

County of Mombasa | PROFILE 2022

MIGRATION

GOVERNANCE

INDICATORS

LOCAL



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Publisher: International Organization for Migration
17 route des Morillons
1211 Geneva 19
P.O. Box 17
Switzerland
Tel.: +41.22.717 91 11
Fax: +41.22.798 61 50
Email: hq@iom.int
Internet: www.iom.int

With research and analysis by



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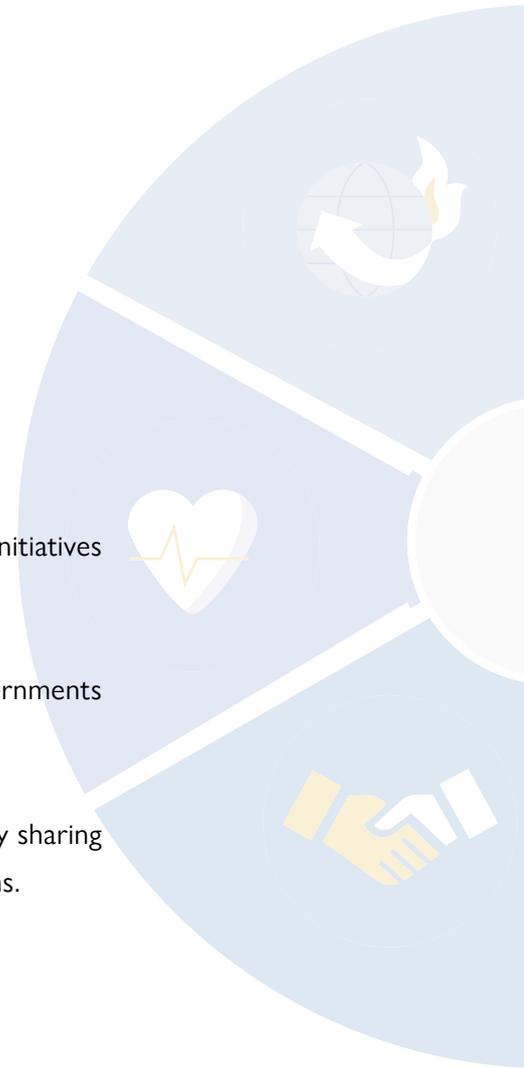
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OBJECTIVES

- 1 Help local authorities take stock of the migration initiatives they have in place.
- 2 Foster dialogue on migration between national governments and local authorities.
- 3 Enable local authorities to learn from one another by sharing common challenges and identifying potential solutions.



“Rapid urbanization continues to transform the demographic landscape of many countries around the world. Cities are already home to the majority of international migrants, driven by opportunity as well as necessity, and local authorities are becoming leaders in finding creative solutions for rapid social change, supporting communities through innovation.”¹

¹ António Vitorino, IOM Director General, Report to the 109th Session of the IOM Council (November 2018). Available at www.iom.int/speeches-and-talks/director-general-report-109th-session-council.

ACRONYMS

CADP	County Annual Development Plan
CGM	County Government of Mombasa
CIDP	CGM Integrated Development Plan
DCS	Department of Children Services
ECRTD	European Centre for Research Training and Development
HURIA	Human Rights Agenda
IOM	International Organization for Migration
ISD	Institute for Strategic Dialogue
KNBS	Kenya National Bureau of Statistics
MGI	Migration Governance Indicators
MGSOG	Maastricht Graduate School of Governance
MiGOF	Migration Governance Framework
NCM	National Coordination Mechanism on Migration
NGO	non-governmental organization
UNHCR	Office of the United Nations High Commissioner for Refugees

INTRODUCTION

The Migration Governance Indicators²

In 2015, the International Organization for Migration (IOM) developed the Migration Governance Framework (MiGOF). This Framework offers a concise view of an ideal approach that allows a State to determine what it might need to govern migration well and in a way that suits its circumstances. That same year, IOM in collaboration with Economist Impact developed the Migration Governance Indicators (MGI), a set of 90 indicators that help States assess the comprehensiveness of their migration governance structures.

The indicators constitute a starting point to engage governments in a consultative process that allows them to identify areas that are well-developed and others that would benefit from further development, and most importantly priorities that are in line with the specific challenges and opportunities a given country is facing.

The MGI is characterized by three main fundamental attributes:

1. The MGI is a **voluntary** exercise: The MGI is conducted in countries that have requested to be part of the process.
2. The MGI is **sensitive to national** specificities: The MGI recognizes the different challenges and opportunities of each context, and therefore, does not propose a one-size-fits-all solution, but rather aims to spark a discussion on what well-governed migration can mean.
3. The MGI is not a static tool. It is a **process**: The MGI is not a static tool to collect data on countries' migration frameworks. It is rather the first step of a dynamic process that can enable governments to identify areas of their migration policy in need of further development, or that could benefit from capacity-building.

Migration Governance Indicators: From national to local

The role of cities and municipalities in migration governance³ has grown significantly in recent decades, given the rapid pace of urbanization and the importance of cities as destinations for all forms of migration and displacement. Researchers, policymakers and international development agencies have all highlighted the crucial role of cities and municipalities in both accommodating migrants and formulating sustainable responses to migration-related matters.

