganda, Tanganyika, and Kenya were allowed to establish residency in any of the three republics due to the absence of strong patriotic feelings. The free movement of persons and labour was prevalent in the British colonies (Hamilton, 2019). The smooth and uninterrupted movement of people across the borders of the three nations established the basis for the main unit of integration in the East African Community (Mose, 2021).

The regulations of the free movement of individuals apply to visitors, individuals seeking medical treatment in Partner States, those in transit, students enrolled in training institutions, and individuals entering a Partner State for lawful purposes other than work or self-employment (Molland, 2022). Recently, Kenya, Uganda, and Tanzania introduced the East Africa Community Tourist Visa, which came into effect on January 1st, 2014, aiming to promote the EAC as a unified tourist destination and facilitate the unrestricted movement of visitors within the EAC (Sikola, 2019). However, Burundi and Tanzania opted not to participate in the implementation of the East Africa Tourist Visa (Lawela, 2019). It is, therefore, essential that studies are done to investigate the effect of Kenya's immigration policy on EAC integration.

Immigration Policy and the Free Movement of Persons

One of the first measures toward regional integration is facilitating citizen mobility by enacting entrance

rules, generally achieved via visa liberalisation (Lutz, 2021). This phase occurs before the formation of residence and employment and is often connected with later stages of regional integration (Ojeda, 2019). Generally, regional integration strengthens cross-border economic, social, political, and cultural connections and linkages (Wambua, 2021). Individual freedom of movement is seen as a basic right granted to European Union citizens (Wiener, 2019). It allows all E.U. citizens to travel, work, and stay in any E.U. nation without going through any extra procedures (Bruzelius, 2021).

The "Schengen Agreement" strengthens this freedom by enabling individuals to travel internal borders without facing border inspections (Tamir 2022). In 2018, Schengen States issued approximately 14.3 million "Schengen visas" (Werner, 2019). The E.U. visa system advocates for faster and more efficient procedures in issuing visas to legitimate travellers as well as the utilisation of visa policies to promote cooperation among E.U. member states (Ojeda, 2019). Even though the Schengen Agreement strengthened regional integration in the E.U. by enabling the free movement of the E.U. nationals, the effectiveness of the E.U. member states on the E.U. regional integration remains an area of concern to enhancing free movement of the third-country nationals because they are the only permitted to enter and travel within the E.U. for a maximum period of three months, provided they meet the entry requirements (Wambua, 2021). In the early 1990s, one of the largest multilateral trade agreements, the North American Free Trade.

In the context of Asia, the ASEAN regional integration is characterised by significant economic disparities (Makanga, 2021). The ASEAN community lacks a common value system that could serve as the foundation for a shared identity (Nyoni, 2021). As a result, the discretion over the visa relations between ASEAN member states and non-members remains primarily in the hands of national governments (Werner, 2019). It is, therefore, evidence that the ASEAN regional integration is lagging behind due to a lack of effective regional immigration policy that could boost member states' commitment to harmonising their own domestic

immigration policy to provide a standard platform for enhanced integration (Mose, 2021). It is, therefore, important that the ASEAN member states formulate effective immigration policies to facilitate regional integration at both regional and domestic levels. Another example of a protocol that specifies visa-free travel for residents of member nations as a prerequisite for creating a Common Market is the COMESA Free Movement Protocol, which was developed in 1998 but has yet to be completely approved (Sikola, 2019).

While several COMESA nations have signed and approved the free movement convention, its implementation remains poor owing to the lack of publicly agreed immigration laws on the concept of 'visa' (Gros, 2019). Thus, individual countries within COMESA are hesitant to implement conventions related to visa liberalisation. There appears to be a lack of awareness at the national level regarding existing regional protocols on the free movement of persons, which hinders countries' ability to fully implement them. The issuance of visas is a concern for COMESA countries with the high unemployment rates, as many visa exemptions are time-limited to protect the labour market (Basir, 2019). According to the Economic Commission for Africa, the East African Community stands out as the most advanced regional economic bloc in Africa when it comes to implementing protocols related to the free movement of persons (Molland, 2022).

