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### RESEARCH ARTICLE

## “KENYA’S REALIGNMENT OF MIGRATION POLICY TO THE EAC FREE MOVEMENT OF PERSONS PROTOCOL: FROM COMMITMENT TO COMPLIANCE”

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### Abstract

Although partner nations are obligated under the East African Community (EAC) Common Market Protocol to gradually remove obstacles to the free movement of people, there exist significant differences in the degree to which these treaty requirements alter national migration policies. This article examines Kenya’s immigration policy realignment trajectory through the EAC free movement of persons requirements, focusing on whether reforms have moved the system from nominal commitment to substantive compliance. Neo-functionalism, liberal intergovernmentalism, and realism serve as the theoretical foundation for the approach, which highlights the conflict between integration spillovers, the creation of domestic preferences, and persistent worries about sovereignty. Empirically, the study uses a mixed methods approach guided by a positivist paradigm, surveying 349 officials and practitioners from key non-state actors, the EAC Secretariat, and Kenya’s core migration governance institutions. SPSS was used to analyse 264 valid responses in addition to thematic analysis of primary informant interviews and documentary data. Based on Common Market Provisions incorporated into the Constitution of Kenya 2010, alongside the 2011 Immigration and Citizenship Act, Kenya has achieved significant front-end conformity with EAC obligations through visa-free admission for EAC citizens, the implementation of the e-passport, the formation of One Stop Border Posts, and the waiver of Class R work permits fees. However, a two-speed system where entry is liberalised, but deeper movement rights remain precarious, is created by ongoing restrictions in the administration of work permits, in complete harmonisation of labour and residency regimes, overlapping mandates, and unequal digitalisation. According to the article’s conclusion, Kenya falls somewhere between full compliance and rhetorical leadership, and it outlines the institutional changes required to bridge this gap.

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**Introduction:-**

The Common Market Protocol (CMP) issued by the East African Community (EAC) provides a lofty objective of a regional zone where people, capital, goods, and services can move across national boundaries with little challenges (EAC, 2010). The CMP lays out a systematic bundle of rights for free movement of people, such as entry, residence, establishment, and access to labour markets for citizens of partner states. These rights are based on the hope that national immigration laws will gradually be harmonised with regional guidelines (EATUC, 2020; EAC, 2010). As a founding member state, a regional economic centre, and a crucial transit and destination nation for intra-EAC travel, Kenya plays a crucial role in this architecture (FKE, 2022; Njuki, 2016). Kenya has formally demonstrated an immense dedication to the free movement provisions of the CMP. It passed the Kenya Immigration and Citizenship Act of 2011, which offers a clear legal foundation for coordinating national immigration policy with EAC responsibilities, ratified the Protocol, and integrated the idea of regional integration within the 2010 Constitution (EAC, 2017; Nyawade, 2019). Kenya has also further implemented various operational measures related to free movement, such as allowing EAC citizens to enter the country without a visa, accepting EAC electronic passports, establishing One Stop Border Posts (OSBP), and waiving the cost of the Class R work permit for EAC citizens (WKA Advocates, 2025; Magwili & Wasonga, 2023; Kago & Masinde, 2016). Kenya is now seen as a regional pioneer in the institutionalisation of the CMP as a result of these reforms (Kimani, 2021; Organisation, 2020).

Evidence from implementation, however, indicates that there is still a discrepancy between commitment to theory and actual compliance. Despite liberalised entry, residence rights are not consistently guaranteed, work permit regimes for EAC citizens are still complicated and arbitrary, and mandates that overlap among immigration, law, and security agencies lead to coordination issues and uneven enforcement across various border posts and administrative locations (Barasa, Muli & Kakai, 2023; Nyawade, 2019). The study's respondents often described a "two-speed" world in which bureaucratic barriers—particularly those on labour and long-term stay—remain strong while physical boundaries have been opened. This tendency is consistent with more general findings in the literature on African regional integration, which emphasise the persistence of control logics driven by sovereignty under integration legal frameworks (O'Connor, 2021; African Centre for Migration & Society, 2018; Witwatersrand, 2018). That conflict is the focus of the current work. It investigates commitment to substantive compliance with the CMP's free movement of persons requirements and how far the country has actually realigned its administrative practices and migration policy. Three interconnected questions form the framework of the analysis. First, how well do Kenya's legal, constitutional, and regulatory frameworks comply with CMP requirements regarding EAC residents' entrance, residency, establishment, and employment? Second, what technological, administrative, legal, and infrastructure frameworks has Kenya implemented to make this alignment operational? Third, how do frontline officials and policy stakeholders see the strategic interventions that have been implemented to strengthen compliance, such as fee exemptions, digitalisation, and institutional coordination?

The article places these challenges into a theoretical framework that blends realism, liberal intergovernmentalism, and neofunctionalism. Neofunctionalism highlights how commerce and connection create functional pressures that might have an effect on the migratory domain (Del'Melo & Tikata, 2013; Haas, 1958/2004). Liberal intergovernmentalism emphasizes how interstate negotiations and domestic alliances influence the scope and speed to realign (Moravcsik, 1998). In border and migration governance, realism highlights the tenacity of sovereignty claims, especially when security and labour market issues are prominent (Wesonga, 2023; Witwatersrand, 2018). When combined, these theories present realignment as a negotiated path influenced by both national political economy and regional commitments rather than a straight-line automated process.

Empirically, the study adds to the body of literature by incorporating extensive proof from the institutions that actually execute and experience free movement, going above legal and policy analysis. The article offers a grounded critique of how Kenya's migration policy has been amended under the CMP using poll responses from 264 officials and specialists drawn from the country's core immigration governance agencies, the EAC Secretariat, and pertinent non-state actors, in addition to key interviews with informants and standard documentary analysis. Through this, it adds complexity to the current depictions of Kenya as either a "laggard" or an integration "champion," characterising the nation as occupying an intermediary position: well advanced in formal commitment and front-end facilitation, but still lacking in deeper compliance with the broad spectrum of free mobility entitlements.

