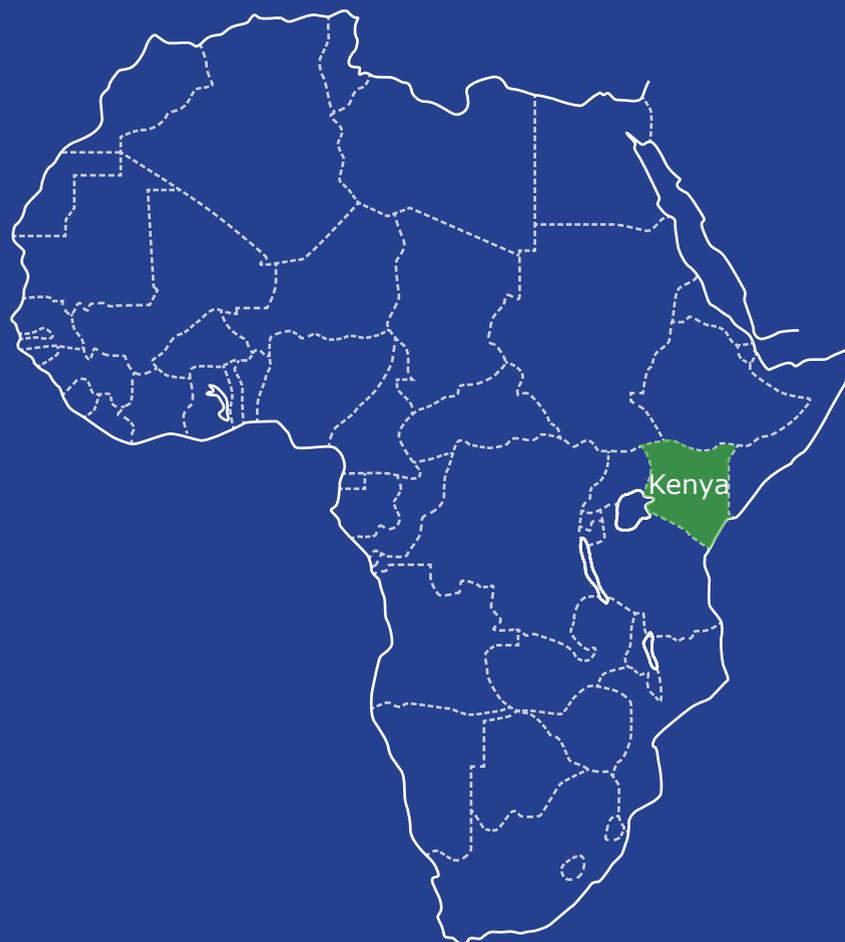


Migration in Kenya

A COUNTRY PROFILE 2015



International Organization for Migration (IOM)

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IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in the meeting of operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

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IOM Development Fund
DEVELOPING CAPACITIES IN MIGRATION MANAGEMENT

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International Organization for Migration (IOM)

TABLE OF CONTENTS

Technical working group.....	4
List of tables.....	6
List of figures.....	8
Acronyms.....	9
Foreword.....	12
Country map and key statistics.....	14
Executive summary.....	16
A: Migration trends and migrant characteristics.....	24
A.1 Irregular migration.....	24
A.2 Immigration.....	27
A.3 Temporary migration.....	48
A.4 Emigration.....	50
A.5 Return migration.....	65
A.6 Internal migration.....	69
B: Impact of migration.....	76
B.1 Migration and population change.....	76
B.2 Migration and economic development.....	78
B.3 Migration, employment and the labour market.....	83
B.4 Migration and social development.....	93
B.5 Migration and health.....	96
B.6 Migration and the environment.....	104
C: Migration and governance.....	111
C.1 Policy framework.....	111
C.2 Laws and regulations (national, regional and international levels) ..	120
C.3 Institutional framework.....	137
C.4 International cooperation.....	148
D: Key findings and recommendations.....	156
D.1 Main findings on current trends, the impact of migration and migration policies.....	156
D.2 Recommendations regarding the migration governance framework.....	162
D.3 Recommendations on mainstreaming migration into development policies.....	165
D.4 Recommendations on improvements to migration statistics and the overall evidence base.....	169
Annexes.....	172
References.....	181

TECHNICAL WORKING GROUP

The interministerial Technical Working Group (TWG) that supported the migration profile exercise in Kenya convened three times to facilitate access to information and key contacts at government ministries.

The role and responsibilities of the TWG were to: identify key thematic priorities, share data on the identified indicators during the data mapping exercise, facilitate access to relevant government authorities for additional information, and build awareness within and outside their ministries and offices to increase knowledge on migration and increase visibility of the migration profile exercise.

As this report highlights, the lack of migration mainstreaming in government policies and censuses has proven to be an obstacle to thorough data collection and information sharing. With the support of the members of the TWG, progress was made to reverse this trend, although bureaucratic obstacles and lack of familiarity with migration issues impeded the full cooperation of government representatives in the process of data collection for this migration profile.

The TWG was represented by the following members:

- Chair: Joseph P. Munywoki, Department of Immigration Services, Ministry of Interior and Coordination of National Government.
- Aisha Ngongze, Department of Refugee Affairs, Ministry of Interior and Coordination of National Government.
- Cecilia Kanyonyi, Department of Refugee Affairs, Ministry of Interior and Coordination of National Government.
- Charles Oisebe, National Council for Population and Development.
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LIST OF TABLES

Table 1: Transit routes and destinations.....	25
Table 2: Typology of international migration.....	28
Table 3: Trends in international migrant stock in Kenya, 1990–2010.....	31
Table 4: Immigrants by Asian country of origin and sex, 2009.....	33
Table 5: Number of passports issued, foreign nationals registered and work permits issued, 2009–2013.....	33
Table 6: Departing business visitors by country of residence, 2011–2013 (in thousands).....	34
Table 7: International students at the University of Nairobi, 2012/13.....	36
Table 8: International students at Africa Nazarene University, September 2014.....	37
Table 9: Refugees and asylum-seekers in Kenya by nationality, 2010–2014.....	38
Table 10: Refugees and asylum-seekers in Kenya, demographic breakdown, March 2015.....	39
Table 11: Refugee and asylum-seeker stock by main location in Kenya, 2011–2015.....	40
Table 12: Individual asylum applications and refugee status determination, 2014.....	41
Table 13: Population of refugees and asylum-seekers at Kakuma camp by sex and age, March 2015.....	42
Table 14: Population of refugees and asylum-seekers in Dadaab camps by sex and age, March 2015.....	42
Table 15: Refugees and asylum-seekers in Kenya, December 2014.....	43
Table 16: New arrival refugee registration statistics in Nairobi, 1 January 2014–31 December 2014.....	43
Table 17: Urban areas registration statistics, March 2014.....	44
Table 18: Urban refugees and asylum-seekers (Nairobi) by country of origin, 2011–2015.....	44
Table 19: Resettlement submissions by country of origin, 2008–2014.....	45
Table 20: Resettlement departures by country of origin, 2008–2014.....	46
Table 21: Resettlement departures by country of resettlement.....	46
Table 22: Resettlement submissions by country of resettlement.....	47
Table 23: Total tourist arrivals at JKIA/MIA by region of origin.....	48
Table 24: Tourist arrivals at JKIA and MIA by country, 2009–2013.....	49
Table 25: Typology of emigration.....	50
Table 26: Geographical distribution of the Kenyan diaspora.....	51
Table 27: Stock of Kenyan emigrants abroad.....	52
Table 28: Emigration in selected destinations by country and sex.....	53
Table 29: Distribution of Kenyan diaspora in Africa.....	56

Table 30: Non-immigrant admissions, I-94, 2002–2012.....	58
Table 31: Kenyan diaspora in Canada by category, 2004–2013.....	59
Table 32: Number of Kenyan nationals in the United Kingdom by visa status, 2004–2013.....	60
Table 33: Employees placed in employment in selected foreign countries through private employment agencies, January 2011–June 2013	63
Table 34: Top student migration destinations, 2013	64
Table 35: IOM AVRRE beneficiaries by region, 2008–2014	67
Table 36: Operation Usalama Watch official figures, as of May 2014	68
Table 37: Deportees to Somalia, by age group, May 2014	68
Table 38: Deportees to Somalia and assistance received.....	69
Table 39: Displacement due to political violence, 1992–2007	72
Table 40: Geographic distribution of IDPs following 2007 PEV	72
Table 41: Number of IDPs countrywide as of 2008	73
Table 42: Number of people affected by drought in Kenya, 1975–2006 ..	74
Table 43: Displacement resulting from eviction from protected lands	75
Table 44: Number of urban IDPs displaced by forced evictions	75
Table 45: Kenya’s population growth, 1879–2009.....	77
Table 46: Kenya’s net migration, 1982–2012.....	78
Table 47: Monthly remittance inflows, 2009–2014 in USD	79
Table 48: Impact of tourism on selected indicators	81
Table 49: Impact of Ebola outbreak on tourism in Kenya.....	82
Table 50: Mobile money providers in Kenya	83
Table 51: Total employment, 2009–2013 (in thousands)	85
Table 52: Labour market general characteristics: labour force and unemployment.....	85
Table 53: Unemployment rates in Kenya by age group and sex (in %) 1998–2009.....	86
Table 54: Wage employment by industry and sex, 2012 and 2013, (in thousands)	86
Table 55: Paid and voluntary staff wage status and sex	88
Table 56: Labour supply and demand matching in Kenya	89
Table 57: Kenyan health workers’ emigration to selected African countries	89
Table 58: Labour force in Kenya by age group.....	91
Table 59: Number of youth sent abroad under YESA, 2013	92
Table 60: Cumulative data of number of youth sent under YESA, 2008–2013	92
Table 61: Number of educational Institutions, 2009–2013	94
Table 62: Number of trained and untrained teachers from early childhood development to secondary school, 2009–2013	95
Table 63: Service delivery system: facilities and human resources, 2010	99

Table 64: Estimates of health personnel in the public and private sectors, 2007–2008..	100
Table 65: Types of pastoralist movements	108
Table 66: Kenya’s policy framework on migration	119
Table 67: Visas granted by the Government of Kenya	124
Table 68: Residence and work permits granted by the Government of Kenya	125
Table 69: Passes granted by the Government of Kenya	126
Table 70: The legal framework of the Government of Kenya	131
Table 71: International conventions and the Government of Kenya	134

LIST OF FIGURES

Figure 1: Immigrants by world regions of origin, 2009	30
Figure 2: Immigrants by African regions of origin, 2009	30
Figure 3: Eastern African migrants by country of origin and sex, 2009	32
Figure 4: European immigrants in Kenya by country of origin and sex, 2009	32
Figure 5: Number of international students at the University of Nairobi	35
Figure 6: Distribution of Kenyan emigrants by sex in world regions, 2009	52
Figure 7: Sex distribution of international emigrants versus internal migrants	53
Figure 8: Distribution of age groups of international migrants as compared to internal migrants, 2009	54
Figure 9: Kenyan emigrants by county of origin	55
Figure 10: Distribution of Kenyan emigrants in African countries	56
Figure 11: Kenyan emigrants to North America, 2009	57
Figure 12: Kenyans admitted to the United States as legal permanent residents, by preference category, FY 2002/12	58
Figure 13: Kenyan emigrants in European countries, 2009	59
Figure 14: Kenyan emigrants in Asian countries by level of education, 2009	60
Figure 15: Kenyan emigrants in Latin America, 2009	61
Figure 16: Kenyan emigrants in Oceania, 2009	61
Figure 17: Percentage of nurses’ first applications for emigration by country of destination	62
Figure 18: Number of Kenyan students in the United Kingdom, USA and Canada	65
Figure 19: Reasons for unwillingness to return to Kenya	66

Figure 20: Recent in-migrants by sex and province, 2009	70
Figure 21: Recent out-migrants by sex and province, 2009.....	71
Figure 22: Kenya’s population size	76
Figure 23: Reported use of international remittances: Kenya and Nigeria (% total remittances received).....	80
Figure 24: Number of jobs (in thousands).....	84
Figure 25: Health-care financing	97
Figure 26: Health-care workers per 100,000 population by province	101
Figure 27: Natural disaster occurrence reported, 1980–2010	105
Figure 28: Percentage of reported people affected by disaster type.....	106

ACRONYMS

ACP	African, Caribbean and Pacific Observatory on Migration
AIR	African Institute for Remittances
AMADPOC	African Migration and Development Policy Centre
ANLAP	Active Learning Network for Accountability and Performance in Humanitarian Action
CDTD	Centre for Domestic Training and Development
CIA	Central Intelligence Agency
CICRED	Committee for International Cooperation in National Research in Demography
COMESA	Common Market for Eastern and Southern Africa
DRA	Department of Refugee Affairs
DRC	Danish Refugee Council
EAC	East African Community
ECPAT	End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes
EPA	Environmental Protection Agency
FDI	Foreign Direct Investment
FRS	Federal Republic of Somalia
GDP	Gross Domestic Product
ICMPD	International Centre for Migration Policy Development
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced Person
IGAD	Intergovernmental Authority for Development

ILO	International Labour Organization
IOM	International Organization for Migration
JKIA	Jomo Kenyatta International Airport
KAPEA	Kenya Association of Private Employment Agencies
KEPSA	Kenya Private Sector Alliance
KHRC	Kenya Human Rights Commission
KIPPRA	Kenya Institute for Public Policy Research and Analysis
KNBS	Kenya National Bureau of Statistics
KNHRC	Kenya National Human Rights Commission
KTB	Kenya Tourism Board
MDG	Millennium Development Goal
MFAIT	Ministry of Foreign Affairs and International Trade
MIA	Mombasa International Airport
MMTF	Mixed Migration Task Force
MPI	Migration Policy Institute
MSM	Men who have Sex with Men
MTP	Medium Term Plan
NASCOP	Kenya National AIDS and STI Control Programme
NCAPD	National Coordinating Agency for Population and Development
NCPD	National Council for Population and Development
NEMA	National Environment Management Authority
NGO	Non-governmental Organization
NRC	Norwegian Refugee Council
NRK	Non-resident Kenyan
NUHDSS	Nairobi Urban Health and Demographic Surveillance System
OAU	Organization of African Unity
UN OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
PEV	Post Election Violence
PKO	Person of Kenyan Origin
PRB	Population Reference Bureau
RCK	Refugee Consortium of Kenya
RMMS	Regional Mixed Migration Secretariat

SME	Small and Medium Sized Enterprises
STI	Sexually Transmitted Infection
TWG	Interministerial Technical Working Group
UNAIDS	United Nations Joint Programme on HIV/AIDS
UNCTAD	United Nations Conference on Trade and Development
UNDAF	United Nations Development Assistance Framework
UN DESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
UNON	United Nations Agency at Nairobi
USAID	United States Agency for International Development
USD	United States Dollar
WHO	World Health Organization
YEDF	Youth Enterprise Development Fund
YESA	Youth Employment Scheme Abroad

FOREWORD

In Kenya, data on migration is regularly collected and analysed by government institutions. Some of the data is available to the public through monthly and annual reports, while the majority is for internal use by the institution producing the data. The migration profiling exercise and associated capacity-building efforts are meant to increase the analysis, sharing and dissemination of migration data in Kenya.

Migration policymaking is a key priority area in public administration. As migration has a direct impact on individual well-being and state welfare, it is increasingly a factor being considered in national development strategies and regional integration agendas. The development of effective migration policies requires a sound evidence base with a comprehensive and reliable platform for analysis.

Migration profiles are a means of initiating and contributing to the development of such platforms. The concept of a migration profile was originally conceived by the European Commission as a means of providing statistical data related to migration in the partner countries of the European Union. As more and more migration profiles have been completed around the world, they have evolved from a tool that provides a snapshot overview of a migration situation in a country into a framework for analysis of migration data and trends, and as a means of guiding national and international stakeholders on the development of national migration policies and programmes.

In Kenya, the International Organization for Migration (IOM) undertook this migration profiling exercise at the request of the Government of Kenya, through the Department of Immigration, and with funding from the IOM Development Fund. The need for such an exercise is largely the result of a lack of mechanisms for coordinated and centralized migration data management. Compared to other countries in similar stages of development, Kenya gathers significant amount of migration data; however it faces equally significant challenges in data analysis, sharing and dissemination.

An interministerial technical working group was established to guide the process and coordinate data collection from relevant bodies. Data collection and analysis and preparation of the report were undertaken on behalf of IOM by the African Migration and Development Policy Centre with extensive technical support by Samuel Hall Consulting in the preparation, final drafting and capacity-building phases of the project.

It is our hope that this migration profile will provide a useful overview of migration data and trends in Kenya, as well as a tool for informing policymaking. Further, it is our hope that this be considered a first step towards an integrated and effective migration data management framework for the country.



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Regional Director,
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COUNTRY MAP¹ AND KEY STATISTICS



¹www.nationsonline.org/oworld/map/kenya_map2.htm.

Geography					
Total Area, sq. km ²	582,646				
Human and Social Development	2009	2010	2011	2012	2013
Life expectancy at birth for females, annual averages	60	61	62	63	n.a.
Life expectancy at birth for males, annual averages	57	58	59	59	n.a.
Enrolment (primary), millions ²	1,914,422	2,193,071	2,370,049	2,405,504	2,465,605
Enrolment (secondary), millions ³	1,472,634	1,653,384	1,767,720	1,914,823	2,104,262
GDP per capita (Current), KES ⁴	62,981.6	66,807.2	77,061.2	83,723.7	90,876.2
Human Development Index, HDI ⁵	0.516	0.522	0.527	0.531	0.535
Remittances and other financial flows					
Remittance inflows, thousands to millions USD ⁶	609,156	641,943	891,129	1,170,892	1,290,577
Remittance outflows, millions USD ⁷	60.80	19.10	25.86	14.51	n.a.
Foreign direct investment (net inflows), millions USD ⁸	366,792.3	401,100.8	462,490.4		
Official development assistant (net inflows), billions USD ⁹	1.776	1.628	2.482	2.654	n.a.
Remittance inflows, percentage of GDP ¹⁰	2.1	2.1	2.7	3.0	n.a.
Population					
	2000	2005	2010	2050	
Total Estimated Population	41.8 million ¹¹				
Total, millions	28,688,599	33,445,119	38,610,097	100,960,657	
Female, millions	15,504,079	17,201,337	18,764,959	48,640,000	
Male, millions	14,704,286	16,243,783	17,743,296	48,901,000	
Urban, millions	5,429,790 ^a	7,719,000	12,023,570 ^b	44,302,000	
Urban, % of total population	19.3 ^a	n.a.	31.3 ^b	n.a.	
Rural, thousands	23,258,809 ^a	n.a.	26,586,527		
Rural, % of total population	80.7	n.a.	68.7	n.a.	
International migration					
Net migration rate per 1,000 population (%)	0.9	0.7	0.7	n.a.	
International migration stock, thousands	311,716	n.a.	411,532	n.a.	
International migrants as % of total population ¹²	2.4	2.2	2.0	n.a.	
Female migrants as % of all international migrants	0.2	50.8	50.8	n.a.	
Foreign population (non-nationals), thousands ¹³	755,351	780,071	817,452	n.a.	

Sources: ^a 1999 Kenya Population and Housing Census; ^b 2009 Kenya Population and Housing Census.

²KNBS (2014). *Economic Survey, 2014*. Nairobi: KNBS, p.42.

³Ibid. p. 47.

⁴KNBS, (2014) *Economic Survey, 2014*. p.9.

⁵UNDP, Human Development Index (HDI). <http://hdr.undp.org/en/content/human-development-index-hdi-table>.

⁶Central Bank of Kenya. www.centralbank.go.ke/index.php/diaspora-remittances.

⁷<http://knoema.com/WBRI02013/migration-and-remittances-factbook-2013?country=1001000-kenya>.

⁸KNBS, supra. p.281.

⁹http://data.worldbank.org/indicator/DT.ODA.ALLD.CD/countries/1W?order=wbapi_data_value_2012%20wbapi_data_value%20wbapi_data_value-last&sort=asc&display=default.

¹⁰World Bank <http://data.worldbank.org/indicator/BX.TRF.PWKR.DT.GD.ZS?display=default>.

¹¹KNBS, supra.

¹²NCPD, Kenya Population Situation Analysis, 2013. p.219.

¹³Ibid.p. 219.

EXECUTIVE SUMMARY

Kenya is a multi-ethnic, multi-cultural and multi-religious country, home to one of the largest refugee populations in Africa and some of the world's oldest refugee camps. Ongoing policy developments are shaping migration management, and Kenya's role and strategic location in East Africa highlight political evolutions that continue to structure migration systems in Kenya.

Migration trends

Irregular migration and human trafficking

Kenya both produces and hosts irregular migrants. There is very limited data on the number of Kenyans residing abroad irregularly, but there are estimates that there are at least 30,000 Kenyan in an irregular status residing in the United States of America alone. Kenya is a regional hub for irregular migration as a destination, origin and transit country towards South Africa, the Middle East and North Africa, West Africa, Europe and North America. Kenya is also a source, transit, and destination country for human trafficking. While there is currently limited data on human trafficking in the country, two main trafficking routes have been identified: the north-eastern route which transits Garissa on the Kenya-Somalia border; and the western route between Kenya and Uganda at the Busia-Malaba border point. A trend of migration and trafficking from Kenya to the Middle East has been noted, where Kenyans are at risk of exploitation in domestic servitude, massage parlours or brothels, or of being forced into manual labour. Children and girls are particularly vulnerable to trafficking into sex tourism. Human trafficking in Kenya is said to have a value of USD 40 million on the black market.

Immigrant populations

The vast majority of immigrants in Kenya are from other African countries and, of these, the majority are from East African countries or partner states. There are fewer numbers of immigrants from Asia, Europe, and the Americas. The overall size of the international migrant population increased between 1990 and 2013, but is still only around 2 per cent of the entire population. Refugees account for approximately one third of the international migrant population, while non-refugee immigrants are drawn to Kenya for employment and education.

Refugees and stateless persons

Kenya hosts one of the largest refugee populations in Africa. There are two main camps: Kakuma refugee camp; and Dadaab refugee camp, which is a complex of five camps and is the largest refugee camp in the world as well as one of the oldest. As of 31 March 2015, the estimated population of Dadaab and Kakuma refugee camps is 351,446 and 181,821 respectively. The population of the Dadaab camps has decreased in recent years, from a peak of 463,427 in 2011. The main countries of origin for refugees in Dadaab camp are Somalia and Ethiopia. In less than four years, the population of Kakuma has grown more than twofold, from 85,862 refugees in 2011 to 181,821 as of 31 March 2015. The vast majority of the Kakuma camp population is from South Sudan. There is also an urban refugee and asylum-seeker population based in Nairobi approximately 52,957 as of 31 March 2015. The majority of this urban refugee population is from Somalia, followed by refugees from Ethiopia, the Democratic Republic of the Congo, Eritrea, and others. Overall, approximately 72 per cent of the refugee population in Kenya is from Somalia, followed by South Sudan (16%), Ethiopia (5%), etc. Resettlement numbers from Kenya have varied over time; with higher numbers in 2009–2011 (10,904, 9,878, and 10,519 respectively); and lower numbers in 2012 (3,239). In 2014 6,805 refugees were resettled from Kenya. There are currently an estimated 20,000 stateless persons in Kenya, including Kenyan Somalis and Kenyan Nubians.

Emigration

Estimations of the size of the Kenyan emigrant community vary. Key drivers of emigration appear to be access to employment and education opportunities. Top destinations are the United Kingdom, the United States of America, and other African countries, particularly the United Republic of Tanzania and Uganda. However Kenyans can be found in most regions of the world, including Asia, the Middle East, Latin America and the Caribbean, and Oceania. Migration to the Middle East for employment appears to be trending upwards, particularly to Saudi Arabia. Departures of citizens exceed arrivals of foreigners, meaning that Kenya has a net emigration rate. As of 2014 this net emigration rate was -0.22 per 1,000 persons. However the skilled emigration rate is an estimated 35 per cent, raising concerns about loss of skilled personnel in key sectors. The health sector is a particular concern, with estimates of the emigration rate of health professionals reaching as high as 51 per cent.

Internal displacement

Kenya is affected by internal displacements as a result of conflict, natural disasters, climate change and environmental degradation, and forced evictions. In general, there is a paucity of data on internal displacements, with most of the available information focused on the post-elections displacements of 2007. Displacements due to political violence have occurred following every election held in the country (in 1992, 1997, 2002 and 2007) with the most recent post-elections displacements being the most severe, with over 650,000 persons displaced. New instances of violence-related displacement continue to occur regularly, although on a much smaller scale. In 2013, 182,282 persons were displaced as a result of disasters. Data is lacking on the number of persons displaced as a result of climate change and environmental degradation, which particularly affects pastoralists, but anecdotal evidence suggests that pastoralists have to move further from traditional grazing areas and for longer periods of time in order to find pasture and water for their livestock. Development and environmental protection projects have resulted in forced evictions.

Impact of migration

Migration and demographics

As of the 2009 census, Kenya's population was 38.6 million. It is steadily growing, with projections that it will reach over 50 million by 2020. Population growth is mainly due to natural increase. Young people between the ages of 15 and 39 account for 35.4 per cent of the population, representing a large pool of potential domestic and international migrants. Kenya experiences net emigration as departures of the citizens exceeds arrivals of foreigners. The estimated five-year average net migration rate from 2010 to 2015 is -0.2 migrants per 1,000 population. Labour market conditions, specifically the wage gap and the supply of labour, explain in part the net emigration rate, especially for youth.

Migration and economic development

The Kenyan diaspora is a major contributor to the economy of the country. The Central Bank of Kenya regularly reports on the remittances received in Kenya from diaspora abroad, based on information provided by money transfer organizations. According to this data in 2014, over 1.4 billion USD was remitted to Kenya. This figure is likely to be low given that there are other, informal means of remitting monies to Kenya. The main sources of these remittances were diaspora in North America (55%) and Europe (27%). Recipients of remittances

use the funds mostly for food purchases, homes (including construction, rental, and renovations), education, land purchases, and health, with fewer using the money for business or investments. Foreign direct investment and tourism have been key contributors to economic development. Foreign direct investment has risen steadily over the past three decades, reaching USD 335 million in 2011. In recent years there has been some instability in foreign direct investment, possibly as a result of recent instability in the country, but also likely due to corruption, crime, theft, problems with contract enforcement, inadequate infrastructure, and inadequate protections for investors. The direct contribution of tourism to gross domestic product was 5.7 per cent in 2011; however the numbers of arriving tourists have decreased in recent years as a result of terrorism and the Ebola outbreak in West Africa. Domestic remittances have helped drive demand for mobile money providers in Kenya.

Migration, employment and the labour force

The majority of the Kenyan labour force is engaged in informal or subsistence farming. Poverty, lack of development, and lack of opportunities in rural areas are key drivers of out-migration. Migration has a significant impact in certain sectors, for example in the health sector where a sizeable portion of health professionals emigrate. Youth are more heavily affected by unemployment: as of 2009, 15.8 per cent of youth aged 15 to 19 and 13.1 per cent of youth ages 20 to 24 were unemployed, compared to the overall unemployment rate of 8.6 per cent. Youth unemployment is likely a key driver of rural–urban migration and of youth emigration. The Government of Kenya’s Youth Employment Scheme Abroad aim to match Kenyan youth to employment opportunities abroad; between 2008 and 2013 13,535 youth went abroad for employment under this scheme.

Migration and social development

With regards to living conditions and poverty, rural Kenyans who migrate to informal settlements and become part of the urban poor face significant disadvantages with respect to morbidity, mortality, access to health services, and risky sexual behaviours. With regards to education, Kenya produced teachers for the international labour market, yet faces teacher shortages in the country.

Migration and health

Disparities in access to health-care services between rural and urban areas contribute to rural–urban migration as Kenyans seek access to the better

services available in urban areas. Rural migrants however do face health risks if they live in informal settlements, where there are higher levels of morbidity and mortality, as well as higher levels of risky sexual behaviours and drug use. There is a link between mobility and HIV infection, as populations along transport corridors remain substantial contributors of new infections and are populations not adequately covered by existing prevention efforts. Recent studies have demonstrated that throughout Africa many new HIV infections occur along major transport corridors, and truck-drivers have overall higher prevalence rates of HIV and sexually transmitted infections than non-truck driving male counterparts. In Kenya, HIV prevalence is 15 per cent amongst truck drivers. High levels of transactional sex, multiple concurrent partnerships, low consistence in condom use, drug and alcohol use, and sexual and gender based violence, amongst other factors, contribute to vulnerabilities to HIV transmission along transport corridors. The health vulnerabilities of urban migrant populations have been documented in Kenya, particularly in Eastleigh, where IOM found that the vast majority of migrants residing in Eastleigh have irregular migration status and are therefore deprived of basic health services due to fear or distrust of authorities and the limited availability of health services specifically targeting urban migrants.

Migration and environment

Kenya is vulnerable the flooding and drought, and climate change and environmental degradation has contributed to increased frequency and severity of both. As agriculture is the most important sector of employment in the country, climate change and environmental degradation is of key concern. Residents from environmentally vulnerable communities have adopted migration as both an adaptation and income diversification strategy. Pastoralists in particular are vulnerable to climate change, and loss of livestock due to famine and drought forces some pastoralist to drop out of their traditional livelihoods and migrate to settled communities in search of work. Those that remain in traditional livelihoods have at times resorted to migrating further afield and for longer periods of time in the search for pasture and water for their livestock. Rural to urban migration places additional pressures on urban infrastructures and can contribute to urban pollution. Kenya's refugee camps are situated in environmentally fragile locations, and the presence of large refugee populations has contributed to environmental degradation such as deforestation and pollution from solid waste.

Migration governance

Policy framework

There are four key policy documents relevant to migration: Kenya Vision 2030, the National Migration Policy, the National Labour Migration Policy, and the National Diaspora Policy. The Kenya Vision 2030 is the Government of Kenya's national planning strategy, and is implemented through a series of five-year Medium Term Plans. The overall vision of Kenya 2030 is to “transport Kenya into a newly industrializing, middle-income country providing a high quality of life to all its citizens by the year 2030” through three pillars: economic, social, and political. Minor references are made to migration in Vision 2030, but it does not adequately mainstream migration as a potential contributor to national development. The National Migration Policy remains in draft form, as does the National Labour Migration Policy. A National Diaspora Policy was launched in early 2015, and aims to, inter alia: mainstream diaspora into national plans; provide opportunities for Kenyans in the diaspora to contribute to national development; safeguard the basic rights and living standards of the diaspora, and establish the necessary institutions for the coordination and administration of diaspora issues.

Laws and regulations

The Constitution of Kenya (2010) permits dual citizenship and limits the grounds upon which citizenship can be revoked. Article 39 provides every person with the right to freedom of movement and the right to leave Kenya, while Article 42 specifies the economic and social rights every person is entitled to. Other key national laws relevant to migration include the *Kenya Citizenship and Immigration Act* and related regulations, the *Kenya Citizens and Foreign Nationals Management Service Act*; the *Refugees Act*; the *Security Laws Amendment Act*; the *Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act*; and the *Counter Trafficking in Persons Act*. With regard to international legislation, Kenya has adopted the *Convention relating to the Status of Refugees*, the *United Nations Convention Against Transnational Organized Crime and its protocols on trafficking in persons and migrant smuggling*, but is not a signatory to a number of key international treaties and conventions relevant to migration, such as the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. Kenya has signed a number of relevant regional agreements such as the *Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa*, the *Treaty for the Establishment of the East African Community*, and the

Protocol on the Establishment of the East African Community Common Market, but it has not signed or ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).

Institutional framework and international cooperation

There are a number of government ministries, departments, and agencies with migration-related functions. Key ministries include the Ministry of Interior and Coordination of National Government, the Ministry of Foreign Affairs and International Trade, the Ministry of Devolution and Planning, the Ministry of East African Affairs, Commerce and Tourism; and the Ministry of Labour, Social Security and Services. A number of international organizations and United Nations agencies, amongst them IOM, the United Nations High Commission for Refugees, the International Labour Organization, and the United Nations Office on Drugs and Crime, as well as international and national non-governmental organizations, work on migration issues in Kenya.

Recommendations

- Recommendation 1: The Government of Kenya should develop and implement a comprehensive migration governance framework, including through finalization and implementation of the Migration Policy and the National Labour Migration Policy.
- Recommendation 2: The Government of Kenya must recognize its responsibilities and obligations towards asylum-seekers and refugees under international law.
- Recommendation 3: The issue of forced migration should be incorporated into the migration governance framework and appropriate policies and programmes together with partners and stakeholders.
- Recommendation 4: The Government of Kenya and concerned stakeholders should make explicit linkages between urban planning and migration in both policy and programming.
- Recommendation 5: The Government of Kenya and concerned stakeholders should cooperate to improve the capacity of relevant ministries, departments, and agencies to effectively implement migration policies, laws, and regulations.
- Recommendation 6: The Government of Kenya and development partners should allocate sufficient resources to support the development of a comprehensive migration governance framework and its full and effective implementation.

- Recommendation 7: The Government of Kenya, migrants, and diaspora should work together to realize the full potential contributions of migration to national development.
- Recommendation 8: The potential of youth to contribute to national development should be maximized.
- Recommendation 9: Appropriate institutions should be established or strengthened to support the contributions of migration to development.
- Recommendation 10: The Government of Kenya should consider establishing a Migration Research Unit.
- Recommendation 11: The Government of Kenya should consider mechanisms to promote open source access to migration data for researchers, scholars, and experts for analysis of under-utilized datasets.
- Recommendation 12: The International Organization for Migration should continue and expand its capacity development initiatives in Kenya.
- Recommendation 13: Additional research projects are needed to fill knowledge gaps on key migration issues and provide an evidence-base for policy.

