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FOREIGN EMPLOYMENT

AN INFORMATIONAL GUIDE ON SAFE LABOUR MIGRATION

HARAMBEE

NATIONAL EMPLOYMENT AUTHORITY
NEA
Employment opportunities for all

GLOBAL FUND TO END MODERN SLAVERY

IOM UN MIGRATION

EXECUTIVE SUMMARY

Kenyan migrant workers contribute to the growth and development of the country. Properly managed migration benefits the countries of origin, transit and destination through skills transfer and income generation for the migrants and families as well as an increase in the gross domestic product (GDP) through taxation of remittances.

Despite these benefits, Job seekers and migrant workers continue to face exploitative working conditions and discrimination, they lack access to basic economic needs, social and cultural rights, are sometimes exposed to gender-based violence and in the worst-case reported mysterious death.

The government in collaboration with notable stakeholders such as the International Organization for Migration (IOM), has initiated several measures to guarantee the welfare and safety of Kenyan migrant workers. However, migrant workers continue to be exposed to these challenges due to unethical recruitment practices as well as limited access to information on safe labour migration practices.

This informational guide, therefore, bridges the informational gap on foreign employment by providing accurate information on legal pathways of migration and the much-needed awareness on unethical recruitment practices. Specifically, this informational guide shares important information that job seekers and potential migrant workers need to know in terms of pre-departure, travel and transit, working and living outside the country, return and reintegration as well as some of the frequently asked questions in labour migration.

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LIST OF ACRONYMS

ABN	Acknowledgement of Birth Notification
BoI	Bureau of Immigration
CID	Criminal Investigation Department
FAQ	Frequently Asked Questions
GDP	Gross Domestic Product
ILO	International Labour Organization
IOM	International Organization for Migration
KICD	Kenya Institute of Curriculum Development.
KUPEA	Kenya Association of Private Employment Agencies
MTO	Money Transfer Operator
NEA	National Employment Authority
NITA	Industrial Training Authority
NOC	No Objection Certificate
PDOT	Pre-Departure Orientation Training
RSP	Remittance Service Provider
UAE	United Arab Emirates

LABOUR MIGRATION

INTRODUCTION

Labour migration is a source of employment and livelihoods for migrant workers, and one of the main avenues of technology and skills transfer between countries. The benefits of labour migration are enjoyed by migrant workers, their families and communities; local and national governments; private sector entities; and regional organizations. Kenya like most developing countries continues to experience the migration of workers to and from other countries. The push factors for migration include high levels of unemployment and the socio-economic and environmental conditions within the country. The pull factors include the opportunities for a better life namely; higher salaries, a better quality of education and health care in the countries of destination.

The key regions and countries of destination for migrant workers from Kenya are the Middle East, USA, Canada, Australia and Europe. These workers make significant contributions to the social and economic development of the country mainly through remittances, knowledge and skills transfer, and technological advancements. Kenya, therefore, stands to gain immensely from labour migration.

Despite the significant benefits accrued by the country from labour migration, Kenyan migrant workers continue to face numerous challenges both locally and in the countries of destination. Amongst these challenges include: violation of the fundamental rights of migrant workers; lack of accurate, up-to-date and reliable data and information on labour migration and migrant workers; and lack of effective mechanisms for return and reintegration of migrant workers

Kenya has continued to focus on initiatives and programmes mainly aimed at addressing the plight of migrant workers in distressed situations and those being subjected to mistreatment and violation of their fundamental rights. One such intervention is the provision of up-to-date and reliable data and information on labour migration and migrant workers.