In 2016, United Nations member States adopted the New Urban Agenda at the Habitat III Conference in Quito (Ecuador). This was the first time that a United Nations framework fully integrated migration into the strategic planning and management of cities and urban systems. Its adoption was a significant recognition of the role of local governments, not only in the management of migration at the local level, but also in realizing the urban dimensions of the 2030 Agenda for Sustainable Development. This includes, but is not limited to, Sustainable Development Goal 11, which has been designed to make cities and human settlements inclusive, safe, resilient and sustainable.

To support the discussion between levels of governments on migration governance, IOM has adapted the MGI⁴ to the local level. The Local MGI seeks to offer a more comprehensive picture of a country's migration governance landscape by juxtaposing a local dimension to MGI national assessments. Like its national equivalent, the Local MGI⁵ is based on a set of about 80 indicators helping local authorities take

² All terms used in the report are defined in IOM's *Glossary on Migration* (2019).

³ "Migration governance" refers to the system of institutions, legal frameworks, mechanisms and practices aimed at regulating migration and protecting migrants. It is used almost synonymously with the term "migration management", although the latter is also sometimes used to refer to the narrow act of regulating cross-border movement at the State level.

⁴ The Migration Governance Indicators were developed in 2015 by IOM in collaboration with Economist Impact. More information is available at www.migrationdataportal.org/overviews/mgi.

⁵ More information is available at www.migrationdataportal.org/local-mgi.

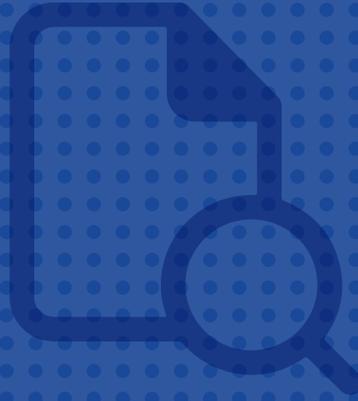
stock of local migration strategies or initiatives in place and identify good practices as well as areas with potential for further development.

The aim of the exercise is to foster dialogue on migration between national governments and local authorities and enable local authorities to learn from one another by discussing common challenges and identifying potential solutions.

While the Local MGI retains the attributes of the National MGI, it is also anchored in the notion that cities and local authorities have different capacities, competencies and added value when it comes to governing migration. Therefore, the methodology has been adapted to reflect the fact that the degree of fiscal and political autonomy of participating cities influences the kind of migration governance they can practically and legally engage in. Furthermore, new indicators of the level of autonomy and capacities have been added to give some context to the results of the assessment.

Given the differences outlined between the MGI at the national and local levels, the purpose of the Local MGI is not to provide a baseline, but rather to be a tool for government authorities to use in taking an introspective look at the measures they have in place to manage migration, as well as to share their experiences. Furthermore, the Local MGI recognizes that good practices can take different forms depending on the division of competencies between local and national authorities. Therefore, the Local MGI analysis should not be interpreted as an invitation to change the division of competencies, but rather be understood as a catalyst to spark a discussion on what cities can do with regard to migration within the scope of their mandate. A comprehensive picture of migration governance can be captured only by looking at the different levels of government.

This report is the result of the implementation of the Local MGI in Mombasa County (Kenya). This profile summarizes key examples of well-developed areas as well as areas with potential for further development of local migration governance



CONTEXT

Migration trends

Mombasa is a coastal county with transit and cross-border movements. The county is a net area of international immigration according to the Kenya National Bureau of Statistics, whose most recent migration report (KNBS, 2009) states that Mombasa had 71,036 migrants, of whom 47 per cent (33,674) were male and 53 per cent were female (37,362).⁶ Emigrants totalled 39,678, of whom 20,085 were male and 19,593 were female.⁷ Mombasa's net migration totalled 31,358 migrants (ibid.).⁸ Mombasa County has mixed migration flows between Kenya and the United Republic of Tanzania, with regular and irregular cross-border movements for employment, trade and commerce; health services; and family reunions. Mombasa is a transit centre for migrants, and its airport is a major transit hub for migration from East Africa to the Middle East, Europe and Asia.

Furthermore, according to the same report, less than half of the migrants in Mombasa (45.4%) completed primary education, while 9.9 per cent did not complete any level of education.⁹ A total of 46.9 per cent of migrants in Mombasa were employed, 13.1 per cent were unemployed, and 39.9 per cent were inactive.

Kenya's administrative structure

Kenya is a destination and transit country for asylum seekers, refugees and migrants from neighbouring countries such as Ethiopia, Somalia and South Sudan, and also from Eritrea, the Sudan, the Democratic Republic of the Congo and Rwanda (MGSOG, 2017). In 2020, Kenya had 1.1 million international migrants, most of whom were from Somalia, Uganda and South Sudan (KNBS, 2021). The majority of Kenyans emigrate through regular channels for the purposes of working or studying abroad (ibid.). Most Kenyan emigrants move within African countries (ECRTD, 2015). According to data from the United Nations Department of Economic and Social Affairs, in 2020 Kenya had 535,348 emigrants.¹⁰

⁶ Recent immigrants are defined in the *Analytical Report on Migration VII* (2012) as persons who have resided in an administrative unit for up to 12 months prior to the census.

⁷ Emigrant numbers were captured by asking the members of the household whether any of them had left in the last 15 years prior to the census.

⁸ According to the *Analytical Report on Migration VII*, persons counted in an administrative unit within the country but which is different from where they resided 12 months prior to the census are considered recent migrants. Persons counted in an administrative unit within the country but which is different from their place of birth are referred to as lifetime migrants. Immigrants are those who were enumerated in the country but were born outside Kenyan borders. Emigrant numbers were captured by asking the members of the household whether any of them had left in the last 15 years prior to the census.