**Statement of the Problem:-**

The Common Market Protocol of the EAC proposes a cohesive regional bloc with unrestricted capital, labour, and human mobility. Kenya, a founding member, has shown a strong front-end adherence to these principles by waiving

Class R employment permits fees, introducing e-passports, and reforming the constitution fees (Badewa,2020; Magwilu& Wasonga,2023; WKA Advocates,2025). Kenya's stated policy pledges and practical operational compliance continue to diverge sharply, notwithstanding these structural achievements (Wasonga,2023; Kimani,2021; Nyawade,2019). Deeper movement rights, like citizenship and access to the local labour markets, are still extremely insecure. Although initial admission has been substantially liberalised (Badwe,2020; Wasonga,2023). A "two-speed" migration system has emerged as a result of its uneven implementation. Citizens of East Africa face uncoordinated labour regulations, inconsistent work permit governance, and long-standing bureaucratic obstacles (Wesonga,2023). Additionally, inconsistent execution and institutional bottlenecks among administrative positions are sometimes caused by overlapping duties across Kenyan migration, law enforcement, and labour agencies (Mwangi, 2020; Witwatersrand, 2018). The literature that is currently available recognises the grounds of contention, but mostly depends on formal legal assessments and frequently labels Kenya as either a reluctant laggard or an integration champion (Kimani,2021; Nyawade,2019). The immediate reality is that frontline enforcement and underlying disagreement between local integration and national sovereignty concerns are not adequately captured by such viewpoints (Wesonga,2023; Witwatersrand,2018). The actual depth to which Kenya has aligned its administrative procedures with the EAC protocol was examined in this article. The study filled a gap in the literature by collecting data from frontline practitioners and key migration governance agencies. In the end, it aimed at shedding light on institutional points of contention and providing guidance for the practical changes required to move Kenya's migration mechanisms from formal commitment to complete compliance.

### **Objectives of the Study:-**

The study aimed at investigating the commitment to substantive compliance with the CMP's free movement of persons requirements and how far the country has actually realigned its administrative practices and migration policy.

### **Literature Review:-**

This section discusses the theoretical and empirical review of the relevant literature for this article. The theoretical framework discusses the theories that guided this study. The empirical literature review points out the research gaps that guided the study.

### **Theoretical Framework:-**

Three theoretical perspectives directly applicable to this study have been used to interpret the dynamics under study. Originally developed by Hass (1958) and improved upon by Del'Melo& Tikata (2013), Neofunctionalism contends that by functional spillover, integration in one area creates pressure for integration in nearby sectors. When applied to the EAC, this implies that increased trade and infrastructure cooperation should lead to a desire for more seamless cross-border human mobility, compelling nations like Kenya to restructure their migration policy with regional commitments. It is possible to see Kenya's investments in OSBPs' electronic passports and digital border control systems that include the Electronic Foreign Nationals Services (eFNS) as concrete examples of these spillover constraints (Magwilu & Wasonga, 2023; WKA Advocates, 2025).

The emphasis is shifted to interstate bargaining and domestic preference development under liberal intergovernmentalism as developed by Moravcsik (1998). According to this theory, governments agree to and abide by regional regulations when they represent the interests of influential domestic factions and when the distributive results of negotiations are desirable (Moravcsik, 1998). While some segments of organised labour, security agencies, and political elite may favour tighter control to safeguard local employment opportunities and manage anticipated security risks, employers' organisations and trade actors in Kenya typically support liberalisation to lower the cost of transactions and broaden regional markets (FKE, 2022; Mwangi, 2020). The result is frequently a negotiated trade-off, such as enthusiastic adoption of mobility-enhancing infrastructure combined with ongoing bureaucratic latitude over permits and residence, or waivers of fees for EAC work permits without complete easing of underlying criteria for eligibility (Badewa, 2020; Wasonga, 2023).

Realism explains why governments fight this trajectory when issues of independence arise, although neofunctionalism predicts that economic spill-over would inevitably eliminate border friction (Del'Melo & Tikata, 2013; Wesonga, 2023). The securitisation of immigration in Kenya is aptly captured by realism. Kenya's migration governance is influenced by regional instability and transnational terrorism because to its proximity to the unstable Horn of Africa. As a result, agencies emphasise danger reduction over regional integration since cross-border mobility is often presented as a national security concern rather than just an economic variable (Witwatersrand,

2018). Neofunctionalist requirements for a smooth transition to free labour markets are upset by this security-centric stance. Kenya uses a bifurcated strategy to balance conflicting demands: it uses realist tactics to maintain strict discretionary authority over long-term residency and work permits while satisfying neofunctionalist calls for thorough front-end administrative alignments, such as visa waivers and digital tracking (Wesonga,2023). In the end, realism makes it clear that Kenya's partial reconfiguration is a purposeful sovereign policy to protect the state from outside security threats while upholding normative compliance toward the Common Market Protocol rather than an implementation failure. These three theories imply that realignment is neither an automatic nor a linear process. Kenya may be pushed toward conformity by political,economic, and functional factors,but domestic factions and concerns about sovereignty may impede or divide that progress. By tracing how these pressures manifest in the specific structure of Kenya's migration policy using actual empirical data,this study expands on these conclusions.

### **Empirical Review:-**

#### **Regional Integration, Free Movement,and the Commitment–Compliance Gap:-**

Treaty commitment and successful compliance are regularly distinguished in focus on Regional Economic Communities (RECs) in Africa. While compliance refers to how much state practices and administrative procedures genuinely reflect those commitments over time,commitment alludes to the formal deeds of signing,ratifying, and domestically adopting regional instruments (Machakanja, 2020; Njuki, 2016). Research on African RECS reveals that although states frequently implement ambitious free movement policies, they give up control over admission,residency, and labour market access far more slowly and selectively (Barasa, Muli, & Kakai, 2023; O'Connor, 2021).