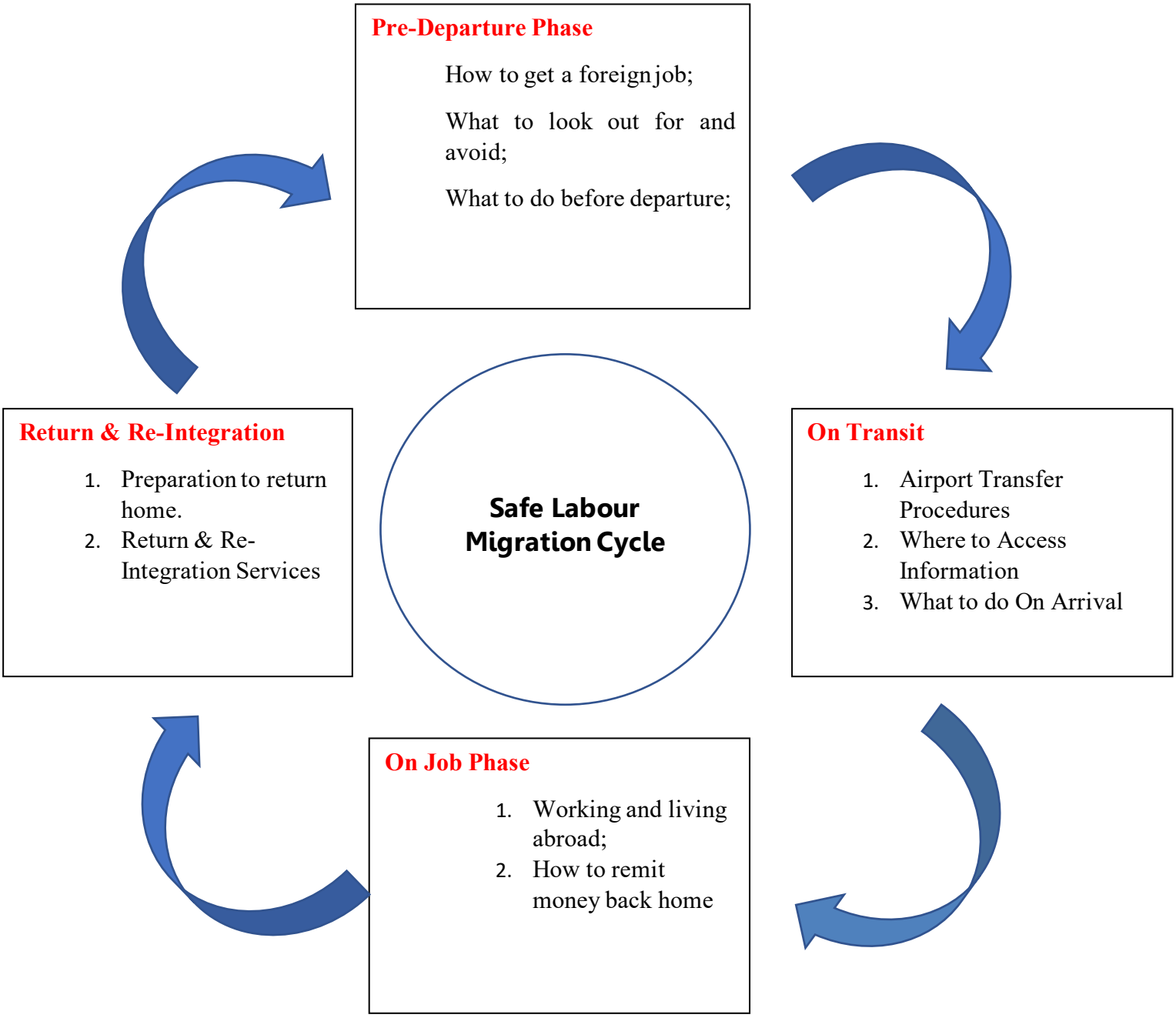
SAFE LABOUR MIGRATION CYCLE

The migration cycle is the sequence of movement of migrant workers from the countries of origin, transit phase, on the job at the labour destination as well as during return and reintegration.

Safe migration means that the migrants are protected from any risks related to their health, legal status or life at all the stages of the migration process It also means migrants have access to social and health services.

Figure 1 below gives a sniped of the labour migration cycles

Figure 1: Labour Migration Cycle



PRE-DEPARTURE PHASE

This is a critical stage that largely determines the safety and future welfare of a migrant worker. The pre-departure phase covers the time from which a job seeker applies for an open foreign job, goes through the recruitment process, secures a job up until he is ready to leave the country to take up the new job in the foreign labour market.

THE PROCESS OF GETTING A JOB

1. Look out for Advertisement

Job opportunities are advertised through

- Through registered Private Recruitment Agencies (PRAs)
- Through websites e.g., www.neims.go.ke
- Through media
- Individual efforts or/and referrals

NB: You can access the contact information of PRAs who have been registered and accredited by the National Employment Authority (NEA) here. https://neaims.go.ke/EmploymentAgencyList.aspx

2. Job and Skills are matched

Job seekers are required to register on NEAIMS through www.neaims.go.ke. Interested applicants then monitor the portal to identify jobs posted by employers and recruitment agencies for application. Profiles are vetted to match job requirements and presented skills and qualified applicants are shortlisted.

3. Access to CVs by Employers

The recruitment agencies screen through the applications and forward the short-listed CVs to the prospective employer for further processing. Employers select qualified applicants and communicate to accredited recruitment agencies.

4. Candidates are contacted

The short-listed applicants are contacted by accredited recruitment agencies through e-mail, telephone etc.

NB: Beware of fake notifications and always verify if Agent is accredited from NEA visit www.nea.go.ke

5. Pre-Interview Training

In some instances, shortlisted applicants are invited for pre-interview training to enhance their interview skills. Youth Development Enterprises Fund and some Employment agencies usually undertake this role

6. Interviews are conducted

Prospective employer communicates the interview date, venue and time to the recruitment agencies who then inform the candidates. Interviews are conducted by the prospective employer personally or through their agent in the presence of recruiting agencies.

7. Candidates are selected

Successful candidates are notified promptly through appropriate means. They then start the pre-departure activities, medical tests and attestation. The candidate should also be attested by the Ministry of Labour.