⁹ Of the remaining migrant population, 35.1 per cent completed secondary education and 8.6 per cent did not complete primary education.

¹⁰ More information is available at www.un.org/development/desa/pd/content/international-migrant-stock.

Competencies of the county

<p>Level of decentralization of local authorities</p>	<p>In 2013,¹¹ the decentralization process in Kenya established 47 county governments, alongside their elected governors and assemblies. The counties of Kenya (<i>Kaunti za Kenya</i> in Kiswahili) are geographical units envisioned in the 2010 Constitution of Kenya as the units of devolved government (Cheeseman et al., 2016). The Ministry of Devolution is responsible for encouraging intergovernmental relations and supporting county governments through policy formulation, capacity-building activities such as job trainings/workshops, or providing access to equipment, as well as access to finance. Additionally, the Ministry manages the shared function of disaster risk management between the national and county governments (Republic of Kenya, 2010a).</p> <p>At the local level, each county directly elects a Governor who appoints the County Executive Committee responsible for budgeting and development planning. However, the Governor’s legislative agenda must be approved by the County Assembly, which comprises members who are directly elected at the county assembly ward levels.¹² Furthermore, counties directly elect senators that represent them in the Senate. This newly created second chamber of parliament (also known as the Senate re-established by the 2010 Constitution) is designed to defend county interests and help craft bills affecting the counties, but it also enjoys wider power such as the ability to impeach the President, Deputy President, Governor and Deputy Governor (Cheeseman et al., 2016).</p> <p>Administratively, Mombasa County is divided into 6 sub-counties (Mvita, Nyali, Changamwe, Jomvu, Kisauni and Likoni) and 30 county assembly wards, which are headed by elected members of the County Assembly.¹³</p>
<p>The competencies of counties in relation to migration</p>	<p>The national Government is responsible for designing and implementing policies related to migration, as stipulated in the Fourth Schedule of the Kenya Constitution (2010) – “Immigration and citizenship.” The county, however, acknowledges the impact of rural-to-urban migration in its County Integrated Development Plan (CIDP) (2018–2022).¹⁴ Within the counties, the national Government, through the Office of the County Commissioner, is responsible for implementing national policies at the local level.</p>

¹¹ The elections ushered in a popular system of devolved government that represented the country’s biggest political transformation since independence.

¹² The counties are divided into 290 sub-counties, 1,450 wards, and villages.

¹³ More information on Mombasa County is available at <https://eportal.mombasa.go.ke/>.

¹⁴ Kenya is currently undergoing the planning process for the Fourth Medium Term Plan (MTP IV), which will inform the fourth generation of CIDPs.

Local financing mechanisms and the restrictions on their use

According to the Kenyan Constitution, no less than 15 per cent of government revenue must be devolved to the county level. This refers only to the funds explicitly transferred to county governments – the national Government continues to fund county-level services that have remained in its jurisdiction, such as national security and the police force. In this sense, the total government spending at the county level is considerably higher than the 15 per cent allocated to the county governments. In addition to these revenues, the Constitution mandates the national Government to establish and manage an Equalization Fund to strengthen the provision of essential services in historically marginalized communities. This fund receives 0.5 per cent of the national revenue. Another avenue of fiscal transfer is conditional grants that the national Government makes to the counties. The amount allocated through this mechanism increased from KES 6 billion (USD 52 million) to KES 12 billion (USD 100 million) between 2014 and 2015 (Cheeseman et al., 2016). According to the County Governments Grants Bill (2021), in the financial year 2021/2022, conditional allocations to Mombasa from national government revenues amounted to KES 153,297,872 (USD 1.2 million).

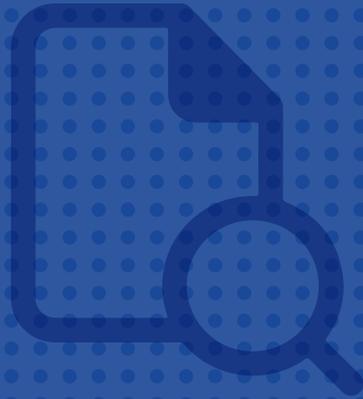
The county of Mombasa is primarily financed through its own revenue sources: licences, service rates, penalties, grants, fees and loans. The local government also charges local levies on land and buildings, as well as rent on properties.¹⁵ The national budget allocation to Mombasa County is based on a resource allocation formula that takes several factors into account, including population, poverty rates and land share (Kangata, 2015). County allocations are given as block grants, and counties determine the share to be allocated for the provision of general health services as set out in the annual development plan.¹⁶

Local participation in the formulation of migration policy

Participation of local authorities in the formulation of the draft national migration policy is limited (participation is through representation of the Council of Governors at the National Coordination Mechanism on Migration (NCM)). At the local level, the Second CIDP takes into account the impact of rural-to-urban migration. There is, however, no specific strategy aimed at addressing migration. The county government is not involved in some of the national migration processes, but there are plans for NCM to start engaging county representatives.

¹⁵ More information is available at <https://countytoolkit.devolution.go.ke/county-revenues>.

¹⁶ Ibid.