PART A: MIGRATION TRENDS AND MIGRANT CHARACTERISTICS

This section presents key migration figures, trends and migrant characteristics showcasing the diversity of migration in and out of Kenya. The main sources of data referenced are national statistics from the Kenya National Bureau of Statistics (KNBS), the National Council for Population and Development (NCPD), sources from the United Nations including the United Nations Department of Economic and Social Affairs (UN DESA) Population Division, statistics from the United Nations High Commissioner for Refugees (UNHCR) and World Bank research. The main data limitations in this section are on the numbers and origin countries of irregular migrants, the sectors and work profile of immigrants, the trends of East African Community (EAC) immigrants and the foreign student population in Kenya.

A.1 IRREGULAR MIGRATION

Irregular emigrants

The number of undocumented Kenyans living abroad is a source of debate. According to Passel (2013), estimates suggest that 30,000 Kenyans are irregularly residing in the United States alone. These numbers are derived from visa admissions statistics and data from the US Census Bureau. This contradicts a previous estimation by the Kenyan Embassy in the United States estimating the number of Kenyans residing illegally in the United States at 200,000 individuals.¹⁴ Additional data on Kenyans residing illegally abroad are not publically available.

An irregular migration hub

Kenya has become an important hub for irregular migration as a destination, origin and transit country towards South Africa, the Middle East and North Africa, West Africa, Europe and North America. The Regional Mixed Migration Secretariat reveals that Kenya is a transit country for irregular migrants from neighbouring states who seek to reach destinations in Africa and the Middle East (RMMS, 2013:27). Kenya provides a direct air route to Europe, indirect air route to African countries and the Middle East and sea route from Asia and towards Europe via West Africa (International Centre for Migration Policy Development, 2008:63-64).

¹⁴ www.nation.co.ke/news/More+than+200+000+Kenyans+illegally+in+the+US/-/1056/1957228/-/13kr0sz/-/index.

The number of people accessing Kenya by boat at Mombasa from Mogadishu and Kismayo or through Lake Victoria are growing, especially fishermen. Smugglers use transport corridors because of the lack of police checks (RMMS, 2013:28).

Trafficking of persons within Kenya

Kenya has been identified as a source, transit and destination country for trafficking in persons. Trafficking is a covert undertaking. The perpetrators may collude with law enforcement agencies and the victims of trafficking may be reluctant to disclose their status. As such, accurate estimates of the frequency and scale of the problem are a challenge; most information is based on reports of service providers. Few studies in Kenya explore the human trafficking phenomenon let alone the number of trafficked victims.

Current evidence of human trafficking routes show two main routes: the north-eastern Kenya (Garissa) transit route for trafficked victims bound for Nairobi, Mombasa and beyond, and the Busia and Malaba border with evidence of human trafficking by Ugandans (Zach, 2014).¹⁵ Additional routes are detailed in Table 1. Human trafficking routes evolve as they react to policy measures and restrictions by national and international agencies attempting to curb the activity.

The most recently identified routes of migration and trafficking are to the Middle East where Kenyans are at risk of exploitation in domestic servitude, massage parlours or brothels, or of being forced into manual labour.

Table 1: Transit routes and destinations

Origin	Transit points	Destination
Southern Somalia	Liboi, Fafi	Garissa
Garissa	Madogo, Bangali, Mwingi	Nairobi
Garissa	Wajir	Kismayu
Dadaab	Ijara	Mombasa
Ijara	Nairobi, Dar es Salaam, Maputo	South Africa
Mogadishu	Liboi, Garissa, Nairobi	South Africa
Garissa	Nairobi, Sudan, Libya	Malta and Italy
Liboi	Dadaab, Garissa	Nairobi, United States, Canada
Liboi	Dadaab, Modogashe, Isiolo, Nanyuki, Nyahururu, Nakuru	Nairobi, Britain
Mandera	Wajir, Modogashe, Isiolo	Nairobi, Denmark
Fafi	Ijara, Garsen, Mombasa	Nairobi, Botswana
Moyale	Marsabit, Isiolo, Nanyuki	Nairobi, Botswana

Source: IOM, 2010b.

¹⁵As reported by the Ugandan Counter-Human Trafficking National Task Force.

IOM's 2008 study on human trafficking in Eastern Africa, based on a sample of 116 people, indicated that 36 per cent of the trafficking victims from Kenya were trafficked internationally. Eighty-six per cent of the respondents were lured by the traffickers through promises to help them meet their needs. A smaller percentage was either forced or threatened (5%), and in some cases (9%) family members arranged for the person to be taken to the destination country.

Child trafficking

Kenyan children are forced into domestic work, agriculture, fishing, cattle herding and prostitution; and children from Burundi, Ethiopia, Somalia, South Sudan, the United Republic of Tanzania and Uganda are subject to prostitution and forced labour in Kenya (CIA, 2014).

Odhiambo et al. (2012:80) estimated that about 20,000 children are trafficked in Kenya annually. Child trafficking is a major concern in Kenya, including in Mombasa where child sex tourism is rife and in urban Nairobi where the majority of children are trafficked for domestic labour and sexual exploitation (Terre des Hommes, 2014). These trafficked children originate from rural areas across Kenya, especially from the south-eastern and western regions. The Terre des Hommes 2014 report highlights specific routes such as Mathare (Kenya's largest slum after Kibera, 3.2 miles from Nairobi's city centre) to Eastleigh (2014).

A study by the End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes (ECPAT) network claims that men travel to Kenya for the purpose of sex tourism because of the laxity of Kenyan laws (2007). The Cradle (2009a:8) reported that some families send their children out to engage in child prostitution in order to put food on the table. Children are exposed to sexual exploitation as there are 250,000 children living on the streets, with 60,000 being in Nairobi alone. Some are children from destitute families living in informal settlements (The Cradle, 2009b:7). Other vulnerable groups, such as children with disabilities, are vulnerable to trafficking due to their disability (Kigai, 2013). The report stated that children are being trafficked from the United Republic of Tanzania to Kenya and placed in empty homes where a handler takes them to the street to beg for money. The number of trafficked children with disabilities is unknown.

To curb child trafficking, the Government of Kenya has taken steps to strengthen and limit adoption processes by foreigners by declaring, in November 2014, an indefinite moratorium on adoption of Kenyan children by foreigners. A Counter

Trafficking in Persons Advisory Committee has been established and is in the process of developing a national plan of action to address human trafficking in the country.

The gender dimension of trafficking

Girls are particularly vulnerable to trafficking for sex tourism. Reports reveal that young girls and women are trafficked into sex tourism in areas such as Mombasa, a coastal area that attract tourists. Young boys are trafficked into sex tourism as well whereas others engage in sex tourism as a means to an end. The price for trafficked girls aged 10 to 15 from Kenya is estimated at USD 600, low compared to trafficked girls in Brazil who can fetch between USD 5,000 to USD 10,000 (Havocscope, 2014). Human trafficking in Kenya is reportedly valued at USD 40 million on the black market (Havocscope, 2014).

Womankind (an NGO operating in Garissa County) estimated that “fifty female children are trafficked or smuggled to Nairobi from north-eastern Province and Somalia a week. Young girls and women are transported with vehicles with miraa (khat) from Kenya to Somalia and end up in brothels in Nairobi or who [sic] are shipped to Mombasa and destinations outside of Kenya” (Gastrow, 2011:64). The girls that end up in Mombasa are taken to massage parlours and beauty shops or forced to engage in sex tourism.

A.2 IMMIGRATION

Kenya receives immigrants from around the world as temporary residents (e.g. visitors, students, researchers, and work permit holders), long-term residents (e.g. spouses of Kenyan residents or long-term business investors), asylum-seekers and refugees.

Immigrants are attracted to Kenya for a number of reasons (or ‘pull factors’), including: i) Kenya’s strategic location as a regional hub in eastern Africa, which allows foreign workers engaged in business or working in United Nations agencies, international charities or NGOs to conduct their activities in neighbouring countries and within Kenya; ii) Kenya’s economic development, which attracts temporary and permanent immigrants to Nairobi (the largest urban centre in East Africa), as well as offering opportunities in industries and factories, in the expanding services and technology centre, and in the improving markets as well as access to social services; iii) Kenya’s educational facilities, where

African students can receive tertiary qualifications in well-known and reputable universities, and iv) Kenya’s tourism industry, which remains the second largest source of foreign exchange revenue, following agriculture.

These varied pull factors have led to an evolving foreign and foreign-born population in Kenya comprised of those who have immigrated for employment and education as well as forced migrants including refugees and asylum-seekers from neighbouring countries. Table 2 below provides an overview of the main migrant categories and characteristics.

Table 2: Typology of international migration

Type of Migration	Main Characters
Asylum-seekers	Persons seeking to be admitted into a country as refugees and awaiting decision on their application for refugee status under relevant international and national instruments. In case of a negative decision, they must leave the country and may be expelled, as may any alien in an irregular situation, unless permission to stay is provided on humanitarian or other related grounds.
Irregular migrant	Someone who, owing to illegal entry or the expiry of his or her visa, lacks legal status in a transit or host country.
Labour migration	Movement of persons from one State to another, or within their own country of residence, for the purpose of employment.
Migrant flow	The number of migrants counted as moving or being authorized to move, to or from a country to access employment or to establish themselves over a defined period of time.
Migrant stock	The number of migrants residing in a country at a particular point in time.
Mixed flows	Complex population movements including refugees, asylum-seekers, economic migrants and other migrants.
Permanent residence	The right, granted by a host State to a non-national, to live and work therein on a permanent (unlimited) basis.
Permanent settlers	Legally admitted immigrants who are accepted to settle in the receiving country, including persons admitted for the purpose of family reunion.
Temporary migrant workers	Skilled, semi-skilled or untrained workers who remain in the receiving country for definite periods as determined in a work contract with an individual worker or a service contract concluded with an enterprise.

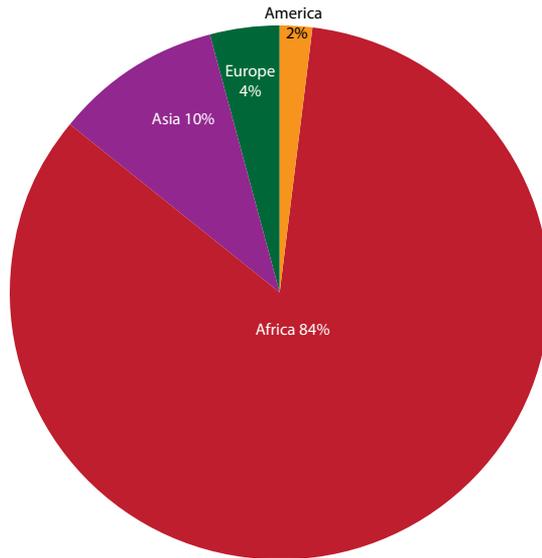
Refugee	A refugee, according to Article 1(A)(2), <i>Convention relating to the Status of Refugees</i> Article 1A(2), 1951 as modified by the 1967 Protocol, is a person who, “owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.” In addition, the <i>1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa</i> defines a refugee as any person compelled to leave his or her country “owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country or origin or nationality.”
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Source: IOM, 2011b.

Foreign national population

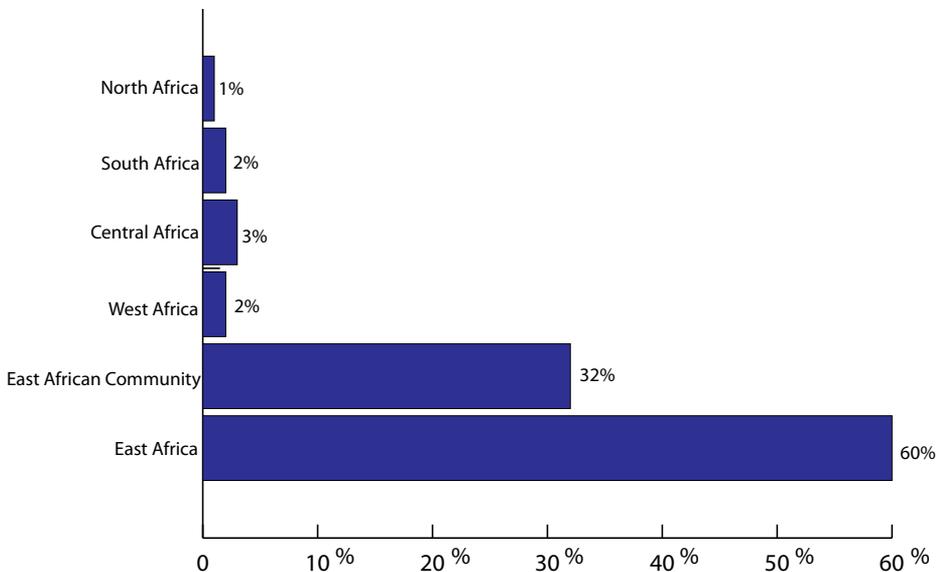
Of the total number of immigrants in the 2009 Population and Housing census (357,468), the vast majority (84%) were from Africa, followed by Asia (10%), Europe (4%), and the Americas (2%), highlighting the preponderance of South–South migration amongst Kenya’s foreign nationals.

Figure 1: Immigrants by world regions of origin, 2009



Source: KNBS, N.D.

Figure 2: Immigrants by African regions of origin, 2009



Source: KNBS, 2012.

Note: Page 29. East Africa refers to Sudan, Ethiopia, Eritrea and Somalia.

The foreign national population in Kenya has increased between 1990 and 2013.¹⁶ Table 3 details the international migrant stock in Kenya at five-year intervals.

Table 3: Trends in international migrant stock in Kenya, 1990–2010

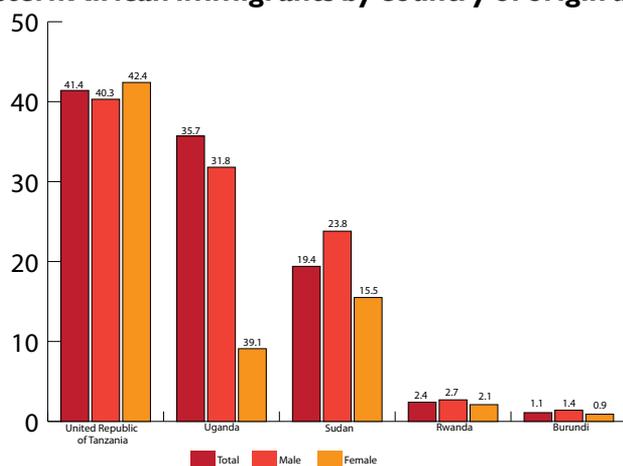
Indicator	1990	1995	2000	2005	2010	2013
Estimated number of international migrants at mid-year	162,981	527,821	755,351	790,071	817,747	955,452
Estimated number of refugees at mid-year	13,452	243,544	214,901	245,553	269,130	-
Population of Kenya at mid-year (thousands)	23,433	27,492	31,441	35,817	40,863	-
Estimated number of female migrants at mid-year	79,850	261,796	379,281	401,620	415,688	485,688
Estimated number of male migrants at mid-year	83,131	266,025	376,070	388,451	402,059	469,764
International migrants as percentage of the population	0.7	1.9	2.4	2.2	2.0	-
Female migrants as percentage of all international migrants	49.0	49.6	50.2	50.8	50.8	-
Refugees as percentage of international migrants	8.3	46.1	28.5	31.1	32.9	-

Source: UN DESA, 2013.

The current data provides estimates of some of the immigrant population resident in Kenya. The majority of the immigrant population is from African countries, with more female (150,919) than male migrants (147,339) in the total foreign population of 298,258. The majority of these come from East Africa. Figure 3 shows the sex distribution of migrants from the United Republic of Tanzania, Uganda, Sudan, Rwanda and Burundi. Figure 4 breaks down immigrants to Kenya from Europe by country and sex.

¹⁶ Foreign nationals are defined as persons who are not citizens of Kenya (Kenya Citizenship and Immigration Act, 2011).

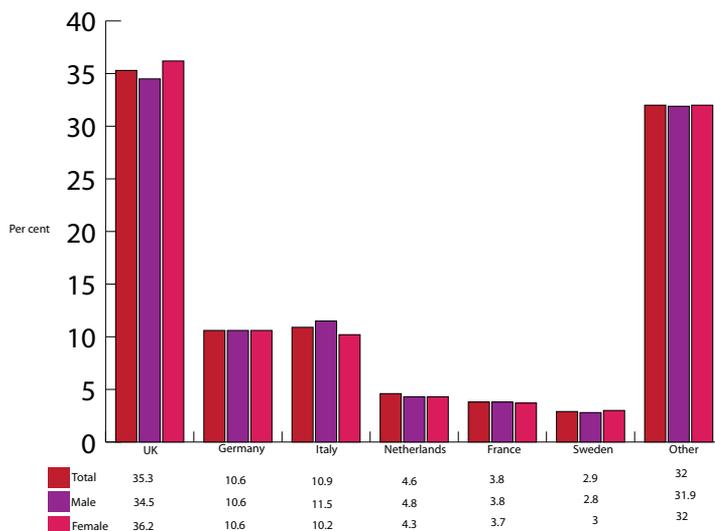
Figure 3: Eastern African immigrants by country of origin and sex, 2009



Source: NCPD, 2013.

Note: Page 221; extracted from the MPND, Vol VI, Figure 4.3.

Figure 4: European immigrants in Kenya by country of origin and sex, 2009



Source: NCPD, 2013.

Note: Page 221; extracted from MPND Vol.VI, Figure 1.

During the colonial period, Kenya’s Asian population was dominated by Indian nationals who were brought to Kenya to work in the construction of the Kenya-Uganda railway from 1896 to 1901. Some settled in Kenya where they have since been associated with successful business ventures. To this day, 78 per cent of Asian immigrants in Kenya are of Indian origin (NCPD, 2013). However, Kenya

hosts other Asian populations both as residents and businesspersons (see Table 4).

Table 4: Immigrants by Asian country of origin and sex, 2009

	Country													
	Total		Japan		China		India		Pakistan		Israel		Other	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	
Total	36,658	1.4	501	4.1	1,507	78.2	28,670	3.5	1,270	0.5	181	12.4	4,529	
Male	19,102	1.2	237	6.2	1,191	76.7	14,646	3.0	581	0.6	108	12.2	2,339	
Female	17,556	1.5	264	1.8	316	79.9	14,024	3.9	689	0.4	73	12.5	2,190	

Source: NCPD, 2013.

Note: Page 222; Extracted from MPND Vol. VI Table 2.

Immigration for employment

Kenya has attracted professionals from many industries due to its strategic location in the region. International NGOs recruit foreign workers for development and humanitarian initiatives both in Kenya and in neighbouring countries. There have been few studies indicating the number of foreign workers resident in Kenya; although the Department of Immigration states that while information on foreign workers in general is available in the Ministry, it is confidential.

The health sector, in particular, is especially reliant on foreign workers; the Kenya Medical Practitioners and Dentists Board records 17,100 foreign doctors. The Board does not list their nationality but provides their level of qualifications and expertise.

Table 5 indicates the number of registered foreign nationals as well as the work permits issued and renewed between 2009 and 2013.

Table 5: Number of passports issued, foreign nationals registered, and work permits issued, 2009–2013

Category	2009	2010	2011	2012	2013*
Passports Issued	153,266	167,528	168,324	171,169	148,940
Foreign Nationals Registered ^a	18,751	17,944	19,034	23,490	21,920
Work Permits Issued ^b	11,096	18,862	21,383	11,360	10,411
Work Permits Renewed	5,953	20,521	23,498	8,636	9,315

Source: KNBS, 2014.

Note: Page 257. Data was provided by the Department of Immigration. *Provisional; ^a Means the same as 'Aliens registered' in previous reports; and ^b Means the same as 'Entry Permits' in previous reports.

The expatriate population also includes business investors aiming to expand their business into Kenya. Table 6 shows departing visitors by country of residence between 2011 and 2013.

Table 6: Departing business visitors by country of residence, 2011–2013 (in thousands)

Country/Region of Residence	2011	2012	2013*
Germany	22.0	22.9	25.6
United Kingdom	32.1	34.2	31.3
Switzerland	4.1	3.8	2.5
Italy	24.3	25.7	22.4
France	10.5	10.5	8.9
Scandinavia	5.1	5.5	5.1
Other Europe	16.9	16.1	12.9
Total Europe	115.0	118.6	108.7
USA	16.0	15.45	16.5
Canada	3.0	3.1	4.7
Total North America	19.0	19.0	21.2
Uganda	7.2	6.7	9.4
United Republic of Tanzania	8.1	7.6	8.2
Other Africa	14.9	13.4	14.9
Total Africa	30.3	27.6	32.5
India	6.1	8.4	8.7
Japan	7.7	7.6	8.8
Israel	2.6	4.8	5.5
Other Asia	9.1	10.0	8.5
Total Asia	25.5	30.7	31.5
Australia and New Zealand	5.2	4.0	5.2
All other Countries	3.3	-	3.2
TOTAL	198.3	201.5	202.3

Source: KNBS, 2014.

Note: Page 208. *Provisional.

Immigration for study purposes

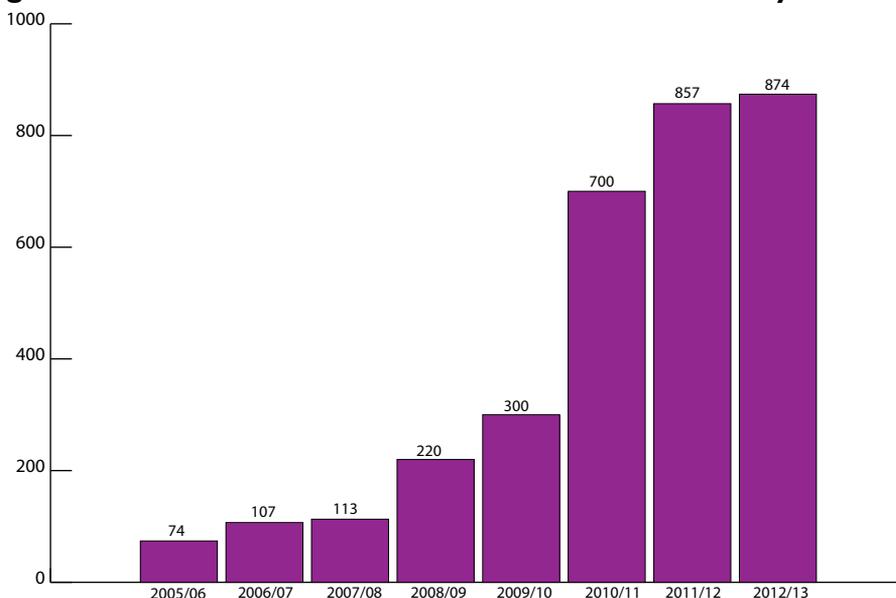
Kenya attracts foreign students to its primary, secondary and higher educational institutions, mostly from African countries. The majority of migrant students

originate from neighbouring East African countries and attend universities across the country.

The Department of Immigration is responsible for issuing visas and permits to temporary residents in Kenya and may have data on foreign student population, as might the Ministry of Education and the educational institutions with an international student population. However, at the time of this study, this data was not made available as it was deemed sensitive, confidential and not for public consumption. Some universities in Kenya were able to provide data limited on the number of international students by nationality and subject of study. Data on foreign student populations at primary and secondary levels are unknown, but may be available in school records.

Tertiary institutions such as the University of Nairobi, United States International University of Africa, Africa Nazarene University, Maxwell University, Catholic University as well as Daystar University are popular choices among foreign students. Figure 5 shows the growth in the international student population at the University of Nairobi: from 74 students in 2005 to 874 in 2012–2013. Table 7 shows the international student population by nationality and department.

Figure 5: Number of international students at the University of Nairobi



Source: University of Nairobi, 2014a.

Note: Unpublished.

Table 7: International students at the University of Nairobi, 2012/13

Country	Number of International Students in the Six Colleges						
	CAVS	CAE	CBPS	CEES	CHS	CHSS	Total
Afghanistan	-	-	-	-	1	-	1
Belize	-	-	-	1			1
Botswana	2	3	3	-	6	8	22
Burundi	1	-	-	-	5	9	15
Cameroon	-	1	-	-	2	1	4
China	-	1	-	-	-	8	9
Democratic Republic of the Congo	5	5	4	-	1	3	18
Egypt	-	-	-	-	-	6	6
Eritrea	4	-	3	3	-	15	25
Ethiopia	5	5	4	2	7	12	35
Ghana	5	1	5	3	1	39	54
India	2	1	2	-	6	3	14
Iraq	-	-	1	-	1	-	2
Japan	-	-	2	-	-	5	7
Democratic People's Republic of Korea (the)	-	-	-	-	-	1	1
Liberia	-	2	1	-	2	1	6
Malawi	12	6	1	-	14	4	37
Mozambique	-	-	1	-	1	2	4
Namibia	5	-	3	-	8	10	26
Nigeria	3	1	2	-	2	12	20
Rwanda	27	-	4	3	15	27	76
Somalia	18	1	7	-	10	45	81
South Africa	13	-	1	-	1	2	17
South Sudan	6	2	4	5	2	140	159
Turkey	-	-	5	5	-	-	10
Uganda	1	9	-	4	8	37	59
United Kingdom	-	-	-	-	1	-	1

United Republic of Tanzania	4	5	3	1	23	77	113
USA	-	1	-	-	2	34	37
Zambia	-	-	1	-	7	4	12
TOTAL	113	44	56	26	128	507	874

Source: University of Nairobi, 2014b.

Note: Unpublished. Figures replicated from original document.

Table 8 outlines the number of international students registered at Africa Nazarene University as of September 2014.

Table 8: International students at Africa Nazarene University, September 2014

Name of Country	No of Students
Botswana	1
Burundi	14
Democratic People's Republic of Korea (the)	1
Democratic Republic of the Congo	9
Ethiopia	2
Malawi	6
Mozambique	2
Nigeria	10
Rwanda	2
South Africa	4
South Sudan	11
Uganda	7
United Republic of Tanzania	37
Zambia	6
Zimbabwe	7
TOTAL	119

Source: Africa Nazarene University, 2014.

Note: Unpublished data.

Forced migration

Kenya ranks among the largest refugee hosting countries in Africa. There are two main refugee camps: the Kakuma refugee camp; and the Dadaab refugee

camp. The latter is a complex of five camps and is the largest in the world. As of 31 March 2015, UNHCR estimated the number of refugees and asylum-seekers in Kenya at 586,224 individuals, located mainly in Dadaab and Alinjugur camps (351,446), Kakuma camp (181,821) and Nairobi (52,957) (2015b:2). Refugees primarily originate from within the African continent (Table 9). Key countries of origin are Somalia, Ethiopia, Democratic Republic of the Congo, Sudan and Burundi.

The main source of data on refugees and asylum-seekers is UNHCR. Figures are based on the UNHCR registration of refugees and asylum-seekers in Kenya using UNHCR's registration system (ProGres). Other organizations, for example Danish Refugee Council, RMMS, Norwegian Refugee Council, IOM, Refugee Council of Kenya and Heshima, collect data and monitor trends on forced migration including flows comprised of refugees, asylum-seekers and internally displaced persons (IDPs).

Asylum-seekers and refugees: the world's largest refugee camps

Refugees reside in two main camps in north-eastern and north-western Kenya respectively: the Dadaab refugee camp, a complex of five camps and the largest refugee camp in the world, and Kakuma refugee camp. The protracted refugee situation, with some refugees having been in the camps since their establishment in the 1990s, represents a humanitarian crisis as the camps have exceeded full capacity. The Dadaab camps were established more than 30 years ago with the aim of housing up to 90,000 refugees fleeing Somalia's civil war. Today, they are home to over 350,000 refugees.

Table 9: Refugees and asylum-seekers in Kenya by nationality, 2010–2014

Country of Origin	2010	2011	2012	2013	2014
Burundi	1,496	2,700	4,271	5,453	6,568
Democratic Republic of the Congo	9,133	11,416	12,768	14,510	17,303
Eritrea	1,686	1,820	1,880	1,748	1,566
Ethiopia	35,309	35,120	32,687	31,209	30,478
Rwanda	1,946	1,867	1,550	1,430	1,443
Somalia	353,208	519,411	513,421	477,424	427,311
South Sudan	-	-	34,607	46,176	89,474
Sudan	26,998	28,340	5,747	7,962	9,631
Uganda	934	910	1,011	1,121	1,399

Other	161	177	171	190	190
Grand Total	430,871	601,761	608, 113	587,223	585,363

Source: UNHCR, 2014c.

Table 10: Refugees and asylum-seekers in Kenya, demographic breakdown, March 2015

Age Group	Sex				Total	
	Female		Male		No.	%
	No.	%	No.	%		
0–4	42,112	7.2	44,046	7.5	86,158	14.7
5–11	67,279	11.5	72,937	12.4	140,216	23.9
12–17	44,550	7.6	54,655	9.3	99,205	16.9
18–59	124,814	21.3	119,485	20.4	244,299	41.7
60 and above	8,790	1.5	7,556	1.3	16,346	2.8
Total	287,545	49.1	298,679	50.9	586,224	-

Source: UNHCR, 2015b.

Note: Figures are as of 31 March 2015.

The most recent refugee trends and highlights in Kenya are as follows:

- The largest group of refugees and asylum-seekers remain Somalis.** Aggregate numbers of Somali refugees decreased in 2014, in part due to the spontaneous return of Somali refugees to their homeland within the framework of the *Tripartite Agreement* between the Governments of Kenya and Somalia, and UNHCR (Government of Kenya, FRS, UNHCR, 2013). As of January 2015, 1,166 Somali refugees have been supported in their spontaneous decision to return home in a pilot project implemented within the context of the *Tripartite Agreement* (UNHCR, 2015a).
- The numbers of refugees and asylum-seekers from South Sudan have more than doubled in just over two years** – from 34,607 in 2012 to 92,317 as of 31 March 2015 (UNHCR, 2015b). In 2014, the registration trend by country was as follows: 65.7 per cent from South Sudan, 19.5 per cent from Somalia, 5.2 per cent from the Democratic Republic of the Congo, 3.2 per cent from Ethiopia, 1.9 per cent from Sudan and 1.7 per cent from Burundi (2014c).
- The amount of refugees registered and hosted at Kakuma camp has risen continuously** as the capacity at Dadaab has been exceeded. In less than four years, the population of Kakuma has grown more than twofold, from about 85,862 refugees in 2011 to 181,821 as of 31 March 2015; while that of Dadaab has decreased from 463,427 in 2011 to 223,970 as of 31 March 2015. A similar decrease is noted in Alinjgur (Table 11).

- **The Nairobi urban refugee caseload has remained constant at around 50,000 throughout the years.** These numbers, however, are indicative only as registration of urban refugees has ended. In December 2012, the Government of Kenya issued a formal directive ordering urban refugees to return to the camps thereby shutting down all registration and service provisions. According to the Department of Refugee Affairs (DRA), registration of urban refugees was suspended in March 2014. In December 2014, the Government of Kenya passed the *Security Laws (Amendment) Act 2014*, further enhancing the encampment policy by indicating that a refugee cannot leave the camp without the permission of a Refugee Officer (Government of Kenya, 2014a).
- **In 2014, individual asylum claims peaked mid-year then drastically reduced during the second half,** as UNHCR is passing over responsibility to the Government of Kenya. Pending cases topped out in June 2014 at 92,515 in June 2014 (from 55,226 pending cases in January 2014; see Table 12). Numbers reduced drastically during the second half of 2014, reaching lower levels than at the beginning of the year on all categories and decisions of refugee status determination (UNHCR, 2014c).

Table II: Refugee and asylum-seeker stock by main location in Kenya, 2011–2015*

Year/Location	2011	2012	2013	2014	2015*
Dadaab	463,427	157,945	272,428	227,242	223,970
Alinjugur	No data available	157,945	135,855	128,772	127,476
Kakuma	85,862	107,205	128,540	178,079	181,821
Nairobi	52,474	53,372	50,400	51,270	52,957
TOTAL	601,761	608,113	587,223	585,363	586,224

Source: UNHCR, 2015b.

Note:* as of 31 March 2015.

Table 12: Individual asylum applications and refugee status determination, 2014

Month 2014	Pending (begin)	Applied	Recognized	Rejected	Closed	Decided	Pending (end)
Jan	52,497	3,430	275	93	333	701	55,226
Feb	55,226	5,421	139	184	259	582	60,065
March	60,065	8,976	202	72	154	428	68,613
April	68,613	3,599	91	57	898	1,046	71,166
May	71,166	4,818	205	56	280	541	75,443
June	75,443	20,705	203	96	3,334	3,633	92,515
July	92,515	6,609	112	34	329	475	98,649
August	98,649	3,988	257	27	7,742	8,026	94,611
Sept.	94,611	631	427	40	64,108	64,575	30,667
Oct.	30,667	3,959	619	18	-273	364	34,288
Nov.	34,288	2,892	1,812	498	25	2,335	34,845
Dec.	34,845	927	1,189	12	560	1,761	34,011
TOTAL	-	65,955	5,531	1,187	77,749	84,467	-

Source: UNHCR, 2014c.

The Kakuma camp, located in Turkana County, was established in 1992 in response to the influx of refugees fleeing civil war in Sudan. In the same year, the collapse of the Ethiopian Government increased the inflow of asylum-seekers from Ethiopia. Somali asylum-seekers only began to arrive in Kakuma in 1997, when the refugee camps along the Kenya coast were closed.

Kakuma has received a large number of asylum-seekers over the years. Between June 2013 and June 2014, the majority of arrivals were Somalis and South Sudanese.

The population of Kakuma refugee camp, as of 31 March 2015, is displayed in Table 13 below. Over half of the population of Kakuma were children under 18 years of age, and there were more males than females in the camp.