8. Pre-Departure Training

Successful candidates are notified of the venue, time and date of the pre-departure training by recruitment agencies

WHAT JOB SEEKERS NEED TO LOOK OUT FOR

1. Unregistered Recruitment Agents

Do not use recruiting agencies that are not licensed and accredited by the National Employment Authority (NEA). The list of accredited agencies can be accessed through www.neaims.go.ke

2. Excessive Recruitment fee

The employer may bear costs relating to travel and transportation, medical examination, health certificates, official documentation etc. However, in some cases, you may be required to share some of the costs. If in doubt verify with National Employment Authority (NEA) on info@nea.go.ke or visit the NEA employment offices

3. Work Permits and Contracts

Never take up a job offer if the recruiter/employer does not give a signed employment contract or says that an employment contract is not needed. Without the contract, you are an undocumented migrant worker and your rights in the destination country will be limited or abused.

4. Understand all conditions of the Employment Contract

Make sure you understand all the conditions of the employment contract before you sign it. You should know whether the employer will be giving you free food, accommodation etc.

5. Valid Work Visa

Make sure you get a valid **work visa** before you leave the country. With other types of visas (tourist visas or visit visas), you are not allowed to take up a job in another country.

6. Copies of Important Documents.

For you to work in the Gulf different requirements are depending on the type of job. However, the following are mandatory minimum requirements for all jobs: –

i. A passport that is valid for a minimum of two years

ii. Job contract
iii. Work permit
iv. Medical certificates
v. Professional and educational certificates

How Do You Know a Genuine Agent?

Before engaging with any Private Recruitment Agency, establish if the agent you are dealing with is authorized or licensed by the National Employment Authority and has the proper job order and the person transacting business with you is legitimately connected with the licensed agency. If in doubt, always confirm on the list of Accredited Agents on www.neaims.go.ke . **If they don't appear on the list, it means it is an Authorized Agent**

Verify whether the agency,

- Has an office
- Is registered as a Limited Liability Company by the registrar of Companies
- Is licensed by the National Employment Authority (NEA)
- Charges any fees or commissions

Be Aware of Job Scams

Scammers targeting naive job seekers have devised high tech ways of extorting money in the pretence of offering well-paying jobs. With time, they've evolved to the point where they can easily disguise themselves as legitimate and dupe unsuspecting Kenyans into sending cash, in most cases through mobile money services such as MPESA in the hope of advancing to the next stage of the interview.

The process involves some sophisticated techniques to look natural and legit. First, they'll register a custom domain name such as "example.co.ke" usually similar to the name of the fake company

to be used. This ensures they secure an email address that looks official such as "info@example.co.ke".

Job seekers, therefore, need to remain vigilant and always **verify** the job advisements. **NEVER Send money to facilitate any recruitment process**

IMPORTANT STEPS BEFORE DEPARTURE

Before you leave the country, it's important to learn key things like what to pack, process, pre-departure training, airport and flight procedures etc. In this section, we provide key information on those things you need to do before departing for a foreign Job.

1. After passing the interview

A full medical examination is conducted as per the employer's requirements. The Kenyan recruitment agent then sends this medical report to the host employment agent who verifies it.

2. Offer letter is sent

If the host employment agent and employer are satisfied with the medical report, they then issue an offer letter. The offer letter is sent to the Kenyan recruitment agent who shares it with the candidate.

3. Acceptance of the offer

The candidate should read and understand the offer letter before signing it. One should seek help and clarifications from the agent or even the Ministry of Labour should they need any before signing to accept.

4. Contract is sent

The accepted offer letter is then sent to the host agent who then prepares a job contract. The contract is then sent to the local agent to pass on to the candidate.

5. Contract signing

The candidate should read and understand the contract before signing it. One should seek help and clarifications from the agent, NEA or even the Ministry of Labour should they need any before signing to accept. Don't sign a contract written in a language that you don't understand

6. Attestation

After this the candidate should then be attested by the Ministry of Labour in Kenya. One requires the signed contract, security bond, medical report. Attestation is done in person at the Labour office.

7. Visa & Air Ticket sent

The host agent then sends the Air Ticket to the Kenyan recruitment agent. This is then shared with the candidate.

8. Pre-departure training

One should then attend pre-departure training. There are various training institutions approved by the National Industrial Training Authority (NITA)

EMPLOYMENT CONTRACT /JOB AGREEMENT

What you need to know about the Job Contract/ Agreement

i. You must sign a Job Agreement or Contract with your Recruitment Agency and Employer before departure. The signed Agreement will ensure your protection during employment.
ii. Make sure you understand all the terms detailed in the Agreement. Ask someone you trust to explain it clearly to you if needed to ensure your safety and welfare.

The following signatures and endorsements should be on the agreement.

i. Signature of employer

ii. Signature of foreign agent
iii. Signature of local agent
iv. Signature of employee
v. Signature of a witness

NB: It is not advisable to obtain private / tourist/holiday visas from friends or relatives as a means to migrate for employment. There is no one to look into the welfare aspects of such travellers. Therefore, it is unsafe and not advisable.