This 2010 Common Market Protocol (CMP) in the EAC codifies many rights relating to mobility,such as workers' freedom of movement, establishment and residence rights, and aspects of social protection coordination (EAC, 2010). However, empirical evaluations show that implementation has been inconsistent,with labour and residency rights liberalised more slowly than entry and short-term movement (African Centre for Migration & Society, 2018; EATUC, 2020). Research indicates that member states are more hesitant when it comes to changing work permit systems,professional licensing, and long-term resident frameworks,but they are likely to streamline travel documents and border crossing procedures (Kimani, 2021; Nyawade, 2019). The "implementation gap" narrative that currently permeates a large portion of African free movement literature is supported by this pattern.

#### **The State of Kenya and Free Movement Literature in the EAC:-**

Kenya is often used as a sample for the CMP's free movement of individuals policy within this larger framework. Numerous studies emphasise Kenya's early adoption of the CMP,constitutional acknowledgement of regional integration, and implementation of policies like One Stop Border Points (OSBPs) at major crossings, the EAC e-passport, and visa-free entry for EAC citizens (WKA Advocates, 2025; FKE, 2022; Kago & Masinde, 2016). These publications frequently portray Kenya as a pioneer in front-end mobility facilitation and highlight the nation's function as a regional socioeconomic centre and diplomatic champion for integration.

The underlying responsibilities of the CMP and Kenya's domestic migration system continue to be out of harmony, according to an increasing amount of research and policy analysis. Nyawade (2019) argues that stringent permit categories and complicated paperwork requirements continue to hamper the mobility of EAC workers,citing discrepancies from Kenyan immigration law along with CMP regulations on working permits and visas. Even in cases where fees have been lowered or cancelled, Wesonga (2023) observes that the Protocol's revolutionary potential is undermined by administrative complexity, the exclusion of low-skilled workers, and restricted work permit systems. Despite verbal vows to liberalisation,Barasa et al. (2023) emphasise the persistence of non-tariff barriers,licensing regimes, and protectionist measures that obliquely restrict free movement.

This image of incomplete realignment is supported by comparative analysis. Research frequently compares Kenya to Rwanda and Uganda, which have liberalised labour and residence regimes more aggressively, for instance, by removing some authorisation requirements, while Tanzania has remained more conservative,putting domestic labour protection ahead of regional mobility (Organisation, 2020; Witwatersrand, 2018). These initiatives place Kenya in a middle position: it is less inclined to completely open labour and residency regimes, but it is more decisive than some of its peers in coordinating formal regulations and infrastructures with CMP provisions. As a result, Kenya is perceived as both a cautious sovereign actor and an integration "champion".

**Institutional Capacity towards Implementation: Mechanisms, Discretion, and Awareness:-**

Institutional factors influencing whether formal promises are transformed into daily compliance are the subject of the last corpus of literature. The CMP's execution is frequently hampered by weak or disjointed institutions, uneven interpretation by frontline authorities, and low public awareness of rights, according to comparative research on the program (African Migration Trends, 2025; EAC, 2017). For instance, research on OSBPs reveals that although practical integration between border posts can cut down on lags, national officials may still implement different regulations within the same facility due to variations in oversight, organisational culture, and training (KIPPRA, 2022E; ATUC, 2020).

Research indicates that immigration, labour, security, and trade authorities in Kenya have overlapping responsibilities, inadequate coordination, and occasionally opposing goals (Magwilu & Wasonga, 2023). According to WKA Advocates (2025), the implementation of online mediums and biometric technologies has increased transparency in certain areas, but it has also exposed capacity and connectivity limitations, especially at smaller border checkpoints. According to studies, residents and even a few officials have little understanding of the specific rights and responsibilities related to EAC free movement, which results in underutilization of current legislation and arbitrary decision-making (Organisation, 2020; Mwangi, 2019).

The notion that procedures are important is supported by these institutional viewpoints. Digital platforms, e-passports, temporary travel permits, and visa-free entry are significant realignment tools, but their effects rely on frontline officials' actions, administrative processes, and organisational structures. Even in the existence of progressive law and policy, implementation gaps continue in areas where such structures are still disjointed and where discretion is not strictly regulated (Barasa et al., 2023; Wasonga, 2023).

**Study Gaps:-**

Three gaps are realised in the extensive corpus of literature reviewed. First, the majority of the literature on Kenya's compliance with the CMP is based on legal analysis and external opinions; fewer studies systematically use data from officials and experts who carry out free movement on everyday (Nyawade, 2019; Njuki, 2016). Second, there is little empirical research that breaks down various levels of compliance and makes a systematic distinction between deeper rights (labour, residency, establishment) and front-end facilitation (entrance, documentation). Third, few studies explicitly conceptualise realignment as a path through commitment to compliance and identify the significance of certain procedures and tactics in that trajectory, despite the widespread usage of the words "implementation gap" and "partial compliance".

To fill in these gaps, this research used a mixed methods approach that incorporates key informant interviews, documentary analysis, and survey responses from 264 officers and stakeholders in Kenya's migration governance system. It clearly presents Kenya's experiences as a realignment process and looks at how administrative procedures, legislative changes and tactical interventions work together to advance or impede the system at various stages of the commitment-compliance continuum. By doing this, the article provides a more detailed and fact-based explanation of Kenya's place in the EAC open movement framework than is currently found in the literature.