KEY FINDINGS

The Local MGI is composed of approximately 80 indicators grouped under the six different dimensions of migration governance that draw upon the MiGOF categories:



MIGRANTS' RIGHTS
PAGE 18

Indicators in this category look at the extent to which migrants have access to certain social services such as health, education and social security. They also examine measures to ensure integration and access to work.



WHOLE-OF-GOVERNMENT
APPROACH
PAGE 20

Indicators in this category assess the institutional frameworks of cities, municipalities or states for migration. This area also examines the existence of migration strategies consistent with development objectives, as well as institutional transparency and coherence in migration management.



PARTNERSHIPS
PAGE 21

Indicators in this category focus on cities', municipalities' or states' efforts to cooperate on migration issues with the national government as well as other cities and relevant non-governmental actors, including civil society organizations and the private sector.



WELL-BEING
OF MIGRANTS
PAGE 22

Indicators in this category assess cities', municipalities' or states' initiatives in terms of international student mobility, access to the labour market and decent working conditions for migrant workers. Aspects related to diaspora engagement and migrant remittances are also included in this domain.



MOBILITY DIMENSION
OF CRISES
PAGE 23

Indicators in this category examine the type and level of readiness of cities, municipalities or states to deal with aspects of mobility crises. The questions focus on the processes in place for citizens and non-citizens both during and after disasters, especially if humanitarian assistance is available for migrants and citizens.



SAFE, ORDERLY AND
REGULAR MIGRATION
PAGE 25

Indicators in this category look at the cities', municipalities' or states' approaches to migrant safety as well as return and reintegration policies and the fight against trafficking in persons.



ADHERENCE TO INTERNATIONAL STANDARDS AND FULFILMENT OF MIGRANTS' RIGHTS

1.1. Migration governance: Examples of well-developed areas

There are mechanisms in place in Mombasa County that support migrants in accessing municipal services. The County Government of Mombasa (CGM) manages an online portal that allows both residents and migrants to access services, including parking management, issuance of health permits to businesses and individuals (e.g. issuance of business permits, routine vaccination services),¹⁷ social housing management and social protection, or ambulance fees. To access these public services and the online portal, all migrants and residents are required to have documentation, including national identity cards, foreign nationals' alien ID cards, or passports, issued by the Directorate of Immigration Services and the Department of Registration of Persons, under the Ministry of Interior and Coordination of National Government. The County Commissioner of Mombasa also conducts sensitization programmes through monthly open meetings known as *barazas*, which provide information on government policies and services, including migrant rights, obligations (e.g. how to apply for a residence permit) and accessing immigration services (e.g. processes for obtaining a passport and a driving license). These *baraza* discussion forums are led by representatives of the CGM and the national Government.

The CGM's Public Participation Policy (2020) aims to involve all residents in collaboration and dialogue on local government affairs and policy through public participation exercises and awareness-raising campaigns against xenophobia. While the Policy does not make specific mention of migrants, it promotes equality, harmony and the coexistence of all residents within the county. The Office of the County Attorney, in partnership with the Human Rights Agenda (HURIA)¹⁸ and the University of Nairobi School of Law at the Mombasa Campus, offers legal aid services to migrants and promotes public interest litigation and human rights protection. Additionally, the CGM partners with other national legal agencies and non-governmental organizations (NGOs) and usually provides lawyers free of charge for migrants who cannot afford to pay them. For instance, there are some provisions for legal services for refugees, asylum seekers and deportees through Kituo Cha Sheria, a local NGO which runs a legal advice centre.

The CGM, through the Department of Youth, Gender, Sports and Cultural Affairs, collaborates with the Department of Children Services (DCS)¹⁹ under the State Department for Social Protection, on child protection issues, including those relating to migrant children. The DCS local offices in Mombasa work closely with the county's offices that deal with youth and social affairs. Under the county protocols, DCS county officers provide support to stranded migrant children, regardless of nationality, and refer them to the national-level DCS for assistance.

1.2. Areas with potential for further development

The CGM Department of Health Services is entrusted with all functions related to health care, including administration of county and sub-county hospitals and dispensaries in Mombasa. The CGM Second Health Strategic and Investment Plan (2018–2022), the CGM Health Bill (2017) and the CGM Social Protection Strategy (2018) do not make specific mention of migrants. However, refugees and migrants who live in Mombasa are provided with health-care services, including maternal and child health, sexual and reproductive health, and mental health services. There is also a shelter called Alms House, or *Nyumba ya Wazee*, under the CGM that hosts stranded migrants.

¹⁷ The CGM has a non-discriminatory approach to the issuance of health permits as everyone can access them to help operations.

¹⁸ HURIA is an NGO working on advancing human rights and strengthening the capabilities of State and non-State actors with a view to enhancing the greater realization and equal enjoyment of fundamental rights and freedoms as enshrined in the Constitution of Kenya (2010).

¹⁹ DCS is mandated to safeguard and protect the rights and welfare of children for national prosperity, as per the Children Act (2001).

While there are no specific measures to ensure migrants' access to public education at the primary and secondary levels in Mombasa County, migrants can be enrolled in Mombasa's public schools. The county government is mandated by the Kenyan Constitution (2010) to provide "[p]re-primary education, village polytechnics, homecraft centres and childcare facilities". To achieve this, the Mombasa County Education Development (Amendment) Act (2017) aims to prioritize quality learning and teaching and does not discriminate based on nationality in pre-primary education facilities and vocational centres in the county.