HOME CARE MANAGEMENT CURRICULUM

The Home Care Management Curriculum addresses challenges faced by people working in private households and institutions such as children's homes, hospitals, hostels and boarding institutions. It aims at creating a qualified, productive, healthy workforce with practical knowledge and skills in-home care management. All domestic workers intending to work in foreign countries must undergo the course. Various institutions have been accredited to provide training. The list of accredited training centres can be accessed through the NITA website www.nita.go.ke

Assessment and Certification

The assessable Units are: -

i. Homecare
ii. Life Skill
iii. Pre-Departure Training
iv. Child Care
v. Homecare Nursing

PRE- DEPARTURE TRAINING

Preparation of migrant workers before departure is critical in assisting them to acquaint themselves with the new environment in the host country.

The overall objective of the training programme is to introduce the migrants to all the aspects of foreign employment thus reducing the impact of "culture shock" while at the same time providing insights to the migrants on their expectations, opportunities and challenges in foreign employment.

Eligibility

The pre-departure training is open to all potential Kenyan migrant workers after they have secured jobs and are ready to travel and work in the foreign labour markets

Course Units

The pre-departure training covered these topics: Preparation before departure to take up foreign jobs, foreign contract of service, terms and conditions of employment, cultural and religious issues in countries of destination, currencies, exchange rates, remittance channels and investments opportunities, rights and obligation at work, protection and safety while working abroad and locations and role of Kenyan missions abroad.

Why Pre-Departure Training Is Essential

i) It promotes safe, legal and humane migration
ii) It helps prevent human trafficking, discrimination, exploitation and abuse of migrant workers at all stages of the migration process
iii) It encourages migrants to take care of their well-being and carry out their duties properly
iv) It makes migrant workers aware of their rights and of ways to safeguard these rights
v) It prepares migrant workers to adapt to the new environment in the destination country

vi) It gives basic information and options on sending money home as well as managing their budget and savings

vii) It prepares migrant workers to return home on completion of their tenure in the foreign country

TRAVEL AND TRANSIT PHASE

At this level one is no longer a job seeker but considered as a potential migrant worker. The transit and travel phase covers the time when a potential Kenyan migrant worker has secured all required documents and approvals and travels to take up the job in the foreign country.

CHECKLIST BEFORE DEPARTURE

i. Make sure that the job designation or category mentioned on your visa matches the job that you have been recruited for.
ii. Remember to pack both your original documents and their copies. Also, leave more copies at home before you depart. Keep the originals always with you or in your hand baggage. They may be required at check-in and Bureau of Immigration (BoI) counters.
iii. Note down all the phone numbers and other contact details of the Kenyan Mission/Consulate/Embassy in the country you are going to.
iv. Make sure your passport is valid for at least two years.
v. Always keep copies of your passport and visa with you.
vi. Get a copy of the employment contract co-signed by you, your foreign employer and the Recruitment Agent.
vii. You need to open a bank account with any bank in Kenya. If you need to also remit money to your family, open a second joint savings bank account with your family member separate from your main account. This will enable you to remit your earnings safely. Your family member can withdraw the money while you are abroad. Note down the SWIFT/NEFT/RTGS and IFSC codes of the branch and the bank. These are unique codes that identify and enable money to be transferred to your bank account.
viii. It's important to get a travel insurance policy before leaving Kenya or any other insurance depending on the journey.
ix. Confirm to know the baggage limit of the airline to avoid extra charges for your luggage.

AIRPORT TRANSFER PROCEDURES

All international Airports require travellers to strictly observe rules and protocols while at the Airport to ensure safety and seamless movement within the airport. It is therefore important to acquaint with the airport procedures at various levels. Here is some useful information:

Travel to the Airport

i) Be familiar with the E-ticket system
ii) Ensure airport, airline names, flight times indicated in the ticket are well understood
iii) Ensure transport is arranged so that you reach the airport 3 hours before the time of the flight as indicated in the travel ticket.
iv) Keep your ticket, passport, visa documents, flight details, the sponsor details or the details of the person who would be receiving you at the Airport and contact no. of Kenyan Embassy in destination country somewhere safe and secure in your handbag for easy access
v) Ensure you do not give personal contact details to unknown persons as you may be at risk of human trafficking – being tricked, cheated and scammed

At the AirPort

i. Ensure you go to the correct check-in counter after referring to the information board displayed at the airport or based on the airport announcement. Sometimes, custom officers will make a personal check to ensure that you do not carry any unauthorized items.
ii. Your passport and ticket may be checked by an Immigration officer just before you enter the check-in counters. Your baggage will also be security-checked for the second time
iii. Be sure not to carry any packages or bags for unknown persons along with your luggage as they may contain unknown or illegal items.

On flight

i. Ensure your seat is according to the seat number assigned in the boarding pass
ii. Ensure your hand luggage is placed in the overhead cabin

iii. Listen to the instructions of the flight attendants. They are there to help you. Ask them if you need any information/ help.
iv. You are given refreshments and meals free of charge in-flight
v. Ensure you use the toilet as instructed and keep it clean when you leave.
vi. Behave in a manner that is calm and does not disturb other travellers.