**Methodology:-****Research Philosophy and Design:-**

The study was based on a positivist approach, implementing a systematic empirical methodology to quantify and examine the alignment across national policies and regional stipulations. This approach holds that systematic empirical methodologies can be used to observe, quantify, and analyse phenomena like alignment of policies and compliance (Creswell, 2014). Although the positivist paradigm effectively organised the assessment of institutional conformity, it is intrinsically vulnerable to social desirability bias, especially when government representatives are requested to assess the treaty adherence of their own state (Posakoff et al., 2003). The study used key informant interviews, qualitative documentary analysis and quantitative self-assessments to reduce this risk as recommended by Creswell (2014). Additionally, the survey administration encouraged respondents to reflect openly on practical realities as opposed to reciting official policy by guaranteeing strict anonymity and framing questions around systemic "administrative bottlenecks" rather than specific individual or systemic failures.

**Study Area, Population, and Sampling:-**

Kenya was the study area, and organisations directly involved in EAC integration and migration governance were the main emphasis. Kenya's prominence in the EAC free movement framework and the necessity to evaluate how a single state's legal and administrative machinery has been restructured under CMP requirements justify this national scope. A stratified sample procedure was used to stratify the target population of 1746 to guarantee proportional representation across different government institutions and non-state sectors. Institutional mandates for core governance of immigration (Ministry of Interior, Department of Immigration), diplomatic coordination (Ministry of EAC Affairs, the EAC Secretariat, Ministry of Trade and Industrialisation ) and non-state monitoring (including transport unions, cross-border trade associations and human rights NGOs) were used to define the strata. With a 5% margin of error, Yamane's (1967) formula for limited populations was used to calculate the sample size, resulting in a sample of 326 participants.

$$n = \frac{N}{1 + N(e)^2}$$

**where:**

e = the degree of precision,

N = the population size and

n = the sample size.

The sample size was expanded to 349 to account for any non-response. The sample was then distributed proportionally across the institutions using a stratified sampling approach. Purposive sampling was then used within each institutional stratum to choose particular policy architects, border practitioners and frontline personnel who deal closely with the EAC Common Market Protocol daily. This two-pronged strategy made sure that the ultimate sample of 264 valid replies included viewpoints from grassroots border enforcement to high-level policy formation, as shown in the table below.

**Table 1.1: Summary of Target Population, Sampling and Actual Respondents**

Section	Target Population	Sample Ratio	Sample Size	Actual Respondents
The Ministry of Foreign Affairs	214	0.2	42	34
Ministry of Trade and Industrialisation	365	0.2	73	61
East African Community Transport unions and trade associations	345	0.2	69	50
Ministry of Interior and Coordination	420	0.2	84	67
East African Community Secretariat	74	0.2	15	11
International Organisation for Migration	243	0.2	49	32
Refugee Consortium of Kenya	85	0.2	17	9
Total	1746		349	264

**Data Sources and Instruments:-****Three key sources of data were used:**

- The 264 respondents were given a structured questionnaire with both closed-ended and open-ended questions. The questionnaire collected sociodemographic data, opinions on how closely Kenyan law and CMP guidelines align, evaluations of the efficacy of particular mechanisms (like e-passports, OSBPs, digital platforms, and visa-free entry), and assessments of strategic interventions (like fee waivers, policy harmonisation, technology integration, and public knowledge campaigns).
- Interviews with key informants with top officials and professionals chosen from the EAC Secretariat, the Ministry of Interior, the Ministry of Labour & Social Security, the Ministry of EAC Affairs, the IOM, and civil society organisations' senior officers. These interviews delved deeper into decision makers' perspectives on unresolved realignment gaps, their understanding of Kenya's shift from pledge to compliance, and the institutional and political limitations they encounter at home.
- Documentary analysis of pertinent national and regional legal and policy documents, such as the EAC Treaty, CMP and its appendices, Kenya's 2010 Constitution, Kenya's Citizenship and Immigration Act (2011), and its associated regulations and national, IOM, and EAC reports on free movements and labour migration. These records served as the standard by which opinions of compliance and alignment could be evaluated (African Migration Trends, 2025; EAC, 2017; EAC, 2010).

The conceptual framework of the study and current tools for research on migratory management and regional integration served as the foundation for the questionnaire's design, which was then customised to the unique circumstances of Kenya and the EAC based on study concepts. This framework was reflected in key informant interview guides, which enabled the triangulation of both qualitative and quantitative information.

**Validity and Reliability:-**

Academic supervisors and professionals with experience in EAC affairs and migration policy evaluated the proposed questionnaire and guidelines for interviews to guarantee content validity. Their input was utilised to improve the phrasing of the items, make technical phrases more understandable, and guarantee that all significant aspects of free movement, such as admittance, residency, establishment, and labour mobility, were covered. An exploratory Factor Analysis (EFA) was used to evaluate the quantitative measures' construct validity. The determination that the instrument covered the intended latent dimensions was supported by items meant to assess policy alignment, mechanisms, and strategies loaded onto various factors in ways that substantially conform to the conceptual framework (Creswell, 2014).

Cronbach's alpha was used to assess the reliability of internal consistency, while acceptable dependability for social science research was indicated by coefficients over 0.7 for the primary subscales (Kothari, 2014). Triangulation between interviews, open-ended questionnaire responses, and documentary resources, as well as meticulous record keeping and a transcription of interview data, all contributed to the qualitative component's increased trustworthiness. To lessen the possibility of interpretation bias, themes were addressed with peers who were knowledgeable about EAC migration challenges.

**Data Collection Procedures:-**

After receiving ethical clearance from the appropriate academic bodies and a research permit from the National Commission for Science, Technology, and Innovation (NACOSTI), cross-sectional data were collected from January 2025 to March 2025, a time of increased geopolitical changes in the Horn of Africa and rekindled discussions about mobility within the EAC. This timetable made sure that the results represented the latest institutional reactions to the demands of regional integration as well as security challenges. A combination of in-person administration, drop-and-pick tactics, and online distribution of the surveys was employed to fit the schedules of high-level officials and the geographical dispersion of institutions. The study's goals, methods, and ethical guidelines—such as informed consent, confidentiality, and how to handle potentially sensitive data on migration management—were taught to research assistants.