There are no clear guidelines for migrants to access social housing in Mombasa County. However, *Nyumba ya Wazee*, under the county government, hosts stranded migrants. According to the CGM Social Protection Strategy, the county plans to provide 3,000 social housing units in 10 county estates to give the disadvantaged segments of society access to decent affordable housing. Accordingly, the CGM is undertaking an ambitious affordable housing project that seeks to provide 162 housing blocks to support 2,056 persons (Buxton Point Apartment Limited, 2020). Some social housing units are also accessible to elderly migrants.

There are no specific measures or policies within the CGM or in CGM's Integrated Development Plan (2018–2022) to support those who wish to emigrate from Mombasa, as immigration and citizenship issues are under the remit of the national Government, as stipulated in the Kenyan Constitution.

The CGM provides cultural mediation services to help resolve disputes between migrant populations, and between local residents and migrant populations on an ad hoc basis. At the national level, mediation and dispute resolution are functions of the Kenyan Judiciary under its Alternative Justice Systems,²⁰ which recognize the importance of justice systems outside the court system.

²⁰ The Constitution provides for the use of alternative forms of dispute resolution mechanisms, such as mediation processes facilitated by paralegals and community-based traditional justice systems, to enhance delivery of justice to all citizens.



2

FORMULATES POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

2.1. Migration governance: Examples of well-developed areas

The County Government of Mombasa (CGM) has taken steps to enhance vertical policy coherence on development issues, including migration, as required by the Kenyan Constitution (2010). The CGM participates in the National Coordination Mechanism on Migration (NCM) dialogue through the Council of Governors. The NCM is a Government-led inter-agency migration coordination platform under the Department of Immigration, responsible for national migration management by facilitating inter-agency coordination, collaboration and information-sharing. The NCM plans to establish a county NCM in Mombasa. In addition, the Office of the County Commissioner of Mombasa engages with different actors, including the Department of Immigration and the National Employment Authority, on migration issues.²¹ Consultations for the development and annual work plan allocation for the County Annual Development Plan (CADP)²² also take place between the public and national and local government agencies. The CADP includes policies on migration-related issues, such as rural-to-urban migration.

The CGM provides basic information regarding its municipal public services that are also accessible to migrants through the eServices Portal. The information is available in both Kiswahili and English. In addition, the county website has a help function where all residents, including immigrants, can ask questions directly.

County public servants receive regular trainings at the Kenya School of Government, which has campuses in Mombasa and Nairobi, among other locations. The courses dispensed include modules on gender and development, as well as training programmes on migrants' rights offered by the Kenya National Commission on Human Rights, the National Employment Authority, and the Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers.

2.2. Areas with potential for further development

The CGM does not have an agency or department responsible for designing migration policies or strategic plans, nor does it have a local-level migration strategy. However, the Mombasa County Integrated Development Plan (CIDP) (2018–2022) acknowledges rural-to-urban migration as an area of focus.²³ The CGM representatives – through the Council of Governors – were consulted during the development of the draft Kenya National Migration Policy (2018).

There is no local-level coordination mechanism on migration issues. However, CGM institutions coordinate with the NCM through the Council of Governors, and the county works with non-governmental organizations and other partners on migration issues.

The CGM does not have a single-desk migrants' office to streamline orientation services for migrants. However, general information on services offered is accessible to all.

The county does not publish migration-specific data, as this is done at the national level. However, the CIDP is based on data collected from the national census, economic surveys and statistical abstracts published by the Kenya National Bureau of Statistics (KNBS). At the national level, KNBS is responsible for collecting, processing, and validating national data and statistics, including migration statistics. The national Integrated Population Registration System is the country's comprehensive population database, which includes migrants' data.

²¹ The County Commissioner is a State official appointed by the national Government to coordinate its functions.

²² The CADP is a one-year plan that provides the basis for implementing the county integrated development plan and guiding resource allocation to priority projects and programmes.

²³ The Plan estimates the number of internal migrants to be around 530,700.

3

ENGAGES WITH PARTNERS TO ADDRESS
MIGRATION AND RELATED ISSUES

3.1. Migration governance: Examples of well-developed areas

The County Government of Mombasa (CGM) engages – through public sessions, *barazas* (public forums) and other forms of involvement – with the National Coordination Mechanism on Migration, as well as with its residents and civil society organizations, in agenda-setting and the implementation of migration-related policies through the Office of the County Commissioner. Civil society organizations in Mombasa were also consulted to provide feedback on the draft Kenya National Migration Policy (2017).

The CGM collaborates on migration issues with different United Nations agencies. For instance, the CGM has collaborated with the Ministry of Health and IOM to conduct COVID-19 testing for truck drivers in Mombasa since July 2020, as part of a broader effort to reinvigorate regional economies impacted by the pandemic. Similarly, in collaboration with IOM, the Apsolid Vocational Training Centre in Mombasa launched the Homecare Management Curriculum in 2018. The Curriculum aims to equip Kenyan migrant workers, youth, and workers in the domestic sector with the knowledge, skills, attitudes and values that would enable them to effectively manage the home and resources, childcare, and home nursing both locally and abroad. In addition, the Curriculum has incorporated course units on pre-departure and life skills to acquaint migrant workers with the skills and competencies that would enable them to cope with anticipated challenges in their new work environment in the host country. At the national level, Kenya's Directorate of Immigration Services collaborates with the Office of the United Nations High Commissioner for Refugees (UNHCR) on the issuance of Class M work permits,²⁴ with recognition letters from UNHCR and the Department of Refugee Affairs. The processing fee is waived for this category of visas.

