Smart practices that enhance resilience of migrants

Kenya

COUNTRY CONTEXT

Kenya is a point of origin, transit and destination for different categories of vulnerable migrants. Kenya is a source of outward migration as migrants leave in search of improved economic opportunities. The country is also located on a route for irregular migrants and human smuggling. In addition, Kenya is a destination country for both regular and irregular migrants and hosts a large population of asylum seekers and refugees.

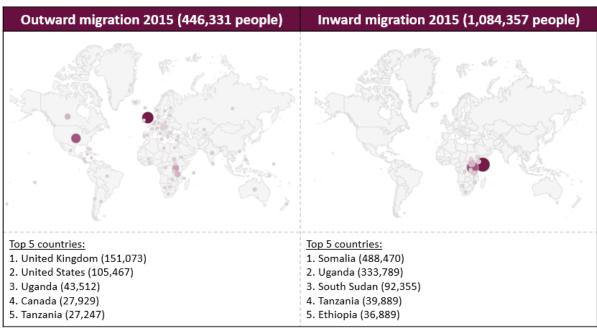


Figure 1. Kenya - outward and inward migration in 2015

Source: IOM

Kenya is a source of outward migration to the Middle East, other African countries, Europe and the United States (US). Although there are no reliable figures on the scale of emigration from Kenya, outward migration is believed to be significant. The World Bank's Migration and Remittances Factbook estimated Kenya's diaspora population at 457,000 in 2010¹ and at 475,000 in 2013,² suggesting an emigration of about 6,000 people annually. Top destinations for Kenyan emigrants are the United Kingdom, the US, the Middle East, and other African countries such as Uganda, Tanzania, Botswana, Lesotho and South Africa.³ The Middle East and Gulf region alone is estimated to host 100,000 unskilled Kenyan migrant workers, while the US hosts an estimated 30,000 irregular migrants from Kenya.⁴

¹ World Bank, *Migration and Remittances Factbook 2016* (2016). At: http://data.worldbank.org/data-catalog/migration-and-remittances.

² *Ibid*. At: <u>http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/4549025-1450455807487/Factbookpart1.pdf</u>.

³ Ibid.

⁴ Danish Refugee Council, *Kenya Country Profile* (2016), at: <u>http://reliefweb.int/sites/reliefweb.int/files/</u> <u>resources/Kenyaupdate.pdf</u>; International Organization for Migration (IOM), *Kenya Country Profile* (2015), at: https://publications.iom.int/system/files/pdf/migration_profile_kenya.pdf.

Kenya is a regional transit hub for both voluntary and trafficked migrants in East Africa. Kenya is a transit point for people moving from Ethiopia and Uganda towards South Africa⁵ as well as for migrants from southern African countries who transit through Kenya in search of economic opportunities in the Gulf countries, North Africa or Europe. Besides voluntary migrants, Kenya is an important transit and destination point for human trafficking. Two important trafficking trails pass through Kenya: the north eastern trail via Garissa on the Kenya-Somalia border, and the western trail between Kenya and Uganda at Busia-Malaba.⁶ Human smugglers take advantage of instability in the region to capture and smuggle Burundians, Ethiopians, Eritreans, Somalis and Sudanese through Kenya towards the Gulf States or South Africa. An estimated 20,000 Somali and Ethiopian male migrants are estimated to be smuggled to South Africa every year, and most transit via Kenya.⁷ The estimated value of human trafficking in Kenya is more than 40 million US dollars on the black market.⁸ Furthermore, it is estimated that about 20,000 children are trafficked annually via Kenya into forced domestic work, agriculture, fishing, cattle herding and prostitution.⁹

Kenya also hosts large communities of refugees and stateless individuals. Kenya hosts nearly 600,000 registered refugees and asylum seekers.¹⁰ The country hosts two of the world's largest refugee camps: Dadaab, the world's largest camp with an official population of 344,000,¹¹ and Kakuma camp which accommodates 191,000 refugees.¹² In addition, around 64,000 registered refugees and asylum seekers live in Nairobi. Most refugees are from Somalia (around 416,000), with smaller populations from South Sudan (102,000), Ethiopia (31,000) and the Democratic Republic of the Congo (26,000).¹³ According to the International Organisation for Migration (IOM), Kenya hosts an estimated 20,000 stateless persons, including Kenyan Somalis and Kenyan Nubians.¹⁴

Furthermore, Kenya is a destination for migrants from the region who seek to work in the country. Kenya's relative economic prosperity makes it an attractive destination for people in the region who are unable to find employment in their home countries.¹⁵ Having the highest gross domestic product in the East Africa region¹⁶ and the highest human development score,¹⁷ Kenya attracts numerous East African migrants. According to the Population Division of the United Nations Department of

⁵ IOM, Kenya Country Profile (2015). At:

https://publications.iom.int/system/files/pdf/migration_profile_kenya.pdf. ⁶ *Ibid*.