Arrival in the destination Airport

i. Ensure you have correctly filled the disembarkation card if provided while in the aircraft or obtained at the emigration counter at disembarking airport. (Most of the middle eastern destinations do not use a disembarkation card)
ii. Ensure the Immigration seal is placed on your passport as proof of arrival
iii. Collect correct luggage from the allocated luggage belt. If your baggage is missing you can seek help from the lost baggage counter
iv. Ensure you follow the instructions to the exit gate through the customs

In the case of transit via another airport before destination:

i. You must be aware of your flight is flying directly to your destination country or you will be in transit at another airport.
ii. You can contact the information desk at the airport if you need any help
iii. If you need to change your flight, find out from the ticket the details of the next flight such as time of departure & flight time and terminal numbers
iv. Once you disembark from the first flight, find out the correct boarding gate No. of the transit airport and reach there without delay.
v. Go to the indicated departure gate after following the necessary security procedures
vi. Ensure your baggage will reach the final destination sometimes you may have to collect your bag and check it in once again
vii. Submit your passport, air ticket and baggage to the relevant Airline counter and obtain your boarding pass, baggage acknowledgement sticker (If you are going via a transit point, ensure you have your onward boarding pass)
viii. Please do not leave your hand luggage or handbag unattended while at the airport.

ix. Ensure you fill in the embarkation card correctly.

x. Proceed to the immigration counter and submit your passport, embarkation card and boarding pass for verification and endorsement.

xi. Proceed to the boarding gate through duty-free free areas and go to the correct boarding gate as indicated in the boarding pass. Listen to public announcements and enter and stay at the waiting area until the boarding announcement is made by the airline staff.

WHAT TO DO AFTER AIRPORT CLEARANCE

Once you clear at the Airport in your Labour Destination, it's important to.

1. Identify the host receiving you.

Before departing for Gulf, it is important you carry the contacts of the agent or representative receiving you in the Gulf. You should also know the physical description and what they are wearing e.g., branded clothing.

Verify their identification to ensure you meet the correct person (Through ID card or name)

2. Contact home

Once you have identified the person receiving you, they will either take you to the agent's office or proceed to your employer. You should contact your home and your home agent to notify them you arrived safely and where you are staying.

3. Know your Host agent's office

Visit the agent office "maktab" in the country of destination before taking up the job. This is the place in case you have an issue with your employment you can seek help first.

4. Verify contract

The Host agent should give you the actual contract from the employer so you compare it with the one you have. Sometimes they may differ. If they differ contact your home agent for help.

5. If in distress

In case you are in distress at any point when you arrive contact the home agent, your family, Host agent (Maktab) or the Kenyan Embassy

6. Register at Kenya Embassy

When you settle at your employer, make time to go register with the Kenyan embassy within one month of arrival.

WORKING AND LIVING ABROAD

This is a critical window in the labour migration cycle and it depends on the length of the contract. It is the time from arrival in the foreign labour market up until the end of a contract.

WHAT MIGRANT WORKERS NEED TO LOOK OUT FOR

To ensure your welfare and safety as a migrant worker, you should always be on the lookout and report any mistreatment or suspicions that threaten your wellbeing. Here are some of the issues you need to look out for: -

Confiscation of identification/ travel documents

Confiscation or withholding of passports in particular or other valuable personal possessions is one of the most chronic abuses reported by migrant workers. You should always have access to your documents. Without papers, a migrant worker cannot freely and safely move about or leave a host country and is at risk of imprisonment if stopped and questioned by police.

Deductions, fines, withholdings and illegal law pay

Beware if your take-home pay is not what was offered by your agent. Several mechanisms like below contribute to the disparity.

i) **Forced savings programs** – where a portion of your salary is withheld and deposited into a savings account to which you do not have access until your term of work is complete.
ii) **The levying of un-anticipated** (and sometimes excessive, unexplained or illegal) **deductions** for items such as food, housing, or travel
iii) **Wages are withheld, delayed or unpaid**; or if workers are forced to accept non-cash payments or payments in kind; and/or
iv) In some cases, workers are required to use a portion of their salary to lodge financial deposits or "**security" fees**, e.g., as "**runaway insurance**".

Employer Control of Bank Accounts

Beware when employer or broker insists access and control to your bank accounts.

Lack of freedom to terminate employment

Employers and agents may use a variety of coercive means to restrict migrant workers' freedom to terminate employment, including

i) Breach-of-contract penalties that force workers to stay in jobs by imposing financial penalties for voluntary or involuntary termination of the contract;
ii) Informal threats of loss of wages, savings or deposits; and/or
iii) Threat or use of violence, harassment or intimidation.