Table 13: Population of refugees and asylum-seekers at Kakuma camp by sex and age, March 2015

Age Group	Sex					Total
	Female		Male			
	No.	%	No.	%	No.	%
0–4	13,176	7.2	13,572	7.5	26,748	14.7
5–11	19,674	10.8	22,202	12.2	41,876	23.0
12–17	13,447	7.4	19,584	10.8	33,031	18.2
18–59	36,597	20.1	40,853	22.5	77,450	42.6
60 and above	1,824	1.0	892	0.5	2,716	1.5
TOTAL	84,718	46.6	97,103	53.4	181,821	-

Source: UNHCR, 2015b.

The Dadaab refugee complex is located in north-eastern Kenya about 100 kilometres from the Kenya-Somalia border in Garissa County. It has five sub-camps: Hagadera, Dagahaley, Ifo, Ifo 2 and Kambioos. The protracted refugee population has led to several generations of Somali refugees being born and raised in the camps. As of 31 March 2015, approximately 59.4 per cent of the population of Dadaab refugee camps were children under 18 years of age. There were more or less equal numbers of females and males in the camps (UNHCR, 2015b).

Table 14: Population of refugees and asylum-seekers in Dadaab camps by sex and age, March 2015

Age group	Sex					Total
	Female		Male			
	No.	%	No.	%	No.	
0–4	17,608	7.9	18,365	8.2	35,973	16.1
5–11	28,368	12.7	30,335	13.5	58,703	26.2
12–17	17,810	8.0	20,440	9.1	38,250	17.1
18–59	44,477	19.9	38,818	17.3	83,295	37.2
60 and above	3,846	1.7	3,903	1.7	7,749	3.5
TOTAL	112,109	50.1	111,861	49.9	223,970	-

Source: UNHCR, 2015b.

The old camps of Hagadera, Dagahaley and Ifo are home to conflict-induced refugees and have grown into commercial hubs connecting north-eastern Kenya and southern Somalia; while the more recent famine and drought

displaced pastoralists concentrate in the newer camps of Ifo 2 and Kambioos. Possibilities for local integration and resettlement are limited; as such the main durable solution available to the population is voluntary return. In November 2013, UNHCR and the Governments of Kenya and Somalia signed a Tripartite Agreement on Voluntary Repatriation as the main durable solution for the Somali refugee caseload in Kenya's Dadaab camps. By 31 March 2015, the population of refugees and asylum-seekers totalled 586,224 (UNHCR, 2015b).

Table 15 provides an overview of refugee and asylum-seeker statistics as of 31 December 2014.

Table 15: Refugees and asylum-seekers in Kenya, December 2014

	Total	Alinjugur	Dadaab	Kakuma	Nairobi
Refugees/Asylum-seekers	585,363	128,772	227,242	178,079	51,2870
Registration	61,864	5,213	6,722	45,556	4,373
RSD	-	-	-	-	-
Applied	65,955	467	1,881	57,587	6,020
Recognized	5,531	80	174	2,718	2,559
Rejected	1,187	15	102	98	972
Pending	34,011	769	2,696	24,120	6,426
Resettlement Submissions	6,805	-	-	-	-
Resettlement Departures	2,098	-	-	-	-

Source: UNHCR, 2014c.

As of 31 March 2015, the urban refugee population in Nairobi is estimated at 52,957 (UNHCR, 2015b). UNHCR further estimates 2,454 individuals registered in Nairobi between 01 January 2015 and 31 March 2015. Between 01 January 2014 and 31 December 2014, 4,373 new arrivals were registered in Nairobi (Table 16).

Table 16: New arrival refugee registration statistics in Nairobi, 1 January 2014–31 December 2014

Total	Burundi	COD	Eritrea	Ethiopia	Rwanda	Somalia	South Sudan	Sudan	Uganda	Other
4,373	33	2,151	56	762	55	992	103	7	192	22

Source: UNHCR, 2014c.

Note: COD stands for Congolese and SSD stands for South Sudanese.

The Department of Refugee Affairs began registering urban refugees in March 2014, but stopped the process due to the insecurity at the time (see Table 17).

Table 17: Urban areas registration statistics, March 2014

Total	Somalia	Ethiopia	Burundi	Democratic Republic of the Congo	Rwanda	South Sudan	Sudan	Uganda	United Republic of Tanzania	Eritrea
10-14 March	287	86	22	158	4	1,936	41	13	0	15
17-21 March	728	266	42	447	18	2,443	58	6	0	132
24-28 March	119	14	0	0	1	1,427	32	0	0	1
Total Registered per Nationality	1,134	366	64	605	23	5,806	131	19	0	148

Source: Department of Refugee Affairs, 2014.

Note: Unpublished data.

Nairobi hosts the largest urban refugee population within Kenya, with the majority living in Eastleigh, which has a local population of about 43,000 according to the 2009 national census. The urban refugee population is spread in four areas of Eastleigh: Eastleigh South, Eastleigh North, Airbase and the informal settlement of Kiambio (UNHCR and DRC, 2012:15).

Table 18: Urban refugees and asylum-seekers (Nairobi) by country of origin, 2011–2015

Country of Origin	2011	2012	2013	2014	2015*
Somalia	30,113	33,693	32,401	32,081	31,833
Ethiopia	11,416	9,153	7,955	7,641	7,798
Sudan	521	388	275	196	189
Uganda	271	196	148	301	533
Democratic Republic of the Congo	6,391	6,518	6,570	8,112	9,620
Burundi	577	502	411	427	452
Rwanda	1,413	1,024	858	810	805
South Sudan	-	58	63	182	217
Eritrea	1,659	1,724	1,602	1,414	1,394
Other	111	116	117	106	116
TOTAL	52,472	53,372	50,400	51,270	52,957

Source: UNHCR, 2015b.

Note: * means statistics are as of 31 March 2015.

Durable solutions and refugees

Resettlement¹⁷ is one of three durable solutions – alongside repatriation and local integration – in response to the plight of forced migrants (both refugees and internally displaced persons). Kenya remains a hub through which refugees – mainly from Somalia, Ethiopia and the Democratic Republic of the Congo – are selected and offered resettlement in a third country. UNHCR has reported the recent trends of country of origin of the refugees and the country of resettlement (see Table 19 and 20).

Table 19: Resettlement submissions by country of origin, 2008–2014

Country of Origin	2008	2009	2010	2011	2012	2013	2014	TOTAL
Somalia	6,199	9,552	8,143	8,439	2,170	3,985	4,325	42,813
Sudan	130	198	602	175	30	29	158	1,322
Ethiopia	673	940	752	1,617	700	1,181	830	6,693
Rwanda	6	28	45	13	24	22	31	169
Uganda	14	2	13	13	5	24	88	159
Democratic Republic of the Congo	173	90	223	218	230	1,783	1,132	3,849
Burundi	106	22	15	17	22	58	46	286
Eritrea	73	63	67	25	20	111	73	432
South Sudan	-	-	-	-	33	214	111	358
Other	1	9	18	1	5	5	11	50
TOTAL	7,375	10,904	9,878	10,518	3,239	7,412	6,805	56,131

Source: UNHCR, 2014c.

¹⁷ “The relocation and integration of people (refugees, internally displaced persons, etc.) into another geographical area and environment, usually in a third country. In the refugee context, the transfer of refugees from the country in which they have sought refuge to another State that has agreed to admit them. The refugees will usually be granted asylum or some other form of long-term resident rights and, in many cases, will have the opportunity to become naturalized.” (IOM 2011b:85).

Table 20: Resettlement departures by country of origin, 2008–2014

Country of Origin	2008	2009	2010	2011	2012	2013	2014	TOTAL
Somalia	2,417	3,621	2,776	2,102	1,442	2,612	1,566	16,536
Sudan	340	101	103	213	102	61	51	971
Ethiopia	824	475	606	906	806	469	224	4,310
Rwanda	58	18	44	35	26	26	4	211
Uganda	55	16	13	7	14	2	3	110
Democratic Republic of the Congo	173	175	179	234	192	308	183	1,444
Burundi	56	42	6	35	14	13	4	170
Eritrea	66	40	39	48	25	25	22	265
South Sudan	-	-	-	-	35	88	41	164
Other	-	1	7	1	3	-	-	12
TOTAL	3,989	4,489	3,773	3,581	2,659	3,604	2,098	24,193

Source: UNHCR, 2014c.

Tables 21 and 22 show the differences between the levels of resettlement submissions and the actual resettlement departures of refugees recorded by UNHCR in Kenya. Of note, less than half (43%) of submissions are approved for departure; about one third (35%) of applicants to the United States actually depart, compared to 58 per cent of applicants to the United Kingdom and 68 per cent of applicants to Australia; more departures than applications are recorded for Canada; and the highest number of resettlements are recorded to the United States, which is the destination of 67 per cent of all refugee resettlements from Kenya.

Table 21: Resettlement departures by country of resettlement

Country	2008	2009	2010	2011	2012	2013	2014	TOTAL
USA	2,384	3,687	2,783	2,083	1,688	2,040	1,618	16,283
Canada	829	246	280	541	213	464	148	2,721
Australia	527	450	183	182	141	311	53	1,847
Sweden	10	29	327	329	88	331	73	1,187
United Kingdom	-	15	199	208	460	260	54	1,196
Netherlands	37	44	-	81	29	-	79	270
Norway	4	-	-	58	18	159	61	300
New Zealand	-	15	-	10	-	4	-	29
Denmark	-	-	-	-	10	22	5	37
Other	198	3	1	89	12	13	7	323
TOTAL	3,989	4,489	3,773	3,581	2,659	3,604	2,098	24,193

Source: UNHCR, 2014c.

Table 22: Resettlement submissions by country of resettlement

Country	2008	2009	2010	2011	2012	2013	2014	TOTAL
USA	6,239	10,264	8,463	8,849	1,019	5,304	5,239	45,377
Canada	596	161	23	129	821	254	705	2,689
Australia	501	271	595	281	50	932	53	2,683
Sweden	-	-	352	391	402	342	397	1,884
United Kingdom	1	8	280	657	585	155	363	2,049
Netherlands	1	133	8	109	114	145	16	526
Norway	-	15	16	72	218	218	12	551
France	-	-	-	-	-	29	-	29
Denmark	1	2	132	6	14	16	14	185
Other	36	50	9	24	16	17	6	158
TOTAL	7,375	10,904	9,878	10,518	3,239	7,412	6,377	56,131

Source: UNHCR, 2014c.

Resettlement figures from Kenya to third countries have systematically exceeded departures from other sub-Saharan African countries. Kenya acts as a transit station for many refugees, explaining why the numbers are lower for Somalia, for example (the majority of Somali refugees are in Kenya at the time that they are resettled).

Stateless persons

As per Article 1 of the *1954 Convention relating to the Status of Stateless Persons*, “the term ‘stateless person’ refers to a person who is not considered as a national by any State, under the operation of its law.”

In 2014, it was estimated that Kenya hosts 20,000 stateless persons (2015c:15). Among the stateless are Kenyan Somalis and Kenyan Nubians. Kenyan Somalis have a sub-clan – the Galjéel residents of Tana River region – that is not recognized by the Government. Many members of the Galjéel clan became stateless in 1989 when the Kenyan Government ordered the distinction between Kenyan Somalis and non-Kenyan Somalis. From that time they were viewed as non-Kenyans, their identity cards were taken away and they were forced to move from their place of residence to an area lacking natural resources to support their livelihoods. As they lack any form of identification, they fear arrest if they move from their location (Equal Rights Trust, 2010:173).

A.3 TEMPORARY MIGRATION

Tourism is Kenya's second source of foreign exchange revenue, after agriculture. According to the *Economic Survey 2014*, agriculture contributed KES 961,819 million (USD 10.32 billion) to the GDP in 2013 (KNBS, 2014a:20), and tourism KES 93,970 million (USD 1.008 billion) (2014:9).¹⁸ Kenyan tourism focuses on wildlife viewing in the national parks and conservation areas, as well as on the beaches in the coastal regions of Mombasa, Malindi and Lamu. So-called "slum tourism," where tourists visit and learn about life in the informal settlements, began in the mid-1990s. The most popular destination is Kibera in Nairobi. Although slum tourism does not bring in a significant number of tourists, it remains an attraction.

Most visitors are from the United Kingdom, Germany, the Netherlands, France, Belgium, Switzerland, United States, Italy and more recently, Ukraine and the Russian Federation. Table 23 shows the total tourist numbers recorded at Jomo Kenyatta International Airport (JKIA) and Mombasa International Airport (MIA).

Table 23: Total tourist arrivals at JKIA/MIA by region of origin

Country/continent	2009	2010	2011	2012	2013
Africa	228,827	257,133	303,886	299,746	178,778
Americas	128,655	142,088	158,268	161,669	105,994
East Asia and Pacific	108,521	110,359	137,707	147,062	97,386
Middle East	-	27,298	38,880	58,711	38,553
Europe	456,433	536,411	596,587	-	365,267
Oceania	17,949	21,985	28,952	-	19,229
TOTAL	940,385	1,095,274	1,264,280	667,188	805,207

Source: Department of Tourism, Ministry of East Africa, Commerce and Tourism, N.D.

The number of tourists who entered the country through air or sea ports between 2009 and 2013 is presented in Table 24 according to countries of origin. The data does not represent those who entered the country through land borders, so actual arrivals from bordering countries is likely to be significantly higher than what is captured in the data. A significant drop of tourists in 2013 was recorded from all regions due to the insecurity in the country at the time.

¹⁸ Using an exchange rate of KES 93.2 to USD 1.

Table 24: Tourist arrivals at JKIA and MIA by country, 2009–2013

Country of Residence	2009	2010	2011	2012	2013
ASIA					
India	36,369	47,602	58,986	61,275	48,634
China	20,292	28,479	37,432	41,303	21,223
Japan	10,109	10,866	12,642	14,024	7,766
Republic of Korea	5,275	6,677	7,351 ^a	9,422	6,026
Pakistan	4,553	4,759	5,999	5,278	3,601
MIDDLE EAST					
United Arab Emirates	11,811	14,874	21,128	40,485	27,920
Israel	3,352	3,913	3,779	3,597	2,326
Oman	1,135	1,403	1,738	1,772	1,481
Iran (Islamic Republic of)	1,155	1,536	1,781	1,531	742
Saudi Arabia	866	1,385	3,320	2,773	1,927
AFRICA AND INDIAN OCEAN					
South Africa	31,788	33,074	38,353	40,703	25,054
United Republic of Tanzania	28,303	30,264	34,322	33,309	21,030
Uganda	29,328	33,900	42,674	55,449	30,577
Sudan	15,855	17,858	22,124	14,444	5,008
Ethiopia	11,745	12,950	13,501	12,308	8,170
Nigeria	11,072	13,711	16,811	15,029	9,541
AMERICAS					
USA	100,904	107,760	119,503	123,535	82,707
Canada	22,972	25,596	30,661	29,127	17,716
Brazil	1,005	1,588	1,713	1,820	1,326
Mexico	881	1,325	1,289	1,501	929
Argentina	485	482	742	773	564
OCEANIA					
Australia	16,100	19,512	24,192	Data Unavailable	15,547
New Zealand	1,763	2,252	2,638		2,033
Fiji	54	147	178		88
Papua New Guinea	12	74	19		11
EUROPE					

United Kingdom	163,084	173,746	202,860	Data unavailable	106,529
Italy	65,687	87,692	96,350		75,209
Germany	63,592	63,007	68,698		55,292
France	39,404	50,038	48,231		17,023
Netherlands	23,990	32,765	29,548		15,877

Source: Kenya Tourism Board, N.D.

Note: Compiled by AMADPOC. Data on Oceania and Europe for 2012 was not provided.

The insecurity the country has experienced in recent years has drastically reduced visitor numbers, encouraging the Kenya Tourism Board (KTB) to change its strategy for attracting tourists. According to a representative of the KTB, tourism also suffers from poor infrastructure and a lack of funding linked to the fact that tourism is low on the country's agenda. Kenya must also compete with regional, continental, and global tourist destinations.

A.4 EMIGRATION

Table 25: Typology of emigration

Type of Migration	Main Characteristics
Emigration	The act of departing or exiting from one State with a view to settle in another.
Return migration	The movement of a person returning to his or her country of origin or habitual residence usually after spending at least one year in another country. This return may or may not be voluntary. Return migration includes voluntary repatriation.
Deportation	The act of a State in the exercise of its sovereignty in removing an alien from its territory to a certain place after refusal of admission or termination of permission to remain.
Diaspora	Any people or ethnic population that leave their traditional ethnic homelands, being dispersed throughout other parts of the world.
Remittances	Monies earned or acquired by non-nationals that are transferred back to their country of origin.
Transnationalism	The process whereby people establish and maintain sociocultural connections across geopolitical borders.

Source: IOM, 2011b.

The Kenya Diaspora Policy defines diaspora, or "Kenya's Abroad," as "consisting of Persons of Kenyan Origin (PKOs) and Non-Resident Kenyans (NRKs). PKO status designates foreign citizens of Kenyan origin or descent. On the other hand, NRK status is for Kenyan citizens holding a Kenyan passport and/or having dual citizenship and residing outside the country whether for employment, business, vocation, education or any other purpose." (MFAIT, 2014a:8). Comparative data

is not available as population censuses before 2009 did not collect data on Kenyan emigration.

Kenyan emigrant population

Estimations of the size and distribution of the Kenyan diaspora vary. According to the Kenya Diaspora Policy, “the number of Kenyans abroad is estimated to be about three million and is continuously on the rise” (MFAIT, 2014a:8). It is important to note that this figure includes both PKOs and NRKs. In 2011, the World Bank’s *Migration and Remittances Factbook* estimated that Kenya’s diaspora population in 2010 reached 457,000 individuals. The report identifies the Uganda-Kenya border as a top migration corridor in sub-Saharan Africa, and found that the United Kingdom is the top destination for Kenyan emigrants, followed by the United Republic of Tanzania and the United States (Canuto and Ratha, 2011). McCabe (2011) provides a conservative estimate of the Kenyan emigrant population at 87,267, or 5.8 per cent of the African emigrant population in the United States, making it the fifth largest African diaspora community after Nigeria, Ethiopia, Egypt and Ghana.

Kinuthia’s study (2013) showed the distribution of Kenyans across the globe from 1960 to 2007 using the World Bank Migration Data (1960–2000) and the Global Migrant Origin Database of 2007 (Table 26). The largest share of Kenyan emigrants has, since the 1960s, been located within Africa, as outlined in the table below.

Table 26: Geographical distribution of the Kenyan diaspora

Region	1960	1970	1980	1990	2000	2007 (GMOD)
Africa	54,245	84,506	94,683	104,773	538,128	876,695
Asia (Including China, India and the Middle East)	3,678	38,608	30,830	21,801	966	92,731
Europe (including Eastern Europe)	788	30,834	22,367	23,678	920	70,674
Americas (including Latin America)	302	4,006	6,299	8,762	161	19,329
Caribbean	35	163	768	1,431	21	2,496
Australia and New Zealand	216	427	226	0	6	849
Pacific	11	25	12	0	0	262
TOTAL	59,275	158,569	155,185	149,445	540,202	1,063,036

Source: Kinuthia, 2013.

Note: Page 10. Figures in table are as reflected in source.

Table 27 shows the mid-year emigrant data by country of destination and country of origin.

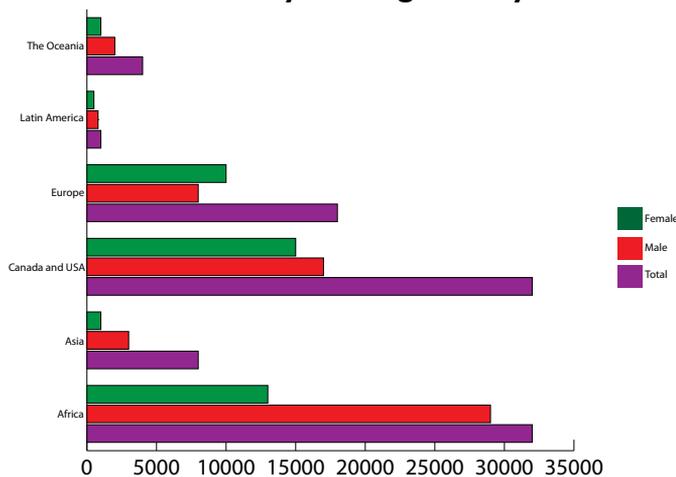
Table 27: Stock of Kenyan emigrants abroad

Region	Year			
	1990	2000	2010	2013
Africa	81,900	89,325	102,984	103,383
Europe	122,194	145,458	153,524	176,049
North America	33,075	64,473	134,267	139,261
Asia	8,196	3,868	3,458	3,451
Oceania	16,539	8,119	16,587	17,947
Middle East/ Western Asia	191	220	315	361
Latin America and the Caribbean	241	253	397	420

Source: UN DESA, 2013.

The 2009 Population and Housing Census captured data on 95,238 emigrants. Of these, 54 per cent were male and 46 per cent were female. Kenyan emigrants can be found in all world regions, even in countries with which Kenya has had weak relations (Figure 6). North America (the United States and Canada) has the highest number of Kenyan emigrants followed by Africa, Europe, Asia and Oceania in descending order; the Caribbean has a much smaller size of Kenyan emigrants. Nearly the same number of females as males migrated to North America, while more females migrated to Europe than males. The Ministry of Foreign Affairs and International Trade has indicated that more up to date information is currently unavailable. However, it is in the process of putting together data to reflect the diaspora population outside of the country.

Figure 6: Distribution of Kenyan emigrants by sex in world regions, 2009

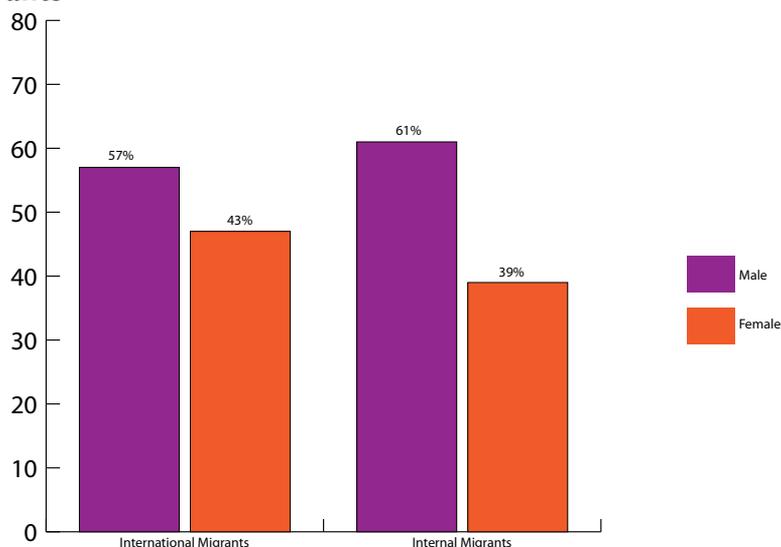


Source: KNBS, N.D.

Note: Unpublished.

An African Development Bank and World Bank study (2011) gives an indication of sex distribution with more male international migrants than female based on a sample of 1,942 people (see Figure 7).

Figure 7: Sex distribution of international emigrants versus internal migrants



Source: African Development Bank and the World Bank Migration, 2011.

The UN DESA mid-year survey (2013) shows a larger female Kenyan emigrant population abroad (see Table 28).

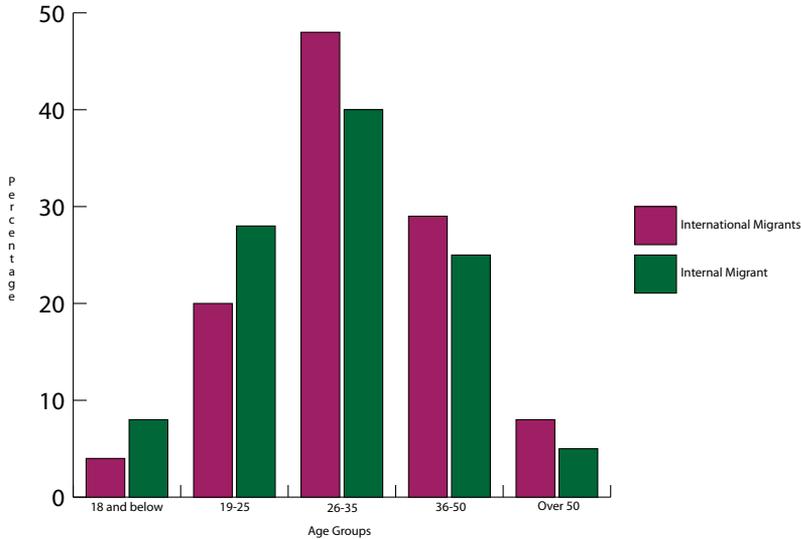
Table 28: Emigration in selected destinations by country and sex

Country	Men	Women	Total
United Kingdom	70,363	75,040	145,403
United States	55,900	56,704	112,604
Canada	12,733	13,924	26,657
Australia	8,245	7,755	16,000
Germany	829	6,390	7,219
Uganda	19,568	24,791	44,359
United Republic of Tanzania	29,093	30,143	59,236
South Africa	7,265	8,899	16,614
India	1,155	1,270	2,425
Dominican Republic	31	75	406
Mexico	44	31	75

Source: UN DESA, 2013.

In terms of age, according to the African Development Bank and World Bank household survey (2011), the majority of the Kenyan emigrants are between 26 and 35 years of age (Figure 8).

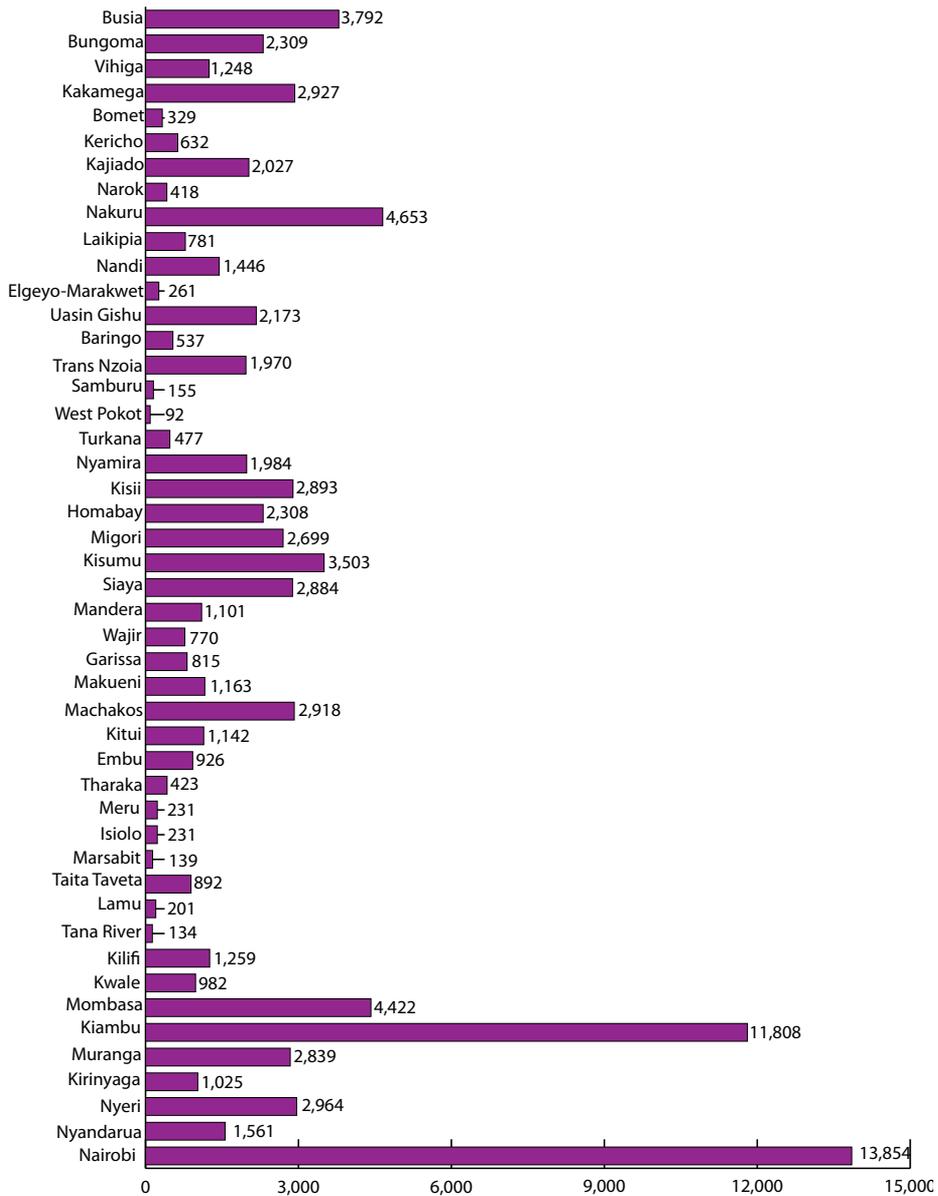
Figure 8: Distribution of age groups of international migrants as compared to internal migrants, 2009



Source: Africa Development Bank and World Bank, 2011.

Kenyan migrating internationally come from all counties in Kenya (Figure 9). The greatest numbers come from Nairobi, Mombasa, Nakuru, and Kiambu. Emigration from these counties reflects stepwise migration in which former rural–rural and rural–urban migrants embark on emigration after first moving within Kenya.

Figure 9: Kenyan emigrants by county of origin



Source: KNBS, N.D.

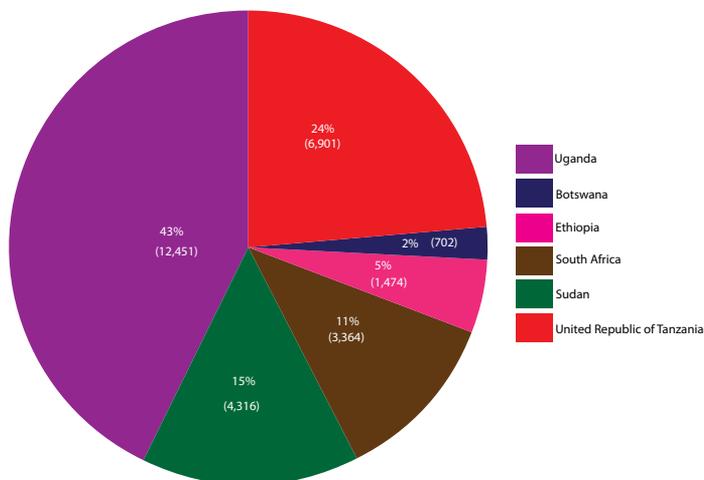
Note: Unpublished.

As of 2009, Kenyan emigrants' major destinations in Africa were to EAC neighbours Uganda and the United Republic of Tanzania, followed by South Africa and Sudan (Figure 10). Emigration from Kenya to Botswana grew steadily between 1995

and 2002; that to Ethiopia, South Africa, Sudan, Rwanda, Uganda and the United Republic of Tanzania has increased consistently. These are destinations where highly educated and skilled Kenyans have been readily recruited.

Selected major destinations of Kenyan emigrants are shown in Figure 10 with a more detailed breakdown in Table 29.

Figure 10: Distribution of Kenyan emigrants in African countries



Source: KNBS, N.D.
Note: Unpublished.

Table 29: Distribution of Kenyan diaspora in Africa

Countries	1960	1970	1980	1990	2000	2007 (GMOD)
Uganda	28,535	33,323	39,950	46,795	351,083	33,571
United Republic of Tanzania	17,062	39,074	38,473	37,313	61,151	123,410
Sudan	2,286	312	1,936	3,714	48,296	n.d.
Somalia	2,259	1,610	1,874	2,144	36,512	n.d.
Ethiopia	871	4,634	6,026	7,493	20,332	n.d.
Rwanda	643	512	953	1,431	4,634	n.d.
Democratic Republic of the Congo	572	477	860	1,275	4,108	7,005
Burundi	551	534	867	1,226	3,973	2,743
Mozambique	311	n.d.	329	691	2,253	n.d.
Nigeria	235	n.d.	249	522	1,694	1,019
Côte d'Ivoire	2	n.d.	2	4	14	4,147
Ghana	n.d.	n.d.	n.d.	n.d.	n.d.	4,128

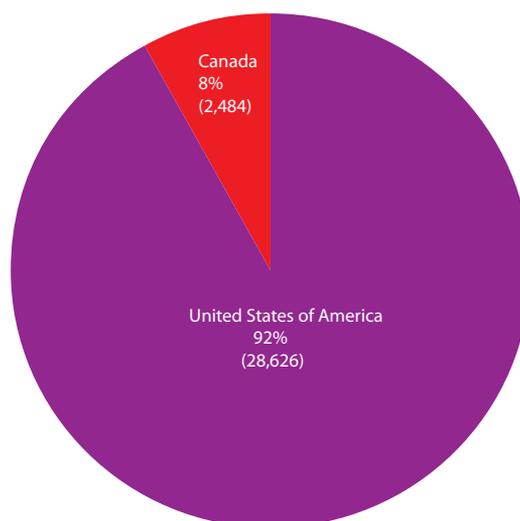
South Africa	n.d	n.d.	1	2	7	1,066
Zambia	57	n.d.	61	127	415	1,035
Burkina Faso	2	n.d.	2	4	14	2,006
Guinea	6	n.d.	6	13	44	1,694
Others	853	4,030	3,094	2,019	3,598	7,515
TOTAL	54,245	84,506	94,683	104,773	538,128	189,339

Source: Kinuthuia, 2013.

Note: Page 11. Extracted from World Bank Migration Data (1960-2000) and Global Migration Origin Database (2007). n.d. means no data.

Canada and the United States remain important destinations for Kenyan emigrants (Figure 11). The majority go to the United States, to which Kenyans started migrating in the 1960s.