⁷ United Nations High Commissioner for Refugees (UNHCR), *In Harm's Way: The Irregular Movement of Migrants to Southern Africa from the Horn and Great Lakes Regions* (2011). At:

www.unhcr.org/4d395af89.html.

⁸ IOM, Kenya Country Profile (2015). At:

https://publications.iom.int/system/files/pdf/migration_profile_kenya.pdf.

⁹ Ibid.

¹⁰ UNHCR, Kenya Factsheet (April 2016). At: http://data.unhcr.org/SouthSudan/download.php?id=2736.

¹¹ Includes figures from Alinjugur base camp.

 ¹² UNHCR, Kenya Factsheet (April 2016). At: http://data.unhcr.org/SouthSudan/download.php?id=2736.
 ¹³ Ibid.

¹⁴ IOM. Kenya Country Profile (2015). At:

https://publications.iom.int/system/files/pdf/migration_profile_kenya.pdf.

¹⁵ Danish Refugee Council, Kenya Country Profile (2016). At:

http://reliefweb.int/sites/reliefweb.int/files/resources/Kenyaupdate.pdf.

¹⁶ World Bank, *GDP Ranking* (2016). At: http://data.worldbank.org/data-catalog/GDP-ranking-table.

¹⁷ United Nations Development Programme (UNDP), Human Development Report (2015). At: http://hdr.undp.org/en/2015-report.

Economic and Social Affairs, over 1,000,000 migrants were living in Kenya in 2015, representing 2.4 per cent of the total population.¹⁸

The drivers of Kenya's migration inflows and outflows include seeking improved economic and education opportunities and escaping conflict and violence. Emigration from Kenya is largely driven by the appeal of employment and education opportunities abroad.¹⁹ Immigration, which forms the bulk of Kenya's migratory flow, is driven by a combination of factors. They include Kenya's strategic location as a regional transit hub for East Africa; the country's level of economic development compared to its neighbours; and the presence of long-standing refugee camps that host people fleeing conflict in the region, mainly from Somalia and Sudan.²⁰

Policy and regulatory framework

Although migration is mentioned in several key policy documents, it does not appear to be a central priority of Kenyan government policy. Despite the large number of migrants that arrive or transit via Kenya, the issue is not extensively discussed in policy documents. The national long-term vision statement, *Kenya Vision 2030*, states that migration is an important source of remittances, and that efforts should be made to increase these. However, the document does not acknowledge the potential positive contributions of arriving migrants to the national economy.²¹ In the Second Medium Term Plan, unregulated foreign migration and labour migration are noted as emerging issues.²² Although a National Migration Policy and a National Labour Migration Policy are currently being drafted, it is not known when a final version of these policies will be released.²³

The key policy affecting vulnerable migrants in the country is the encampment policy, which aims to keep refugees in refugee camps. The Kenyan government has called for international support to help manage the influx of refugees into the country. In the meantime, its encampment policy sets out rules for relocating all refugees to camps. Under the policy, refugees can be forcibly moved from urban centres into camps. During an interview, a government official said that the only durable solutions for Kenya and its refugees are repatriation and resettlement.

Table 1. Main policies or regulations on migration in Kenya²⁴

Name

Legislation

¹⁸ United Nations Department of Economic and Social Affairs, Population Division, *Migration Wall Chart* (2015). At:www.un.org/en/development/desa/population/migration/publications/wallchart/docs/MigrationWallChart 201 5.pdf.

¹⁹ IOM, Kenya Country Profile (2015). At:

https://publications.iom.int/system/files/pdf/migration_profile_kenya.pdf.

²⁰ Ibid.

²¹ Government of Kenya, Kenya Vision 2030 (2007). At:

www.fao.org/fileadmin/user_upload/drought/docs/Vision%202030-%20Popular%20Version.pdf.