The EAC member states joined forces to establish a renewed integration aimed at strengthening cooperation in agreed fields to promote equal development among member countries (Tamir, 2022). This integration involves creating a single market and investment area within the region, as well as promoting the sustainable utilisation of natural resources and effective environmental protection (Sikola, 2019). The EAC integration outlined that full integration is to be achieved through four pillars: a customs union, a common market, a monetary union, and ultimately a political federation (Mose, 2021). The provisional requirement of the EACMP regarding immigration only required member states to harmonise their immigration policies in order to facilitate regional integration within the EAC (Corra

2020). However, this policy does not highlight the significance of the EAC member states immigration policies in enhancing regional integration in the region (Ingeri, 2019). This can be attributed to the dominance of supranational policies over member states contribution to regional integration in the EAC (Sikola, 2019). The majority of the reviewed literature, as portrayed by the study, focuses on the influence of regional immigration policy on regional integration without focusing on the effect of the EAC member states immigration policy on regional integration in the EAC to enhance the free movement of persons (Corra, 2022).

In terms of empirical research, Simon (2020) conducted a study from an international perspective on the influence of E.U. regional integration on member states' immigration policy, focusing on immigration policy in Germany. The findings at the most general level indicate that the E.U. immigration policy has influenced immigration policy in Germany in that the country's immigration policy is in tandem with E.U. regional integration aspirations. The research, on the other hand, does not delve into the effect of Germany's immigration policy on regional integration within the European Union, particularly with regard to the free movement of people, labour, the right of residence, and the right of establishment inside the E.U. The immigration policy in Germany and the improvement of regional integration in the European Union are both key topics that should be investigated further via the use of case studies.

In a similar vein, Sikola (2019) and Makanga (2021) carried out research on the "impact of the EAC Common Market Protocol on immigration policies" with a particular emphasis on Kenya. For the sake of accelerating regional integration within the East African Community, they are all in agreement that Kenya as a state has not yet completely implemented the East African Common Market Protocol, notably the provision on the free movement of people, labour, and rights of residence and establishment at this time. The study generally focused on the EAC regional immigration policy as outlined in the EACMP and its impact on member states immigration policy, but the implementation of a

regional immigration policy depends on member states' willingness and commitment to harmonising and implementing regional agreement at the domestic level.

METHODOLOGY

A mixed methods research approach and convergent parallel mixed research design were used in the study. Nairobi City County's 126,983 EAC foreign nationals were the study's target population (KNBS, 2019). Following is the formula that was utilised:

Sample Size (n) = $(Z^2 * p * (1 - p)) / E^2$ (Bazeley, 2019). With a 95 per cent confidence level and a 5 per cent margin of error (E = 0.05), Using the Z-score for a 95% confidence level (Z ≈ 1.96) and assuming p = 0.5 (maximum sample size), the formula becomes:

Sample Size (n) = $(1.96^2 * 0.5 * (1 - 0.5)) / 0.05^2$

Sample Size (n) = $(3.8416 * 0.25) / 0.0025$

Sample Size (n) = $0.9604 / 0.0025$

Sample Size (n) ≈ 384.16

Table 1: Sample Technique

Category Target	Sampling Procedure	Sample Size	%
Students	Simple Random Sampling	188	47
Professionals	Purposive	16	4
Business persons	Simple Random Sampling	196	49
Total		400	100

Source: Researcher's own sample frame

In this research, both questionnaires and interview guides were employed to collect data. Qualitative and quantitative data were gathered concurrently, analysed independently, and combined at the interpretation stage. For the quantitative data, the researcher used SPSS Window version 25 to code the quantitative information, group the instruments

into homogeneous groups, and summarise it into frequencies and percentages. These were then presented as tables, figures, percentages, and frequencies. Content analysis was used to analyse qualitative data. During integration, both qualitative and quantitative data were given equal weight.