Figure 11: Kenyan emigrants to North America, 2009

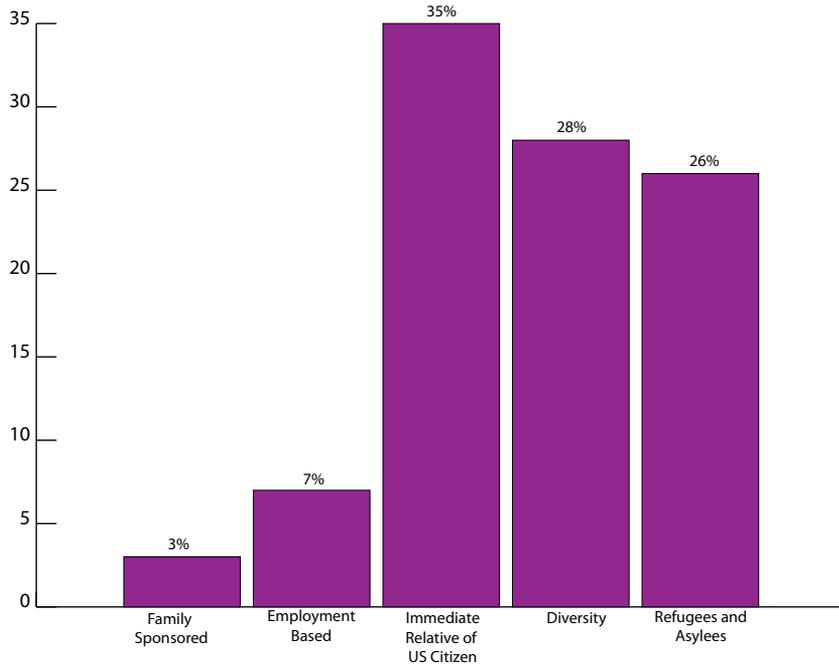


Source: KNBS, N.D.

Note: Unpublished.

The Kenyan diaspora population in the United States reportedly stood at 105,000 between 2009 and 2013. This included immigrants and US born Kenyans where at least one parent was Kenyan born. Interestingly, approximately 10 per cent of this population was of Somali origin (MPI, 2014:2). Figure 12 below shows US Department of Homeland Security immigration statistics on Kenyan legal permanent residents for the fiscal years 2002 to 2012 (MPI, 2014).

Figure 12: Kenyans admitted to the United States as legal permanent residents, by preference category, FY 2002/12



Source: MPI, 2014.

Note: Page 5.

The Department of Homeland Security (US) reported receiving 20,331 non-immigrant Kenyans in 2012 under the I-93 visa (2013:72). These include tourists and business visitors, student and exchange visas, temporary workers and families, diplomats and representatives, “other” and unknown. Annual figures have fluctuated as can be seen in Table 30.

Table 30: Non-immigrant admissions, I-94, 2002–2012

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
18,527	19,636	19,244	19,601	21,843	23,186	21,443	21,183	19,516	20,331

Source: Department of Homeland Security, 2013.

Canada has also received a comparatively smaller number of Kenyan emigrants (Table 31).

Table 31: Kenyan diaspora in Canada by category, 2004–2013

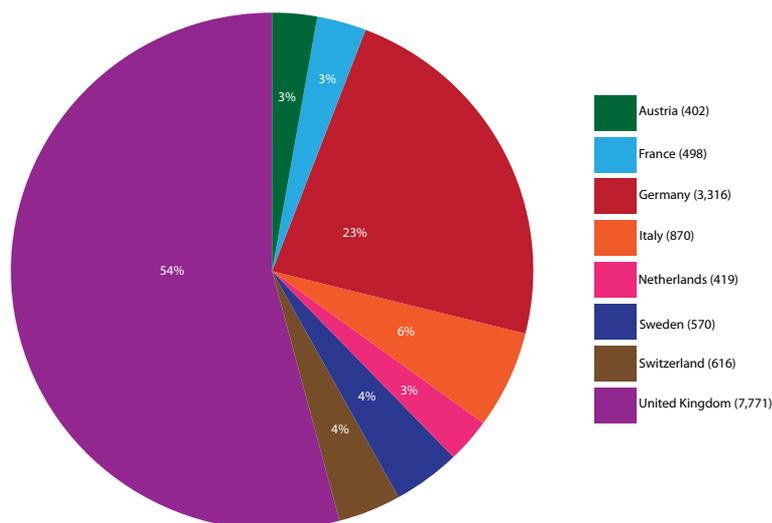
Permanent Resident									
2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
685	693	622	449	453	489	507	585	725	664 ^a
Foreign Workers									
34	83	86	74	104	114	84	73	59	No data
Foreign Students									
171	130	153	161	166	195	204	148	187	No data

Source: Government of Canada.

Note:^aGovernment of Canada, 2013; ^bGovernment of Canada, 2012. Pages 71 and 81.

Kenyan emigration to European countries is displayed in Figure 13 below.

Figure 13: Kenyan emigrants in European countries, 2009



Source: KNBS, N.D.

Note: Unpublished.

The UK Government reported fluctuating numbers of visitors, work permit holders, family migrants, student permit holders and other category of visa applicants received between 2004 and 2013 (Table 32) (2014).

Table 32: Number of Kenyan nationals in the United Kingdom by visa status, 2004–2013

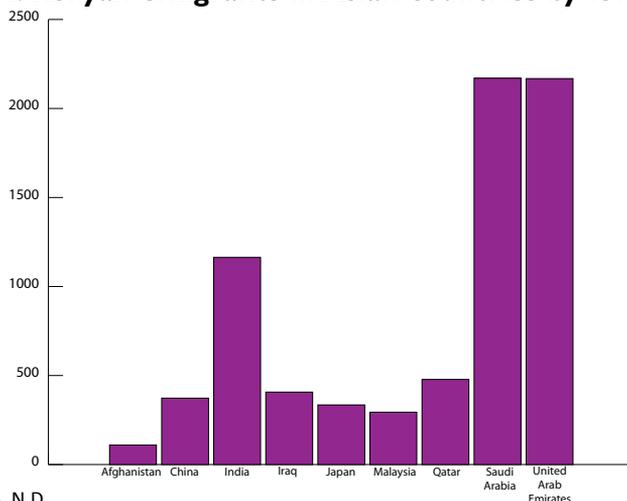
Year	Work ^a	Student	Family	Other ^b	Asylum	Settlement ^c	Citizenship ^d
2004	805	1,200	385	45,200	143	2,253	1,882
2005	810	890	400	41,600	102	2,689	2,265
2006	860	1,040	525	41,500	97	1,668	2,380
2007	660	925	445	42,600	114	1,573	2,236
2008	585	1,160	405	43,900	150	1,892	1,407
2009	515	1,200	300	41,100	98	1,895	2,201
2010	495	1,120	345	37,900	117	2,417	1,902
2011	390	1,100	230	38,000	105	1,410	1,590
2012	450	1,100	205	36,400	90	886	1,778
2013	290	1,100	180	34,000	67	1,096	1,525
TOTAL^d	5,860	10,835	3,420	402,200	1,083	17,779	19,166

Source: UK Government, 2014.

Note: Work^a includes admissions data tables on immigration statistics collected from April to June 2014. Other^b includes mostly temporary migrants such as tourists and student visitors. Settlement^c covers settlement data tables on immigration statistics collected from April to June 2014. Citizenship^d covers citizenship data tables on immigration statistics from April to June 2014. Total compiled by AMADPOC.

When it comes to emigration to Asian and Middle Eastern countries, Kenyans primarily emigrate to the Middle East as workers in Saudi Arabia, the United Arab Emirates and Qatar. Other destinations are India and China, where Kenyans go for tertiary education and training (Figure 14).

Figure 14: Kenyan emigrants in Asian countries by level of education, 2009

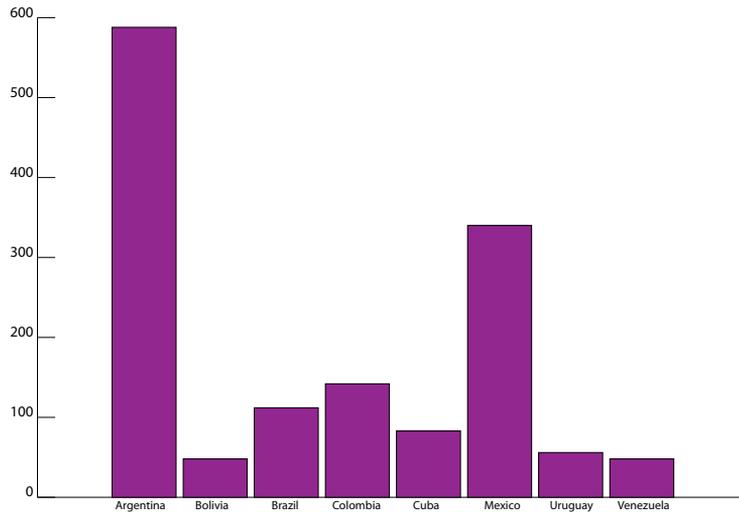


Source: KNBS, N.D.

Note: Unpublished.

Within Latin America and the Caribbean, Argentina receives the highest number of Kenyans, followed by Mexico and Colombia (Figure 15).

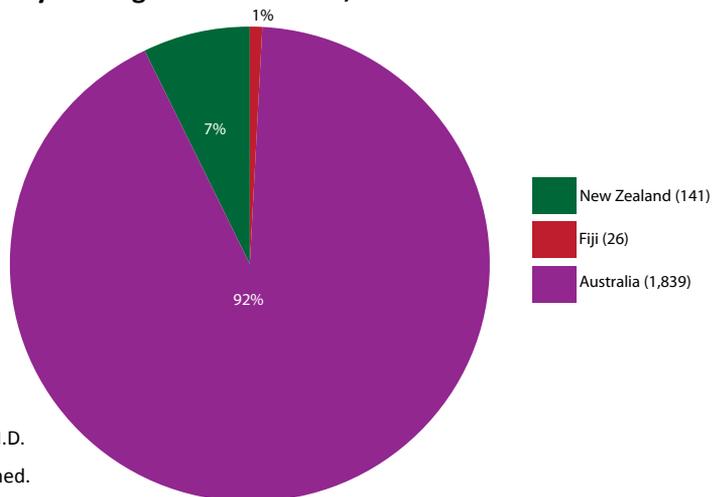
Figure 15: Kenyan emigrants in Latin America, 2009



Source: KNBS, N.D.
Note: Unpublished.

The Oceania region has received a steady number of Kenyans. The majority of Kenyans have migrated to Australia (Figure 16). Emigration of Kenyans to Oceania consists mainly of Kenyan students proceeding to Australia and New Zealand for higher education.

Figure 16: Kenyan emigrants in Oceania, 2009



Source: KNBS, N.D.
Note: Unpublished.

Emigration for employment

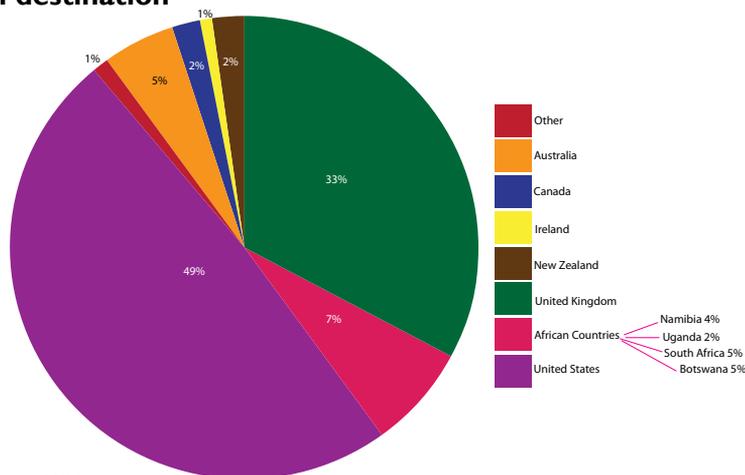
Oyelere (2007:120) estimates that Kenya has a skilled emigration rate of 35 per cent, which places it in the twenty-ninth position in the top thirty countries from which people emigrate for work.

Skilled migrants and out-migration

Different sources indicate varied figures for out-migration of nurses. A specific case study of emigration for employment is that of health professionals, specifically nurses. Mwaniki and Dulo (2008:22) rate the emigration rate of health professionals at 51 per cent. In Africa, this is only surpassed by Angola (70.5%), Malawi (59.4%), Mozambique (75.4%) and Zambia (57%).

Gross et al., on the other hand, reports that 6 per cent of Kenya's 41,367 nurses applied to migrate between 1999 and 2007 (2011). Of the 1,299 nurses who applied for certification for migration between 2005 and 2010, the vast majority (91.9%) were women. The main destination countries were United States (737 applicants), United Kingdom (158 applicants), Australia (137 applicants), Canada (93 applicants), Ireland (51 applicants) and Namibia (48 applicants) (Pillinger, 2011:12). The report indicates that the migration of highly skilled nurses led to a skills shortage in the nursing sectors. A significant number of Kenyan medical professionals have emigrated to other African and western countries (Gross et al.; 2011) as can be seen in Figure 17.

Figure 17: Percentage of nurses' first applications for emigration by country of destination



Source: Gross et al., 2011.

Note: Based on a sample of 2,581.

As of 2002, the United Kingdom was the main destination for nurses and physicians emigrating for employment. There were over 1,300 Kenyan nurses working in the United Kingdom and over 2,700 physicians from Kenya had moved to the same destination (Mwaniki and Dulo, 2008:25). By 2013, the United States was the most popular destination for emigrant nurses, with 59 per cent of the over 800 nurses that apply to work abroad every year applying to migrate to the United States. The United Kingdom moved to second place at 27 per cent (Machayo and Keraro, 2013:1050).

Facilitated labour emigration

The Government of Kenya facilitates emigration of skilled and semi-skilled workers to other countries to take advantage of available job opportunities and trainings. The Ministry of Labour, Social Security and Services provided data from 2011 to 2013, which indicated that Saudi Arabia has received a larger portion of Kenyan migrant workers (see Table 33).

Table 33: Employees placed in employment in selected foreign countries through private employment agencies, January 2011–June 2013

COUNTRY	2011	2012	2013	TOTAL
Saudi Arabia	5,713	5,147	382	11,242
Qatar	303	670	1,043	2,016
United Arab Emirates	193	410	478	1,081
Bahrain	160	12	21	193
Kuwait	61	2	21	84
Afghanistan	720	653	123	1,496
Lebanon	180	240	138	558
Seychelles	85	0	0	85
Jordan	13	0	0	13
Democratic Republic of the Congo	8	0	0	8
Iraq	936	720	190	1,846
Egypt	1	2	0	3
TOTAL	8,373	7,856	2,396	18,625

Source: Ministry of Labour, Social Security and Services, 2014.

Note: Unpublished.

Recent data provided by Silver Ray HR, a recruitment agency for employment mostly to the Middle East and Somalia, recorded a total of 4,214 Kenyans who travelled abroad for employment between 2008 and 2014. Most of the Kenyan migrant workers migrated to Afghanistan (3,803) while the rest migrated to Qatar (81), Somalia (4) and Iraq (326).

An interview with a representative of the Kenyan Association of Private Employment Agencies highlighted the type of jobs in which Kenyans are engaged in the Middle East as well as their demographic structure. According to the representative, Kenyan emigrants are between 22 and 40 years old, with 80 per cent working as household help, 10 per cent as labourers and 2 per cent as professionals in other industries (e.g. nursing and teaching). The respondent was unclear about the remaining 8 per cent. The respondent added that majority of the applicants were female.

Emigration for study purposes

UNESCO reports the United States, the United Kingdom, Australia, South Africa and India as the top five destinations for emigrant Kenyan students in 2013 (Table 34) (2014).

Table 34: Top student migration destinations, 2013

Country	Number of Students
United States	3,776
United Kingdom	2,235
Australia	1,191
South Africa	1,006
India	491

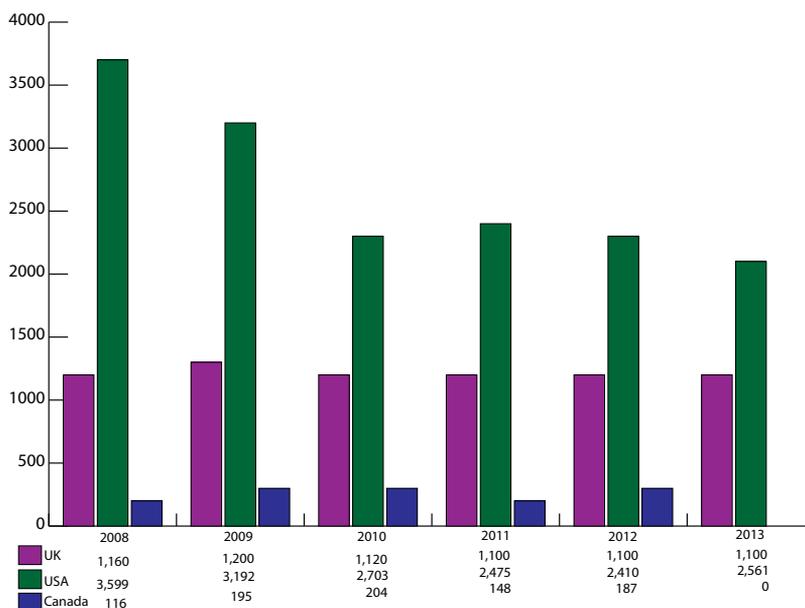
Source: UNESCO, 2014.

Nairobi is the second largest African city of origin of foreign full-time students issued F-1 student visas for entry in the United States (with 4,191 students) after Lagos (4,741) and followed by Accra (2,416), Addis Ababa (2,078) and Cairo (1,681) (Brookings and JP Morgan Chase, 2014).

Within Africa, South Africa remains the top destination country for Kenyan students with over 1,000 students from Kenya (UNESCO, 2014). Rwanda is a popular destination in Africa for Kenyan students, hosting 68 Kenyan emigrant students. Kenyan students also migrate to other EAC Member States for education, for example at Makerere University in Uganda and the University of Dar es Salaam in the United Republic of Tanzania.

In 2014, UK Government reported that there were 10,835 student visas issued to Kenyans between 2003 and 2013 (2014). The United States reported 2,410 students in 2012 according to the Department of Homeland Security (2013:77).

Figure 18: Number of Kenyan students in the United Kingdom, USA, and Canada



Source: US Department of Homeland Security, 2013; 2014; UK Government; Government of Canada.

Note: Figures on Kenyan students in Canada in 2013 were not available.

A.5 RETURN MIGRATION

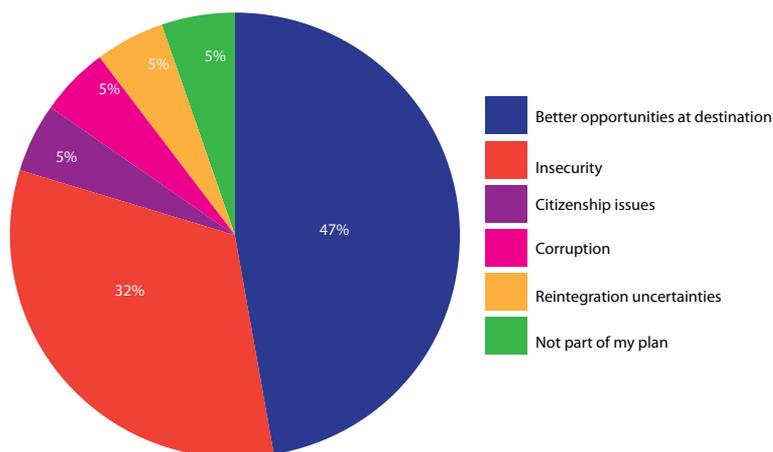
Most return migration is initiated by the migrant without the involvement of States or other international or national actors. Spontaneous return, which refers to the process of going back to one’s country or location of origin without any outside assistance, is the most common form of return in Kenya. Other less common means of return are assisted voluntary return, which refers to the “logistical and financial support to rejected asylum-seekers, trafficked migrants, stranded students, qualified nationals and other migrants unable or unwilling to remain in the host country who volunteer to return to their countries of origin” (IOM, 2011b:11); and forced return, which involves “the compulsory return of an individual to the country of origin, transit or third country, on the basis of an administrative or judicial act” (IOM, 2011b:40). It is also often referred to as deportation.

Due to the lack of information and data regarding the return of Kenyans to their prior location of residence, this section on return migration will focus instead on the practice of return in Kenya more broadly, covering nationals and non-nationals alike.

Spontaneous returns

A survey investigating the intention of Kenyans to return to Kenya before retirement shows that 89 per cent of 176 respondents (based in the United Kingdom, the United States, Canada and Ghana) expressed an intention to return (Mwangi, 2013:172). Those who indicated an unwillingness to return to Kenya mentioned a number of factors, including better opportunities in their country of destination, insecurity and corruption in Kenya, as well as citizenship and immigration issues (Figure 19).

Figure 19: Reasons for unwillingness to return to Kenya



Source: Mwangi, 2013.

Note: Page 173. Direct replication of original source.

Of the incentives which would motivate a return to Kenya, the respondents described a range of factors including employment opportunities, the availability of investment opportunities, rule of law and the absence of corruption (Mwangi, 2013:177). An IOM study on the Kenyan diaspora in the United Kingdom had similar findings where 78 per cent of respondents indicated a desire to return to Kenya one day, 20 per cent did not wish to return and 2 per cent were unsure about return (IOM, 2010a). Most of the respondents who acquired British nationality (74%) expressed plans to permanently return to Kenya at some point in the future (IOM, 2010a:14). On the other hand, 2 per cent of the respondents

cited their reasons for not returning in the near future, which included scarce job opportunities, corruption and the fact that they are happy in the United Kingdom.

Assisted returns

Assisted voluntary return and reintegration (AVRR) programmes are tools for state governance of migration. IOM has been working with Member States and partners to offer pre-departure medical assessment, transportation and post-arrival assistance to provide for a more humane return home.

AVRR in Kenya started in 2002 as an IOM pilot project, returning Kenyans from Europe to Kenya. However it remains an ad hoc activity with only 150 AVRR beneficiaries since 2008. The UK Government has supported several assisted voluntary return programmes, including the Assisted Voluntary Return of Irregular Migrants programme, the Voluntary Assisted Return and Reintegration Programme for asylum-seekers, and the Assisted Voluntary Returns for Families and Children programme.

Table 35 reports the regional breakdown of IOM AVRR beneficiaries since 2008. Eighty-eight per cent of AVRR returnees originate in Europe.

Nearly half of the European caseload consists of returnees from the United Kingdom. Indeed, out of the 150 Kenyan AVRR beneficiaries since 2008, 47 per cent come from the United Kingdom, 12 per cent from Norway and 9 per cent from Switzerland.

Table 35: IOM AVRR beneficiaries by region, 2008–2014

YEAR	REGION					TOTAL
	EUROPE	ASIA	OCEANIA	MENA	AMERICAS	
2008	30	-	-	-	-	30
2009	26	1	7	-	-	34
2010	18	-	-	1	-	19
2011	15	-	1	-	-	16
2012	15	-	-	1	-	16
2013	17	-	-	1	1	19
2014	11	-	-	5	-	16
TOTAL	132	1	8	8	1	150

Source: IOM, 2014b.

Forced returns from Kenya

Operation Usalama Watch implemented by the Government of Kenya (see Chapter D) led to the detention of Somali refugees considered to pose a threat to national security (see Table 36). The operation generated reports of police harassment (Amnesty International, 2014).

Table 36: Operation Usalama Watch official figures, as of May 2014

Process	Persons
Screening	2,303
Deportation	447
	<ul style="list-style-type: none"> 289 effectively deported 158 pending
To Court	288
Return to Camps	730
Released	838

Source: Office of the Inspector General, National Police Service, 2014.

Other deportees include nationals of the Democratic Republic of the Congo, Ethiopia, Sudan and Cameroon; but exact figures are not available. According to UNHCR and IOM, the actual numbers of Somali deportees being removed from Kenya are higher. In May 2014, 356 Somalis were deported on four planes – with data recorded on three flights by UNHCR and IOM. Of the total numbers, 57 deportees from Kenya to Somalia received IOM assistance, including six children (one boy and five girls) (IOM, 2014a). IOM was unable to follow up on the assistance to most Somalis because of the highly politicized nature of this return upon arrival in Somalia.

Tables 37 and 38 highlight the presence of child deportees as well as the limited numbers of deportees who were assisted upon return. As reported by IRIN News in June 2014, concerns were raised about the fate of 300 children separated from parents during Operation Usalama Watch and held in a Nairobi stadium without a parent or guardian.

Table 37: Deportees to Somalia, by age group, May 2014

No. of Arrivals		No. of Adults Received at Reception Centre (18+)		No. of Children Received at Reception Centre (Under 18)	
Male	Female	Male	Female	Boys	Girls
185	87	47	10	1	5

Source: IOM, 2014a.

Note: Unpublished data.

Table 38: Deportees to Somalia and assistance received

Basic health services	Accommodation	Transportation Road	NFI (from UNHCR/IOM)	Dignity kits (UNFPA)
6	44	7	18	10

Source: IOM, 2014a.

Note: Unpublished data.

A.6 INTERNAL MIGRATION

Internal migration refers to the “movement of people from one area of a country to another for the purpose or with the effect of establishing a new residence. This migration may be temporary or permanent. Internal migrants move but remain within their country of origin (e.g. rural to urban migration)” (IOM, 2011b:51).

IDPs on the other hand are forced to move internally. They are defined – in the Guiding Principles on Internal Displacement – as “people or groups of people who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border” (UN Commission on Human Rights, 1998).

Kenya experiences both forced displacement and voluntary migration. In a Technical Working Group meeting in August 2014, Government representatives expressed the difficulties in assessing specific numbers relating to both groups as: 1) Kenyans moving from one location of residence to another do not report their new status to national or local authorities, leaving the Government with no updated tool to assess internal migration; and 2) the IDP movements in the country are a sensitive issue viewed as a sign of political instability and violence.

Voluntary internal migration

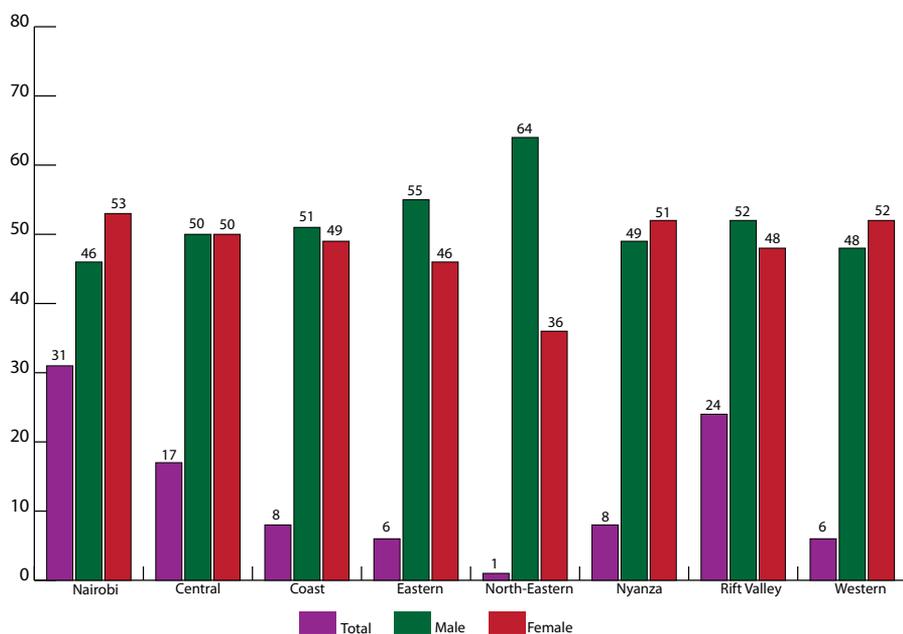
The National Council for Population and Development (NCPD 2013:206) reported four types of internal migration patterns in Kenya:

- Rural–urban, which has been common since colonialism where migrants were attracted to employment opportunities in the cities as well access to other social services;
- Rural–rural takes places with migrants searching for resources (e.g. pasture) or due to landlessness or population pressure at their place of origin;
- Urban–rural, which has also been looked at as return migration (as many of those that return were originally resident in the rural areas and are

- choosing to return for retirement), is a recent phenomenon that has yet to be investigated in great detail; and
- Urban–urban is usually linked to the formal sector where government officials are transferred to other parts of the country as well as business owners wishing to expand or start a business in another area of the country.

Figure 20 below shows recent internal migrants by sex and province, compiled from the Kenya Population and Housing Census data. Nairobi receives the highest number of in-migrants, most of whom are women. Figure 21 shows the migrants’ area of departure by sex and province from the same census.

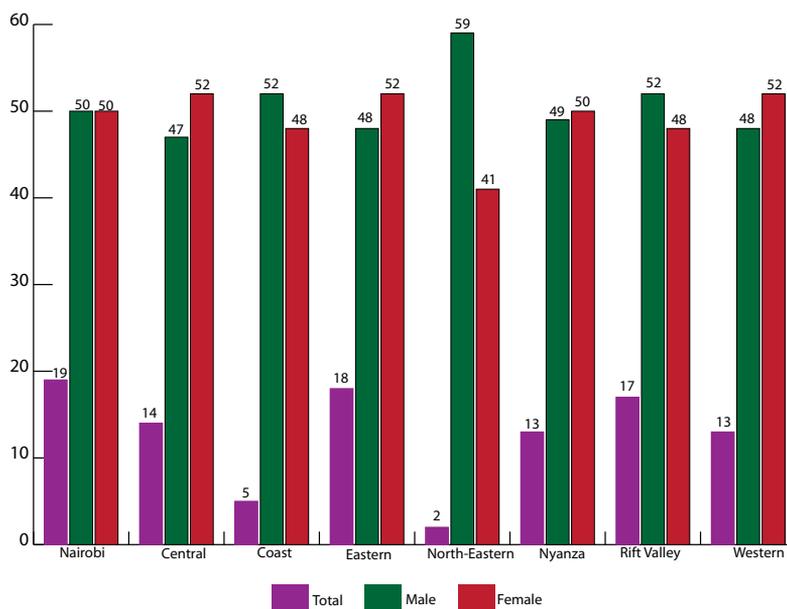
Figure 20: Recent in-migrants by sex and province, 2009



Source: NCPD, 2013.

Note: Page 203.

Figure 21: Recent out-migrants by sex and province, 2009



Source: NCPD, 2013.

Hughes reports that almost 2 million households in Nairobi employ domestic workers, such as cooks, gardeners and maids, with anecdotal evidence suggesting that most originate from rural areas (2008).

Forced migration: internally displaced persons

There is very limited data on IDPs in Kenya. Although internal displacement in Kenya has a long history, the majority of available data is related to the post-election violence of 2007–2008. Other data on displacement have been linked to environment or climate induced displacement as well as evictions due to development or conservation projects. The data is not frequently updated, making it difficult to determine the current number of displaced persons in Kenya.

Conflict-induced displacement and post-election violence

Conflict and violence leading to internal displacement have followed every election in Kenya, with the greatest number of displacements occurring in 2007–2008. Political unrest in Kenya has been associated with key ethnic divisions in the country, and hence with geographic variations according to ethnic affiliations. The most sizeable group originates from the former Nyanza Province.

Table 39: Displacement due to political violence, 1992–2007

Election Year	1992	1997	2002	2007
No. of IDPs	300,000	150,000	20,000	663,921

Source: Kamungi, 2013.

Note: Page 13.

Table 40 highlights the displacement by region with numbers of households affected.

Table 40: Geographic distribution of IDPs following 2007 PEV

Province	Households	No. of Households
Nyanza	24,981	118,547
Western	12,385	58,677
Rift Valley	84,947	408,631
Central	10,092	46,959
Eastern	1,438	6,769
Coast	1,241	4,774
North-eastern	26	148
Nairobi	5,349	19,416
TOTAL	140,459	663,921

Source: Kamungi, 2013.

Note: Page 4.

In response to the internal displacement after the 2007 elections, the Government developed programmes geared at providing support to IDPs, focusing on relocation and return as the main durable solutions. However, these programmes failed to take into account the possibility of local integration, and no mechanism was put in place to prosecute the perpetrators of the violence in that year (Kenya Human Rights Commission, 2012:4). In 2009, KHRC reported that the Government had closed many of the IDP camps despite the fact that a significant number of IDPs still lived there without support; others were moved to transit camps. The Government initiated a cash assistance programme for IDPs, providing 10,000 Kenyan shillings for all IDPs households, and a further payment of 25,000 Kenyan shillings to those who had lost homes, land or businesses. At the time of the report, it was indicated that 88 per cent of the IDPs received this cash assistance.

In addition, the Government purchased land for relocation. However, these land purchases were reported to be uncoordinated, without consultation of local communities and rife with corruption (Kenya Human Rights Commission, 2012:5). In 2013, Kenya's new Government was still under pressure to compensate more

than 100,000 Kenyans left homeless after the post-election violence of 2007–2008.

During the tenth parliamentary committee meeting discussing the resettlement of IDPs in Kenya in 2012, it was reported that their primary focus was to relocate the 350,000 post-election violence IDPs. Although these 350,000 IDPs managed to find a solution to their relocation by purchasing land in different parts of the country, this led to congestion in areas such as Olkalou, Rongai and Naivasha. The Government began decongesting Rongai, Naivasha and Olkalou by trying to resettle these groups elsewhere. Since 2008, only 2,287 (24%) out of a total of 9,571 households have been resettled (Government of Kenya, 2012b:5). Other NGOs and religious organizations have been working with the Government to construct 19,521 houses for the 313,921 IDPs in different communities in Western Kenya and the Rift Valley (Government of Kenya, 2012b:5).