²² Government of Kenya, *Second Medium Term Plan – Transforming Kenya: Pathway to Devolution, Socio*economic Development, Equity and National Unity (2013). At: www.vision2030.go.ke/wp-

content/uploads/2015/12/Second_Medium_Term_Plan_2013_-_20171%5B1%5D.pdf.

²³ IOM, Kenya Country Profile (2015). At:

https://publications.iom.int/system/files/pdf/migration_profile_kenya.pdf.

²⁴ Danish Refugee Council, *Kenya Country Profile* (2016). At:

http://reliefweb.int/sites/reliefweb.int/files/resources/Kenyaupdate.pdf.

National immigration legislation	• The Citizenship and Immigration Act 2011.
	• The Kenya Citizens and Foreign Nationals Management Service Act 2011.
National asylum legislation	• The Refugee Act 2006.
	• The Refugee (Reception, Registration and Adjudication) Regulations, 2009.
	• The Security Laws (Amendment) Act 2014.
National smuggling and	• The Counter-Trafficking in Persons Act 2010.
trafficking legislation	• The Victim Protection Act 2014.
International instruments for protection of migrants and their families ratified by Kenya	 1951 Convention and its 1967 Protocol relating to the Status of Refugees. 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. United Nations Convention against transnational organized crime (ratified on 2 December 2003). Protocol against the Smuggling of Migrants by Land, Sea and Air. Protocol to prevent, suppress and punish trafficking in persons, especially women and children. The Convention on the Elimination of All Forms of Discrimination against Women. The Convention on the Rights of the Child. The International Covenant on Civil and Political Rights.

KEY NEEDS OF MIGRANTS

The different migrant groups in Kenya have specific needs. This section focuses on the key needs of refugees and asylum seekers in Kenya. They constitute one of the largest groups of vulnerable migrants in the country²⁵ and are the migrant groups about whom we were able to find the most information.

Table 2. Summary of the dimensions of resilience of refugees and asylum seekers in Kenya

Dimension of resilience	Summary of needs
Governance/	• The Kenyan Refugee Act of 2006 lays down refugees' rights in the country

²⁵ Refugees and asylum seekers represent almost 60 per cent of the over one million migrants in Kenya.

regulatory systems	but, in practice, many of its provisions are not fully applied.
	• Kenya's encampment policy means that refugees are legally allowed to stay in camps and are provided access to basic services in them. However, outside camps, refugees can find it difficult to obtain legal permits to stay.
Financial capital	• Most refugees in camps are not able to generate sufficient income to sustain themselves and their families; urban refugees also struggle to find work.
Physical capital	 Refugees in camps largely rely on external actors to provide for their physical needs, but the funding these actors receive is not sufficient to adequately support all refugees. In urban areas, refugees have limited access to basic services.
Human capital	• Refugees in and outside camps need more access to schools.
Social capital	• Refugee camps are largely self-sufficient micro-economies that integrate very little with surrounding host communities. The relative prosperity of camps dwellers compared to the rural populations that surround them causes tensions with host communities.
	• Urban refugees also live separately from host communities, since they tend to settle with their own groups.
Environmental capital	• Refugee camps have contributed to the degradation of the surrounding environment.
	 Political instability in surrounding areas leaves many camps vulnerable to insurgent attacks.

Governance/ regulatory systems

The Kenyan Refugee Act of 2006 lays down refugees' rights in the country but, in practice, many of its provisions are not fully applied. According to the Act, refugees have ten main distinct rights:

- 1. The right not to be expelled (except under strictly defined conditions).
- 2. The right not to be punished for illegal entry.
- 3. The right to work under the same conditions as other foreign nationals.
- 4. The right to housing.
- 5. The right to education.
- 6. The right to public relief and assistance.
- 7. The right to freedom of religion.
- 8. The right to access courts.
- 9. The right to freedom of movement within the territory.