In 2021, the CGM developed a policy on resilience and prevention of violent extremism,²⁵ which aims to address issues such as the migration dimension of radicalization and violent extremism.

3.2. Areas with potential for further development

The CGM has limited formal engagement with migrant associations, the private sector, or members of its diaspora and expatriate communities in the county in agenda-setting and the implementation of migration-related programmes and policies. The CGM Integrated Development Plan (2018–2022) and the CGM Public Participation Policy (2020) do not mention such collaborations.

The CGM is part of the Strong Cities Network,²⁶ launched by the United Nations General Assembly in 2015 to foster city-led responses against extremism, hate and polarization. However, the discussions do not usually revolve around migration issues.

The county has bilateral programmes with two neighbouring counties: Kwale and Kilifi. In 2021, for instance, Mombasa, Kwale and Kilifi counties announced a joint COVID-19 response programme. However, there are no specific programmes related to migration.

²⁴ This permit is issued to a person who has been granted refugee status in Kenya, in accordance with the Refugees Act (2006), and any spouse of such a refugee who intends to take up employment or engage in a specific occupation, trade, business or profession.

²⁵ This refers to the Resilience and Prevention of Violent Extremism Policy, Mombasa County Sessional Paper No. 1 (2021).

²⁶ The Strong Cities Network is a global network of mayors, governors and local practitioners united in building social cohesion and community resilience to counter violent extremism (ISD, 2019).



4

ADVANCES THE SOCIOECONOMIC WELL-BEING OF MIGRANTS AND SOCIETY

4.1. Migration governance: Examples of well-developed areas

The County Government of Mombasa (CGM) runs financial literacy and skills training programmes and offers rehabilitation programmes as part of its action plan on radicalization and terrorism in a bid to achieve resilience. The training targets the youth and residents of Mombasa and is also accessible to migrants with regular status.

While there are no specific programmes aimed at supporting foreign residents in entrepreneurship, the CGM Investment Authority Bill (2019) targets potential foreign investors in Mombasa and outlines support, including assistance in procuring authorizations, permits and licenses to facilitate investments. The Bill establishes prohibition against discrimination, stating that “foreign investors shall be subject to the same laws that apply to domestic business organizations”.

There are measures to promote the ethical recruitment of migrant workers at the national level, which apply to all counties, including Mombasa. For instance, the provisions relating to the protection of workers during recruitment and employment outlined in the Kenyan Constitution (2010) and the Employment Act (2012) apply to both nationals and migrants. Additionally, through the Ministry of Health, the Kenyan Government signed a health cooperation agreement with Cuba in 2021 for the employment of Cuban doctors to help fill gaps in county hospitals, including in Mombasa.²⁷

4.2. Areas with potential for further development

Although Kenya has a national two-thirds gender policy²⁸ that seeks to mainstream gender issues in the labour force, the county has no specific measures to promote gender equality for migrant workers. At the county level, there are no such measures in place. The Mombasa Integrated Development Plan (CIDP) (2018–2022) includes an objective to address gender inequality and recognizes the need to build the capacity of women through training, but it makes no specific reference to migrants. Furthermore, the Mombasa Social Protection Strategy (2018) and the CIDP do not include measures to facilitate remittance flows and promote the financial inclusion of migrants and their families.

²⁷ More information is available at www.health.go.ke/kenya-signs-new-health-cooperation-agreement-with-cuba/.

²⁸ See the Constitution of Kenya and the National Gender and Equality Commission Act (2011, revised 2012).



5

EFFECTIVELY ADDRESSES THE MOBILITY DIMENSIONS OF CRISES

5.1. Migration governance: Examples of well-developed areas

The County Government of Mombasa (CGM) Disaster and Emergency Management Committee aims to provide a safety net for the protection of citizens, their assets and the environment against disasters. This is done through a proactive, community-based, developmental and multisectoral approach that combines disaster preparedness, prevention, and mitigation and integrates disaster management into national development.

Furthermore, the CGM's Disaster Preparedness and Emergency Management Act (2017) states that the Disaster and Emergency Management Committee²⁹ shall prepare the annual County Disaster and Emergency Management Plan, which includes information on the vulnerability of different parts of the county to different forms of disaster, as well as the measures to be adopted for preventing and mitigating disasters and emergencies. The Act also notes that the Governor has declaratory powers under a disaster or emergency situation to prevent or limit the loss of life and damage to property or the environment, including evacuating citizens.

The CGM has strategies in place to address migration linked to environmental degradation and the adverse effects of climate change. The CGM's Climate Change Policy (2021) recognizes the impact of "population displacement and migration from climate disaster prone areas especially the slums" and includes strategies to address this. The County Chief Officer of Devolution and Public Service Administration is responsible for the strategies' implementation. These strategies include mapping out the climate risk areas, relocating human settlements from highly vulnerable areas, enhancing improvement schemes, developing early warning systems, and enhancing community awareness and training.

The CGM has put in place contingency plans to manage large-scale population movements in times of crisis. For instance, there are earmarked structures and facilities for the temporary relocation of those displaced during crises. During emergencies, it also has a crisis group that meets on an as-needed basis, a Department of Children Services (DCS) during crises, gender officers, and embassy officials, as well as provisions for addressing crises where the national Government intervenes. These measures are applicable to migrants too.