The study's objectives, the anonymity of their answers, and their freedom to discontinue participation at any time without consequences were all explained to the respondents. Participants in the interviews gave their individual approval to be recorded on audio. In accordance with institutional and national requirements, all data were safely secured and were only available to the study team.

**Data Analysis**

The questionnaires' quantitative data were coded and then imported to SPSS (Version 23) for examination. Respondents' opinions about policy alignment, the efficacy of certain mechanisms, and the perceived effect of strategic interventions were summarised using descriptive statistics, which include frequencies, percentages, means, and standard deviations. To investigate differences in these perceptions throughout institutional affiliation and functional roles, for instance, contrasting opinions from various ministries or comparing border-based officers with headquarters staff cross-tabulations were used. The study concentrated on the descriptive and bivariate data that clearly showed Kenya's path through a commitment to full compliance with the free movement of people.

Thematic analysis was used to examine data from open-ended questionnaires and qualitative interviews. An initial categorisation scheme was created around major topics, including "policy alignment", "front-end facilitation", "work permit constraints", "institutional fragmentation", and "bureaucratic discretion". Then, new themes—such as "two-speed integration" and "symbolic compliance"—emerged, and codes were iteratively improved. To create a cohesive story about how stakeholders interpret and experience Kenya's realignment with CMP responsibilities, patterns were found throughout interviews and in connection with quantitative data. The approach facilitated a comprehension of Kenya's place on the commitment-compliance spectrum by combining quantitative data. While qualitative insights shed light on the methods, limitations, and political dynamics that underlie those impressions, quantitative data determine the scope and distribution of perspectives on alignment and effectiveness.

Thus, the article's claim that Kenya has progressed past mere rhetorical commitment, although it still does not fully comply with the EAC free movement of people framework, has a solid empirical foundation due to the use of a mixed-methods approach.

### Study Findings:-

#### Instrument Validity and Reliability Test:-

The instrument produced an overall Cronbach's alpha coefficient of 0.82, indicating good reliability. Expectations of formally established policy conformity  $\alpha=0.78$ , the effectiveness of digital and physical border procedures  $\alpha=0.85$ , and the perceived effectiveness of strategic institutional initiatives  $\alpha=0.81$  were among the theme areas where a thorough analysis of the scales verified the tool's accuracy. The instrument was considered reliable for obtaining consistent stakeholder perspectives because all the subscale coefficients were easily above the generally recognised 0.70 standard for social science research.

#### Demographic Profile and Response Rate:-

The study exceeded traditional criteria and reduced non-response bias with a 75.6% survey response rate (264 of 349 targeted) with a 100% interviewed response rate (8 key informants). With 71% of the cohort having undergraduate degrees and 25% having postgraduate degrees, the demographic distribution shows a highly educated population that guarantees epistemic competency in assessing intricate regulatory frameworks. Findings were structurally divided, as evidenced by gender and institutional distributions. Males (38%) were centred in positions related to policy-making and diplomacy, while females (62%) made up the majority of the sample and worked mostly in service-delivery professions. The Ministries of Interior, Trade, and Foreign Affairs make up the majority of the sample's institutional focus (64.4%), with a small number of non-state and humanitarian actors (such as IOM, RCK EAC unions, small-scale traders and EAC Secretariat). The distribution of professional tenure is equal, with half having more than ten years of experience, which reflects both recent operational flexibility and past policy changes.

#### Perceptions of Policy Alignment with EAC Free Movement Provisions:-

Assessing Kenya's migration policy perceived alignment with the CMP's rules and the free movement of people was the first goal. Overall, respondents said that there is significant but unequal formal alignment among various sectors of the free flow system. Table 1.2 demonstrates that when questioned about how immigration policy supports the CMP, 40% of respondents cited visa-free admission for EAC citizens as the most crucial component. This was followed by 30% who emphasised streamlined border crossing procedures, 20% who mentioned rights of residency and establishment, and 10% who mentioned harmonisation of labour laws.

**Table 1.2: How Immigration Policy Promotes the EAC Protocol**

Question	Response	No. of responses	Percentage
How does immigration policy promote the EAC Protocol?	Visa-free entry for EAC citizens	263	40%
	Homogenization of labor policies	110	10%
	Simplified border crossing procedures	198	30%
	Rights to residence and establishment	132	20%
	Others(specify)	0	0
	Total	703	100%

According to these numbers, alignment is less evident in the areas of labour and residency, where rights are more complicated and administratively mediated, and more evident at the entrance stage, where Kenya's policy reforms are tangible and readily apparent (Nyawade, 2019). This interpretation is supported by perceptions of regional cooperation. When asked how well EAC partner states work together to improve the unrestricted flow of people through Kenyan policies, 45.4% of respondents said it is very effective, 54.5% said it is moderately efficient, and none said it is ineffective. In line with broader EAC evaluations of a lingering implementation gap despite strong treaty commitments, this distribution shows that practitioners acknowledge significant progress but are hesitant to characterise the current situation as fully satisfactory (African Centre for Migration & Society, 2018; EATUC, 2020). Perceptions of visa policies generally support the idea of significant front-end alignment. Half of the respondents (50%) thought Kenya's visa policy was "fully aligned with no restriction" with CMP's expectations of free movement for EAC citizens without a visa, while 25% thought it was partially aligned with some restrictions, and 25% were unsure. While more cautious respondents noted inconsistent implementation through border points

and uncertainty about how entry rights convert into longer-term residence and employment opportunities, officials and trade stakeholders cited extended stay periods and visa-free entry as proof of compliance (FKE, 2022; Kimani, 2021). Table 1.3 summarises the survey and documentary data comparing Kenya's legislative framework with the formal EAC mandate to interpret the "two-speed" integrated model found in the findings.