The situation of “unregistered IDPs” (IDPs who did not choose to live in IDP camps), and “integrated IDPs” (IDPs who settled with relatives or friends), remain unknown. While more than 650,000 people lost their homes in the PEV of 2007–2008, only about 350,000 went to live in the 120 registered IDP camps. Table 41 below indicates the number of IDPs countrywide per IDP camp as of 2008. The Internal Displacement Monitoring Centre (IDMC) reports there are 309,200 conflict-displaced IDPs in Kenya as of February 2015, and that 182,282 persons were internally displaced due to disasters in 2013 (2015).

Between January and November 2014, 220,177 people were displaced due to intercommunal violence due to competition over land and water resources, revenge attacks, cattle rustling, and struggles over political representation (IDMC, 2015).

Table 41: Number of IDPs countrywide as of 2008

IDP Summary Countrywide		
Region	IDP Camps	Total IDPs
North Rift	53	72,782
South Rift	181	133,499
Nyanza/Western	35	5,948
Western	15	15,571
Central	20	40,046
Nairobi and environs	4	4,444
TOTAL	308	272,290

Source: Kenya Red Cross Society, 2008.

Natural disaster and climate change-induced displacement

The frequent and often severe droughts and famines have forced pastoralists to move further away from their usual grazing ground in search of pastures and water for their cattle. This has led them into conflict with local communities over use of resources such as water and land. Table 42 below outlines the number of people affected by drought since 1975. It is unclear how many were pastoralists.

Table 42: Number of people affected by drought in Kenya, 1975–2006

Year	Number of people affected by drought
1975	16,000
1977	20,000
1980	40,000
1983–1984	200,000
1991–1992	1,500,000
1996–1997	1,450,000
1999–2001	4,400,000
2004–2006	3,500,000

Source: Metcalfe et al., 2011.

Note: Page 6.

The Government of Kenya in January 2014 declared an impending drought estimated to affect 1.6 million people in the country. Although the long rains eventually came, the low performance between March and May increased food prices as well as affected both pastoral and marginalized zones (International Federation of Red Cross and Red Crescent Societies, 2014:1).

Forced evictions

IDMC reports in 2012 that “evictions by various land owners to make way for development and environmental protection projects have displaced significant numbers of people over the years, but there has been little contingency planning in terms of humanitarian assistance for such IDPs or support for durable solutions” (IDMC, 2012:4).

There have been a number of reports concerning forced evictions, especially in forest areas where the Government contends that the evictions were for the conservation of the environment. Such forced evictions have been taking place in Nairobi and different parts of the country (see Table 43). Although Kamungi reports 3,036 household evictions in Mau (2013), the IDMC report cites other studies that put the number of forcibly evicted Kenyans from the Mau forest

at 50,000 people in June 2005. A later group of 12,000 persons joined this first group in 2009 (2014).

Table 43: Displacement resulting from eviction from protected lands

Name of Forest	Number of Household Evictions
Mau	3,036
Embobut	2,874
Kieni	805
Tident	392

Source: Kamungji, 2013.

Note: Page 4. Extracted from Ministry of State for Special Programmes, May 2011.

Table 44 shows several reported forced evictions episodes in Nairobi between 2004 and 2010.

Table 44: Number of urban IDPs displaced by forced evictions

Date	Number of IDPs	Location
February 2004	1,000–2,000 people	Raila Village, Kibera
July 2005	140 people	Kibagare Settlement
September 2005	850 families	Deep Sea Settlement
August 2006	1,200 people	Molaa Village, Donholm
September 2006	600 families	Komora
March 2007	Tens of families	Roadside traders Waiyaki Way
July 2007	More than 100 people	Traders along Madaraka/ Langata road
July 2007	Over 1,000 families	Mukuru
August 2009	5,000 people	Mukuru Kwa Njenga
July 2010	100 homes + 450 market stalls	Kabete NITD
September 2010	Tens of traders	Muthurwa Market
December 2010	2,000 people	KPA slums

Source: Metcalfe et al., 2011.

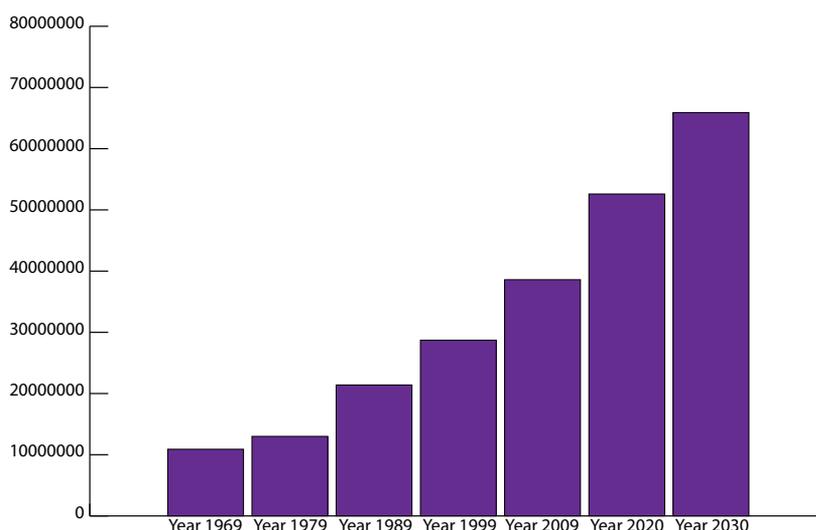
PART B: IMPACT OF MIGRATION

This section examines the impacts of migration on socioeconomic development in Kenya. It is structured in six sub-sections analysing the impact of migration on population change, economic development, employment and the labour force, social development, health and the environment. Data gaps limit the discussion of migration's impact on social integration – further research will be required on key topics affecting youth, social integration of the displaced, and rural–urban migration and social cohesion.

B.1 MIGRATION AND POPULATION CHANGE

Population composition

Figure 22: Kenya's population size



Source: Population Reference Bureau, 2011.

According to the Population Reference Bureau (PRB) and the National Coordinating Agency for Population and Development (NCAPD), Kenya's population more than tripled from 10.9 million in 1969 to 38.6 million in 2009. Projections indicate that the country's population will reach 52.6 million in 2020 and 65.9 million in 2030 (Population Reference Bureau, 2011).

The country's stage in the demographic transition implies a growing proportion of young people who are prone to internal migration and emigration. Table 45

indicates population growth for 130 years, with dramatic growth since the last pre-independence population census in 1962.

Table 45: Kenya’s population growth, 1879–2009

Year	Population (millions)
1879	2.5
1948	5.4
1962	8.6
1969	10.9
1979	15.3
1989	21.4
1999	28.7
2009	38.6

Source: KNBS, 2010.

Note: Page 2.

Net migration

The net volume of migration is determined by the difference between immigrants and emigrants; it is positive when immigration exceeds emigration and negative when the reverse takes place. Kenya experiences net emigration as departures of nationals exceeds arrivals of non-nations, despite the fact that Kenya is home to one of Africa’s largest refugee populations. This has drawn concerns among policy circles regarding the impact of large-scale emigration on the country’s development. Labour market conditions (specifically, the wage gap and the supply of labour), explain in part the net emigration rate prevalent in Kenya, particularly for youth.

Table 46 shows the country’s net migration rate between 1982 and 2012 – illustrating the excess of people leaving the country, with notable exceptions in 1992 and 2002. The most recent estimates for 2014 (mid-year) confirm this trend with a negative figure of -0.22 migrant(s) per 1,000 persons (CIA, 2014).¹⁹

¹⁹ This includes “the figure for the difference between the number of persons entering and leaving a country during the year per 1,000 persons (based on midyear population)...the net migration rate does not distinguish between economic migrants, refugees, and other types of migrants nor does it distinguish between lawful migrants and undocumented migrants”.

Table 46: Kenya's net migration rate, 1982–2012

Year	Net migration rate
1982	3,805
1987	5,023
1992	221,569
1997	-21,386
2002	25,144
2007	-189,330
2012	-50,000

Source: World Bank, 2012.

Note: Net migration is the net total of migrants during the period, that is, the total number of immigrants less the annual number of emigrants, including both citizens and noncitizens. Data are five-year estimates.

B.2 MIGRATION AND ECONOMIC DEVELOPMENT

Diaspora's contribution to economic development

The Kenyan diaspora has been a major contributor to the economic development of the country. The Central Bank of Kenya regularly reports the remittances received in Kenya from diaspora residents in different countries across the globe as can be seen in Table 47, based on information provided from money transfer organizations. The figures reported are likely to be understated because they do not include remittances through informal channels.

Table 47: Monthly remittance inflows, 2009–2014 in USD

Year / Month	2009	2010	2011	2012	2013	2014
January	39,535	45,117	64,139	89,755	102,969	110,969
February	53,353	46,423	60,759	103,970	102,372	110,421
March	55,361	52,309	71,557	106,198	103,393	119,585
April	48,117	52,679	70,071	95,625	104,993	113,409
May	49,180	51,172	68,124	100,995	110,707	119,657
June	46,347	52,541	71,888	99,488	99,809	116,064
July	50,372	50,652	72,797	92,736	112,834	117,101
August	55,947	51,993	79,563	94,819	107,049	128,826
September	53,347	58,557	84,854	92,519	107,452	127,399
October	53,037	58,503	81,311	91,627	112,919	120,907
November	48,231	56,380	80,802	97,504	113,420	113,972
December	56,329	65,617	85,244	105,656	113,216	130,172
Annual Total	609,156	641,943	891,109	1,170,892	1,291,133	1,428,482

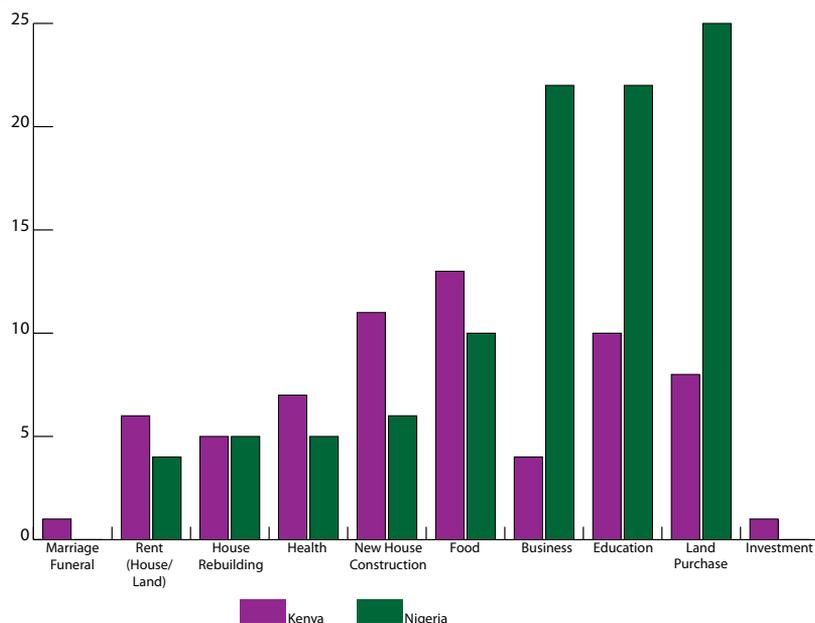
Source: Central Bank of Kenya, 2014.

Kenyan remittance inflows are received through various channels such as money transfer organizations (Western Union and Money Gram) as well as informal channels, such as friends and relatives. According to the CBK, the Kenyan diaspora in North America and Europe were the main contributors of remittances to the country, contributing 55 per cent and 27 per cent respectively of the total amount. This is against the backdrop that most Kenyans sending remittances reside elsewhere in Africa (ACP, 2010).

64 per cent of remittances to Kenya through money transfer operators originated outside Africa, 39 per cent from within Africa and only 1.5 per cent consisted of domestic remittances (Ratha et al., 2011). This was the first ever such survey in Kenya and provided useful insights that necessitate subsequent surveys in the near future.

The remittances have been used for investment in housing and buying of land, a fact that is supported by oral communication from the Diaspora Investment Club (DACL) in Kenya. The respondent indicated that the DACL brings investment opportunities to interested Kenyan nationals to invest in property in Kenya and emerging business ventures (Plaza and Ratha, 2011). Figure 23 shows the uses of international remittances, comparing Kenya and Nigeria – two of Africa’s robust economies.

Figure 23: Reported use of international remittances: Kenya and Nigeria (% total remittances received)*



Source: Watkins and Quattri, 2014.

Note: Extracted from Ratha et al., 2011. Based on household survey calculations conducted in Kenya and Nigeria in 2009 as part of the Africa Migration Project.

Foreign investment in economic development

The international community has played an important role in the economic development of Kenya through foreign direct investment (FDI). According to Abala, the FDI in Kenya has risen in the past three decades (2014). However, another study noted that Kenya has been losing competitiveness in attracting investment. A survey carried out by the World Economic Forum in conjunction with the International Finance Corporation on Doing Business attributed the loss to risks associated with eight factors, namely: corruption; employing workers; crime and theft; inadequate infrastructure; protecting investors; trading across borders; enforcing contracts; and closing a business (Nyamwange, 2009:11).

From 2008 to 2011, the Kenya Institute for Public Policy Research and Analysis (KIPPRA) reports increasing FDI, namely USD 96 million in 2008, USD 115 million in 2009, USD 178 million in 2010, and USD 335 million in 2011 (2013). FDI dropped to USD 259 million in 2012 (2013:6, citing UNCTAD, 2013). The KIPPRA study contends that instability of FDI inflows might persist as Kenya continues to be plagued by terrorism, which, among other things, scares foreign investors,

members of the Kenyan diaspora who would have liked to invest back at home, and tourism which might have provided opportunities for further FDI in the country.

Impact of tourism on national development

The National Tourism Strategy (2013–2018) highlights the impact of tourism on economic and social development in the country in 2011. It also includes future projections for the year 2022 (Table 48).

Table 48: Impact of tourism on selected indicators

Indicators	2011 KES (bn)	2011 % of total	2012 Growth	2022 KES (bn)	2022 % of total
Direct contribution to GDP	167.6	5.7	4.4	244.5	5.1
Total contribution to GDP	403.7	13.7	4.3	603.1	12.6
Direct contribution to employment	313	4.8	1.3	357	4.3
Total contribution to employment	778	11.9	1.2	906	11.0
Visitor exports	171.1	18.6	4.7	229.9	11.9
Domestic spending	113.1	3.8	4.6	185.3	3.9
Leisure spending	200.4	6.8	4.0	278.1	5.8
Business spending	88.1	3.0	6.2	144.2	3.0
Capital investment	44.4	7.5	6.8	74.1	7.7

Source: Ministry of East Africa Affairs, Commerce and Tourism, 2013.

Note: Table generated from the Travel and Tourism, Economic Impact, 2012.

The recent insecurity in the country has negatively impacted the economy, with a decline in gains from tourism as of 2013. It has been noted that, “in total, the number of international visitor arrivals decreased by 11.2 per cent from 1,710.9 thousand in 2012 to 1,519.9 thousand in 2013. Tourism earnings decreased by 2.1 per cent from Kenya shillings 96.0 billion in 2012 to Kenya shillings 94.0 billion in 2013” (Muthoka, 2014:764).

Tourism has been adversely affected by issues such as funding, poor infrastructure, the regulation of standards, the issuing of tour withdrawals from companies as well as the lack of promotion of tourism. The Ebola outbreak in West Africa in 2014 had a negative impact on tourism in East Africa. A survey conducted among 506 safari tour operators based in Western Europe and Africa indicates that approximately half of them experienced 20 to 70 per cent less bookings (Beekwilder, 2014).

Table 49: Impact of Ebola outbreak on tourism in Kenya

	Decrease in bookings	Increase in cancellations
No change	12.4†	22.1•
By 10%	15.9	23.0
By 20%	11.5	14.2
By 30%	11.5	14.2
By 40%	16.8	3.5
By 50%	16.8	14.2
By 70%	15.0‡	8.8±

Source: Beekwilder, 2014.

Note: The survey for Kenya was based on 113 responses. †12.4 per cent of respondents reported no change in bookings due to Ebola outbreak. ‡15 per cent of respondents reported a 70 per cent decrease in bookings due to Ebola outbreak. •22.1 per cent reported no change in cancellations due to the Ebola outbreak. ± 8.8 per cent reported a 70 per cent increase in cancellations due to Ebola.

Impact of mobile money transfer

Kenya is the world’s leader in mobile payments. One of the main ways in which people send money is via mobile money using services such as M-PESA²⁰ (Safaricom), Airtel Money, Orange Money and Tangaza Money. Safaricom, the first mobile company to launch mobile money transfers in 2007, has more than “30 million mobile phones in...[a] country of 40 million people and almost 20 million mobile money accounts” (Kusimba et al., 2013:2). Table 50 gives the number of mobile transfer money agents in operation in the country as well as subscribers and market share.

²⁰ M-PESA (M for mobile and ‘pesa’ for money in Swahili) is a mobile-phone based money transfer service, launched in 2007 by Vodafone for Safaricom and Vodacom, the largest mobile network operators in Kenya and the United Republic of Tanzania. M-PESA allows users with a national ID card or passport to deposit, withdraw, and transfer money easily with a mobile device. M-PESA was originally designed as a microfinance-loan repayments scheme via phone, and later broadened to become a money-transfer scheme. Electronic transfers allow users to save time, have access to lower interest rates, and send money back resulting in a rise of domestic remittances.

Table 50: Mobile money providers in Kenya

Company	Mobile Subscribers	Mobile Market Share	Date of Mobile Money Launch	Mobile Money Subscribers	Mobile Money Agents
Safaricom M-PESA	17.5 million	68.89%	March 2007	15.5 million	28,000
Airtel Money	3.8 million	15.20%	November 2010 (as Zain Zap) re-launched in August 2011)	2.8 million	8,600
Orange Money	2.1 million	6.37%	November 2010	120,000	3,500
Yu Cash	1.6 million	8.50%	December 2009	650,000	5,400

Source: USAID, 2011.

Note: Page 8.

A survey based on a sample of 4,418 Kenyans in 2006 found that in the 12 months preceding the survey 33.4 per cent of respondents had sent or received money from persons within Kenya, while 3.5 per cent had sent or received money from persons outside of the country (Steadman Group, 2007:26). This is in addition to the huge proportion of urban–rural remittances sent through informal channels – for example, sending money with friends and relatives travelling to visit their families in the rural areas.

Safaricom reported that in 2014, M-PESA revenue was 26.56 billion Kenyan shillings, an increase from the previous year (21.84 billion Kenyan shillings) (2014). The data on mobile remittance transfers to different locations was unavailable at the time of publication, as these are confidential.

M-PESA has since expanded to Afghanistan, South Africa, India, and in 2014, to Eastern Europe. Mobile phone money transfer services in these countries are yet to reach Kenya’s level of success. In Kenya, 21.6 million of the 44 million strong population subscribe to M-PESA. This is equivalent to more than two-thirds of Kenya’s adult population and around 25 per cent of the country’s economy and gross national product flows through mobile money services (Safaricom, 2014).

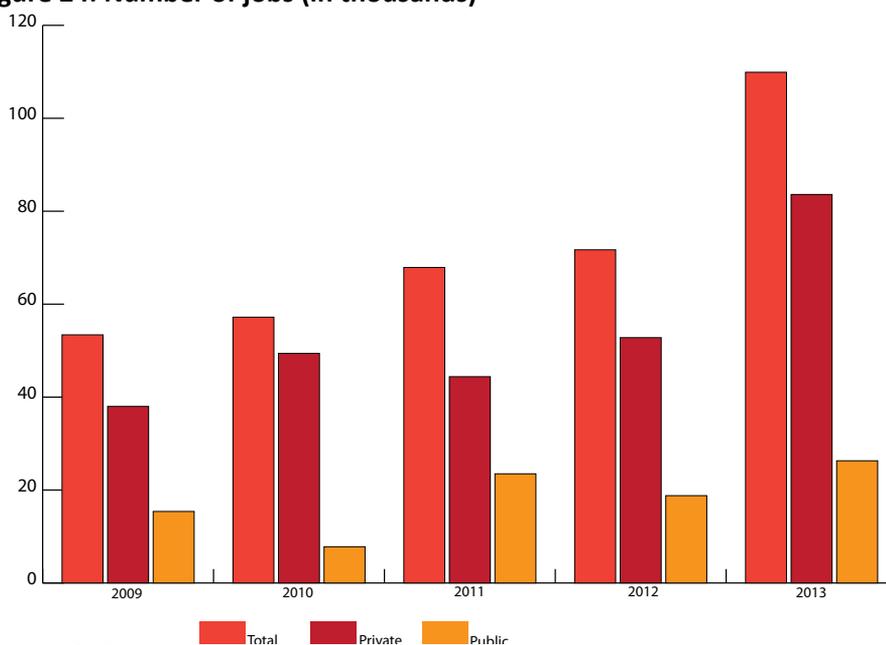
B.3 MIGRATION, EMPLOYMENT AND THE LABOUR MARKET

The Kenya Economic Survey series published between 1986 and 2006 shows a trend of declining employment in the formal sector and increasing employment

in the informal sector. Total employment increased from 1.5 million in 1986 to 4.3 million in 1996 and 8.9 million in 2006; yet, formal sector employment dwindled from 79.4 per cent of total employment in 1986 to 37.3 per cent in 1996 and 20.7 per cent in 2006, while informal sector employment shot from 20.6 per cent, to 62.7 per cent and 79.3 per cent (Omolo, 2012:19).

The 2014 Kenya National Bureau of Statistics (KNBS) *Economic Survey* highlights key trends in the formal economy, noting an increase in employment from 12.8 million in 2012 to 13.5 million in 2013 (translating to 742.8 thousand new jobs); and new job creation in the formal sector with 116.8 thousand new jobs, the majority of which are in the private sector. The public sector reportedly contributed 26.3 thousand new jobs in 2013.

Figure 24: Number of jobs (in thousands)



Source: KNBS, 2014a.

Note: New jobs for self-employed persons excluded.

Labour market general characteristics and migration

The Kenyan labour market witnessed vibrant growth in the number of wage-employed and self-employed persons as well as in the informal sector in the four years from 2009 to 2013 (Table 51). It is also evident that the informal sector has a large labour market in comparison to the formal wage employment.

Table 51: Total employment, 2009–2013 (in thousands)

	2009	2010	2011	2012	2013*
Wage Employees	1,959.0	2,016.2	2,084.1	2,155.8	2,265.7
Self-employed (includes unpaid family workers)	67.5	69.8	73.8	76.9	83.8
Informal Sector	8,676.6	9,371.1	9,958.3	10,549.4	11,175.3
TOTAL	10,703.1	11,471.1	12,116.2	12,782.0	13,524.8

Source: KNBS, 2014a.

Note: Page 65.

Table 52 shows that the rural labour force is larger than the urban labour force. The rural labour force has a higher proportion of women, while the urban labour force has a higher proportion of men. Women face greater unemployment rates in urban areas, while female and males rates of unemployment are about equal in rural areas. As of the 2009 census, the urban unemployment rate was 11 per cent, while the rural unemployment rate was 5.6 per cent (KNBS, 2010).

Youth in Kenya are experiencing higher unemployment rates than the rest of the population. As of 2009, 15.8 per cent of youth aged 15 to 19 years were unemployed and 13.1 per cent of youth aged 20 to 24 years were unemployed. This is relative to the overall unemployment rate of 8.6 per cent.

Table 52: Labour market general characteristics: labour force and unemployment

Region	Labour Force		Unemployed				Unemployment Rate		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Total	5,234,630	5,191,734	10,426,364	412,258	486,512	898,770	7.9%	9.4%	8.6%
Rural	3,445,389	3,899,509	7,344,898	235,788	253,727	489,515	6.8%	6.5%	6.7%
Urban	1,789,241	1,292,225	3,081,466	176,470	232,784	409,255	9.9%	18%	13.3%

Source: KNBS, 2013.

Note: Page 44.

Table 53: Unemployment rates in Kenya by age group and sex (in %) 1998–2009

Age Bracket	1998/99			2005/06			2009		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
Total (Rural+Urban)									
15–19	24.3	21.8	26.4	25.0	22.4	27.7	15.8	16.5	15.1
20–24	27.1	19.0	33.9	24.2	21.0	27.3	13.1	13.6	12.6
15–64	14.6	9.8	19.3	12.7	11.2	14.3	8.6	8.8	8.3
Urban									
15–19	47.0	56.2	42.8	16.1	15.1	16.8	27.2	29.4	25.5
20–24	47.3	27.2	58.7	34.9	33.7	35.8	19.1	17.7	20.4
25–29	25.1	9.0	38.8	24.8	24.6	24.9	10.9	9.4	12.7
30–34	14.3	4.8	27.5	8.0	8.0	7.9	7.6	6.5	9.2
15–64	25.1	12.5	38.1	19.9	15.0	25.9	11.0	-	-
Rural									
15–19	15.9	14.3	17.8	21.3	22.2	20.5	13.0	13.8	12.0
20–24	15.1	15.5	14.5	30.7	29.3	32.0	9.9	11.4	8.5
25–29	8.6	7.6	9.5	17.8	17.1	18.5	6.9	8.0	5.8
30–34	8.2	4.8	10.9	8.6	8.1	9.1	5.6	6.3	4.9
15–64	9.4	8.3	10.4	9.8	9.5	10.2	5.6	-	-

Source: Munga and Onsomu, 2014.

Note: Extracted from the Central Bureau of Statistics - Kenya (2003), KNBS (2008), and computations from the 2009 Kenya Population and Housing Census data.

Table 54 indicates that education is the most important source of wage employment in Kenya, which is unsurprising given the large number of educational institutions at primary, secondary and tertiary levels, as well as those providing further education and training.

Table 54: Wage employment by industry and sex, 2012 and 2013, (in thousands)

Industry	Male		Female		Total	
	2012	2013*	2012	2013*	2012	2013*
Agriculture, forestry and fishing	209.9	217.8	127.8	128.9	337.7	346.7
Mining and quarrying	7.3	7.6	1.7	1.8	9.0	9.4
Manufacturing	192.8	201.5	78.1	78.8	270.9	280.3
Electricity, gas, steams and air condition supply	10.3	10.7	4.0	4.0	14.3	14.7

Water supply, sewerage, waste management and remediation activities	5.6	6.3	2.9	3.2	8.5	9.5
Construction	94.2	106.7	21.9	23.6	116.1	130.3
Wholesale and retail trade; repair of motor vehicles and motorcycles	147.0	159.2	51.0	53.2	198.0	212.4
Transportation and storage	62.2	63.9	13.0	12.5	75.2	76.4
Accommodation and food services activities	44.5	48.1	24.4	25.6	68.9	73.7
Information and communication	52.4	57.3	33.3	35.4	85.7	92.7
Financial and insurance activities	33.8	37.2	27.8	29.8	61.6	67.0
Real estate activities	2.0	2.2	1.7	1.6	3.7	3.8
Professional, scientific and technical activities	44.4	46.9	18.3	18.5	62.7	65.4
Administrative and support services	3.4	3.6	1.1	1.2	4.5	4.8
Public administration and defence; compulsory social security	133.5	141.6	73.9	76.2	207.4	217.8
Education	220.8	232.4	164.0	168.4	384.8	400.8
Human health and social work activities	41.6	45.3	63.1	67.5	104.7	112.8
Arts, entertainment and recreation	4.1	4.3	2.3	2.4	6.4	6.7
Other service activities	17.2	18.5	11.0	11.3	28.2	29.8
Activities of households as employers; undifferentiated goods and services producing activities of household for own use	38.9	40.6	67.4	69.1	106.3	109.7
Activities of extraterritorial organizations and bodies	0.7	0.8	0.3	0.3	1.0	1.1
TOTAL	1,366.6	1,452.5	789.0	813.2	2,155.6	2,265.7
REGULAR	1,212.2	1,278.2	722.7	733.0	1,934.9	2,011.2
CASUAL	154.4	174.3	66.3	80.2	220.7	254.5

Source: KNBS, 2014a.

Note: Page 70. * Provisional. Recreated.

Kenya also hosts multinational enterprises and non-governmental organizations (NGOs) recruiting foreign nationals for positions that require specific expertise not found in the local labour market. In 2012, the Minister of Immigration announced the restriction of work permits to be issued to foreign workers (Olapade, 2012). In 2009, the NGO Coordination Board interviewed 326 international NGOs, which had recruited a total of 6,658 full time employed foreign workers and

7,559 national workers, as well as 1,801 international volunteers and 88,610 national volunteers (2009:36). The survey data, however, interviewed only 22 per cent of the registered NGOs both local and international. It revealed that majority of the recruits for voluntary work were women, and for paid work, men (see Table 55).

Table 55: Paid and voluntary staff by wage status and sex

Category	Scope			Grand Total
	Sex	International	National	
Paid	Female	2,792	3,499	6,291
	Male	3,866	4,060	7,926
	Total Paid	6,658	7,559	14,217
Unpaid	Female	978	71,683	72,661
	Male	823	16,927	17,750
	Total Unpaid	1,801	88,610	90,411

Source: NGO Coordination Board, 2009.

Note: Page 36.

Labour supply and demand

The majority of the Kenyan labour force is engaged in informal labour or subsistence farming. Poverty, lack of development, and lack of opportunities in rural areas are key drivers of out-migration. Rural–urban migration creates pressure on urban areas, contributing to informal settlements and urban poverty (ACP, 2010).

Table 56 shows the employment status in the labour market by supply and demand as reported by the *Labour Force Analytical Report* (KNBS, 2008). Analysis of the dynamics and trends of employment in Kenya (Omolo, 2012) uses data generated in the public domain.

Kenya's labour force (aged 15 years and above) was reported as stable in 2009–2012: 60 per cent in 2009 and 2010 and 61 per cent in 2011 and 2012.²¹

²¹ <http://data.worldbank.org/indicator/SI.EMP.TOTL.SP.ZS>. Accessed 6 October 2014.

Table 56: Labour supply and demand matching in Kenya

Employment Status	Number
Employed	12,708,035
Unemployed	1,856,294
Inactive	5,266,112
Undetermined	218,821
TOTAL	20,049,262

Source: KNBS, 2008.

Note: Page 29.

Impact of migration on labour markets

Health Workers

Mwaniki and Dulo (2008) have estimated emigration rates of Kenyan nurses and physicians to the rest of Africa and the developed world (Table 57). Mauritius is an important destination for Kenyan physicians and nurses. Kenyan health workers migrate even to countries that are not English speaking (Angola, Democratic Republic of the Congo and Madagascar).

Table 57: Kenyan health workers' emigration to selected African countries

Country of destination	Emigration rate (%)	
	Physicians	Nurses
Angola	70.5	12.3
Democratic Republic of the Congo	9.0	12.0
Lesotho	33.3	3.0
Madagascar	39.2	27.5
Malawi	59.4	17.0
Mauritius	46.1	63.3
Mozambique	75.0	19.0
United Republic of Tanzania	52.0	4.0
Zimbabwe	51.1	24.2
All Africa	28.0	8.4

Source: Mwaniki and Dulo, 2008.

Note: Tables 8 and 9, pages 23 and 24.

Outside of the African continent, Western countries host large numbers of Kenyan nurses with 33 per cent in the United Kingdom and 49 per cent in the United States. As a way of retaining medical professionals, a number of medical institutes in Kenya have been offering both financial and non-financial incentives

to their staff or new recruits. The Ministry of Health (National Public Health Sector) offers financial incentives: paid leave and overtime pay, and allowances covering a range of activities, including hardship, commuting, security and subsistence. They also provide a range of non-financial incentives, including medical cover including that for the nuclear family (in public hospitals), post-graduate training after three years of internship, and housing. The University of Nairobi's College of Health Sciences offers the same financial and non-financial incentives as the Ministry, in addition to loans and short working hours (Mwaniki and Dulo, 2008:18).

The informal economy

The informal sector of the economy, best known in Swahili as *jua kali*, in Kenya, is estimated at 34.3 per cent of the overall economy, and accounts for 77 per cent of employment statistics. Over 60 per cent of those working in the informal sector are youth aged 18–35 years, of which 50 per cent are women (Institute of Economic Affairs, 2012).

The first small and medium sized enterprises (SME) baseline survey conducted in 1993 revealed approximately 910,000 SMEs employing up to 2 million people. The second SME baseline survey (1995), estimated the size of the SME sector at 708,000 enterprises employing up to 1.2 million people. Compared to the other sectors of the economy, the contribution of the SME sector to the country's GDP increased from 13.8 per cent in 1993 to over 18 per cent in 1999 (Institute of Economic Affairs, 2012:1). Currently, it is estimated that the contribution to the GDP by this sector stands at over 25 per cent (Economic Survey, 2012, cited in Institute of Economic Affairs, 2012).

Nairobi has the highest concentration of informal sector workers compared to the other seven of Kenya's former eight provinces. Most of the people engaged in this sector are generally poor; and there exists a close relationship between the informal and the formal sectors and the transitory nature of workers, with many of them operating in both sectors (ILO, 2012).

The informal sector faces challenges, as noted by the Institute of Economic Affairs (2012), including: lack of opportunity to grow and develop a good culture of corporate governance; complicated tax systems and numerous processes (licensing etc.) making it difficult and expensive for start-up firms to act in good faith; lack of skills on and access to online tax registration and returns; lack of access to policy updates; lack of participation in reform processes; lack of access to accurate information; and tax evasion and corruption as the normal way of doing business.

The Centre for Domestic Training and Development (CDTD) Nairobi receives female rural out-migrants in search of domestic work, especially from Western Kenya (CDTD, 2014). A survey conducted among domestic workers living in Mukuru slum indicated that they experienced “challenges related to securing work opportunities, poor working conditions, and social problems that affect their right to work and have control over the income they earn from domestic work” (Agaya and Nzunza, 2013:7). One of the main concerns is the lack of mapping and monitoring of recruiting agencies operating in urban areas by the Ministry of Labour, Social Security and Services to ascertain whether such workers receive their due remuneration and other terms and conditions of service. Although there are recruiting agencies accredited by the Ministry, unaccredited agencies emerge and operate from time to time, opening the possibility of manipulation of rural out-migrants seeking employment opportunities in urban areas.