The CGM has put in place early warning mechanisms in case of crises. The Disaster and Emergency Management Committee is responsible for providing advice and guidance to the public by disseminating information on disasters and emergencies through radio, television, print media and mobile messages.

The CGM collaborates with the national Government, particularly DCS, on child protection issues, including migrant children in times of crises. For instance, the CGM Disaster Preparedness and Emergency Management Act makes provisions for partnership with relevant actors during emergencies, including DCS.

5.2. Areas with potential for further development

The CGM Disaster Preparedness and Emergency Management Act does not establish any specific provisions for preventing or addressing the displacement impacts of disasters; nor does it account for human mobility, including the specific needs of migrants and displaced persons. Moreover, the CGM Annual Development Plan 2020/21 (2019) and the CGM Integrated Development Plan (CIDP) (2018–2022) do not contain measures regarding displacement.

²⁹ The Disaster and Emergency Management Committee is led by the County Commissioner and consists of the County Government of Mombasa, the Kenya National Police Service, the Kenya Navy and the Kenya Red Cross, among other stakeholders. The Committee meets on a quarterly basis to review the disaster plan.

There are no coordination agreements, partnerships or referral systems in place in the CGM to assist migrants in the case of local emergencies. The County Commissioner liaises and collaborates with the national Government and the county governments during crises, but not necessarily on migration issues.

Neither the CGM Disaster Preparedness and Emergency Management Act nor the CIDP provides measures for the reintegration of migrants that fled the county during a crisis.



6

ENSURES THAT MIGRATION TAKES PLACE IN A SAFE, ORDERLY AND REGULAR MANNER

6.1. Migration governance: Examples of well-developed areas

The Kenya National Commission on Human Rights, the National Employment Authority, and the Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers provide ad hoc training courses to Mombasa's local public servants on migrants' rights and migration regulations. Furthermore, the Kenya Institute of Migration Studies provides training for practitioners and civil servants at the national and county levels who are working on migration issues, such as migration policy and governance, forced and irregular migration, and legal frameworks in migration management.

In collaboration with the national Government, Mombasa County facilitates migrants' return and reintegration on an ad hoc basis. For example, the Mombasa County Governor issued executive orders to support the return of nationals stranded in different countries, through the national Government, such as the support extended to the return of students stranded in the Sudan (2020), Yemen (2020) and Ukraine (2022). The County Commissioner is responsible for coordinating national government functions at the county level, including collaborating with the National Registration Bureau and the Department of Refugee Services in the identification of persons for registration and as regards refugee identification issues, respectively.

6.2. Areas with potential for further development

Mombasa's county inspectorate officers, who are responsible for enforcing county laws and regulations, are not specifically and regularly sensitized to migration-related issues. Capacity-building trainings are offered by sister cities³⁰ and other partners.

There are no provisions for migrant reintegration in the County Government of Mombasa (CGM) Integrated Development Plan (2018–2022).

The CGM does not have a local strategy to combat human trafficking. However, the Directorate of Immigration Services and partners – including the Kenya National Commission on Human rights, HAKI Africa, Muslims for Human Rights and the International Federation of Women Lawyers – work with the local authorities through the Anti-Human Trafficking Child Protection Unit, set up in Mombasa in 2020 under the police, on the fight against child sexual abuse and exploitation.

The CGM does not have any measures in place to combat migrant labour exploitation. However, at the national level, the Constitution of Kenya (2010) prohibits forced labour for all persons, and the Employment Act (2007, amended in 2012) prohibits all forms of forced or compulsory labour and prescribes punishments for offenders. The Employment Act also guarantees equality of opportunity for migrant workers in Kenya.

³⁰ Mombasa partners with other cities in Kenya and outside the country on capacity-building and lesson sharing. These include Tangier in Morocco; Durban in South Africa; Fuzhou, Guangzhou and Kunming in China; and Honolulu and Long Beach in the United States, among others.



PREPAREDNESS AND RESPONSE PROTOCOLS ON THE RISKS OF THE NOVEL CORONAVIRUS (COVID-19)

This annex summarizes key local COVID-19 policy responses in Mombasa County from a migration governance perspective. It is based on 11 questions that were added to the standard Migration Governance Indicators (MGI) assessment in Mombasa County in order to effectively assess local migration governance in the context of the COVID-19 pandemic.



All migrants in the county of Mombasa have the same access as nationals to COVID-19-related health services. For example, COVID-19 vaccines are provided to everyone in Kenya regardless of their migratory status. The County Government of Mombasa (CGM)'s Department of Health Services has a COVID-19 response, and the recovery strategy takes migrants into account, restricting the movement of persons into the CGM in 2020 either through the international airport, the seaport and other designated entry areas.¹



The CGM provided social protection grants to vulnerable residents in response to the COVID-19 pandemic. Additionally, during the pandemic, seafarers arriving in Mombasa were not allowed to disembark, but crew members were provided with food and medical support by the county and the Missions to Seafarers in Mombasa.²



The CGM provided transportation to stranded migrants for them to move to their places of origin through a multi-agency operation led by IOM, with support from the Ministry of Interior and Coordination of National Government, the Department of Health Services, and the Department of Social Services and Partners. Migrants were provided with food packs and accommodation through the Office of the CGM.



The CGM established public health emergency operating centres with toll-free numbers accessible to all. Information was communicated to all migrants and nationals on preventive measures through community health volunteers, social media, and posters in both English and Kiswahili.