**Table 1.3 Comparison of Alignment of Protocol, Kenyan Law and Alignment**

<b>EAC Common Market Protocol (2010)</b>	<b>Kenya Citizenship and Immigration Act(2011)</b>	<b>Alignment Status &amp; Execution</b>
<b>Article 7:</b> Free Mobility of Persons (ensures freedom of movement and admission without a visa)	<b>Sections 13 &amp; 33:</b> Controls the admissions process and permits the Minister to waive the need for a visa for certain groups.	<b>High:</b> Operationalised by allowing EAC citizens to enter without a visa and using IDs for travel throughout the area.
<b>Article 9:</b> Travel Documents (Requires the use of uniform regional travel documents)	<b>Sections 28 and 31:</b> control the issuing, acceptance and verification of travel papers and passports.	<b>High:</b> Operationalised with the introduction and approval of temporary regional travel documentation and the EAC's e-passport.
<b>Article 10:</b> Free Movement of workers ( Prohibits employment discrimination based on nationality)	<b>Sections 40 &amp; 41:</b> Describes how foreign nationals can obtain work permits and passes.	<b>Partially:</b> EAC citizens are exempt from paying Class R permit fees, but processing is still optional, unclear and time-consuming.
<b>Article 14:</b> Right of Residents to live in a partner nation for business or employment )	<b>Sections 34, 37 &amp; 38:</b> Oversees the approval of permanent resident status and the issue of residency permits.	<b>Low:</b> Residency frameworks are still tightly regulated, highly securitised, and not well aligned with the CMP's role.

#### **Mechanisms that Operationalise Realignment:-**

The second goal was to determine how Kenya operationalises its compliance with the free movement rules of the CMP and assess the perceived efficacy of such procedures. Respondents discovered a collection of administrative, infrastructure, and documentation systems that collectively offer regional commitments with real-world impact. According to Table 1.4, Kenyans most frequently use national identity cards, EAC e-passports, and EAC temporary passports to travel freely inside the community. This is a reflection of both the CMP's focus on uniform travel documentation and the EAC's decision to permit people of some partner states to travel using their national IDs (EAC, 2010; Kago & Masinde, 2016). According to respondents and documentation, these tools save transaction costs and improve traveller predictability, especially for frequent cross-border traders.

**Table 1.4: Commonly Used Documents by Kenyans for Unrestricted Movement in the EAC Community.**

<b>Question</b>	<b>Response</b>	<b>No. of responses</b>	<b>Percentage</b>
What document is most commonly used by Kenyans to move unrestricted in the community?	Kenyan National ID	67	25.3%
	Temporary Passport	102	38.6%
	e-passport	74	28%
	Kenyan passport	21	7%
	Total	264	100%

On infrastructure, OSBPs have been recognised as a key tool for promoting free movement. According to respondents, OSBPs have increased collaboration between border agencies, streamlined processes, and decreased time spent at borders, bringing operative practice close to CMP goals. Although some facilities still have capacity challenges, the results demonstrate a high degree in consensus that OSBPs have improved mobility. A third important mechanism was the emergence of digitalisation. A key component of modernising migration management was thought to be the move toward Electronic Foreign Nationals Services (eFNS) as well as other digital platforms. While inconsistent connection and limited user capacity were noted as persistent issues, respondents stated that digital platforms have improved openness during some processes and enabled data exchange.

The findings show that work permit policies and residency requirements remain persistent barriers, notwithstanding these advancements. Just 28.4% of the respondents thought Kenya's work permit processes were completely in line with EAC requirements, compared to 48.1 % who said they were partially in line, 3% who said they weren't, and 19.6% who weren't sure. Qualitative replies highlighted that labour mobility is still severely hampered by substantive constraints, arbitrary decision-making, and processing delays, even if the Class R work permit price waiver for EAC citizens is a step toward compliance. A variety of issues that restrict the efficacy of policies meant to promote free mobility were also mentioned by respondents. These included inadequate frontline officer training, deficiencies in digital systems, overlapping institutional mandates, inadequate infrastructure at some border checkpoints, and poor understanding of EAC mobility rights. These limitations align with regional evaluations that pinpoint administrative discretion and institutional capability as crucial factors that determine whether formal procedures result in actual movement (African Migration Trends, 2025; Barasa, Muli, & Kakai, 2023).

### **Strategic Interventions and the Trajectory from Commitment to Compliance:-**

The third objective was to evaluate how far Kenya has progressed in the transition from commitment to compliance by analysing the strategic measures it has implemented to enhance its approach to immigration in accordance with the CMP free mobility principles.

#### **Respondents emphasised various strategies:**

- i. The Kenya Immigration and Citizen Act (2011) and the 2010 Constitution both normatively incorporate CMP elements, including clear references to the integration of regions and rights of EAC citizens.
- ii. More lenient stay lengths for EAC tourists and fee waivers for the Class R employment permit for EAC citizens.
- iii. Technological and procedural changes, including digital platforms, biometric border controls, and OSBP protocol standardisation.
- iv. Institutional coordination strategies to harmonise stances in immigration, labour, trade, and foreign affairs, such as the Ministry of EAC Affairs' participation and interministerial coordination channels.

Various structural aspects that continue to mitigate the effects of strategic initiatives were noted by respondents. These include: political pressure to securitise migration during times of increased security concerns or electoral competition; the persistence of sector-specific governing rules that are not fully harmonised with CMP requirements; divergent interpretations of EAC obligations by first-line officers; and low comprehension among EAC citizens of their legal entitlements to relocate, live, and work in Kenya. These results align with a larger body of research on EAC implementation that emphasises the influence of bureaucratic discretion, institutional capacity, and domestic politics on the level of compliance (Machakanja, 2020; Wesonga, 2023; Witwatersrand, 2018).