Youth migration, labour and employment

The increasing youth migration from rural to urban areas results from the lack of employment opportunities and access to social services at their place or origin, as well the strong desire of youth to explore prospects of life in urban areas. Table 58 outlines the labour force by age.

Table 58: Labour force in Kenya by age group

Age	Male	Rate	Female	Rate	Total	Rate
15–19	714,384	30.3	693,987	29.9	1,408,371	30.1
20–24	1,229,664	73.2	1,271,337	67.6	2,501,001	70.2
25–29	1,240,255	92.6	1,236,960	82.0	2,477,215	87.0
30–34	1,102,997	97.3	948,569	85.5	2,051,566	91.5
35–39	799,120	97.7	821,266	90.1	1,620,386	93.7
40–44	728,921	97.9	720,712	89.9	1,449,633	93.7
45–49	588,251	95.8	547,167	89.1	1,135,419	92.5
50–54	432,724	93.1	393,359	85.2	826,083	89.2
55–59	349,159	91.9	301,499	82.3	650,658	87.2
60–64	221,795	88.9	222,201	76.0	443,996	82.0

Source: KNBS, 2008.

The Ministry of Devolution and Planning, under the Youth Enterprise Development Fund (YEDF), developed the Youth Employment Scheme Abroad (YESA) to provide employment opportunities to emigrant young people in other countries where their skills are required. Tables 59 and 60 outline the data collected for 2013.

Table 59: Number of youth sent abroad under YESA, 2013

Country	No. of Youth Sent Abroad
Iraq	883
Lebanon	27
Afghanistan	3,475
United Arab Emirates	2,098
Bahrain	195
Qatar	2,045
Saudi Arabia	2,772
TOTAL	11,495

Source: Ministry of Devolution and Planning, 2014.

Table 60: Cumulative data of number of youth sent under YESA, 2008–2013

Financial Year	No. of Youth Sent Abroad
2008/2009	883
2009/2010	990
2010/2011	2,947
2011/2012	4,550
2012/2013	972
2013/2014	3,223
TOTAL	13,565

Source: Ministry of Devolution and Planning, 2015.

Although this venture by the Ministry of Devolution and Planning has been able to provide employment opportunities to youth, it comes with serious concerns, such as the abuse of the migrants in the Middle Eastern countries (Migiro, 2014). By the end of September 2014 the Government of Kenya had revoked the licences of 930 Middle East-based and Kenyan recruiting agencies and required them to reapply and be vetted for the services they offered, based on the new regulations provided by the Ministry of Labour, Social Security and Services (Ngugi, 2014).

B.4 MIGRATION AND SOCIAL DEVELOPMENT

Living conditions and poverty

Under the Urbanization, Poverty, and Health Dynamics research programme, the Nairobi Urban Health and Demographic Surveillance System (NUHDSS) has provided instructive results for other urban areas where Kenyans often congregate.²² Studies in the slum settlements of Nairobi and in other settings in sub-Saharan Africa highlight the significant disadvantages faced by the urban poor with respect to morbidity, access to health services, mortality, and risky sexual practices relative to other population sub-groups, including rural residents (Zulu et al., 2011).

A recent study affirms that migrants in Nairobi are polarized between the emergence of poverty and deeper plunge into poverty as a result of their in-migration from rural areas. The NUHDSS reports that some residents of informal settlements do not regret their situation. Many prefer living in cheap squatter settlements to accumulate savings for investments in their home communities (Johnson and Whitelaw, 1974, cited in Zulu et al., 2006, AMADPOC, 2014).

Literacy and education

With 22 public universities and 17 private universities, Kenya produces the largest volume of highly trained and skilled persons in the East African Community (Oucho et al., 2013). An interview with the Teachers Service Commission revealed that the internal movement of Kenyan teachers depends on staff rationalization, balancing staff shortages and schools that require teachers of combination subjects (e.g. sciences, biology, chemistry and physics). On the international scene, Kenya has a bilateral agreement with Rwanda and Seychelles to send teachers for their schools. Yet, teaching staff shortages persist in Kenya.

The data represented in Table 61 shows an increase in the number of public and private schools as well as training institutions for teachers between 2009 and 2013. The recent Economic Survey (KNBS, 2014a:40) provides useful insights into progress made in the first decade of Millennium Development Goals in terms of education. In terms of number of educational institutions, the number of pre-primary institutions increased from 39,758 in 2012 to 40,415 in 2013; the number of primary schools increased by 3.3 per cent from 29,161 in 2012 to

²² A special issue of the *Journal of Urban Health* (volume 88, supplement 2 2011) is devoted to Nairobi's slums. It underlines the problems of the city's slums in terms of in-migration, poverty and health dynamics.

30,122 in 2013; and the number of secondary schools increased by 7.9 per cent from 8,197 in 2012 to 8,848 in 2013.

The enrolment numbers also increased as the KNBS report indicated that pre-primary increased by 2.5 per cent from 2.405 million in 2012 to 2.465 million in 2013; private and public primary schools increased by two per cent from 10 million in 2012 to 10.2 million in 2013, and secondary school enrolment in 2012 was reported to have increased by 10.5 per cent from 1.9 million in 2012 to 2.1 million in 2013 (2014a).

Table 61: Number of educational institutions, 2009–2013

Category		2009	2010	2011	2012	2013*
Schools						
Pre-primary	Public	23,823	23,980	24,588	24,654	24,702
	Private	14,424	14,543	14,912	15,104	15,443
	Total	38,247	38,523	39,500	39,758	40,145
Primary	Public	18,543	19,059	19,848	20,307	21,205
	Private	8,124	8,430	8,719	8,854	8,917
	Total	26,667	27,489	28,567	29,161	30,122
Secondary ¹	Public	5,019	5,296	5,311	6,188	6,807
	Private	1,952	1,972	1,986	2,009	2,041
	Total	6,971	7,268	7,297	8,197	8,848
Teacher Training Colleges						
Pre-primary	Public	20	20	20	20	22
	Private	51	101	102	105	109
Primary	Public	20	21	21	21	22
	Private	85	89	91	97	101
Total		105	110	112	118	123
Secondary ¹		3	3	3	3	3
Sub-Total		179	234	237	246	257
TIVET Institutions						
Youth Polytechnics		579	582	585	647	701
Institutes of Technology		17	14	14	14	9
Technical Training Institutes		19	26	26	35	35
National Polytechnics		2	2	2	3	3
Polytechnic University Colleges		2	2	2	2	-

Total	619	626	629	701	748
Universities					
Public	7	7	7	8	22
Private	24	25	27	27	30
TOTAL	31	32	34	35	52
GRAND TOTAL	72,714	74,172	76,264	78,098	80,172

Source: KNBS, 2014a.

Note: Page 41. Extracted from the Ministry of Education, Science and Technology. *Provisional; ¹Diploma teacher training colleges.

The number of registered teachers in educational institutions also increased between 2009 and 2013 (Table 62). This includes trained and untrained teachers.

Table 62: Number of trained and untrained teachers from early childhood development to secondary school, 2009–2013

Number of Teachers	2009	2010	2011	2012	2013*
Trained					
Early Childhood Development (ECD)					
Male	10,346	10,553	10,658	13,450	13,854
Female	61,234	62,459	64,957	67,076	69,960
Primary School					
Male	92,374	90,186	90,624	98,367	102,227
Female	78,927	83,202	83,643	92,667	97,459
Secondary School					
Male	29,794	33,126	35,245	35,245	40,237
Female	18,164	19,809	21,317	21,317	25,100
Untrained Teachers					
Early Childhood Development (ECD)					
Male	5,345	5,356	5,372	4,342	3,430
Female	16,030	16,062	16,158	15,021	13,818
Secondary School					
Male	107	96	158	171	140
Female	22	16	15	58	17
Sub-Total	21,504	21,530	21,703	19,592	17,405
GRAND TOTAL	311,543	320,865	328,147	354,961	365,951

Source: KNBS, 2014.

Note: Recreated. *Provisional.

B.5 MIGRATION AND HEALTH

Although migration in itself does not cause disease, conditions surrounding the migration process increase migrants' vulnerability to ill health. Social determinants of health are the conditions in which people are born, grow up, live, work and age, which are shaped by political, social and economic forces. These determinants – which include literacy and levels of education, income, availability of the public health-care system, the role of gender in society, living and working conditions and so on – are responsible for health inequities, such as access to good quality health care, within and between countries. The migration process is considered a social determinant of health: individual factors and lifestyle factors, social and community influences, living and working conditions and general socioeconomic, cultural and environmental conditions impact the health and well-being of migrants, their families as well as their communities of residence and origin. At the same time, migration can exacerbate the impact of these factors.

Migrants originating from areas of poverty, those who are displaced by conflict or environmental disaster, vulnerable groups (e.g. people with pre-existing health conditions, unaccompanied migrant children, the elderly, the young and single-parent families) and those with limited education and professional and linguistic skills, are at greater risk of adverse health outcomes. Furthermore, migrants who are subjected to exclusion (especially migrants in an irregular situation) can be disproportionately vulnerable to contracting disease and developing mental health problems resulting from poor living environments, exploitative working conditions and lack of access to health and social services.

In Kenya, locations with high levels of migration tend to be difficult to reach with health information and services. This has an impact on the health of the population, with for example high burdens of adverse reproductive and child health outcomes and emergence of resistance to drugs for conditions such as tuberculosis. Weak health systems in the porous Kenya border areas also remain a serious public health problem, as evidenced by reports of multi-drug resistant tuberculosis and outbreaks of cholera and vaccine-preventable diseases, including sporadic re-emergence of polio and measles, in the past few years. Further, recurrent crises often lead to breakdowns in the continuum of care as a result of mass displacement of people, including health-care workers themselves, impacting access and delivery of critical services, including HIV and tuberculosis care. In emergency contexts, access to such services may be constrained by staff shortages and other logistical and capacity challenges at existing health facilities, loss of property including medical records, insecurity and stigma.

Moreover, the Ministry of Health has identified migrants as being among those most at risk for HIV and acknowledges the need for effective interventions among such populations (Ministry of Health, 2012a). In general, migrants tend to experience low access to health services due factors such as fear of arrest because of lack of legal status; higher fees for health services compared to nationals; cultural and language barriers; low health literacy and knowledge of the health system; poor socioeconomic status; and real or perceived hostility by health-care workers and host community members.

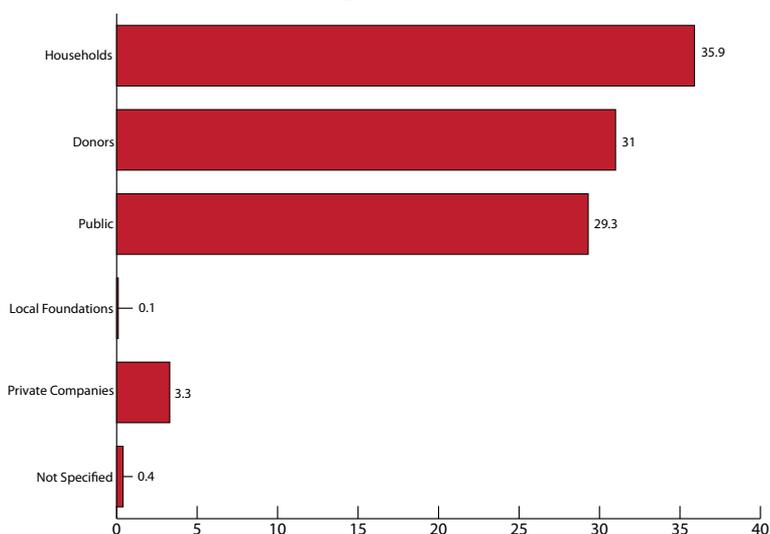
National health-care system and key health indicators

Health-care financing

Health services are provided by both public and private sector institutions. The Government remains the main provider of health services where 51 per cent of all health facilities are government owned; 34 per cent are owned by private for-profit institutions; and 15 per cent are owned by private not-for-profit (mainly faith-based) institutions (Ministry of Medical Services, 2008).

Health-care financing rests first and foremost on households' self-financing: 36 per cent of health expenditures are covered by households; 31 per cent are covered by donor funds; and 29 per cent are government-funded (Chuma, Maina, Ataguba, 2012).

Figure 25: Health-care financing



Source: Luoma et al., 2010.

Half of the public health budget is spent at the hospital level, although government health facilities also charge users a fee for the service provided (HIV and tuberculosis treatment are free). In 2004, user fees were replaced with a flat consultation fee of 10 Kenyan shillings (approximately USD 0.10) for dispensaries and 20 Kenyan shillings for health centres. Kenya provides access to health insurance for individuals receiving a salary of more than 1,000 Kenyan shillings per month via the National Health Insurance Fund (NHIF). Those in the informal sector, however, are disadvantaged as very few of them have permanent jobs that would allow them to access the insurance package.

Health-care delivery

Access to health care varies across Kenya as reflected in Table 63. Hospitals include those managed by the Government of Kenya, faith-based organizations and the private sector. Previous studies have shown that the need to access quality health services is one of the reasons for rural–urban migration (Mwaniki and Dulo, 2008).

Table 63: Service delivery system: facilities and human resources, 2010

Type of service	Public	Private				Total
		For profit	Not for profit	Faith-based Organization	Total private	
Facilities						
Tertiary Hospitals (Level 6)	4	0	0	0	0	4
Secondary Hospitals (Level 5)	10	0	0	0	0	10
Primary Hospitals (Level 4)	225	12	5	23	40	265
Other Hospitals (Level 4)	22	41	59	52	152	174
Health Centres (Level 3)	473	21	88	139	248	721
Dispensaries (Level 2)	2,393	74	380	509	963	3,356
Nursing Homes (Level 3)	3	89	54	9	152	155
Clinics (Level 2)	20	1,126	693	102	1,921	1,941
Laboratory	7	2	29	7	38	45
Dental Clinics	0	10	1	0	11	9
Registered Medical Personnel						
Doctors	1,715				5,182	6,897
Clinical Officers	2,116				3,772	5,888
Nurses	14,958				32,907	47,865
Pharmacists / Ph.Technologists	652				4,219	4,871
Public health officers/Technicians	4,027				9,134	13,161

Source: Kenya Health System Assessment, 2010.

Table 64: Estimates of health personnel in the public and private sectors, 2007–2008

Cadre	Total registered	Public sector (2008)	Public sector (% of total)	Private sector	Private sector (% of total)
Doctors	6,271	1,605	26	4,666	74
Dentists	631	205	32	426	68
Pharmacists	2775	382	14	2,393	86
Pharmaceutical Technologists	1,680	227	14	1,453	86
Nursing Officers	12,198	3,013	25	9,185	75
Enrolled Nurses	31,917	11,679	37	20,238	63
Clinical Officers	5,797	2,202	38	3,595	62

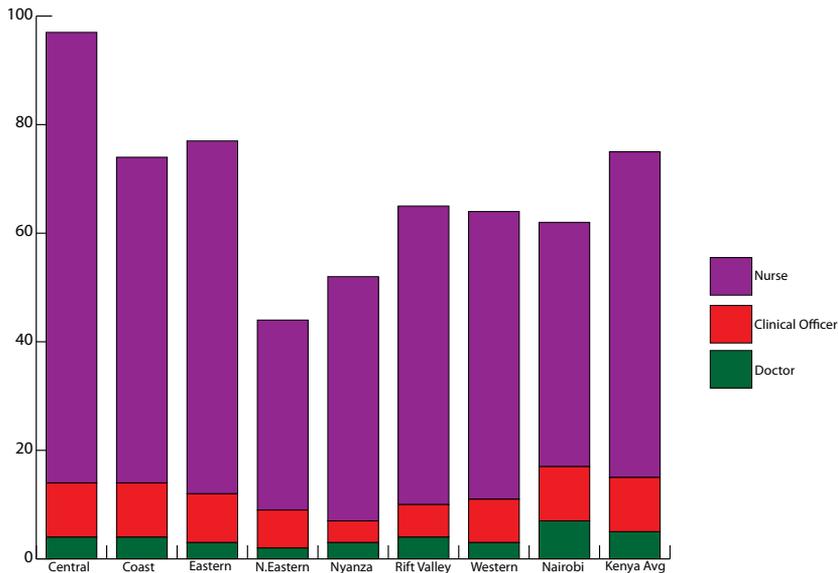
Source: Luoma et al., 2010.

Kenya's health system has a strong urban bias with Nairobi boasting better availability of health services of all levels. This contributes to domestic migration in a context as areas of origin lack health and medical facilities (AMADPOC, 2014).

There are regional disparities in the types of endemic diseases or epidemics as well. Apart from HIV/AIDS and sexually transmitted infections, malaria is endemic in the Lake Victoria lowlands and the coastal parts of Kenya. Tuberculosis can be found across the country.

While Nairobi has the majority of doctors and nurses, the two other provinces have serious shortfalls compromising their health-care capabilities. Figure 26 shows the distribution of health-care workers by province as of 2010. The former Central Province had 84 health-care workers for 100,000 people, while North-Eastern Province had only 33.

Figure 26: Health-care workers per 100,000 population by province



Source: Luoma et al., 2010.

Note: Most Nairobi facilities belong to the municipality; as such numbers are an under-representation for Nairobi.

HIV/ AIDS prevalence and migration

An analysis of migration health in Kenya by IOM shows that “as migrants do not live in isolation, but rather in diverse communities, their health status has an impact on the community at large” (2011c:4). The report identifies the risks of HIV transmission along transport corridors, the transmission of tuberculosis in urban settlements, and the health risks posted by highly mobile pastoralists. These health issues will be reviewed in this section against key national health indicators.

The national HIV prevalence is 6 per cent – 5.6 per cent among men and 7.6 per cent among women (Ministry of Health, 2014). HIV/AIDS is present in all 47 counties with varying rates: 25.7 per cent in Homa Bay, 23.7 per cent in Siaya, 19.3 per cent in Kisumu, 14.7 per cent in Migori, and 8.0 per cent in Nairobi and Kisii (Ministry of Health, 2014:5)²⁴. Overall 75 per cent of new HIV infections among children took place in five counties: Homa Bay, with 12,280 new HIV infections; Kisumu, with 10,350; Siaya, with 9,870; Migori, with 6,790; and Kisii, with 4,890. Adult incidence rates are on the decline – from 0.62 per cent in 2000 to 0.44 per cent in 2013 (Ministry of Health, 2014).

²⁴ Prior to 2013, Kenya had 8 provinces. These have since been replaced by 47 counties.

According to IOM, most-at-risk populations (i.e. sex workers, men who have sex with men) account for an estimated 15 per cent of all new infections (2011c). The report highlights specifically the link between mobility and HIV infections along transport corridors in Kenya: “transport corridors remain substantial contributors of new infections and remain among the most important populations not adequately covered by the prevention efforts” (National AIDS Control Council, UNAIDS and World Bank, 2009).

Indeed, recent studies show that many new HIV infections are occurring along major transport corridors of Africa, especially in areas with increased mobility and economic importance, such as truck and border stops, which also affects local communities surrounding such areas (Kerry et al., 2012), and that truckers have overall higher prevalence rates of HIV and sexually transmitted infections compared to non-truck driving male counterparts (Phodhisita et al., 1996). In Kenya, for instance, a study found a HIV prevalence rate of 15 per cent among truck drivers (Kissling et al., 2005). In addition, sex workers, other migrant workers and other key populations are associated with transport corridors. High levels of transactional sex, multiple concurrent partnerships, low consistency of condom use, drug and alcohol use, sexual and gender-based violence among other factors increase vulnerability to HIV transmission. The root causes associated with these risk factors include delays at truck stops and border crossings, which generate a large number of overnight stays; the isolation associated with travelling away from homes and communities; and disposable income, which creates a disparity between the truckers and the host community, acting to further encourage the risky environment (Ministry of Health, 2012a; Morris and Ferguson, 2006 and 2007; Ferguson and Morris, 2007).

Youth migration has an impact on their sexual activities before marriage (Xu et al., 2013). In Kisumu city, it has been noted that when young people migrate from rural areas, they not only experience challenges adapting to their new environment, but also are exposed to a new lifestyle completely different from that in their places of origin, notably in terms of culture and social norms. These experiences can lead to unwanted pregnancies and sexually transmitted infections or disease. Kisumu, in particular, attracts internal and international migrants and has residents who have been reported to have low contraception use and, therefore, high pregnancy levels (ibid).

It is reported that the HIV prevalence rate among young females aged 15–24 is 2.7 per cent compared to 1.7 per cent for males that age. The average for youth is 2.2 per cent and women account for 21 per cent of all new HIV infections in Kenya’s youth population (Ministry of Health, 2014).

A number of studies on HIV/AIDS and migration in Kenya, especially rural–urban migration, have been produced. Brockerhoff and Biddlecom noted that the dominance of males in urban areas underlines the serious implications of HIV transmission throughout Kenya (1999). Among other things, the study found that independent of marital and cohabitation status, social milieu, awareness of AIDS and other crucial influences on sexual behaviour, male migrants between urban and rural areas and female migrants within rural areas are much more likely than non-migrants to practice high-risk sex.

The Most-At-Risk Populations Surveillance Report (Ministry of Health, 2012a:2) shows the HIV prevalence in Nairobi among men who have sex with men (MSM) (18.2%), female sex workers (29.3%), and injection drug users (18.7%) were significantly higher than the general population in Nairobi (8.8%) (Ministry of Health, 2007). Nearly 40 per cent of all MSM have been married to women, and 13 per cent are currently married to a woman. Findings of the NASCOP study revealed that many MSM in both Nairobi (62%) and Kisumu (52%) identify their sexual identity as homosexual (Ministry of Health, 2012a:3). A greater proportion of MSM in Kisumu (83%) had non-regular male sex partners in the past six months than MSM in Nairobi (53%). Among those who had anal sex with non-regular male partners, 70 per cent reported inconsistent condom use with non-regular male partners in the past 30 days (Nairobi). Having non-regular female partners in the last 6 months was less common in Nairobi than in Kisumu (24% versus 43%).

Health vulnerabilities of urban migrants

IOM research indicates that some of the challenges encountered by the Somali population trying to access health services include language barriers, culture, religion and health literacy. For example, IOM undertook a study of health vulnerabilities of migrants in Eastleigh area in Nairobi city. The study found that Eastleigh is host to the most identifiable migrant community in Nairobi, but many other urban migrant communities are dispersed throughout the city, particularly within its informal settlements. Aside from IOM's Eastleigh Community Wellness Centre, there was no health programme inclusively targeting urban migrants. Programmes targeting particular groups such as refugees were limited in quantity and scope, though certain programmes were available to Nairobi's urban migrant population, irrespective of their immigration status. Finally, the strength of health programming included a demonstrated willingness shown by government representatives and health-care providers to act upon the growing concerns relating to migrants and their health, especially in services for HIV, TB and paediatric programmes (IOM, 2013b).

In an earlier study, IOM found that the vast majority of migrants residing in Eastleigh have an irregular immigration status, and are thus deprived of basic health services due to fear or distrust of the authorities (2011c:9). As a result of stigma, language barriers, and lack of health literacy, which discourage migrants from seeking appropriate diagnosis and treatment, most of the migrants prefer private health facilities, many of which are not licensed by the Government.

The health status of rural migrants settled in informal settlements is also a concern, especially that of migrant children. These informal settlements house most of the financially insecure people and create an environment where there are “higher levels of morbidity, indulgence in risky sexual behaviours and drug abuse, lower utilization of health services and higher mortality than other population subgroups including rural residents” (Bocquier et al., 2010). Bocquier et al. highlighted the health challenges faced by migrant children in informal settlements: children born to a mother who had migrated within the previous 8 months are more likely to die in comparison to those who migrated 9–19 months earlier (2010). The environment in informal settlements poses other risks to children in terms of health as they have polluted rivers, lack of proper sanitation facilities, and lack sewers (Konseiga, 2009:133).

B.6 MIGRATION AND THE ENVIRONMENT

Climate change

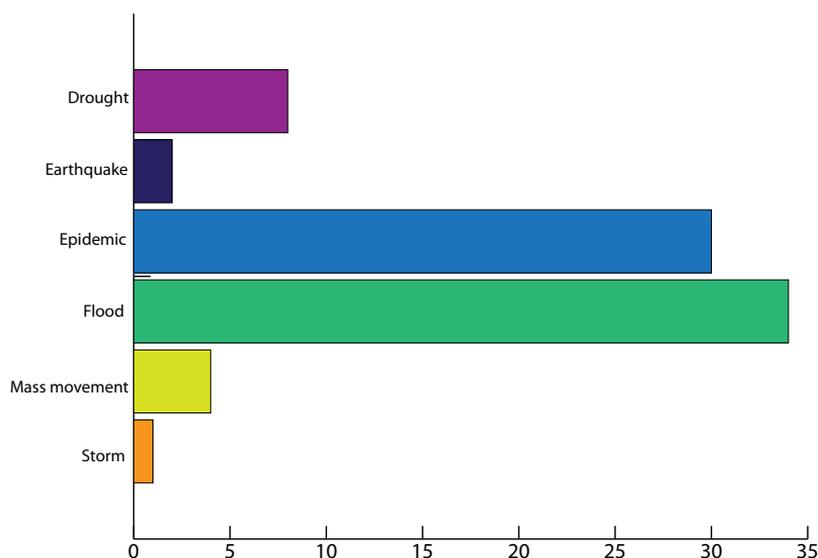
Kenya has a dry environment with temperatures and rainfall variability due to diversity in relief features. It has been characterized as mostly warm throughout the country with exceptions of the coastal area and northern parts of the country that are mostly arid and hot. Average temperatures ranged from 27–31 degree Celsius with two rainy seasons, the long rains arrive between April and June while the short rains between October and December (Heinrich Boll, 2010:23).

Climate change and environmental degradation, which contribute to drought and other natural disasters, have significant influence on both voluntary and involuntary internal migration (rural–rural as well as rural–urban) and, to a smaller extent, immigration. Climate change has had a clear impact on the movement of people, especially pastoralists as the extreme temperatures experienced in areas such as Garissa and Turkana lead to loss of livestock. It has also affected farming activities in many counties in Western and Central Kenya due to the often irregular and unpredictable nature of weather. Agriculture is the most important sector in Kenya and for the 80 per cent of the Kenyan population residing in rural areas, it is a major source of employment. Climate change has had a major

impact on the ecosystem. Smallholder farmers that rely on subsistence farming are vulnerable to climate change as they are unable to reap the benefits of their harvest. A good example is the Mau forest where indiscriminate deforestation has adversely affected the water towers, resulting in decreasing and intermittent rainfall and, consequently, drying rivers and poor crop yields.

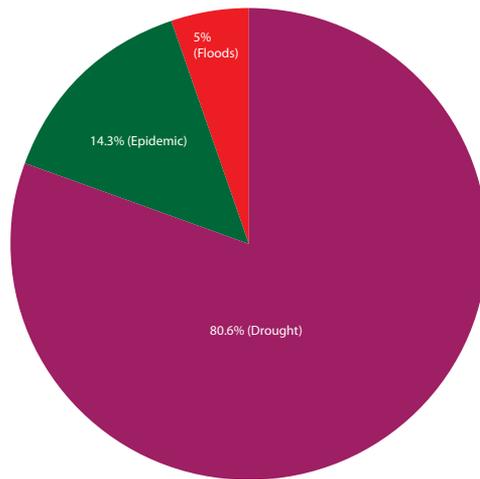
Extreme weather changes have led to droughts and severe flooding, affecting the pastoralists and their livelihoods, and forcing them to engage in migration as a coping and survival strategy. Figure 27 shows the natural disasters that have taken place in Kenya and their occurrence between 1980 and 2010 and Figure 28 shows the percentage of the population affected by disaster type. The disasters cause migration of agro-pastoralists who sometimes have no option but to change their traditional livelihoods as land resources shrink and rain-fed agriculture becomes untenable. Although floods and epidemics occur frequently in the affected areas of Kenya, most displaced people are affected by drought.

Figure 27: Natural disaster occurrence reported, 1980–2010



Source: Prevention Web, N.D.

Figure 28: Percentage of reported people affected by disaster type



Source: Prevention Web, N.D.

The most environmentally unstable areas in terms of drought are the northern- and north-eastern regions of Kenya, while Western Kenya is more prone to severe rainfalls. Kinuthia-Njenga and Blanco's study (2009:3) of environment-induced migration to Nairobi, found that 44 per cent of 485 respondents moved because of environmental change.

Migration as a coping strategy

Residents from environmentally vulnerable communities, such as pastoral communities, have adopted migration as both an adaptation and an income diversification strategy (Leighton et al., 2011). This is due to changes in climate and environment that adversely affect their livelihoods. Movements resulting from climate change are becoming increasingly common, causing conflicts between pastoralists and farmers. Such conflicts characterize the borderlands of north-eastern, eastern and coastal areas of Kenya.²⁵

Pastoralists in particular are vulnerable to climate change as the loss of livestock due to famine and drought has pushed about 69 per cent and 85 per cent of the north-eastern and Turkana pastoralists respectively to local shopping centres in the area and about 19.4 per cent to employment in north-eastern part (IOM, 2010b:10). IOM reported that the youth were particularly adversely affected as they were forced to move to urban areas, especially the young men. Some 69

²⁵ www.iom.int/.../kenya/Mitigating-Resource-Based-Conflict. [Accessed 01 October 2014].

per cent of pastoralists from north-eastern part, 64 per cent from Turkana and 97 per cent of the Maasai had moved from their rural home to urban centres (IOM, 2010b:10).

The impact that climate change has had on the livelihood of pastoralists has also influenced their decision making in terms of herd size and composition, which depend on the area they reside in. Garissa County provides a good strategic initiative of enhancing resilience whereby “pastoral communities have well-developed coping strategies that they employ to manage shocks, including herd splitting, building herd sizes as a buffer against shocks and loans or redistribution of livestock and other assets to family or community members” (Adaptation Learning Programme, 2011:4). However, these strategies are not always effective as unpredictable weather conditions make them difficult to apply. Pastoralists are unable to engage easily in cross-border mobility, largely due to insecurity in Somalia. In addition, the scarcity of natural resources may lead to clashes between local ethnic groups, which may trigger migration as a survival or escape strategy rather than a coping strategy. Table 65 summarizes different types of pastoralist movements likely to occur due to climate change (Schrepfer and Caterina, 2014).

People also migrate from flood-prone areas to safer grounds. Those who do not are frequently exposed to heavy rains, floods, and water-borne and vector-borne diseases.

Table 65: Types of pastoralist movements

Type of Movement	Characteristics
Nomadic movements	<ul style="list-style-type: none"> • The strategic mobility of people and/or livestock; • Pursued primarily for livelihood purposes and is a matter of choice; and • Do not stop at internationally recognized state borders.
Migration as adaptation	<ul style="list-style-type: none"> • Steered by the need to adapt to external circumstances (e.g. climate hazards or other negative impacts on pastoralists) while trying to maintain a pastoral lifestyle; • Still considered 'voluntary', but different from nomadic movements due to the increased pressures on pastoralists; and • Characterized by the constitutional and human right to freedom of movement, as long as it remains within State borders.
Displacement	<ul style="list-style-type: none"> • May represent a secondary movement after pastoralists have first moved as a means of adapting to a changing environment; • Can be a precursor to cross-border displacement; • Occurs when traditional forms of rangeland management are insufficient; • Characterized by the collapse of mutual support and assistance structures within and among pastoralist communities; and • Can lead to structural impoverishment ('poverty traps').

Source: Ginnetti and Franck, 2014.

Note: Page 14.

Impact of migration on the environment

Urban environment

The increase of urban populations has caused environmental degradation and multiple health hazards in Kenya (NCPD, 2009). Air pollution from industrial waste and emission of gases from engines and heavy traffic on highways are important air pollutants. In addition, one must also note the pollution of water sources, for instance the Nairobi River and its tributaries (UNEP, 2005).

The Nairobi River has been polluted by leaching from dump sites, with the Dandora and Satellite/Kawangware residential areas in Nairobi as the major pollutants. Limited space available for expansion has led to unhygienic waste disposal in the city estates. The situation is worse in crowded settlements, in particular the city slums that do not have basic facilities like toilets or latrines, proper drainage, safe and reliable water and accessible roads for garbage collection. Thus, as rural–urban migration augments Nairobi's population, its effects on the city's environment become more significant.

In terms of waste collection and disposal, in Nairobi, the City Council collects only 40 per cent of the wastes and the private sector only 20 per cent; the remaining 40 per cent is left uncollected either because it lies in inaccessible locations or because the city and private sector personnel are overwhelmed; it is then disposed of through burning or dumping in open areas and pits (Ikiara, 2006), causing more environmental degradation and health hazards to urban dwellers. A study by UNEP, the National Environment Management Authority and the Environmental Protection Agency found that in low-income areas, which are inhabited by up to 60 per cent of the urban population, local authorities do not provide waste collection services (2005). This in and of itself is a clear demonstration of the limited capacity of the local authorities to deal with the increasing demand for waste collection due to the increasing urban populations. The problem in Nairobi's slums is particularly worrisome because these areas hold the vast majority of the city's population, they are densely settled and they have the worst health and sanitary conditions. Without appropriate interventions, the sustained arrival of new migrants to Nairobi will continue to pose challenges to the fragile urban environment.