Restriction on freedom of movement

Migrant workers may be subjected to any number of restrictions on their ability to move freely in the host country, including

i) Tenancy in employer-operated residences is compulsory as a condition of recruitment and/or continued employment;
ii) Presence of security personnel or other security measures in the workplace or at residences restrict freedom of movement;
iii) Migrant workers are not free to return to their country of origin during paid leave or holidays; and/or
iv) Imprisonment or physical confinement in the workplace or related premises, e.g., employer-operated residences.

Isolation

Beware of any geographic, social, cultural, or even language isolation that can trap migrant workers at a worksite. By isolating workers and becoming their sole source of food, information and communication, labour brokers can render workers incapable of independent action.

Threats and Violence

Threats and violence are not necessary to entrap workers, but when used, threats and violence are effective ways of "beating down" workers, rendering them compliant and fearful of possible retributions to themselves or their families.

REMITTANCES

A remittance is money sent by a person in a foreign land to his or her home country. Various platforms facilitate diaspora remittance.

Remittance Service Provider (RSP)

An RSP is an entity, operating as a business, that provides a remittance service for a price to end-users [the sender or receiver of a remittance transfer], either directly or through agents. This includes (but is not limited to) money transfer operators, mobile network operators, and banks. E.g., Safaricom, Western Union, MoneyGram, World Remit, Co-operative Bank, Equity Bank, Kenya Commercial Bank

Money Transfer Operator (MTO)

An MTO is a non-deposit taking payment service provider where the service involves payment per transfer by the sender to the payment service provider. This differs from banks that take deposits and allow transfers of funds to be made from those deposits E.g., Western Union, MoneyGram, WorldRemit, Simba pay

Hawala

Hawala is Arabic for 'transfer'. It generally refers to a method of transferring money outside of conventional banking systems. This form of money transfer tends to operate based on trust. An example of a hawala transaction is where a Kenyan migrant worker wants to send money to a family member in Kenya. The migrant worker approaches a hawala service provider in her host country, which is outside the formal financial sector. The migrant worker gives the hawala service provider money, for example in US Dollars (USD), and instructions for the transfer. The hawala service provider in the migrant's host country contacts a hawala service provider in Kenya, which

also operates outside of the formal financial sector. Typically, the hawala service provider in the migrant's host country tells the hawala service provider in Kenya to pay the mother in the Kenya Shillings equivalent of the USD. The hawala service provider in the migrant's host country is paid for this service by charging the migrant worker a fee or through the exchange rate used. After the family member receives the money, the hawala service providers in the migrant's host country and Kenya settle the transaction.

Work Etiquette

Work etiquette is a code that governs the expectations of social behaviour in a workplace. This code is put in place to "respect and protect time, people, and processes." There is no universal agreement about standard work etiquette, which may vary from one environment to another

As a migrant worker, you are required to observe high standards in your daily routine and always acknowledge and respect the cultural differences that might exist. Always conduct yourself in a manner that commands respect.

NEA Distress Reporting Form

NEA distress reporting platform allows you or other interested stakeholders to report cases of distressed Kenyan migrant workers through the NEAIMS portal. NEA then assesses and takes necessary action or refers complaints to relevant authorities, when appropriate. The reporting can be done individually or by someone else on behalf of the distressed and the distressed must have a valid Kenyan National ID Number. Visit www.neaims.go.ke to access the form and report

WHERE TO ACCESS INFORMATION

i. Kenyan Migrant workers website

This is a dedicated labour migration informational portal www.kmw.go.ke that focuses on providing useful information and resources for job seekers and migrant workers planning to work in the Kingdom of Saudi Arabia, the United Arab Emirates (UAE) and Qatar. The website offers information on issues regarding: How to get a job in the gulf; What to look out for and avoid; What to do before departure; What to do on arrival; Working and living in the Gulf region; and how to return home. The website is being expanded to accommodate additional countries.

ii. Predeparture handbooks

The National Employment Authority (NEA) under the support of the International Organization for Migration (IOM) developed country-specific informational handbooks for Qatar, UAE, Saudi Arabia, Jordan, Oman, Poland and the United Kingdom to provide the much-needed guidance to migrant workers working in those key labour markets. All these booklets can be downloaded on the NEA website www.nea.go.ke

iii. Embassies and consulates

It is always advisable to register with a Kenyan Embassy the destination country for the record and easy access to information and assistance in case of emergency. The contacts and locations of Kenyan consulates and embassies can be accessed through the country-specific pre-departure handbooks on the NEA website www.nea.go.ke

Additionally, the country has established Labour Attaché offices in Qatar, the United Arab Emirates (UAE) and the Kingdom of Saudi Arabia to aid in the resolution of employment and labour related disputes and the collection of data on Kenyan migrant workers.

RETURN AND REINTEGRATION

This is the point when a migrant worker is ready to return home after completing the employment obligation as per the contract or upon the termination of the contract by self or employer.

CHECKLIST BEFORE RETURN

Before returning home, one should ensure the following: –

No Objection Certificate (NOC)

Get for employer clearance/No objection certificate (NOC) and certificate of service

Notify Home & Embassy

Notify agent, Kenyan embassy and family to let them know you are leaving employment and when

Travel documents

Ensure travel documents are in order. That is your passport is valid and then get an air ticket. Also, notify the airline of your luggage to know the cost and what is allowed.