Table 2: Participants Response Rate

Sampling categories	Sample size	Response rate	%
Students	188	151	80.3
Business persons	196	173	88.2
Professionals	16	16	100
Total	400	324	84.4

Source: Researcher field data 2024

RESULTS AND FINDINGS

The study involved a total of 400 respondents, with 384 respondents tasked with completing questionnaires and 16 respondents scheduled for

interviews. Out of the 384 questionnaires distributed, 324 were returned fully completed, accounting for 84.4 per cent of the total. Conversely, 60 questionnaires, representing 15.6 per cent, were

either incomplete or returned empty and were, therefore, excluded from the analysis. Notably, the response rate across different respondent categories was commendable, with students achieving an 80.3 per cent response rate and business persons at 88.2 per cent. In this study, the questionnaire return rate of

84.4 per cent was deemed satisfactory for drawing conclusions regarding the target population under investigation. Moreover, the successful completion of interviews with 16 EAC foreign national professionals, representing 100 per cent, further supported the overall response rate of the study.

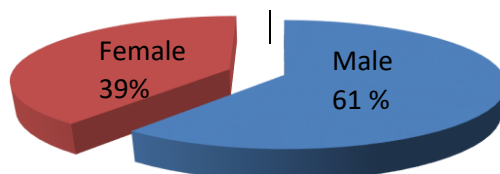


Figure 2: Respondents

According to the data presented in Figure 2, the study found that 61 per cent of the respondents were male, while 39 per cent were female. Notably, there were no participants categorised as "others." These findings suggest that there was a higher proportion of male participants from other

East African Community nations as compared to female participants. This observation is attributed to historical societal norms and expectations that have assigned distinct roles and responsibilities to men and women that influence the representation of individuals in various organisations.