10. The right to have identity documents issued.²⁶

In practice, many of these rights are not fully applied. The right to freedom of movement has been particularly limited.²⁷

Kenya's encampment policy means that refugees are legally allowed to stay in camps and are provided access to basic services in them. However, outside the camps, refugees can find it difficult to obtain legal permits to stay. Kenya has pursued an encampment policy that aims to maintain refugees in camps since the 1990s.²⁸ In December 2014, the Government of Kenya strengthened the encampment policy by stipulating through the Security Laws (Amendment) Act 2014 that a refugee cannot leave a camp without the permission of a Refugee Officer.²⁹ Refugees in focus groups shared several stories about the difficulty of obtaining urban refugee status in Kenya; several refugees indicated that it took more than five years.³⁰

Financial capital

Most refugees in camps are unable to generate sufficient income to sustain themselves and their families, while urban refugees struggle to find work. Most refugees in camps are unable to work and rely on the World Food Programme for their survival.³¹ Refugees who arrived in the 1990s and mid-2000s have developed coping mechanisms, such as setting up small- and medium-sized businesses in the camps to sustain themselves. However, later arrivals from 2010 onwards have typically not yet managed to develop similar coping strategies.³² Few urban refugees in Kenya obtain formal employment. Instead, a majority work in the informal sector; a common occupation is selling goods on the streets.³³ Refugees from three focus groups interviewed in Kenya said that finding employment is one of their biggest challenges.³⁴

Physical capital

Refugees in camps largely rely on external actors to provide for their physical needs, but these do not receive funding to adequately support all refugees. Refugees in camps rely on external actors to deliver most or all of their physical needs.^{35,36} However, according to UNHCR's funding update from 2016, there is a funding gap of 181 million US dollars for refugee operations in Kenya.³⁷ Camps

www.wfp.org/sites/default/files/Refugee_Factsheet.pdf.

³⁴ Dalberg, focus groups with migrants in Kenya.

²⁶ Republic of Kenya, the Refugee Act, 2006. At: www.rckkenya.org/rokdownloads/Resources/

Conventions, % 20 policies % 20 and % 20 legislation / The % 20 Refugee % 20 Act % 20 2006. pdf.

²⁷ Rory Peck Trust, *The Refugee Process in Kenya* (2015). At: https://rorypecktrust.org/refugeeprocesskenya.

 ²⁸ Kerubo, Refugees' Rights versus Responsibilities: An Analysis of Kenya's Refugee Encampment Policy (2013).
 At: http://erepository.uonbi.ac.ke/handle/11295/60755.

²⁹ Government of Kenya, the Security Laws (Amendment) Act (2014). At: <u>http://kenyalaw.org/kl/fileadmin/</u>pdfdownloads/AmendmentActs/2014/SecurityLaws_Amendment_Act_2014.pdf.

³⁰ Dalberg focus groups with migrants in Kenya. Dalberg were not able to verify this claim.

³¹ World Food Programme, *Refugees in Kenya - WFP Factsheet*. At:

³² Danish Refugee Council, *The Dadaab Dilemma: A Study on Livelihood Activities and Opportunities for Dadaab Refugees* (2013). At: https://drc.dk/media/1654297/dadaab_livelihood_study_-final_report.pdf.

³³ Koizumi and Hoffstaedter, Urban Refugees: Challenges in Protection, Services and Policy (2015), Routledge.

³⁵ Safe and secure delivery of basic shelter, primary healthcare, clean drinking water, and sanitation and hygiene services.

³⁶ WFP and UNHCR, *Joint Assessment Mission – Kenya Refugee Operation* (2014). At: http://www.unhcr.org/54d3762d3.pdf.

³⁷ UNHCR, *Kenya 2016, Funding Update as of May 2016*. At: http://reporting.unhcr.org/sites/default/ files/2016%20Kenya%20Funding%20Overview%20as%20of%209MAY16.pdf.

in Kenya are overcrowded and unable to cope with the continuing influx of refugees. For example, in August 2014, the Kakuma camp was unable to adequately accommodate new arrivals.³⁸ In addition, violent incidents have been a recurring problem in Kenyan refugee camps.³⁹

In urban areas, refugees have limited access to basic services. A 2011 UNHCR report highlighted the difficulties of service provision that urban refugees face, despite its efforts and successes.⁴⁰ The report found that refugees' difficulties included overstretched public services and poor housing. Dalberg was unable to find more recent assessments of service provision to urban refugees in Nairobi. However, according to migrants interviewed in focus groups, the basic services that urban refugees can access are limited to a few service clusters, such as healthcare and education.⁴¹

Human capital

Refugees in and outside camps need more access to schools. According to the Norwegian Refugee Council (NRC), only 57,000 of Dadaab's 221,000 school-age children and youth are enrolled in school. Urban refugees also need better access to education. Since the mid-2000s free public primary education has been made available to refugee children, but not all children are able to enrol.⁴² Children of school age in all three focus groups conducted in Nairobi explicitly said that lack of access to education was one of their top three challenges.⁴³

Social capital

Refugee camps are largely self-sufficient micro-economies, which integrate very little with surrounding host communities. Kenya's encampment policy has meant that refugees in camps live in their own isolated communities. These micro-economies have their own small and medium-sized businesses, and their relative prosperity compared to surrounding rural areas has sometimes caused tensions with host communities.