### **Discussion:-**

#### **Two-Speed Realignment: Front-End Facilitation Versus Deep Mobility Rights:-**

The results demonstrate that Kenya has made significant progress along the commitment-compliance progression, yet highlight the unequal and fragmented nature of this trajectory. It has shown commitment to operationalising front-end mobility. The state is still wary of complete integration; nevertheless, as evidenced by the ongoing disparity between restricted long-term residency and liberalised immigration. This two-speed realignment is a deliberate balancing exercise rather than a policy failure. Smoother borders are demanded by neofunctionalist trade and infrastructural demands, but liberal intergovernmentalism and realism illustrate why deeper rights are still restricted: local labour markets are protected by domestic coalitions, and the state maintains administrative discretion to protect national sovereignty.

#### **Sovereignty and Security in the Horn of Africa:-**

Concerns about sovereignty are not just theoretical legal objections; they are firmly rooted in the Horn of Africa's precarious security framework. Persistent regional concerns, such as transnational terrorism, cross-border arms trafficking and conflict spillover from neighbouring states, significantly influence Kenya's border stance. Keeping bureaucratic control over long-term residency and work permits serves as a tactical buffer in this unstable environment. While meeting the CMP's surface-level criteria, it permits immigration and security services to filter potential security threats and maintain sovereign oversight of the population dynamics.

**The Role of the Informal Sector:-**

Structural blind spots in assessments of Kenya's integration exist, mainly because of the informal sector's disproportionate influence. Within the EAC, a sizeable amount of cross-border travel takes place completely outside of official migration governance, notably among pastoralists as well as small-scale traders. Relying only on institutional compliance indicators is insufficient because these categories often avoid formal registry systems and computerised OSBPs. Skilled professionals are disproportionately affected by the stringent regulations of official labour mobility, whereas grassroots informal mobility remains mostly unrecorded, making it more difficult to gauge actual regional integration.

**Divergent Perspectives of Non-State Actors:-**

Important non-state actors, including cross-border traders, transportation unions and human rights NGOs, whose viewpoints highlight the shortcomings of present reforms, were purposefully included in the poll. Although border delays have decreased, supply chains are still disrupted by localised bureaucratic obstacles and arbitrary decision-making, according to transportation unions and traders. On the other hand, human rights organisations emphasised how insecure residence rights are, pointing out that insufficient legislative harmonisation exposes migratory workers to exploitation and changing political environments. Kenya's path, therefore, demonstrates both front-end facilitation and back-end prudence. Although entry changes demonstrate a strong commitment, deeper compliance is hampered by concerns about sovereignty, security requirements and the reality of the informal sector. The viewpoints of non-state actors show that compliance is perceived differently, which emphasises the need for reforms in institutions which go beyond legal compliance to address real-world obstacles.

**Study Implications for Theory and Policy:-**

This study theoretically supports a synthetic framework: liberal intergovernmentalism alongside realism explain the ongoing, strict regulation of deeper rights (labour, residency) motivated by domestic coalitions and sovereignty concerns, while neofunctionism demonstrates the infrastructure-centred push for front-end mobility-related modifications (e.g., OSBPs, digital platforms). On policy, three strategic changes are needed to convert this partial congruence into full policy compliance. First, to seamlessly combine work permit and professional certification regimes, regulatory harmonisation must go beyond entry facilitation. Second, to reduce arbitrary, discretionary decision-making, enhance interagency collaboration, and clarify mandates, reforms to institutions and frontline development of capacity are essential. Third, rather than portraying free movement as an inherent security issue, domestic political narratives need to be reframed to emphasise its role as a driver of regional economic progress. Kenya, thus, has established a strong basis for adherence to the CMP, going beyond just rhetorical commitment. Extending this realignment beyond physical borders into the larger labour market and balancing regional integration goals with the realities of internal conflicts and day-to-day administrative enforcement is the subsequent challenge.

**Conclusion:-**

Kenya has made significant strides in regulated and operational alignment, according to the data. At the conventional level, the Kenya Immigration and Citizenship Act (2011), accession to the CMP, and recognition under the constitution of integration provide a legal basis for handling EAC free movement commitments as part of Kenya's migration policy framework. Practically, the implementation of OSBPs, the widespread use of national IDs and the EAC e-passport, the introduction of visa-free entry for EAC citizens, and the integration of digital platforms like the Electronic Foreign Nationals Services (eFNS) all have reduced barriers at the point of entry and brought Kenya's border procedures into compliance with regional norms. These actions have led to a high level of front-end compliance and are generally seen by respondents as tangible examples of Kenya's commitment to the CMP.

However, the analysis has revealed that compliance is still stratified and incomplete. The greatest obstacles to the full realisation of free movement are work permit policies, residence rights, and sector-specific laws, which are still only partially harmonised with CMP norms. While the removal of the statutory Class R work permit charge for EAC nationals is a significant step, it does not eliminate the discretionary decision-making or substantive eligibility requirements that frequently restrict employment and long-term stay opportunities. The impact of reforms is further diminished by overlapping institutional mandates, inconsistent implementation across border checkpoints and offices, and sporadic securitisation of migration. The consequences are a two-speed realignment pattern: deeper mobility rights are still restricted, but admission and short-term mobility have been liberalised in accordance with CMP commitments. This result is explained by the theoretical framework. As demonstrated by Kenya's investments in OSBPs, e-passports, and digital systems, neofunctionalism accurately predicts that commerce and connectivity will create demand for mobility-enhancing reforms. However, liberal intergovernmentalism & realism emphasise how

domestic coalitions and concerns about sovereignty can impede or divide compliance, especially in areas with significant labour market and security sensitivity. Thus, the Kenyan situation lends credence to a nuanced perspective that holds that while regional commitments are important, national political economics and the capacity of institutions influence how they are implemented.