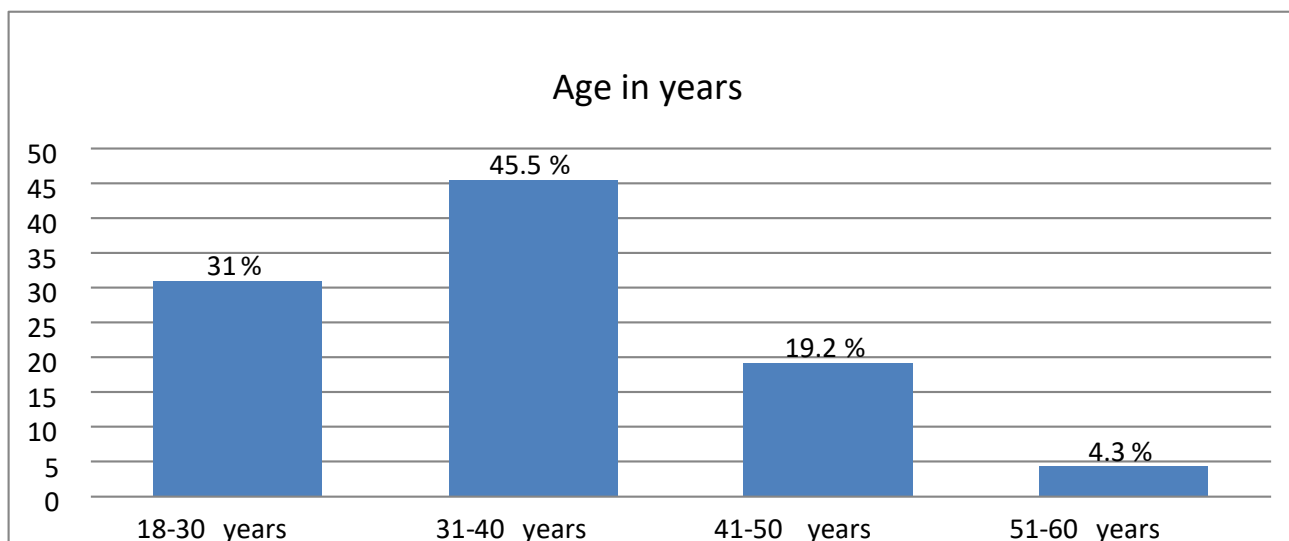


Figure 2: Age of the Respondents

Participants were also asked to provide information regarding their age. Analysis depicted in Figure 4 illustrates that the majority of participants, 45.5 per cent, fell within the age range of 31-40 years, with 31 per cent falling between 18-30 years, 19.2 per cent aged 41-50 years, and a minority of 4.3 per cent

falling within the 51-60 age bracket. These findings suggest that a significant portion of the study participants were under 50, with a majority falling within the 31-40 age brackets. The data reveals a diverse representation of age demographics, highlighting the prevalence of younger participants

in the study. This demographic finding provides valuable insights into the age composition of the respondents, shedding light on the generational age distribution among the study participants. The study participants were also requested to specify their educational attainment. This was done in order to measure their comprehension of Kenya's immigration policy and regional integration within the East African Community. The respondents were classified into four categories: certificates, diplomas, first bachelor's degrees, and postgraduates. The

findings reveal that a significant proportion of the participants, 34.8 per cent possessed a Bachelor's degree, while 30.1 per cent held certificates, 18.8 per cent were postgraduates, and 16.3 per cent were diploma holders. These statistics indicate that most participants had a foundational education background, indicating their familiarity with Kenya's immigration policy and promotion of regional integration in the East African Community, as shown in Table 3.

Table 3: Level of education

	Frequency	Percentage
Certificate	85	30.1
Diploma	46	16.3
Bachelors	98	34.8
Postgraduate	53	18.8
Total	282	100

Table 4: Key used in the tables

<i>ACRONYM</i>	<i>MEANING</i>
D	Disagree
SD	Strongly Disagree
U	Undecided
A	Agree
S.A.	Strongly Agree

Table 5: Kenya's Immigration Policy and Right of Establishment

Statements	D %	SD%	U%	A%	SA%	Mean	Std.Dev
1. Kenya's immigration policy effectively promotes the right of establishment for other EAC business entrepreneurs in the country.	3.9	4.3	9.9	52.1	29.8	3.996	.960
2. Other EAC business entrepreneurs find it relatively simple to comply with Kenya's immigration requirements for establishment.	1.8	5.7	9.9	52.8	29.8	4.032	.886
3. The number of other EAC business entrepreneurs legally operating in Kenya has increased due to Kenya's immigration policy.	1.4	2.1	5	64.5	27	4.135	.718
4. Kenya's immigration policy has facilitated the legal ownership of businesses by other EAC nationals' in Kenya.	2.5	6.4	3.9	51.4	35.8	4.117	.930
5. Kenya's immigration policy actively supports and encourages the participation of other EAC nationals in local business activities.	4.6	6	12.1	55.3	22	3.840	.987
6. EAC entrepreneurs perceive Kenya as a welcoming destination for establishing businesses due to its immigration policies	0.7	5.3	16.3	57.1	20.6	3.915	.800

The findings of the study in Table 5 reveal that a significant proportion of the respondents, 64.5 per cent, representing a mean of 4.135 and a Std. Deviation of 718 agreed that the number of EAC business entrepreneurs legally operating in Kenya has increased as a result of the country's immigration policy. Moreover, a majority of the participants, 57.1 per cent, represented a mean of 3.915 and Std. Dev of 800 agreed that EAC entrepreneurs perceive Kenya as a welcoming destination for setting up businesses due to its immigration policy. Furthermore, 55.3 per cent represent a mean of 3.840 and 987 Std. Deviation agreed that Kenya's immigration policy actively supports and encourages the participation of other EAC nationals in local business activities.