Urban refugees also tend to live separately, because they generally live with others from their community. Integration in host communities is not always seamless. In Nairobi, for example, the Eastleigh area is known as a place where Somali refugees live.⁴⁴

Natural capital

Refugee camps have contributed to degradation of the surrounding environment. The large populations in camps place a strain on the surrounding natural environment.⁴⁵ In particular, wood collection by refugees can have detrimental effects on the environment. Around Dadaab, for

³⁸ UNHCR, *Kenya Global Appeal, 2015 Update* (2015). At: http://reliefweb.int/sites/reliefweb.int/files/ resources/UNHCR%20Global%20Appeal%202015%20Update%20Kenya.pdf.

³⁹ Crisp, Forms and sources of violence in Kenya's refugee camps (2000); UNHCR, Violent incidents at Kenya's Kakuma refugee camp claim eight lives over past week (2014).

⁴⁰ UNHCR, Navigating Nairobi: A Review of Implementation of UNHCR's Urban Refugee Policy in Kenya's Capital City (2011). At: www.unhcr.org/4d5511209.pdf.

⁴¹ Dalberg, focus groups with migrants in Kenya.

⁴² Koizumi and Hoffstaedter, Urban Refugees: Challenges in Protection, Services and Policy (2015), Routledge.

⁴³ Dalberg, focus groups with migrants in Kenya.

⁴⁴ Ibid.

⁴⁵ Royal Danish Embassy, Republic of Kenya, Norwegian Embassy. *Socio-economic and Environmental Impacts of Dadaab Refugee Camps on Host Communities* (2010). At: <u>www.ncg.no/novus/upload/file/2010-</u> <u>HostCommunities-Kenya3009.pdf</u>.

example, it has degraded natural vegetation and reduced the density of tree cover over a large area.⁴⁶

Political instability leaves many camps vulnerable to insurgent attacks. The Dadaab area is threatened by armed bandits and the presence of Islamist militias such as Al-Shabaab. There are also periodic outbreaks of clan feuding. Several migrants interviewed in focus groups said that they were afraid to live in camps because they were worried about their personal safety.⁴⁷

MAIN RESPONSES

This section focuses on the responses provided for refugees and asylum seekers in Kenya. These groups are among the largest groups of vulnerable migrants in the country⁴⁸ and are the migrant groups about whom we were able to find most information.

Overall, the needs of refugees and asylum seekers in Kenyan camps are catered for by service providers in the camps. UNHCR is the main organization responsible for coordinating service provision for refugees and asylum seekers in the country.⁴⁹ Many service providers face funding shortages. In addition, urban refugees have limited access to services. The study was not able to identify service providers that specifically target the needs of irregular urban refugees. The table below summarizes the main service providers to refugees in Kenya across dimensions of resilience.

		Implementer
Governance/		The Department of Refugee Affairs works on registration of refugees. ⁵¹
regulatory systems		The Interior Ministry plays an important role in setting policy and
		drafting legislation relevant to vulnerable migrants. ⁵² The Kenya
		Refugee Consortium provides legal advice and support to urban
		refugees. ⁵³ UNHCR provides legal status to asylum seekers, who
		thereby qualify for refugee benefits. ⁵⁴
Financial	Income	UNHCR and its partners have implemented ad hoc and limited
Fillalicial	mcome	
	generation	livelihood programmes for a number of years. These focus to some
		extent on sustainability.55 (In Kakuma, for example, UNHCR works with

⁴⁶ Ibid.

⁴⁷ Dalberg, focus groups with migrants in Kenya.

⁴⁸ As noted, refugees and asylum seekers represent almost 60 per cent of the more than one million migrants in Kenya.