Termination clauses

It's important you check your contract for the termination clauses. e.g., Notice periods etc.

Final dues

Process your final dues and get paid. Please note that cash more than USD 5,000 needs to be declared at the airport.

Serve notice or pay lieu

You need to serve a notice period as per your contract. If not, you need to pay in lieu of notice period

PREPARATION BEFORE RETURNING HOME

i. Complete your work commitments and inform your employer before you leave the country.
ii. You have to leave the country you are working in before your visa expires; if you have applied for an extension of your visa and it was rejected, you have to leave the country.
iii. Once the term of the employment contract is over, your employer is supposed to arrange for your travel back to Kenya and pay for the air ticket according to the Emigration Act.
iv. In case of emergencies, remember that the affidavit that the Recruitment Agent submits to NEA states that the agent has to take responsibility for the worker; so, the PRA will have to work with your employer to get you back to Kenya.
v. You need to get a No objection certificate (NOC) from your sponsor/employer before leaving the country of employment.
vi. Your employer will have to pay you your final wages along with any other unpaid dues.
vii. You should withdraw any money left in your bank account in the country you are working in (if you opened an account in a bank there).
viii. Transfer the money to an NRE account in a Kenyan bank or send it home through any of the other methods that were explained on remittances.
ix. Make sure you have your original documents (passport, visa etc.) with you. If your employer has your original documents and is unwilling to return them, contact the Kenyan Mission/Post immediately and register a complaint.
x. If applicable, ensure that you obtain letters of certification that enumerate the skills you learnt and the work experience that you gained during your employment.

THE JOURNEY BACK HOME

i. Remember to apply the same airport & flight procedures you used when arriving.
ii. Make sure you have all your original documents with you (passport, NOC, visa etc.) along with photocopies of the same.

iii. If you are carrying foreign currency worth USD 5,000 or more, you have to declare it at the airport in Kenya and sign a form to that effect.

iv. You can carry used personal and household items like kitchen utensils and small electronics (for large appliances like TV sets and fridges bigger than 300 litres, you will have to pay import duty if you are bringing them back to Kenya).

Reintegration And Rehabilitation

i. Migrants returning home often find it difficult to reintegrate into their communities. They may not make the best use of their skills or their savings.

ii. After getting used to higher wages in a foreign country, workers may struggle to find jobs at home that they can accept.

iii. The worst affected are the victims of trafficking who will return with no funds and may not be readily accepted back into their home communities.

iv. Migrants may struggle to fit in with families and communities upon their return if they have been away for a long time and are used to the culture and lifestyle in another country.

v. Just like you may have missed your home when you first went abroad, you might find yourself missing the foreign country and your way of life there once you return.

vi. You may have saved a considerable amount of money while working abroad but you need to put it to good use once you get home. Lack of knowledge on how to use one's savings well is a big issue for many returning migrants.

vii. The government has launched several migrant reintegration programs to assist returnees to settle back home.

viii. Migrants, even if they have developed skills while working abroad, may not have any certified skills, which can make it difficult to re-migrate to another country after returning home, according to the ILO study.

How To Deal With Problems

i. You have to accept that your relationship with your family, especially your husband/wife and children, will have changed if you have been away from them for a long time. It is important to spend time talking with them to rebuild these relationships.

ii. Reach out to friends, relatives and people in your community who have migrated abroad for work before; they can give you advice and help on fitting back in.

iii. Reach out to your extended network of friends and family for employment-related opportunities, help with starting a business and investing your savings wisely.

FREQUENTLY ASKED QUESTIONS

1. Who is eligible to Work Abroad?

Any Kenyan Citizen male or female of 18 yrs. and above, of sound mind and with good conduct record.

2. How do I know or get the information about jobs outside Kenya?

i. Through registered employment agencies
ii. Through websites e.g., www.neaims.go.ke
iii. Through media
iv. Individual efforts or/and referrals

3. How do I establish whether the job offer is real or a hoax?

In case of employment, the agent establishes whether agency:

Make sure the agent you are dealing with is authorized or licensed by the Director of Employment, National Employment Authority and has the proper job order and the person transacting business with you is legitimately connected with the licensed agency.

Verify whether the agency,

i. Has an office
ii. Is registered as a Limited Liability Company by the registrar of Companies
iii. Is licensed by the National Employment Authority (NEA)
iv. Charges any fees or commissions.

Insist on the:

i. Actual job offers from the employer
ii. Terms and conditions of employment
iii. An official receipt in case of any payment made

You Should:

i. Only apply at the registered office of the recruitment agency. If the recruitment is conducted outside the registered office address, verify if it has authority issued by the Director of Employment or has been allowed to conduct recruitment activity outside their office.
ii. Ask for a copy of the employment contract and study the terms and conditions.
iii. Not pay any fee unless you have been hired and signed the employment contract.
iv. Always ask for a receipt corresponding to any payment

NB

The list of licensed Private Recruitment Agencies in Kenya is published on www.neaims.go.ke

In case of individual job search establish whether:

i. Jobs are genuine from the source

It is at times difficult to ascertain the authenticity of jobs advertised through the Website.