Subsequently, the majority of the business entrepreneurs, 52.8 per cent, represented a mean of 4.032 and 886 Std. Dev agreed that other EAC business entrepreneurs find it relatively simple to comply with Kenya's immigration requirements for

establishment. Moreover, 52.1 per cent represented a mean of 3.996, and Std. Dev of 960 of the respondents agreed that Kenya's immigration policy effectively promotes the right of establishment for other EAC business entrepreneurs in the country. Slightly over half of the participants, 51.4 per cent, representing a mean of 4.117, and Std. Dev of 930 agreed that Kenya's immigration policy has facilitated the legal ownership of businesses by other EAC nationals in Kenya. Key informant 11 specifically mentioned that "Kenya's immigration policy strikes a balance between Promoting investments and Providing an opportunity for other EAC nationals to engage in business ventures in Kenya." Key informant seven further added that "The encouragement of foreign direct investment as foreseen by Kenya's immigration Policy is one way of promoting the right of establishment by establishing employment opportunities for other EAC nationals"

Kenya's Immigration Policy and Residence Right within the East African Community

The participants indicated their levels of agreement with statements pertaining to Kenya's immigration

policy and the right of residence in EAC, as presented in Table 6.

Table 6: Kenya's Immigration Policy on the Right of Residence

Statements	D %	SD%	U%	A%	SA%	Mean	Std.Dev
1. Kenya's immigration policy allows for the free movement of skilled EAC nationals to work legally in the country.	2.5	6.4	8.9	63.8	18.4	3.894	.862
2. The number of other skilled EAC nationals legally working in Kenya has increased due to Kenya's immigration policy.	2.5	5	8.5	60.3	23.8	3.979	.864
3. Kenya's immigration policy facilitates the seamless integration of skilled EAC nationals into the country's workforce.	2.5	4.3	14.9	53.9	24.5	3.936	.887
4. Kenya's immigration policy efficiently issues work permits to skilled EAC nationals seeking employment in the country	0	4.3	2.1	71.6	22	4.113	.632
5. Skilled other EAC nationals experience minimal challenges when obtaining work permits under Kenya's immigration policy.	1.8	2.5	4.3	65.6	25.9	4.113	.741
6. Kenya's immigration policy actively promotes the recruitment of skilled professionals from other EAC countries.	1.1	6	4.3	56	32.6	4.131	.831

From the research findings, a majority of the participants were 55.3 per cent, with a mean of 4.404 and Std. Dev of 843 expressed strong agreement regarding the adequacy of Kenya's immigration policy in terms of providing information and guidance for obtaining residence permits. Furthermore, a majority of the respondents, 65.6 per cent, with Std. Dev of 746 and a mean of 4.152 agreed that the process of acquiring residence permits in Kenya is both efficient and straightforward for East African Community nationals. Additionally, a considerable percentage,

64.2 per cent, with a mean of 4.074 and Std. Deviations of 790 agree that Kenya's immigration policy effectively addresses the right of residence for other EAC nationals within the country's border.

Moreover, most participants, 61.7 per cent, with a mean of 4.032 and Std. Dev of 858 agreed that the policy also facilitates the issuance of residence permits to other EAC nationals who wish to reside in the country legally. The data further reveals that slightly over half of the respondents, 55.7 per cent, representing a mean of 4.025, and Std. Dev of 890

and 53.2 per cent with a mean of 4.213 and Std. Dev of 850 agreed that the number of other EAC nationals legally residing in Kenya has increased due to the country's immigration policy and that EAC nationals perceive Kenya as a favourable destination for residence primarily because of its immigration policies.

The Key informants have also expressed their support for the policy, emphasising its role in facilitating the process of obtaining residence permits and other necessary documents for other

EAC nationals in Kenya. This facilitation is seen as significant in ensuring the right of residence for individuals within the EAC region, thereby contributing to regional integration efforts.

Kenya's Immigration Policy and the Free Movement of Persons within the East African Community

Table 7 shows the participants' levels of agreement with statements relating to Kenya's immigration policy and the free movement of persons in EAC.