Camp environment

Refugee-hosting areas, notably Dadaab and Kakuma, are semi-arid environments that are vulnerable to the effects of climate and environmental change. The Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP) reported in 2010 in Dadaab, the use of firewood has dropped from 1.5 kilogram per person per day at the camp in 1998 to 1 kilogram per person per day in 2010. Firewood consumption among the non-camp host community is 1.2 kilograms, due to easier access. The report stated that this reduction is "a sign of increasing shortage and commercialization of the supply chain, which has obliged users to become more economical in the way they manage energy" (ALNAP, 2010:50).

With a host population of about 150,000 and a camp population estimated around 200,000 people, the demand from both is equal yet resources are strained in north-eastern Kenya's marginalized counties. The report noted that if the number of refugees at Dadaab continues to increase, it could have a devastating impact on the environment, forcing host communities to seek grazing grounds further away; the cost of wood prices would increase, and therefore the charcoal supply to the camp would increase, encouraging the privatization of lorries that transport the natural resources used in the camps (ALNAP, 2010:56). Against this development, organizations operating within the region have been developing strategies to control the use of natural resources to reduce possible conflict within the camp and with host communities.

Other environmental concerns affecting areas hosting refugees include solid waste management, which may have negative implications for the environment if it is not well disposed of or recycled. The 2010 ALNAP report highlighted an increase in the use of plastic bags to dispose of waste at the risk of livestock consuming them. Several agencies have been working on effective ways of ensuring that solid waste is recycled and that the refugee population is educated on the risks solid waste may have on their environment (ALNAP, 2010:63).

PART C: MIGRATION AND GOVERNANCE

This section provides an overview of the key national policies, legislative framework and institutional arrangements on migration governance, as well as of past, current and foreseen international cooperation on migration.

C.I POLICY FRAMEWORK

The Kenya Vision 2030 is the national planning strategy, which is implemented through a series of five-year Medium Term Plans. Migration is addressed to some extent within this framework. Core migration policy documents are the Kenya Diaspora Policy (MFAIT, 2014a), the Kenya National Migration Policy (draft), and the Kenya National Labour Migration Policy (draft) (Government of Kenya, 2010a). Other policy documents address migration to some extent, including the Kenya Foreign Policy (MFAIT, 2014b) Population Policy for National Development, National Climate Change Response Strategy (Government of Kenya, 2010b) and National Climate Change Action Plan (Government of Kenya, 2013) and the Draft National Policy for Disaster Management in Kenya (Government of Kenya, 2009).

Kenya Vision 2030

Kenya's national planning strategy is known as Kenya Vision 2030 (Government of Kenya, 2007b). It was adopted after the implementation of the Economic Recovery Strategy for Wealth and Employment Creation 2003–2007 (Government of Kenya, 2003), which led the country on a path of rapid economic growth which saw GDP rise every year, from 2.93 per cent in 2003 to 6.99 per cent in 2007.²⁶

Kenya Vision 2030 is being implemented in a series of successive five-year medium term plans through flagship programmes falling under three pillars: economic, social and political. The overall vision is to “transform Kenya into a newly industrializing, middle-income country providing a high quality of life to all of its citizens by the year 2030” (Government of Kenya, 2007b:1). The three-pronged pillar strategy aims at achieving: under the economic pillar, a sustained economic growth of 10 per cent per annum; under the social pillar, a just and cohesive society enjoying equitable social development in a clean and secure environment; and under the political pillar, an issue-based, people-centred, results-oriented, and accountable democratic government (Government of Kenya, 2007b).

²⁶ World Bank GDP growth (annual per cent) <http://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG>.

Kenya Vision 2030 does not mainstream migration, nor does it highlight the benefits of migration on the country's economic, social and political development. References are made to "drawing in more remittances from Kenyans abroad" and "pursuing a comprehensive remittances strategy" as part of the flagship projects (Government of Kenya, 2007b:14;19).

Migration matters receive more attention under the current *Second Medium Term Plan 2013–2017* (MTP II) (Ministry of Devolution and Planning, 2013). The following migration issues are mentioned in the MTP II:

1. Under labour and employment, unregulated foreign employment and labour migration is noted as an emerging issue and challenge, as is the lack of a legal framework on diaspora. Foreign employment management, orientation, and re-entry projects are highlighted as planned programmes and projects for 2013–2017. These programmes and projects would see the Government develop orientation and re-entry programmes to prepare and sensitize Kenyan immigrants on the nature, terms, and conditions of jobs abroad and the rights and obligations for workers and remedies in case of violations; provide pre-departure preparations for job-seekers; develop and enforce guidelines on employment of foreigners and on accreditation of private employment agencies; and enter into bilateral agreements with key labour destination countries. Other programmes and projects highlighted include the mainstreaming and integration of diaspora into the national development agenda through finalization of the diaspora policy and establishment of a diaspora advisory body.
2. Under ending drought emergencies, the link between migration and the environment is acknowledged by noting that "[c]ompetition between communities over natural resources increases insecurity...[which] in turn increases vulnerability to drought, by impeding migration, curtailing access to services and resources, destroying assets, and damaging intercommunal relations."
3. The section on environment, water and sanitation similarly recognizes the relationship between migration and the environment, specifically with regards to land and environmental degradation, stating that "land degradation leads to socioeconomic problems such as food insecurity, insufficient water, regular loss of livestock, limited agricultural development and out-migration, specifically from rural areas.
4. The section on population, urbanization and housing recognizes the increasing rural–urban migration as an emerging issue and challenge, and improving the knowledge and information base on population issues including migration is one of the strategic priorities identified in this issue area.

5. The section on infrastructure prioritizes Implementation of the Resettlement Action Plan for persons displaced along the railway reserve in Nairobi.
6. The need to finalize policies on refugees, migration, and urban development is recognized in the section on governance and rule of law.
7. The section on strategic objectives for gender, youth and vulnerable groups mentions the elimination of child trafficking as an expected output/outcome.
8. The section on strategic objectives for special programmes mentions resettlement of internally displaced persons (IDPs) and forest evictees as an expected output/outcome.

Kenya Draft National Migration Policy

In 2009, the Ministry of Immigration and Registration of Persons, with the support of the IOM, drafted a National Migration Policy. The draft policy was presented at a stakeholders' workshop in 2009. The workshop was designed to offer a platform for interministerial discussions on the draft policy, before being forwarded to the Cabinet and to the Kenyan Parliament for approval. The current status of the draft is unknown.

Kenya Draft National Labour Migration Policy

The process of preparing a National Labour Migration Policy for Kenya began in 2010. The mission of the policy is to “manage labour migration for the benefit of women and men labour migrants and their families, and provide up to date Labour Market Information on development of human resource development policies and strategies,” (Government of Kenya, 2010a:7) and has the following objectives:

- To provide a framework for management of movement of remunerable labour out of the country and the return of Kenyans who have been living and working abroad.
- To provide a framework for the realization and security of the individual rights and social security rights for labour migrants and their respective families.
- To provide a framework for return and reintegration of Kenyans living and working abroad into the Kenyan labour and societal fabric on their return to Kenya.
- To provide a framework within which opportunities available in foreign countries for surplus local labour can be tapped.
- To provide mechanisms for ensuring the proper treatment and protection of Kenyans working in foreign countries.

- To provide a framework for formalization and documentation of informal and undocumented skills available locally for ease of marketing those skills in foreign jurisdictions (Government of Kenya, 2010a:4).

The policy recognizes that labour migration is a multi-dimensional issue touching on the mandates of various governmental ministries, departments, and agencies. It calls for the establishment of an interdepartmental and interministerial Labour Migration Unit to manage labour migration issues, to be housed within the National Employment Bureau of the Ministry of Labour (now the Ministry of Labour, Social Security Services). The policy also proposes the structure for such a unit, suggesting it be comprised of: i) a research and planning section responsible for policy review and formulation, monitoring, and project and programme formulation; ii) a worker deployment section responsible for verification and attestation, accreditation, and monitoring workers welfare; and iii) a stakeholder affairs management section responsible for coordination, social marketing, public information, and career guidance and counselling.

The draft policy identifies the following issues and concerns germane to the management of labour migration:

- Developing market-driven skills and keeping a skills' inventory.
- Addressing concerns of return and reintegration of Kenyans who have been working abroad.
- Registration, regulation and monitoring of foreign employment agencies.
- Addressing the protection of the rights of labour migrants and their families.
- Portability of social security for labour migrants and their families.
- Regional integration and international cooperation and labour migration.
- Capacity-building and training of persons involved in management of labour migration.
- Labour migration and combating human trafficking.
- Establishment and maintenance of comprehensive labour migration data management systems and harnessing the potentials of information and communication technology.
- Quality assurance management.
- Integrity and ethics.
- HIV/AIDS.

Kenya Diaspora Policy

The Kenya Diaspora Policy is a response to the urgent need to mainstream Kenyan diaspora into national development processes in line with the aspirations and goals of the Kenya Vision 2030 (MFAIT, 2014a:vi). Launched in January 2015, the policy outlines the legal and institutional framework necessary for effective management of diaspora affairs including their participation in national development. The policy defines the Kenyan diaspora as comprised of both persons of Kenyan origin, who are not Kenyan citizens but are of Kenyan origin, and non-resident Kenyans, which are Kenyan citizens that reside outside the country. Using this broader definition, the policy estimates that there are about 3 million Kenyans abroad and that this number is always on the rise (MFAIT, 2014a:8).

The specific objectives of this Policy are to:

1. Develop and implement strategies to engage, empower and mainstream Kenyans Abroad into national development process;
2. Mobilize Kenyans Abroad to form town, city or country specific umbrella associations which have a national outlook as well as regional and global umbrella associations for effective engagement and representation;
3. Develop measures to enhance protection of Kenyans abroad;
4. Develop mechanisms for dialogue and partnership with Kenyans abroad; and
5. Establish the necessary institutional mechanism for coordination and administration of issues affecting Kenyans Abroad.

In order to achieve these objectives, the policy states that the following strategies will be implemented:

1. Promote continuous dialogue with Kenyans abroad.
2. Enhance capacity to offer consular services.
3. Develop mechanisms of reducing the high cost of remitting money.
4. Develop an incentive framework to promote diaspora participation in national development.
5. Enhance mechanisms for protecting Kenyans abroad.
6. Develop an integrated database on Kenyans abroad.
7. Develop an up to date inventory of diaspora expertise and skills.
8. Leverage the use of information and communication technology-enabled services.
9. Develop reintegration mechanisms for returnees.

10. Harmonize and conduct pre-departure training.
11. Develop legislative framework.
12. Promote participation in democratic processes by Kenyans abroad.
13. Promote philanthropic initiatives.
14. Develop mechanisms of engagement with diaspora youth.

The policy also details the roles and responsibilities of various government ministries and agencies, county governments, associations of Kenyan communities abroad, development partners, and the media. It also states that a National Diaspora Council of Kenya will be established within the Ministry of Foreign Affairs and International Trade (MFAIT) to strengthen the role of the Ministry, eliminate overlaps and promote consistency in the management of issues of Kenyans abroad.

Kenya Draft National Policy on Internal Displacement

This draft policy acknowledges that internal displacement has long been an issue in Kenya, from colonial times to the present, and that there is inadequate information on causes of displacement or on the profile of those displaced. The objectives of the draft policy are to: i) ensure that internal displacement and its various causes are recognized by the Government of Kenya; ii) create a common understanding of who an IDP is; iii) establish a national framework for addressing internal displacement; iv) ensure that the Government of Kenya takes primary responsibility for preventing further displacements and for addressing root causes of displacement; v) provide a common basis for Government and other actors to respond to displacement in a coordinated manner; vi) guide the Government and other actors in their efforts to find lasting solutions for IDPs; vii) protect and raise awareness of the rights of IDPs; and viii) ensure that the laws are adequate for the protection and assistance of IDPs (Government of Kenya, 2011).

Kenya Foreign Policy

The Kenya Foreign Policy identifies the following national objectives: i) promotion of Kenya's sovereignty and territorial integrity; ii) promotion of sub-regional and regional integration and cooperation; iii) enhancement of regional and global peace and security; iv) advancement of the economic prosperity of Kenya and her people; v) protection of Kenya's image and prestige; vi) promotion of international cooperation and multilateralism; vii) promotion and protection of the interests of Kenyans abroad; and viii) enhancement of partnership with the Kenyan diaspora and descendants. One of the pillars of this policy is the "diaspora

diplomacy policy” which recognizes the potential contribution of Kenyans abroad to Kenya’s national development agenda. This pillar aims to “harness the skills, knowledge, expertise, and resources of Kenyans living abroad, and facilitat[e] their integration into the national development agenda.” (MFAIT, 2014b:25). The objectives of the pillar are to provide effective and responsive consular services, facilitate diaspora participation in national development, promote access of Kenyans to the international labour market, utilize outstanding Kenyans, and tap into the skills and resources of the diaspora for national development. (MFAIT, 2014b:25)

Population Policy for National Development

In 2012 the National Council for Population and Development within the Ministry of State for Planning, National Development and Vision 2030 *released Sessional paper No. 3 of 2012 on Population Policy for National Development*. The purpose of the policy framework presented in the sessional paper is to attain a high quality of life for Kenyans by managing population growth in a manner that can be sustained with the available resources (NCPD, 2012:vi). The paper acknowledges that internal migration within the country has largely been driven by economic disparities and the search for employment and settlement, and that rural–urban migration can be attributed to the relative dominance of urban centres in formal, informal and tertiary industrial sectors. Further, it notes the impacts of the increasing rural–urban migration trends, such as increased urban poverty and increasing strain on urban infrastructure, particularly housing, transportation, education and health facilities, as well as on employment (NCPD, 2012:3), and calls for action to address rural–urban migration and the attendant challenges. Regarding international migration, the paper acknowledges the benefits of international migration through remittances and return migration, but also notes the potential for skill drain through out-migration of skilled personnel, specifically in the health centre. It also notes the strain placed on resources by the large number of refugees being hosted in the country, and calls for improved migration data for policy formulation, programme design, and administrative uses (NCPD, 2012:3).

National Climate Change Response Strategy (2010) and National Climate Change Action Plan (2013–2017)

The *National Climate Change Response Strategy of 2010* was the first national policy on climate change, and provides evidence of climate impacts in the country. Of relevance to migration, the strategy notes that population displacement and migration from climate disaster-prone areas, such as Northern Kenya which

is prone to drought and the coastal regions which are vulnerable to rises in the sea-level, are expected to increase. Further, the strategy states that it is expected that most of the migrants from such reasons will move to urban areas which will subject cities to unplanned population growth creating social, health, infrastructure, and management challenges (Government of Kenya, 2010b:42). Pastoralist populations are highlighted as being particularly vulnerable to climate change, as they reside in the fragile arid and semi-arid regions of the country. Loss of livestock and diminished pastures may lead to community conflicts, loss of lives and livelihoods and migration (Government of Kenya, 2010b:52).

In 2013 the National Climate Change Action Plan for 2013 to 2017 was launched, with the aim of furthering implementation of the *National Climate Change Response Strategy*. The action plan contains concrete measures to address rural–urban migration as a result of climate change in order to promote a “climate resilient pathway in the population, urbanization, and housing sector” (Government of Kenya, 2013:38). These measures include improved flood management in high-risk areas, improving building codes to include climate resilience and green building concepts, and research to assess migration as a coping mechanism for climate variability and to identify alternatives to allow people to remain in their communities (Government of Kenya, 2013:60).

Draft National Policy for Disaster Management in Kenya

Recognizing the country’s vulnerability to disaster risk and the importance of reducing such risk, the Draft National Policy for Disaster Management in Kenya was drafted in 2009. It aims to protect households and communities at risk of natural hazards, and serves to provide the institutional, policy and legal framework to effectively manage disaster risk reduction and timely response. Its goal is to lead to a safer, resilient and more sustainable Kenyan Society (Government of Kenya, 2009).

The policy emphasizes the requisite preparedness by the Government, communities and other stakeholders to lead to effective disaster risk reduction activities. This entails a shift from short-term relief to development. It aims at alleviating suffering by providing timely and appropriate response mechanisms.

The policy further:

1. Provides background information on disasters and disaster management in Kenya, categorizing disasters as the following: environmental, man-made, epidemics, diseases, pests and geological disasters.
2. Presents the contextual analysis of disaster management in Kenya, identifies

- strengths and weaknesses of the system, and defines terms such as disaster risk, contingency planning and resilience.
3. Focuses on upcoming tasks to establish an effective disaster management system, including the key principles of: disaster early warning, information and prediction system; mainstreaming disaster management in development programmes; linking early warning and disaster response; establishing a semi-autonomous agency responsible for disaster management; providing flexible financial and response procedures; and reinforcing coping strategies of vulnerable and affected communities.
 4. Establishes a legal and institutional framework, including the establishment of the National Disaster Management Agency (NDMA).
 5. Deals with resource mobilization, management and accountability, through the establishment of a National Disaster Management Fund.
 6. Covers monitoring and evaluation for more timely and effective interventions.

The Draft National Policy for Disaster Management does not, however, effectively mainstream migration in its response: it only acknowledges rural–urban migration and just briefly mentions the challenge of disaster management in the process of relief, repatriation, rehabilitation and resettlement toward recovery of IDPs.

Table 66: Kenya’s policy framework on migration

Year	Policy	Content
2007	Kenya Vision 2030	The country’s development programme based around three pillars Economic, Social and Political. To be implemented in successive five-year medium-term plans. Provides development policies that integrate AU frameworks.
2009	Draft Kenya National Migration Policy	Draft prepared in 2009. Current status and content unknown.
2009	Draft National Policy for Disaster Management in Kenya	Categorizes types of disasters that affect Kenya and aims at establishing an effective disaster management system.
2010	Kenya National Labour Migration Policy	Aims to provide a framework for: labour migration management; realization of individual and social security rights for labour migrants and their families; return and reintegration of Kenyans living and working abroad; accessing foreign labour markets; protection of Kenyans working abroad; and formalization and documentation of skills to ease access to foreign labour markets.

2010	National Climate Change Response Strategy	Notes the inter-linkages between climate change, displacement, and rural–urban migration, and the particular vulnerability of pastoralists to climate-induced migration. Calls for measures to improve resilience including through improved flood management and research into migration as a coping mechanism for climate variability and alternatives to migration.
2011	Draft National Policy on Internal Displacement	Acknowledges inadequate knowledge on and response to displacement issues; calls for recognition and awareness of displacement issues and IDP rights; calls on the Government of Kenya to take primary responsibility for preventing further displacement and addressing root causes of displacement; aims to establish a national framework to address internal displacement and to protect and assist IDPs.
2012	Population Policy for National Development	Acknowledges challenges associated with rural–urban and international migration, and calls for appropriate action to address rural–urban migration and the need for improved migration data.
2014	Kenya Foreign Policy	Recognizes promotion and protection of the interests of Kenyans abroad as well as the enhancement of partnerships with the Kenyan diaspora and descendants as key foreign policy objectives.
2014	Kenya Diaspora Policy	Aims to engage, empower, and mainstream diaspora into national development policies; mobilize diaspora to form umbrella associations; develop protection measures for Kenyans abroad; develop mechanisms for dialogue and partnership with Kenyans abroad; and establish institutional mechanisms for coordination and administration.

C.2 LAWS AND REGULATIONS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS

Key national legislation relating to migration

The Constitution of Kenya 2010

The Constitution of Kenya (2010) is the result of a major constitutional reform undertaken in 2010. It was officially published on 6 May 2010, subjected to a referendum on 4 August 2010, and promulgated on 27 August 2010. It replaced the 1969 Constitution. Among the key changes in the Constitution is the separation of powers between three arms of government (executive, legislature and judiciary), and a process of devolution, with two levels of government, at national and county levels. In the section on citizenship, the Constitution

describes the rules for acquisition and retention of citizenship, the rights of citizens to passports and other documents, and the conditions under which citizenship may be revoked. The Constitution allows for dual citizenship, and gives Parliament the ability to enact legislation on citizenship that: i) prescribes procedures by which a person may become a citizen; ii) governs entry in into and residence in Kenya; iii) provides for the status of permanent residents; iv) provides for voluntary renunciation of citizenship; v) prescribes procedures for revocation and citizenship; vi) prescribes the duties and rights of citizens; and vii) generally gives effect to the provisions of the Chapter on citizenship.

The Bill of Rights embedded in the Constitution provides for freedom of movement, whereby every person has the right to freedom of movement and the right to leave Kenya, and every citizen has the right to enter, remain in and reside anywhere in Kenya. The Bill of Rights also provides for economic and social rights for every person, including the right to the highest attainable standard of health, including the right to health-care services including reproductive health care; to accessible and adequate housing with reasonable standards of sanitation; to be free from hunger and to have adequate food of acceptable quality; to clean and safe water in adequate quantities; to social security; and to education (Government of Kenya, 2010c).

Refugees Act 2006 and Refugee (Reception, Registration and Adjudication) Regulations 2009

In 2006, the Kenyan Parliament enacted the *Refugees Act* and the accompanying Regulations were gazetted in 2009. The Act's definition of a refugee is in line with the *1951 Convention relating to the Status of Refugees and its 1967 Protocol* as well as the *OAU Convention Governing the Specific Aspects of Refugee Problems in Africa*. Inspired by the latter Convention, the *Refugees Act* specifies that a person shall be granted prima facie refuge "if such person owing to external aggression, occupation, foreign domination or events seriously disturbing public order in any part of whole of his country of origin or nationality is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality." The Minister responsible for refugee affairs has the power to declare any class of persons to be prima facie refugees, as well as the power to at any time amend or revoke such a declaration.

The Act contains provisions specifying:

- The grounds upon which a person can be disqualified from being granted refugee status.
- The conditions under which a person's refugee status ceases.

- The procedure by which a refugee is to be recognized.
- The rights of an applicant and members of their family to reside in Kenya until they have been recognized as a refugee or, if an application is rejected, until after the appeals process is exhausted.
- That no proceedings shall be initiated against persons for unlawful presence in Kenya if a bona fide application for recognition as a refugee has been made or a person has become a refugee, or, in the case of a rejected application, the rights to appeal have not yet been exhausted.
- That each refugee and asylum-seekers shall be provided with a refugee identity card or pass.
- The rights and privileges of family members of refugees.
- The rights and duties of refugees in Kenya.
- That refugees and members of their families shall not be refused entry to Kenya, expelled, or extradited if such measures would subject that person to persecution of threats to life, physical integrity, or liberty.
- The grounds on which refugee status or recognition of refugees may be withdrawn.
- That refugees and members of their families may be expelled if the Minister considers the expulsion necessary on the grounds of national security or public order, in accordance with the due process of law.

Of note, section 11 of the Act provides that a decision on refugee applications is to be made within 90 days, and that the applicant is to be informed in writing of the decision within 14 days of the decision being made. Section 16 specifies that the Minister responsible for refugee affairs may, in consultation with host communities, designate places and areas in Kenya to be transit centres and refugee camps, and that such areas are to be maintained and managed in an environmentally sound manner. Further, this section states that refugees and their family members are subject to the same restrictions as non-citizens as related to wage-earning employment.

The Act also establishes:

- The Department of Refugee Affairs, responsible for all administrative matters concerning refugees in Kenya and coordination of all activities and programmes related to refugees.
- The office of the Commissioner of Refugee Affairs, who will be responsible for heading the Department of Refugee Affairs and, amongst other things, coordinating measures for the welfare and protection of refugees, formulating policy, promoting durable solutions, receiving and processing applications for refugee status, registering and issuing identify and travel

- documents, management of refugee camps, working to ensure peace and harmony between host communities and refugees, etc.
- The Refugee Affairs Committee, to be responsible for assisting the Commissioner in matters concerning recognition of persons as refugees.
 - The Refugee Appeal Board, responsible for considering and deciding on appeals.
 - Refugee Camp Officers, for every refugee camp, to be responsible for managing the camp in an environmentally and hygienically sound manner; receiving and registering all asylum-seekers and submitting their applications to the Committee for refugee status determination; issuing refugee identity cards or passes and movement passes; coordinating provision of overall security, protection and assistance for refugees in the camp; protecting and assisting vulnerable groups; and ensuring treatment of all asylum-seekers and refugees in compliance with national law.
 - Appointed Officers, with capacities to interview a refugee or asylum-seeker and to record their bio-data (finger-prints, photographs, X-rays, etc.).

As of the time of preparation of this report, efforts to replace the *Refugees Act* (2006) with new legislation are ongoing.

Relocation directive of December 2012 and encampment order of March 2014

On 18 December 2012, the Commissioner for Refugee Affairs issued a press release stating that the Government of Kenya would stop reception and close down all registration centres in urban areas, and that all asylum-seekers and refugees were to report to Dadaab or Kakuma refugee camps. The United Nations High Commissioner for Refugees (UNHCR) and other service providers were requested to stop providing direct services to asylum-seekers and refugees in urban areas and to transfer those services to the camps. This directive led to widespread concerns over the impact of the policy on the protection, human rights, and humanitarian points of view, (UNHCR, 2013) and to reports of increased harassment and abuse of refugees (Refugees International, 2013).

Following the passage of the directive, Kituo Cha Sheria, also known as the Centre for Legal Empowerment, an NGO providing legal assistance to refugees, filed a petition against the directive and succeeded in July 2013 in having it overturned in a High Court ruling which ruled the directive as unconstitutional and in breach of refugees' freedom of movement and right to dignity. The High Court ruling was widely covered in the media and heralded as a victory for the protection of refugee rights. However in March 2014, the Government re-issued the directive, which was upheld in June 2014 by the High Court.

Kenyan Citizenship and Immigration Act and Citizenship and Immigration Regulations

The *Kenya Citizenship and Immigration Act* came into force in 2011, followed by the *Kenya Citizenship and Immigration Regulations* in 2012. The Act and Regulations address the administration of citizenship and immigration matters, and matters related to citizenship, rights and duties of citizens, passports and travel documents, immigration controls, management of foreign nationals, and management of immigration related records. Of note, the Act brings in measures that allow the Government of Kenya to restrict entry or movements of certain foreign nationals in times of war or emergency. The Regulations classify entry and work permits, allow for inspections of “places of employment, business, training and education, or residence for the purposes of verifying information contained in the applications, monitoring compliance with the terms and conditions contained in permits or passes issued to the owners, residents or persons-in-charge of the premises,” and limits eligibility for a Class K residence permit to those who have an assured annual income of not less than USD 24,000 a year.

The visas, permits, and passes granted by the Government of Kenya are summarized in Tables 67–69 below.

Table 67: Visas granted by the Government of Kenya

Type of Visa	Purpose
Ordinary	Issued to persons whose nationalities require visas to enter Kenya for visits or residence.
Transit	Issued for periods not exceeding three days to persons whose nationalities require visas to enter Kenya and who intend to transit through Kenya to a different destination.
Diplomatic	Issued to holders of diplomatic passports on official duty.
Courtesy/official	Issued to persons holding official or service passports on official duty and to ordinary passport holders who are not entitled to a diplomatic visa but where it is considered to be desirable on the grounds of international courtesy.
East Africa tourist	A joint tourist visa that entitles holders to travel to and within the Republic of Kenya, Republic of Rwanda and Republic of Uganda for the purpose of tourism.

Source: The Kenya Citizenship and Immigration Regulations, 2012.

Table 68: Residence and work permits granted by the Government of Kenya

Type of Work Permit	Purpose
Class A	Issued to persons engaging in prospecting for minerals or mining in Kenya with mining rights or licenses.
Class B	Issued to persons engaging in the business of agriculture or animal husbandry with requisite permissions.
Class C	Issued to members of a prescribed profession who intends to practice that profession in Kenya.
Class D	Issued to persons offered specific employment by a specific employer, the Government of Kenya, a United Nations agency or other approved agency.
Class F	Issued to persons in specific manufacture
Class G	Issued to persons in a specific trade, business, consultancy or profession in Kenya and has the requisite license, registration or permission.
Class I	Issued to missionaries.
Class K	Residence permit – will not be issued unless a person can prove that s/he has funds or has full and free disposition on assured annual income of at least USD 24,000 or its equivalent in Kenyan shillings.
Class M	Free of charge for refugees to take up employment or engage in a specific trade, business or profession.

Source: The Kenya Citizenship and Immigration Regulations, 2012.

Table 69: Passes granted by the Government of Kenya

Type of Pass	Purpose
Dependant	Issued to spouses, children or other persons dependent on a person lawfully in or entitled to enter Kenya.
Internship or research	Issued to persons who have been accepted as a research or intern at an institution within Kenya and whose stay shall not exceed 12 months.
Student	Issued to persons who have been accepted as students by an approved educational or training establishment.
Visitor	Issued to persons who wish to enter Kenya for the purposes of a holiday, as a visitor or for any other temporary purpose. The length of stay is not to exceed six months from date of entry.
Transit	Issued to persons who intend to enter Kenya for the purpose of travelling to a destination that is outside of Kenya, is in possession of such documents as is required for entry to the country of other destination, and who is qualified to enter into the country of other destination.
Prohibited immigrant or inadmissible persons	Issued to persons who are otherwise prohibited or inadmissible as per section 33 of the Kenya Citizenship and Immigration Act.
Special	Issued to persons who wish to enter or remain in Kenya for a limited period for the purpose of applying for a review of a decision pending a permit; applying for a permit or pass; temporarily conducting business, trade, or a profession; or for another purpose which an immigration officer considers suitable.
Re-entry	Issued to holders of a dependants' pass who intends to leave or has left Kenya temporarily.

Source: The Kenya Citizenship and Immigration Regulations, 2012.

Kenya Citizens and Foreign Nationals Management Service Act

The Kenya Citizens and Foreign Nationals Management Service Act was promulgated in 2011 and revised in 2012. The purpose of this Act is to establish the Kenya Citizens and Foreign Nationals Management Service; to provide for the creation and maintenance of a national population register and the administration of the laws relating to births and deaths, identification and registration.

Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act

The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act passed into law in 2012. It establishes the following principles of prevention, protection, and assistance:

- Subject to the Constitution and the Act, the provisions of the Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons and the United Nations Guiding Principles on Internal Displacement are to apply to all IDPs in Kenya.
- The Government of Kenya and any other organization, body or individual responding to displacement situation and the needs of the displaced are to implement a right-based response in line with the Bill of Rights established in the Constitution.
- The Government and other organizations, bodies, or individuals are to prevent internal displacement by avoiding conditions conducive to displacement in situations of armed conflict, generalized violence, human rights violations, natural or human-made disasters and development projects; and the Government is to raise public awareness and establish a prevention mechanism to monitoring and report on displacement and risks of displacement.
- The Government of Kenya shall protect every person against arbitrary displacement and ensuring that displacement and relocation due to development projects are only undertaken if justified by compelling and overriding public interest and in accordance with established procedures; undertake preparedness and mitigation measures; put in place measures for assistance and protection of IDPs; and create conditions conducive to durable and sustainable solutions for IDPs.

The Act establishes the National Consultative Coordination Committee on Internally Displaced Persons with responsibility for coordinating prevention, preparedness, and protection and assistance measures; ensuring registration of IDPs and maintenance of a database; raising national awareness on displacement; oversight of the Humanitarian Fund (which is restructured within the Act); and for monitoring, reporting, and advising on matters relating to displacement. The Fund is to be used for protection and assistance to IDPs (e.g., housing, rehabilitation of community infrastructure, household effects, livelihoods), prevention of internal displacement and the functioning of the committee and other related programmes.

The Act establishes the following offenses related to internal displacement: causing arbitrary displacement (as defined within the Act); impeding access to IDPs or the work of humanitarian personnel; causing harm to IDPs or humanitarian personnel; obstructing provision of humanitarian assistance to IDPs; stealing, destroying, or misusing humanitarian supplies intended for IDPs; misrepresenting him or herself as an IDP or providing false information during verification or profiling; and establishing an institution or camp of persons pretending to be IDPs.

The Act clearly specifies the responsibilities of the Government of Kenya with regards to displacement, including:

- Designating official areas for resettlement of IDPs;
- Facilitating administration of settlement areas;
- Ensuring adequate provision of basic social and health services in areas inhabited by IDPs;
- Ensuring the maintenance of public order, security, and health in areas inhabited by IDPs;
- Safeguarding and maintaining the civilian and humanitarian character of settlements;
- Ensuring adequate provision of social and economic rights;
- Requesting international assistance if the capacity of the Government to provide such protection and assistance is insufficient, inadequate or lacking;
- Ensuring rapid and unimpeded access of humanitarian personnel to all IDPs;
- Ensuring that humanitarian assistance is not diverted; and
- Ensuring the protection of humanitarian personnel, transports and goods.

Counter-Trafficking in Persons Act

The *Counter-Trafficking in Persons Act* was enacted in 2010 and revised in 2012. According to the Act's long title, its purpose is to implement Kenya's obligations under the *United Nations Convention Against Transnational Organized Crime particularly its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children*; to provide for the offences related to trafficking in persons and for connected purposes. The Act establishes human trafficking and related offenses as crimes, and specifies punishments for those involved in such crimes, including the promotion of trafficking, acquisition of travel documents by fraud or misrepresentation, facilitation of entry into or exit from Kenya, interference with documents and travel effects, and trafficking persons as part of an organized crime group. The law also protects victims of trafficking in persons in section 14, which states that victims are not to be held liable for offences related to being in the country irregularly or for criminal acts that were the direct result of being trafficked. Prior to the *Counter-Trafficking in Persons Act*, trafficking cases were adjudicated under the *Penal Code*, *Children's Act* (2001) and the *Sexual Offences Act* (2006).

The Act establishes protection and assistance measures for victims of trafficking, including restitution from their trafficker, if that trafficker is convicted; immunity from prosecution for being in the country irregularly or perpetrating a criminal act, if it is the direct result of being trafficked; repatriation and documentation

assistance or, if repatriation would expose the victim to danger, the ability to stay in Kenya for a period deemed appropriate by the relevant Minister.