Therefore, it is advisable to:

i. seek more information, especially where applicants are required to pay large sums of money before processing the applications.
ii. contact the local embassy of the destination country to find out if the recruitment company is known and its reputation.

Although your future employer would take care of your requirements (plane ticket, work visa, etc.), you must still:

i. Have the documents processed by relevant government agencies as required?
ii. Have your visa or work permit and employment contract verified or authenticated by the Kenyan embassy or Kenyan consulate in the country of your destination.
iii. Undergo a medical examination by a recognized clinic or hospital
iv. Undergo a pre-departure orientation training by an accredited training institution by NITA.

4. Does the law limit the fees an employment agency may charge?

Yes,

Employment agencies may charge a fee for services offered. The fee must however be approved by the director of employment and must be within the legal provisions.

In such a case, the applicants must be issued with an official receipt for the amount paid.

The receipt must be signed by the person who received the payment and must show: -

i. the name of the applicant,
ii. the name and address of the employment agency,
iii. the date and amount of the fee
iv. the purpose of the fee or deposit.

4. Steps that should be taken to ensure your safety:

Before you leave the country:

ii. Ensure that the job offer is genuine.

iii. Ensure that you are travelling with the correct legal documents. Most countries require that you apply for a work visa if you plan to work in that country.
iv. Ensure that the Foreign Contract of Service (employment contract) is attested to by a Labour Officer
v. Seek for translation from a reputable organization in case any of the documents is in a foreign language
vi. Have the contact of people and organizations that can provide assistance once you arrive.
vii. Make sure you have the contact details for your country's Embassy or High Commission in the country where you wish to find employment.
viii. Obtain the details of the Kenya Embassy, Mission or the consulate in the country of destination
ix. Notify the Embassy, High Commission or consulate on your arrival that you are in the country and provide them with an address and contact details.
x. Obtain the details of helplines
xi. Make sure that you have obtained clearance
xii. Make sure that you have undergone a Pre-departure orientation seminar
xiii. Ensure that you inform your close family members
xiv. Provide details of your next of kin

5. Is an employment agency required to provide copies of contracts?

Yes. Employment agencies must provide applicants with a copy of any contract entered between the employment agency and the applicant.

6. Which documents do I need before I travel and where do I get them from?

The documents needed before travel have been listed in table 1 below, including where and how to obtain them

Table 1: Documents Needed before leaving the country and where to get them

What do I require?	**Where Do I Get It?**	**How do I get It?**
Valid Kenyan Passport	Director of Immigration Services v. Nairobi – Nyayo House vi. Mombasa vii. Kisumu – Re-insurance Plaza	You require: - - Original Birth Certificate - National Identity Card - Two passport size-coloured photographs (Not photo me) - Filled application form - Police Clearance Certificate - Passport processing fee - To visit the office in person
Original Birth Certificate ‘	Civil Registration Department - District Registrar of Births and Deaths	You require: - When birth was registered when it occurred: - - an acknowledgement of Birth Notification (ABN) - Certificate fee - Record Amendment of the fee if any amendments are required. When birth was not registered when it occurred: - - Filled birth registration forms - Own original ID Card - School-leaving certificate - Baptismal card - For minors, parents ID/Cards - Clinic card, where available - Those in permanent and pensionable employment, a letter from employer showing date of birth in personal file. - Certificate fees are as follows: - Born before the district was declared compulsory registration – Kshs.50/= - Born after the district was declared compulsory registration – kshs.150/=

Police Clearance Certificate	Nairobi CID Headquarters along Kiambu Road	You require: - - To present yourself in person - Copy of Identity Card - Kshs.1,000/=
Valid contract of service	Employment Agent	You require: - - a copy of Foreign Contract of Service Forms (LD21) from the Ministry of Labour.
Medical Certificate	- Recognized medical institution - A medical institution specified by the prospective employer or agent.	You require: - - Copy of Foreign Contract of Service forms (LD 21) from Ministry of East African Community, Labour and Social Protection. - Medical examination fees (depending on institutions)
Work Permit	Destination countries	You require to apply through respective embassies or agents.
Travel/Visa	Embassies of Destination countries	You require: - - application - Passport

CONCLUSION

The National Employment Authority remains committed to equipping the workforce with the skills required in the labour markets as well as provide information that would safeguard their interests and safety . Towards this end, the Authority enhanced coordination of pre-departure training and orientation programme for outbound migrants in order to acquaint them with the requisite knowledge and skills to cope with the work environment in the labour destination countries. Job seekers are encouraged to always engage with licenced Private Recruitment Agencies (PRAs) and use the legally accepted channels to access foreign employment

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