Table 7: Kenya's Immigration Policy on Free Movement of Persons

Statements	D %	SD%	U%	A%	SA%	Mean	Std.Dev
1. Kenya's immigration policy facilitates the free movement of other EAC nationals within the region.	2.8	5.3	4.3	57.4	30.1	4.067	.900
2. Other EAC nationals find it convenient to travel to Kenya with the support of the country's immigration policy.	0.7	2.1	8.5	55	33.7	4.188	.733
3. Other EAC nationals in Kenya can move freely without having a Visa due to Kenya's immigration policy.	1.1	2.1	10.3	61.7	24.8	4.071	.727
4. Kenya's immigration policy allows for the smooth and hassle-free movement of persons within the EAC region.	0.4	1.8	2.1	40.4	55.3	4.486	.665
5. Kenya's immigration policy contributes to the strengthening of regional bonds and cooperation among EAC nations.	2.1	2.1	13.5	63.8	18.4	3.943	.771
6. EAC nationals perceive Kenya as a welcoming country for regional travellers due to its immigration policies.	2.1	6.4	12.8	55	23.8	3.918	.899

From the findings of the study, the majority of the participants strongly agree that Kenya's immigration policy facilitates smooth and hassle-free movement of individuals within the East African Community

region. A significant proportion, 55.3 per cent, with a mean of 4.486 and Std. Dev of 665 agreed with this notion. Furthermore, a majority of 63.8 per cent with a mean of 3.943 and Std. Dev of 771 agreed that

Kenya's immigration policy plays a crucial role in fostering regional bonds and cooperation among EAC nations. They explained that the positive impact of the policy on regional integration is indicated by state-to-state cooperation for mutual benefits, as in the case of the East Africa Community. Moreover, 61.7 per cent had a mean of 4.071, and Std. Dev of 727 of the participants agreed that EAC nationals residing in Kenya can freely travel within the country without the need for a visa due to Kenya's immigration policy.

This shows that Kenya's immigration policy embraces the EAC regional immigration regulations and has promoted regional integration in the EAC. Additionally, 57.4 per cent with a mean of 4.067 and Std. Dev of 900 of respondents recognised Kenya's commitment to facilitating the movement of EAC nationals within the region, as demonstrated by its immigration policy. They explained that other EAC nationals perceive Kenya as a welcoming country for regional travellers, primarily due to its immigration policies.

Table 8: Kenya's Immigration Policy on Regional Integration

Statements	D %	SD%	U%	A%	SA%	Mean	Std.Dev
1. Regional integration efforts have led to an enhanced free movement of persons within the EAC.	2.1	2.1	3.9	64.5	27.3	4.128	.758
2. There is an increase in other skilled EAC nationals working in Kenya	1.1	3.9	12.8	65.2	17	3.933	.740
3. There is an increase in other EAC nationals legally residing in Kenya	0.4	1.4	6.7	56	35.5	4.248	.671
4. Kenya's immigration policy has positively contributed to the enhanced regional integration within the EAC.	2.5	9.6	14.9	53.5	19.5	3.780	.951
5. Regional integration efforts have led to an increase in other EAC business entrepreneurs operating in Kenya	0.7	1.8	14.9	55	27.7	4.071	.746
6. Businesses legally owned by other EAC nationals in Kenya have increased	2.1	6.4	12.8	55	23.8	3.918	.899
7. The increased presence of other EAC nationals legally residing in Kenya reflects the positive impact of regional integration.	1.8	8.2	14.2	53.5	22.3	3.865	.914
8. Kenya's immigration policy plays a vital role in promoting and supporting enhanced regional integration within the EAC.	1.1	2.5	6.7	56	33.7	4.188	.752