⁴⁹ UNHCR, *Kenya Operations Profile* (2016). At: http://reporting.unhcr.org/node/2537.

⁵⁰ UNHCR, *Refugees in the Horn of Africa: Somali Displacement Crisis* (2016). At: http://data.unhcr.org/horn-of-africa/country.php?id=110.

⁵¹ Dalberg, interview with the Department of Refugee Affairs.

⁵² Ibid.

⁵³ Dalberg, interview with the Kenya Refugee Consortium.

⁵⁴ UNHCR, Kenya 2016 Funding Update as of May 2016 (2016).

⁵⁵ WFP and UNHCR, *Joint Assessment Mission – Kenya Refugee Operation* (2014). At:

		the Lutheran World Federation (LWF), the National Council of Churches of Kenya (NCCK), Don Bosco and the Norwegian Refugee Council (NRC).
	Safety net	Most refugees rely on remittances from relatives (especially those with relatives resettled in the West); others rely on merry-go-round contribution systems (known as <i>ayuuto</i> ⁵⁶ in Dadaab) and food banks. ⁵⁷
Physical	Shelter	In Kakuma and Dadaab, IOM and the NRC provide shelter solutions for refugees. Refugees typically live in tents made of plastic sheeting.
	Food	The main providers of food in camps are the World Food Programme (WFP), CARE International , NRC , Save the Children UK , the Jesuit Refugee Service (JRS), and LWF. The food rations these organizations provide contain cereals, legumes, oil and sugar.
	Health	Several actors provide healthcare in camps, including the African Development and Emergency Organization, the Danish Refugee Council, FilmAid, Gesellschaft für Internationale Zusammenarbeit, IOM, the International Rescue Committee, the NCCK, UNHCR, United Nations Volunteers, and Kenya Red Cross/IFRC.
		Medecins Sans Frontieres (MSF) provides healthcare to migrants in cities.
	WASH	Several actors work to provide WASH in camps, including CARE International, German Agro Action, the NCCK, the NRC, Oxfam, UNHCR, LWF, and Kenya Red Cross/IFRC.
	Mental health	Medecins Sans Frontieres and the Kenya Red Cross were the main providers of psychological support, but have recently had to pull out of Dadaab due to security threats to their staff.
Human	Education and vocational training	Several organizations run education programmes in Dadaab and Kakuma refugee camps. These camps currently have 44 Early Childhood Development Education (ECDE) centres, 52 primary schools, 11 secondary schools, six Accelerated Learning Programme (ALP) centres, and five vocational/skills-training centres. In addition, 13 fee-based primary schools are managed by private individuals. These schools enrol children for both primary and early childhood development and education classes. ⁵⁸ Education partners in Kakuma include the LWF , JRS , Windle Trust
		Kenya, WFP, the NCCK, and Don Bosco, while those in Dadaab include

⁵⁶ Groups of about 10 women come together and agree to contribute a portion of their family rations to one member of the group. The recipient rotates with each distribution cycle. She can sell the aggregated rations to generate seed money for her business.

⁵⁷ WFP and UNHCR, Joint Assessment Mission – Kenya Refugee Operation (2014). At.

unhcr.org/54d3762d3.pdf.

⁵⁸ Ibid.

		CARE, Islamic Relief , the LWF , and Windle Trust Kenya . Don Bosco (in Kakuma) and NRC (in Dadaab) run vocational training centres for refugee youth. They offer artisan courses for masons, carpenters and electricians, among others. Graduates often work in the camp's informal casual job sector. ⁵⁹
	Information on rights	UNHCR provides information to refugees on their rights when they receive their cards, in both camps and urban areas. ⁶⁰
	Practical information	All the organizations present in camps provide practical information to migrants. No single organization was identified by migrants as the central hub for information. ⁶¹
Social	Family	Through the ICRC , the Kenyan Red Cross Society provides tracing and RFL services to urban refugees as well as refugees in Dadaab and Kakuma camps. ⁶²
	Society	Kenya's encampment policy means that it is unlikely that there will be significant integration programmes. We were unable to find examples of such programmes.
Environmental		

SMART PRACTICES

Please refer to the main report.

⁵⁹ Ibid.

 ⁶⁰ Dalberg, focus groups with migrants in Kenya.
 ⁶¹ Dalberg, focus groups with migrants in Kenya.

⁶² Ibid.