¹ Mombasa County Department of Health Services, The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) (Mombasa County) Order, Legal Notice No. 52 (2020). Available at www.parliament.go.ke/node/12235.

² Derrick Okubasu, Story of foreigners stuck in Mombasa ship for over 2 years. *Kenya*, 16 May 2021. Available at www.kenyans.co.ke/news/65172-story-foreigners-stuck-mombasa-ship-over-2-years.



PREPAREDNESS AND RESPONSE PROTOCOLS ON THE RISKS OF THE NOVEL CORONAVIRUS (COVID-19)



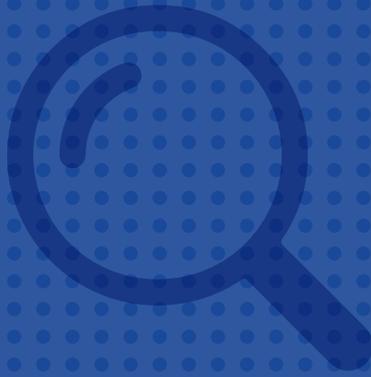
The CGM has measures in place to ensure that important information relating to COVID-19 is shared in a language that migrants can understand. For instance, in March 2022, the CGM COVID-19 Committee issued measures to implement the Ministry of Health's protocols to stem new infections in the wake of the third wave of the pandemic. This information was communicated in English, Kiswahili and other languages across local media outlets.³



The CGM does not have any measures in place to support the sustainable reintegration of nationals and migrants who return to the county in the context of COVID-19.

³ Christine Muchira, Mombasa County spells out raft of measures to fight Covid. *Kenya Broadcasting Corporation*, 22 March 2021. Available at www.kbc.co.ke/mombasa-county-spells-out-raft-of-measures-to-fight-covid/.





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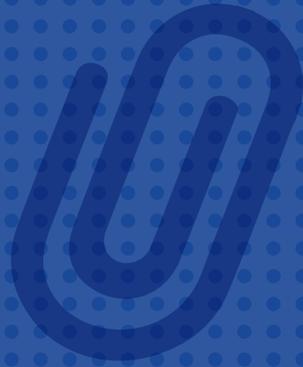
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ANNEXES

MiGOF: Migration Governance Framework³¹

In an attempt to define the concept of “well-managed migration policies”, the International Organization for Migration (IOM) devised a Migration Governance Framework (MiGOF), which was welcomed by the IOM Council in November 2015. For the purposes of the Migration Governance Framework, IOM defines governance as “the traditions and institutions by which authority on migration, mobility and nationality in a country is exercised, including the capacity of the government to effectively formulate and implement sound policies in these areas”.

The Framework sets out the essential elements of “good migration governance” – three principles and three objectives which, if respected and fulfilled, would ensure that migration is humane, safe and orderly, and that it provides benefits for migrants and societies.³² IOM’s view is that a migration system promotes migration and human mobility that is humane and orderly and benefits migrants and society:

When it:

- (i) Adheres to international standards and fulfils migrants’ rights;
- (ii) Formulates policy using evidence and a “whole-of-government” approach;
- (iii) Engages with partners to address migration and related issues;

As it seeks to:

- (i) Advance the socioeconomic well-being of migrants and society;
- (ii) Effectively address the mobility dimensions of crises;
- (iii) Ensure that migration takes place in a safe, orderly and dignified manner.

The MiGOF does NOT create new standards or norms. In drafting the Framework, IOM relied on its expertise and analytical work, as well as on existing commitments, non-binding declarations and statements. It does NOT address global migration governance that is the international architecture for dealing with issues related to migration and human mobility. Instead, the focus is on the governance and management of migration from the point of view of the State as the primary actor. It does NOT propose one model for all States. The Framework presents a “high road” or ideal version of migration governance, to which States can aspire.

The MiGOF is based on the understanding that, as the primary actor in migration, mobility and nationality affairs, a State retains the sovereign right to determine who enters and stays in its territory and under what conditions, within the framework of international law. Other actors – citizens, migrants, international organizations, the private sector, unions, non-governmental organizations, community organizations, religious organizations and academia – contribute to migration governance through their interaction with States and each other.

³¹ IOM Council, Migration Governance Framework, 106th Session, C/106/40 (4 November 2015). Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

³² Migration Governance Framework infosheet, 2016. Available at <https://publications.iom.int/books/migration-governance-framework>.

The MGI process



1 Launch of the Local MGI process

The first step of the process is to explain to key national and local government officials what the Local MGI entails, in order to ensure full understanding of the project and complete buy-in at both levels.



2 Data collection

The second step of the process is to start the collection and analysis of data based on adapted indicators from the MGI. A draft local migration governance profile based on analysis of the findings is then shared with the government counterparts.



3 Multi-stakeholder discussions on the results of the MGI

The third step of the process is to convene a consultation where local and national government officials and other stakeholders discuss the good practices and main gaps identified in the draft local migration governance profile. It is also an opportunity for them to comment on and provide suggestions to the draft profile.



4 Final report

The last step is to finalize the local migration governance profile, obtain final validation from the local authorities, and publish a printed version of the report as well as an online version on the Global Migration Data Portal¹⁶ and upload it on the IOM Publications Platform.¹⁷

¹⁶ You can find the profiles at www.migrationdataportal.org/overviews/mgi.

¹⁷ Please see <https://publications.iom.int/>.



www.migrationdataportal.org/mgi

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