Furthermore, the study revealed a significant proportion of 55 per cent, with a mean of 4.188 and Std. Dev of 733 of the respondents agreed that EAC nationals find it convenient to travel to Kenya due to the support provided by the Kenya's immigration policy. This shows that Kenya's immigration policy enables effortless and uncomplicated movement within the East African Community region. The results obtained from the investigation into Kenya's immigration policy are in line with the existing literature on visa exemptions within the ASEAN region. The primary objectives of visa exemptions in the ASEAN context are to facilitate and simplify the process of short-term travel between member states, thereby promoting seamless movement of individuals within the region. This policy, as highlighted by Bianculi (2020), aims to remove unnecessary bureaucratic hurdles and promote easier access for people travelling within ASEAN countries. Member states seek to foster closer regional ties and enhance cooperation among nations within the EAC by eliminating the need for visas. From the interviews, key informants stated that Kenya's immigration policy has been successful in creating a favourable environment for regional travellers. They added that other EAC nationals perceived Kenya as a welcoming country for individuals travelling within the region, primarily due to its immigration policies.

From the findings, a significant number of the participants agreed with the statement that there had been an increase in the number of skilled individuals from other East African Community states working in Kenya, with a majority of 65.2 per cent with a mean of 3.933 and Std. Dev of 740 of the respondents expressed their agreement. This finding emphasises the importance of continued efforts towards regional integration and the need for supportive immigration policies to foster economic and social development within the EAC. Moreover, it was observed that regional integration efforts had played a crucial role in facilitating the unrestricted movement of people within the EAC, as agreed by 64.5 per cent with a mean of 4.128 and Std. Dev of 758 of the respondents. Additionally, the study revealed a considerable percentage of 56 per cent with a mean of 4.188 and Std. Dev of 752 of the

respondents agreed that there has been an increase in the legal residency of EAC nationals in Kenya, highlighting the importance of Kenya's immigration policy in promoting and supporting regional integration within the EAC. This finding shows that the positive impacts of regional integration are evident through the increased presence of legally residing EAC nationals in Kenya, which reflects the aspirations of the EACMP.

Furthermore, the majority of the participants, 55 per cent, had a mean of 4.071 and Std. Dev of 746 agreed that Kenya's immigration policy has contributed to the growth of EAC-owned businesses in the country. This finding suggests that the presence of other EAC nationals in Kenya has led to an expansion in the number of legally owned businesses, which indicates that through Kenya's immigration policy, the EAC has achieved its dream of one people, one destiny. Furthermore, 53.5 percent with a mean of 3.865 and Std. Dev of the respondents agreed that Kenya's immigration policy has positively contributed to the enhanced regional integration within the EAC and that the increased presence of other EAC nationals legally residing in Kenya reflects the positive impact of the policy on regional integration in the EAC.

CONCLUSION AND RECOMMENDATIONS

Conclusion: In conclusion, Kenya's immigration policy has played a crucial role in advancing the right of establishment for EAC business entrepreneurs in the country. The policy has successfully attracted entrepreneurs from other EAC nations, leading to increased cross-border business activities and investments. The research indicates that Kenya's immigration policy has enhanced labour mobility and integrated skilled EAC nationals into Kenya's workforce. Furthermore, Kenya's immigration policy has successfully facilitated the right of residence within the EAC. The perception of Kenya as an attractive residence for East African Community nationals underscores the policy's role in promoting regional integration and free movement within the EAC.

Recommendations: The study suggests that the government of Kenya should simplify and streamline investor permit procedures for EAC citizens seeking

to establish legal business entrepreneurs in Kenya. The study suggests that the EAC secretariat should monitor and ensure that the Kenyan government enhances the free movement of labour in line with the EACMP. The study further suggests that the immigration policymakers in Kenya on EAC immigration affairs should ensure that rights and benefits available for other EAC nationals wishing to

reside in Kenya are covered by the policy, practised and protected in accordance with EAC. Future research endeavours could explore the potential implications of Kenya's immigration policy on regional security, particularly in relation to the movement of individuals engaged in transnational criminal activities.

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