### **Recommendations:-**

For Kenya to transition from partial to full compliance with the CMP for free movement systems, the findings point to three major areas for governmental intervention. First, regulatory harmonisation needs to cover broader mobility rights in addition to front-end entrance facilitation. To reduce bureaucratic ambiguity and arbitrary denials, legislative revisions should align professional licensing, residence frameworks and work permit categories with CMP standards. Second, to address overlapping duties within legal immigration, labour, and security departments, institutional consolidation is essential. Strong interagency cooperation and focused capacity-building for frontline authorities are necessary to close the implementation gap and guarantee that they continuously carry out EAC responsibilities and use digital platforms without replicating antiquated bureaucratic obstacles. Lastly, changing internal political narratives is necessary to further substantive integration. By highlighting the macroeconomic advantages of regional mobility, such as improved trade and labour matching, strategic advocacy must combat the periodic securitisation of migration. Public education efforts must simultaneously inform EAC residents and businesses regarding their statutory rights and translate formal legislative provisions into useful information.

There are limitations to the study. The opinions of officials and practitioners, as opposed to those of migrants themselves, are the main focus, and it only looks at Kenya. Additionally, it heavily relies on self-reported experiences and views, which can be impacted by institutional positioning. By conducting comparative, multi-country studies throughout the EAC, integrating migrant-centered viewpoints and employing ethnographic or process tracking techniques to track decision-making at particular border checkpoints and permit offices overtime, future research could expand on this work. Through offering a detailed, statistically supported explanation of how one EAC member has shifted from commitment to limited compliance in the area of free flow of persons, the analysis adds to both scholarly and policy discussions. It demonstrated that while Kenya has already established significant groundwork for a more integrated mobility across regions regime, more institutional, political, and legal changes are necessary if the nation is to fully realise its vision of itself as a regional pioneer in free movement, in addition to fully realising the revolutionary potential of the CMP for all community members.

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### **References:-**

1. African Centre for Migration & Society. (2018). Free movement and regional integration in East Africa: Policy and practice. University of the Witwatersrand.
2. African Migration Trends. (2025). Labour mobility in the East African Community: Trends and policy options. African Migration Observatory.
3. Badewa, A. (2020). Labour migration governance and regional protocols: Lessons from East Africa. *African Journal of International Law*, 12(2), 45–69.
4. Barasa, T., Muli, J., & Kakai, P. (2023). Protectionism, non-tariff barriers, and the free movement of persons in the EAC common market. *East African Economic Review*, 9(1), 33–58.
5. Creswell, J. W. (2014). *Research design: Qualitative, quantitative, and mixed methods approaches* (4th ed.). SAGE Publications.
6. Del'Melo, J., & Tikata, L. (2013). Regional integration and development: Lessons for Africa from the European Union. *Journal of Regional Studies*, 47(4), 612–631.
7. East African Community. (2010). Protocol on the establishment of the East African Community Common Market. East African Community Secretariat.

8. East African Community. (2017). Report on the implementation of the EAC Common Market Protocol. East African Community Secretariat.
9. East African Trade Union Confederation. (2020). The EAC Common Market Protocol and the harmonisation of labour laws.
10. Federation of Kenya Employers. (2022). Kenya labour market profile and regional integration.
11. Haas, E. B. (2004). The uniting of Europe: Political, social, and economic forces, 1950–1957 (Rev. ed.). University of Notre Dame Press. (Original work published 1958).
12. International Labour Organisation & Intergovernmental Authority on Development. (2020). Inclusive labour migration governance in the EAC: Toward rights-based mobility.
13. International Organisation for Migration. (2019). Labour mobility and regional integration in East Africa.
14. Kago, W., & Masinde, W. (2016). Travel documents and regional integration: The case of the EAC e-passport. *East African Law Journal*, 4(2), 89–108.
15. Kenya Institute for Public Policy Research and Analysis. (2022). Trade facilitation, OSBPs and labour mobility in the EAC.
16. Kimani, J. (2021). Free movement of persons and economic development in the East African Community. *African Journal of Regional Integration*, 5(1), 71–95.
17. Kothari, C. R. (2014). *Research methodology: Methods and techniques* (3rd ed.). New Age International.
18. Machakanja, P. (2020). From commitment to compliance: The implementation of free movement protocols in African regional communities. *African Governance Review*, 3(2), 101–127.
19. Magwilu, R., & Wasonga, J. (2023). Digitalisation, border management and regional mobility: The case of Kenya's eFNS and OSBPs. *Journal of African Public Policy*, 8(3), 55–78.
20. Moravcsik, A. (1998). *The choice for Europe: Social purpose and state power from Messina to Maastricht*. Cornell University Press.
21. Mwangi, S. (2019). Gender, labour mobility and the EAC Common Market Protocol. *Journal of Eastern African Studies*, 13(4), 623–643.
22. Mwangi, S. (2020). Social policy and the governance of free movement in East Africa. *African Social Policy Review*, 6(1), 27–44.
23. National Commission for Science, Technology and Innovation. (2023). *Guidelines for ethical conduct of research in Kenya*.
24. Njuki, A. (2016). *Regional integration and free movement of persons and labour in the East African Community* [Master's thesis, Kenyatta University].
25. Nyawade, J. (2019). Immigration law, work permits, and the EAC Common Market Protocol in Kenya. *East African Law Review*, 6(1), 45–68.
26. O'Connor, D. (2021). Free movement in African regional economic communities: Law, practice and politics. *Journal of Modern African Studies*, 59(3), 355–378.
27. University of the Witwatersrand. (2018). *Free movement, migration governance, and regional integration in East Africa*. African Centre for Migration & Society.
28. Wasonga, J. (2023). Administrative discretion and symbolic compliance: Work permits under the EAC Common Market Protocol in Kenya. *Kenya Law and Society Journal*, 11(2), 89–112.
29. Wesonga, J. (2023). Securitisation, sovereignty, and the implementation of free movement in East Africa. *African Security Studies*, 32(2), 201–220.
30. WKA Advocates. (2025). *Kenya's migration management and regional integration: Legal and policy review*.