An Advisory Body and National Assistance Trust Fund for Victims of Trafficking in Persons are also established in the Act. The Advisory Committee is to advise the Minister responsible for matters related to women and children on inter-agency activities aimed at combatting trafficking and the implementation of preventive, protective, and rehabilitative programmes for trafficked persons; formulate programmes to combat trafficking and assist trafficked persons, coordinate the activities of Government ministries, departments and agencies and other actors in their efforts to combat trafficking and assist victims; maintain data and documentation on trafficking in persons; and enhance bilateral and regional cooperation. The Fund is to be administered by a Board of Trustees and funded by Parliamentary allocations, proceeds of crime confiscated or forfeited, income generated by investments, and donations. The Fund is to be used for expenses associated with victims of trafficking, damages, and other purposes upon the advice of the Advisory Committee.

At the time of preparation of this report, efforts to revise the Act are ongoing. The Advisory Committee is meeting regularly, but the Fund has not yet been established.

The Security Laws (Amendment) Act 2014

The *Security Laws (Amendment) Act 2014* came into effect in December 2014. The Act amended the *Refugees Act (2006)* and the *Kenya Citizenship and Immigration Act (Government of Kenya, 2014a)*.

The key amendments to the *Refugees Act (2006)* are as follows:

- Every person who has applied for recognition of their status as a refugee and every member of their family is required to remain in a designated refugee camp until the processing of their status is completed.
- Regarding residence in Kenya, every refugee and asylum-seeker is not to leave the designated refugee camp without the permission of a Refugee Camp Officer.
- A new section is added which limits the number of refugees and asylum-seekers permitted to stay in Kenya to 150,000. The National Assembly is given the authority to change this number for a renewable period of not more than six months.

These amendments faced legal challenges. In a decision in February 2015 the High Court upheld the restrictions to refugee's rights to freedom movement but struck down the cap on the number of refugees and asylum-seekers to be allowed in the country. As of the time of preparation of this report, both of these decisions are being appealed.

The key amendments to the *Kenya Citizenship and Immigration Act* are as follows:

- A new section is added which establishes a Border Control and Operations Coordination Committee which is responsible for formulating policies and programmes for the management and control of designated entry and exit points, for inter-agency information exchange, for ensuring compliance to standards in the management of entry and exit points, and for oversight of operations of agencies at entry and exit points.
- Under the *Kenya Citizenship and Immigration Act*, immigration officers or any other law enforcement officer may suspend or confiscate a passport or other travel document where the holder: allows another person to use their passport or travel documents; has been deported or repatriated to Kenya at the expense of the Government; has been convicted of an international crime; is at risk of absconding after a warrant of arrest has been issued; is under a relevant court order; or is involved in passport or document fraud or forgery; or where it is necessary to examine the passport or travel document (for a period of up to seven days). The *Security Laws (Amendment) Act* adds a further ground by allowing the Director to suspend or confiscate passports or travel documents under any other circumstances which in his/her opinion would be prejudicial to the interest of the State or the holder of the passport. The Director remains bound by the Constitution when forming this opinion (Government of Kenya, 2014a).
- There are additional categories of persons whose permanent residence status can be revoked, including a person who: has acquired permanent residence status through fraud, false representation or concealment of relevant facts; engaging in trade, communications, or business with an enemy during a war; has been convicted of a crime in the five years following acquisition of permanent residence and been sentenced to three or more years imprisonment; has domiciled outside Kenya for a continuous period of two years, unless they were previously citizens by birth.
- Under the section on foreign nationals management, a new subsection is added, stating that "a foreign national residing in Kenya for a continuous period exceeding three months shall be required to register with an immigration officer and notify change of address, travelling or otherwise in such manner as may be prescribed."

Table 70: The legal framework of the Government of Kenya

Year	Law	Content
2010	Constitution of Kenya	Separates powers between the executive, legislature and judiciary; establishes devolved government; describes rules for acquisition and retention of citizenship (including dual citizenship); describes rights of citizens to passports and other documents; describes conditions under which citizenship may be revoked. Establishes the Bill of Rights.
2006	Refugees Act	Specifies processes for applying for recognition as a refugee, the rights and duties of refugees, rights to residence, documentation of refugees and asylum-seekers, grounds on which refugee status may be withdrawn, etc. Establishes the Department of Refugee Affairs, the office of the Commissioner of Refugee Affairs, the Refugee Affairs Committee, and the Refugee Appeal Board.
2010	Counter-Trafficking in Persons Act	Defines and recognizes trafficking in persons as a crime, specifies punishments for perpetrators, and establishes protection and assistance measures for victims of trafficking.
2011	Citizenship and Immigration Act	Regulates citizenship, establishes the visa regime, border control, including work permits and passes.
2012	Citizens and Foreign Nationals Management Service Act	Establishes the Kenya Citizens and Foreign Nationals Management Service; provides for the creation and maintenance of a national population register; provides for the administration of laws relating to births, deaths, identification and registration.
2012	Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act	Establishes an institutional framework and specifies roles and responsibilities for state and non-state actors in IDP issues. Establishes offenses related to internal displacement. Specifies comprehensive responsibilities for the Government in response to displacement.
2014	Security Laws (Amendment) Act	Makes amendments to the 2006 Refugees Act and the Kenya Citizenship and Immigration Act. Revision of Kenya's refugee legal framework is ongoing.

Key international treaties and multilateral agreements

Kenya is party to key international treaties and multilateral agreements relating to migration, including international conventions and covenants, United Nations conventions and regional African Union treaties. Kenya's previous dualist legal system required that international treaties and obligations take effect after implementation through domestic legislation. This had resulted in significant

delays in the full implementation of treaties as the production of news laws and amendments led to national debate. The constitutional reform of 2010 changed the system to a monist system, where international law is recognized as part of Kenyan law (Oduor, 2014):

1. Article 2(5) of the Constitution states that “the general rules of international law shall form part of the law of Kenya.
2. Article 2(6) confirms that “any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution.”
3. Article 94(5) reserves law-making powers to Parliament: “No person or body, other than Parliament, has the power to make provision having the force of law in Kenya except under authority conferred by this Constitution or by legislation”.

The apparent contradiction between articles 2(6) and Articles 94(5) led to confusion over the proper domestication of treaties into national law. This in turn prompted Parliament to pass the 2012 *Treaty Making and Ratification Act*, which has the purpose of giving effect to Article 2(6) of the Constitution and providing the procedure for the making and ratification of treaties and connected purposes.

This section reviews international, regional and sub-regional agreements on free movement and human rights documents, and provides an inventory of bilateral agreements relating to migration.

International treaties and conventions

Kenya has signed a number of international treaties and United Nations conventions, as shown in Table 71 below. However it has neither signed nor ratified several conventions relating to migration, specifically:

1. ***The Convention on the Protection Rights of All Migrant Workers and Members of Their Families (1990)***, which seeks to establish minimum standards that State Parties should apply to migrant workers and members of their families, regardless of their migratory status. The Convention provides definitions of migrant workers and their family members; it specifies that it should be applied by State Parties without distinction of any kind (non-discrimination); and details the rights of all migrant workers and their families, and the additional rights of documented migrants. It also calls on State Parties to promote sound, equitable and humane conditions in connection with international migration of workers and members of their families through due regard for labour needs and resources as well as the

social, economic, cultural and other needs of migrant workers and their families. The Convention is the most recent of the seven core international human rights treaties, which together form the United Nations human rights treaty system. (OHCHR, 2005).

2. ***The United Nations Convention relating to the Status of Stateless Persons (1954)***, which defines stateless persons as “any person who is not considered as a national by any State under the operation of its law,” provides for the rights or similar treatment to nationals for stateless persons, including in matters of property, association, access to courts, employment, housing, public education, and public relief. The Convention calls on State Parties to accord stateless persons lawfully in their territory with freedom of movement, identity papers and travel documents (unless there are compelling reasons to not do so for national security or public order); to not expel stateless persons lawfully in their territory except for on grounds of national security or public order; and to facilitate the assimilation and naturalization of stateless persons as far as possible.
3. ***Convention concerning Indigenous and Tribal Peoples in Independent Countries – ILO Convention No. 169 (1989)***, which identifies tribal peoples as those whose “social cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their customs or traditions or by special laws or regulations” and indigenous persons as those who are regarded as such due to their descent or geographical region and who retain all or some of their own social, economic, cultural, and political institutions. The Convention calls on State Parties to take measures to protect the rights of indigenous and tribal peoples and specifies that they shall enjoy in full human rights and fundamental freedoms. The special importance of lands for indigenous and tribal persons is noted, and the Convention calls for rights of ownership and possession of traditional lands to be recognized. Of specific note to migration, the Convention states that “Governments should take appropriate measures, including by means of international agreements, to facilitate contacts and co-operation between indigenous and tribal people across borders, including activities in the economic, social, cultural, spiritual and environmental fields.”

Table 71: International conventions and the Government of Kenya

Treaty	Signed	Date
UN Refugee Convention (1951)	Yes	1966
Protocol to the Refugee Convention (1967)	Yes	1981
International Covenant on Civil and Political Rights (1966)	Yes	1972
Optional Protocol I to the International Covenant on Civil and Political Rights (1966)	No	
International Covenant on Economic, Social and Cultural Rights (1966)	Yes	1972
Optional Protocol I to the International Covenant on Economic, Social and Cultural Rights (2008)	No	
Convention on the Elimination of all forms of Racial Discrimination (1966)	Yes	2001
Declaration under Article 14 allowing individual complaints	No	
ILO Equal Remuneration Convention (C100 – 1951)	Yes	2001
ILO Discrimination (Employment and Occupation) Convention (C111 – 1958)	Yes	2001
Convention on the Elimination of all forms of Discrimination against Women (CEDAW, 1979)	Yes	1984
Optional Protocol to the Convention on the Elimination of all forms of Discrimination against Women (1999)	No	
Convention Against Torture and other Cruel, Inhumane or Degrading Treatment (1984)	Yes	1997
UN Convention against Transnational Organized Crime (2000)	Yes	2004
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (2000)	Yes	2005
UN Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organized Crime (2000)	Yes	2005
ILO Indigenous and tribal Peoples Convention (C169 – 1989)	No	
UNESCO Convention against Discrimination in Education	No	
UN Convention Relating to the Status of Stateless Persons (1954)	No	
Convention on the Rights of persons with Disabilities (2006)	Yes	2008
Optional Protocol to the Convention on the Rights of Persons with Disabilities	No	
Convention on the Rights of the Child (CRC, 1989)	Yes	1990
Optional Protocol I to the Convention on the Rights of the Child (2000)	Yes	2002
Optional Protocol II to the Convention on the Rights of the Child (2000)	No	

Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)	No	
Optional Protocol Convention on the Protection of the Rights of All Migrant Workers and Members of their Families Art. 11 Individual complaints procedure	No	

Source: ILO, 2015; Kenya Human Rights Commission, 2010; United Nations Treaty Collection, 2015.

Regional agreements relating to migration

Kenya has signed or ratified the following regional charters which include migration-related provisions:

- ***African Charter on Human and People’s Rights (1981)***, which gives individuals the rights to: freedom of movement and residence within the borders of a State provided they abide by the law; leave any country including their own and to return to that country; to seek and obtain asylum in other countries in accordance with the laws of those countries and international conventions; and to not be expelled from a State Party if they were legally admitted; mass expulsions of non-nationals, aimed at national, racial, ethnic or religious groups is prohibited.
- ***The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (2003)***, which calls on State Parties to take action to prevent and condemn trafficking in women, prosecute perpetrators of trafficking, and protect women most at risk and to ensure that women and men enjoy equal rights in terms of access to refugee status determination procedures and are provided their own identity and other documents. The Protocol also urges State Parties to ensure that women and men enjoy equal rights in marriage and that a woman may retain her own nationality or acquire the nationality of her husband; to take measures to increase the participation of women in decision making, including in structures pertaining to protection of asylum-seekers, refugees, returnees and displaced persons, as well as in structures established for the management of camps and settlements; and, in situations of armed conflict, to protect asylum seeking women, refugees, returnees and IDPs against all forms of violence, rape and other forms of sexual exploitation.
- ***African Charter on the Rights and Welfare of the Child (1990)***, which includes provisions to protect and assist refugee children, prevent trafficking of children through international adoption, provide special protection and assistance to separated children, and prevention of abduction, sale, or trafficking of children for any purpose and in any form.
- ***African Union Youth Charter (2006)***, which calls of State parties to engage the youth in peace and non-violence by instituting mechanisms that discourages

youth from participating in, inter alia, xenophobia and to condemn the sexual slavery of youth in armed conflict. State Parties are also to enact and enforce legislation that protects girls and young women from violence and sexual exploitation, including trafficking.

- ***The OAU Convention Governing the Specific Aspects of the Refugee Problem in Africa (1969)***, which regionally confirmed the *1951 Convention Relating to the Status of Refugees*. The Convention accepts the definition of the *1951 Refugee Convention*, and expanded it to include persons compelled to leave their country owing to external aggression, occupation, foreign domination, or events seriously disturbing public order. The OAU Convention recognizes non-state groups as perpetrators of persecution, and does not require the refugee to show a direct link between themselves and the future danger, but instead accepts it as sufficient that the refugee considers the harm sufficient for them to abandon their home (RCK, 2012).
- ***The Treaty for the Establishment of the East African Community (1999)***, through which the Governments of Kenya, Uganda, and the United Republic of Tanzania (later joined by Burundi and Rwanda) established the East Africa Community (EAC). The EAC is a regional integration initiative that aims at widening and deepening cooperation among the Partner States in political, economic, social, and cultural fields as well as in research and technology, defence, security, and legal and judicial affairs. The treaty states that one of the operational principles of the EAC is the free movement of goods, persons, labour, services, capital, and information and technology amongst the Partner States. Of note, the Partner States are to establish common mechanisms for the management of refugees, ease border crossings by citizens of the Partner States, effect reciprocal opening of border posts which are to be operational 24 hours a day, enhance cooperation in addressing cross-border crime, and enhance joint operations to promote border security.
- ***The East African Community Common Market Protocol (2009)***, which entered into force on 1 July 2010, stipulates the free movement of goods, persons, workers, services and capital. It also upholds the rights of establishment and residence.

The Government of Kenya has neither signed nor ratified the *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa of 2009*, which is more commonly known as the *Kampala Convention*. The objectives of this Convention are to address root causes of internal displacement and provide for durable salutation; establish a legal framework for State Parties to combat displacement and address its consequences; to provide for the obligations and responsibilities of State Parties in prevention of internal displacement and protection and assistance for IDPs, and to provide for the

obligations, responsibilities and roles of armed groups, non-state actors, and other relevant actors with regards to prevention, protection, and assistance.

C.3 INSTITUTIONAL FRAMEWORK

This section reviews the functions of Government ministries, departments and agencies with migration governance functions. The migration-related work of international organizations, non-governmental organizations and civil society organizations is also presented.

States institution and agency mandates on migration

State agencies

Ministry of Interior and Coordination of National Government

This Ministry houses the Directorate of Immigration and Registration of Persons, which is responsible for population registration and maintenance of an inclusive population register, migration management, border control and refugees welfare supervision. Its core functions are registration of persons, births, and deaths, providing immigration services, refugee management, border management, and maintenance of the Integration Population Registration System.

The Directorate has five functional departments: the Department of Refugee Affairs, the Department of Immigration Services, the National Registration Bureau, the Civil Registration Department and the Integration Population Registration System.

The core functions of the **Department of Refugee Affairs** include refugee status determinations and registration; coordination of provision of services to refugees; issuance of identification cards, movement passes, and travel document to refugees; management of refugee camps, reception, and transit centres; making recommendations for Class M work permits for refugees, and coordination of assistance to host communities through microeconomic ventures. The **Department of Immigration Services** formulates national migration policy and reviews immigration laws and regulations; controls and regulates entry and exit of all persons and removal of prohibited immigrants; issues Kenya passports and other travel documents; controls and regulates residency through issuing and renewing entry and work permits and other passes, entry visas and Kenyan citizenship to qualifying foreigners, and registration of all non-citizens resident in Kenya; provides consular services to nationals and non-nationals at Kenya missions abroad; and enforces relevant acts. **The National Registration Bureau**

is responsible for identification and registration of all Kenyans 18 years of age and above; production and issuance of identification documents; management of a database of all registered persons; and detection and prevention of all illegal registration. The **Civil Registration Department** registers births and deaths and processes vital statistics for births and deaths. The **Integration Population Registration System** operates and maintains a population registration system, and is the custodian of a national population register for all Kenyans and foreigners resident in Kenya.

The Ministry also houses the Kenya Citizens and Foreign Nationals Management Service, which was established by the *Kenya Citizens and Foreign Nationals Management Service Act (2011)*.

Ministry of Foreign Affairs and International Trade

With the growing significance of and attention paid to the Kenyan diaspora, the Directorate of Diaspora and Consular Affairs of MFAIT plays a crucial role in migration in the context of international relations and global interests. It provides support to Kenyans abroad (for example with emergency assistance, authentication of documents, etc.) and oversees the implementation of the Kenya Diaspora Policy. The Directorate of Diaspora Affairs is in charge of engaging with the diaspora and encouraging them to participate in national development. It has established an online diaspora portal so that Kenyans in the diaspora can register online to access information on investment opportunities as well as provide details of their location, occupation and other additional details that can help the Ministry in terms of determining the skills and expertise available from the diaspora.

The Directorate of Diaspora Affairs is also home to a unit on diaspora issues and a liaison officer in charge of coordination with Parliament and the devolved government. Focal points sensitize other state entities and highlight the investment opportunities available to the diaspora.

The Ministry is also the focal ministry for the African Institute for Remittances (AIR) of the African Union. On 25 May 2012, the African Union issued the 'Declaration of the Global African Diaspora Summit,' which contained a programme of action with political, economic, and social cooperation as its main pillars. The programme of action has a wide range of actions relevant to the African diaspora and the remittances they generate, including improving government cooperation, mobilizing support, encouraging government action to foster increased economic partnerships, mobilizing capital, developing partnerships in business, science and technology, knowledge transfer and

skills mobilization, infrastructure development, information gathering and dissemination, knowledge and education, arts and culture, human and people's rights, etc. The declaration also calls for the establishment of a number of legacy projects as a means of giving practical meaning to the diaspora programme and in order to facilitate the post-summit implementation programme. One of these legacy projects is the AIR, which is hosted in Nairobi, Kenya. The overall aim of the Institute is to contribute to harnessing migrant remittances for social and economic development within Africa, with the specific mandate of ensuring African remittances can be used as a development tool for poverty reduction, by making remittance transfers to and within African cheaper, safer, faster, and easier. The activities of AIR will include: building the capacity of central banks to improve data collection on remittance flows; promoting an appropriate legal and regulatory framework for remittances and use of technology; building the capacity of non-bank financial institutions, micro-finance institutions, cooperatives, and post offices to offer remittance services; encouraging private sector engagement on key topics such as, for example, cost of remittances, remittances in rural areas; fostering technology partnerships aimed at lowering costs and improving access to remittance and financial services; ensuring that the General Principles for International Remittance Services are implemented within African Union member states; and promoting the use of cashless payment instruments across the region.

Ministry of Devolution and Planning

This Ministry holds the broad mandate of national and devolved planning in the country. It houses, among others, the Kenya Vision 2030, the Kenya National Bureau of Statistics (KNBS), the National Council for Population and Development (NCPD), the National Youth Service, the Youth Enterprise Development Fund (YEDF) and the Youth Employment Scheme Abroad (YESA).

KNBS is the principal government agency for collecting, analysing and disseminating statistical data in Kenya. Every 10 years it conducts a population and housing census, and other censuses and surveys as determined by its Board. It is the custodian of official statistics, and establishes standards and promotes the use of best practices and methods in production and dissemination of statistical information, and it plans, authorizes, coordinates and supervises all official statistical programmes within the national statistical system. As the custodian of census data, it holds the migration-related data collected in censuses. **NCPD** is the national policy and programme coordinating body for Kenya's population programme. Its recent output, Sessional Paper No. 3 of 2012: Population Policy for National Development, was adopted after a consultative processes. In implementing its action plan, the NCPD has positioned itself well

to address county-specific population issues, among them migration. The **YEDF** was established in 2009 with the purpose of reducing youth unemployment. It aims to achieve this through supporting and providing loans for youth-oriented enterprises, facilitating marketing of the products and services of youth enterprises in domestic and international markets, providing business development services to youth entrepreneurs, and facilitating youth employment in the international labour market. International youth employment is promoted through **YESA**, which is one of YEDF's strategies. YESA facilitates export of skilled youth people not currently employed through partnerships with private employment agencies and training and professional institutions. YESA sensitizes youth on jobs abroad, conducts pre-interviews and facilitates interviews, provides pre-departure training, markets Kenyan skills abroad, and explores appropriate bilateral agreements with labour sourcing countries.²⁷

Ministry of Labour, Social Security and Services

This Ministry houses a number of units with migration-related functions: the Department of Labour, the National Employment Bureau, and the Department of Children's Services. The **Department of Labour**, amongst other things, promotes harmonious industrial relations, promotes fundamental principles and rights at work, promotes decent work programmes, international labour standards, and elimination of child labour, and participates in the administration of foreign employment through the attestation of foreign contracts. The **National Employment Bureau** monitors employment and unemployment trends in the country and provides public employment services, and also has functions related to promoting employment creation and decent work. It participates in the administration of foreign employment and labour migration, notably through accreditation and oversight of recruitment agencies and through management of a database to register labour emigrants. The **Department of Children's Services** has a broad range of functions on child protection and well-being, including provision of social assistance, counselling, and guidance to children and their families; management of children's charitable institutions, rehabilitation schools, rescue institutions, and remand homes, and facilitation of adoption, foster care, and guardianship of children. The Department of Children's Services provides secretariat services to the Counter-Trafficking in Persons Advisory Committee, and as such plays a key role in prevention of child trafficking and anti-trafficking in general.

Ministry of Commerce, Tourism and East African Affairs

This Ministry manages EAC and regional integration affairs, such as issues related to the EAC Common Market Protocol, the EAC Monetary Union, the proposed

²⁷ www.youthfund.go.ke/about/yesa-youth-employment-scheme-abroad/.

East African Federation, and the relevant regional economic communities, namely the Common Market for Eastern and Southern Africa (COMESA) and the Intergovernmental Authority on Development (IGAD). The Ministry develops and promotes trade policies, and promotes and markets Kenya as a tourist destination. It also promotes public/private sector participation in the East African region, creates awareness on regional integration matters, and implements directives of the EAC Summit and the Council of Ministers.

Ministry of Agriculture, Livestock and Fisheries

This Ministry deals with three forms of basic livelihoods for the vast majority of Kenyans. Agriculture remains the mainstay of the country's economy and the basis of subsistence of both individuals and households. Migration interrelates with agriculture by reducing farm labour in out-migration and increasing it in in-migration nodes of commercial farming. Kenya's rural-rural migration has thrived for decades within the framework of this model. While some commercial farming areas are devoted to crop husbandry, others rely on livestock farming and still others on both. In Kenya's arid and semi-arid lands, nomadic pastoralists move in search of pastures and water for their livestock, yet lack a policy response to their needs. In effect, pastoralists in Kenya range both within and across national borders with no overarching policy to govern these internal and cross-border movements. With regards to fisheries, as both internal and international migration occur in the fishing industry, the limited knowledge and respect of national boundaries will remain an important focus requiring special attention on policies to regulate migration in the fisheries.

Ministry of Transport and Infrastructure

The Ministry deals with all manner of transport networks (by road, railway and air) and infrastructure such as energy and information and communication technology that stimulates and sustains migration. For instance infrastructure in urban areas that is superior to that in rural settings in the country may act as a pull factor. International migration is sustained by air transport, which has grown immensely within Kenya and between Kenya and countries in different regions of the world.

Central Bank of Kenya

The Central Bank of Kenya maintains records on Kenyan diaspora remittances to the country. It conducts a monthly survey of inflows of remittances through formal channels, including through commercial banks and other authorized international remittance service providers. This information is critical to the analysis of the impact of remittances on macro and microeconomics and national development in the country.

Ministry of Environment, Water and Natural Resources

This Ministry holds portfolios including investigating the linkages between environmental issues, natural resource management, and migration. It houses the National Environment Management Authority, which chairs the Technical Working Group on Migration, Environment, and Climate Change: Evidence for Policy. The role of this Technical Working Group is to bring together relevant stakeholders, including national and local government ministries, departments, and agencies with a stake in migration, environment, and/or climate issues and civil society and academia with the purpose of consultation on implementation on a national assessment and household survey. The survey and assessment will investigate the main environmental and climate change issues that affect human mobility in Kenya, the areas of the country most vulnerable to environmental degradation and climate change, the most vulnerable populations in Kenya, and the legislative and policy framework addressing the inter-linkages between migration and the environment.

Ministry of Health

The mission of the Ministry of Health is to build a progressive, responsive, and sustainable health-care system for accelerated attainment of the highest standard of health for all Kenyans. As per the Constitution of Kenya, all persons in Kenya have the right to the highest attainable standard of health, and the revised health policy (not yet adopted) addresses the right of non-nationals to health-care services. The Ministry held the first Kenya National Consultation on Migration Health in May 2011 in cooperation with IOM to highlight the Government's willingness to strengthen migration health in Kenya, in support of Millennium Development Goals 4, 5 and 6 of universal access to health services for migrants. The National Consultation on Migration Health found key areas to be addressed by the Ministry, notably to improve the capture and dissemination of information on health issues faced by migrants, equitable access to health care, and to address the "lack of migrant sensitive and inclusive legislation, policies and programmes that promote migrant health" (Ministry of Health, 2011). In 2014, a Second National Consultation on Migrant Health was convened, and resulted in renewed commitment to address the health of migrants in Kenya. Moreover, key priorities for action were identified and endorsed by stakeholders and significant progress was made toward drafting a National Strategic Framework on Migrant Health, which will provide the foundation for the development of a concrete road map to ensure that effective, migrant-sensitive health systems and adequate monitoring of migrant health are well mainstreamed within the health policy and strategies.

The Ministry of Health has improved its capability to sustain its nursing workforce given out-migration trends. The nursing sector in Kenya has been a flagship sector for out-migration, with a significant percentage of Kenyan nurses opting for migration in search of better livelihoods. These numbers are now reducing – this has been attributed to the changes made within the health sector which has managed to retain its work force such as better pay and terms and conditions.

United Nations agencies and international organizations

Nairobi is home to the United Nations headquarters in Africa, established by the General Assembly in 1996. There are more than 25 United Nations funds, programmes, and specialized agencies operating in Kenya. The United Nations Office at Nairobi (UNON) is home to the worldwide headquarters of United Nations Environment Programme (UNEP) and the United Nations Human Settlements Programme (UN-Habitat), and is home to a number of United Nations Regional Offices. The work these funds, programmes and agencies do to address migration issues in Kenya are described below.

United Nations Country Team

The United Nations Country Team ensures coordination between United Nations agencies, as part of the Resident Coordinator system, to ensure delivery of results through the United Nations Development Assistance Framework (UNDAF) in support of the Government's development agenda. The United Nations Country Team meets on a monthly basis, led by the Resident Coordinator. Some elements of migration governance are addressed in the Kenya UNDAF 2014-2018, for example support for migration profiling and data, displacement tracking, improving migrants' access to health services, improvements to border management, and protection for trafficked persons.

United Nations Office for the Coordination of Humanitarian Affairs

Although coordination of humanitarian response rests with the Government of Kenya at both national and county levels, the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA) chairs the monthly meetings of the Kenya Humanitarian Forum. At the district level, UN OCHA supports the work of District Commissioners chairing the District Steering Groups and District Disaster Management Committees. Although the UN cluster system is not active in Kenya, the Government-led sectoral approach is supported by global cluster lead agencies.

United Nations Development Programme

The United Nations Development Programme (UNDP) 2009 Human Development Report focused on migration, both domestic and international, emphasizing the benefits of migration for development and the opportunities opened up by migration in terms of skills, assets and reduction of inequalities. The report brings evidence of the positive impacts of migration on human development, through increased incomes, access to education and health services. It highlights the importance of migration for traditionally disadvantaged groups.

United Nations High Commissioner for Refugees

UNHCR has entered in a strategic partnership with the Government of Kenya to support and strengthen response capacities of both local and national institutions in search of durable solutions for refugees and other displaced populations. UNHCR maintains an up-to-date database on refugee flows and stocks, as well as information on management of refugee camps in the country, resettlement figures, and asylum-seekers in Kenya.

United Nations Population Fund

United Nations Population Fund's (UNFPA) work addresses population dynamics (e.g., fertility, mortality and migration) that determine population change, structure and distribution. UNFPA has been funding successive population censuses in Kenya over the last four decades (1969–2009) from execution of enumeration of population to analysis of the data collected and dissemination of the results generated. UNFPA is a development agency supporting Kenya Vision 2030 in line with the UNDAF to contribute to progress towards achieving the Millennium Development Goals and the International Conference on Population and Development. It has provided support to the National Council for Population and Development in the production of a Kenya Population Situation Analysis Report, which provides an overview of population dynamics and development, as well as urbanization, internal migration, and international migration figures and trends (NCPD, 2013).

United Nations Environment Programme

UNEP's programming addresses migration and environmental changes, including climate change, disasters and conflicts, ecosystem management, and environmental governance. UNEP collaborates with other UN agencies and the Government of Kenya to work towards the rehabilitation of Dadaab camps and surrounding refugee areas.

United Nations Human Settlements Programme

UN-Habitat promotes socially and environmentally sustainable human

settlements, rural and urban alike, and the achievement of adequate shelter for all. In urban areas, with fragile ecosystems and rapidly increasing urban populations attributed partly to migration, UN-Habitat provides support to urban planning and the rehabilitation of infrastructure and services to ensure liveable urban settlements. In Kenya, UN-Habitat focuses on strategic advisory input to the Government of Kenya on urban planning and leads the flagship Kenya Slum Upgrading Programme. Activities include the preparation of a plan with the Ministry of Land, Housing and Urban Development in areas highly impacted by displacement. UN-Habitat delivers training to government officials to support capacities to implement participatory and environmentally and socially conscious planning.

United Nations Office on Drugs and Crimes

The United Nations Office on Drugs and Crime (UNODC) works to support the Government of Kenya to respond to drug, crime and terrorism challenges that threaten to impede development goals in the country. UNODC acts as the custodian of the *United Nations Convention against Transnational Organized Crime and its Protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the Protocol Against the Smuggling of Migrants by Land, Sea, and Air*. In Kenya, UNODC is currently providing technical assistance to the Government in improving its legislative framework addressing these issues.

United Nations Entity for Gender Equality and the Empowerment of Women

UN Women supports the Government of Kenya in safeguarding and implementing standards on the *Convention on the Elimination of All Forms of Discrimination against Women* to ensure that gender equality is realized as a basic human right and that it also provides socioeconomic benefits to Kenyan society.

International Organization for Migration

IOM is committed to the principle that humane and orderly migration benefits migrants and society. In Kenya, IOM works with the Government of Kenya and its partners to: 1) contribute to mitigation of and resilience to climate change and environmental degradation in arid and semi-arid lands; 2) promote effective human rights-based approaches to the management of mixed migration flows to, from, and across Kenya 3) contribute to safety and security along Kenya's borders; 4) contribute towards human security through peace-building and conflict prevention in northern Kenya and Rift Valley; 5) contribute to emergency preparedness and response; 6) support migrants' equitable access to health care in Kenya; and 7) contribute to Kenya's development through effective management of labour migration.

World Bank

The World Bank monitors and forecasts remittances and migration flows in order to provide timely analysis on topics such as remittances, migration, and diaspora issues. In Kenya, the World Bank's Country Partnership Strategy for Kenya focuses on three core domains of engagement: improving the economy's competitiveness and sustainability; protecting the vulnerable and helping them to develop their potential; and building consistency and equity through devolution. The World Bank maintains a collection of development indicators (the World Development Indicators), gathered from officially recognized international sources. These include migration and migration-related indicators.

African Development Bank

The main objective of the Africa Development bank is to spur sustainable economic development and social progress in its regional member countries, thus contributing to poverty reduction. It is committed to sustainable economic development and social progress contributing to poverty reduction in Kenya and is committed to supporting the realization of the objectives set under the Millennium Development Goals. In recent years it has released working papers and economic briefs on Kenya's migration trends, patterns and determinants, including trends of Kenyan emigration.

NGOs and civil society organizations

Kenya is home to at least 100 NGOs working on refugee affairs, including both international and national NGOs. These NGOs mainly focus on humanitarian assistance to refugees, although increasingly they also assist IDPs and other vulnerable uprooted populations. An up-to-date list of international and national NGOs working on refugee affairs and migration issues is provided in Annex E, and a more detailed discussion of key NGOs' work is provided in the sub-section on international cooperation.

Other civil society organizations

Migrant and diaspora organizations

There are a number of Kenyan diaspora organizations abroad. These organizations are engaged in a number of issues, including: advocacy for the right to vote in Kenyan elections, as is provided for in the Constitution; advocacy for political engagement in national affairs; seeking and facilitating investment opportunities in Kenya; and encouraging social, cultural and economic linkages between Kenya and their host countries.

Kenya is home to the Kenya Diaspora Alliance, a group of returnees who aim to demonstrate the potential for return and investment, to create awareness on domestic policies for those abroad, to review the impact of diaspora remittances and investments, to advocate for reduced costs of remittances, and to engage in activities that facilitate diaspora reintegration into their communities and societies upon their return.

Trade unions and private employment agencies

The Central Organization of Trade Unions is a workers' union with a large membership of migrant workers from different parts of Kenya employed in various sectors. It is responsible for negotiations regarding workers' welfare including remuneration, rights and separation obligations (e.g. pension or gratuity).

The Government of Kenya counts about 900 employment and recruitment agencies, while the private sector counts about 150 such agencies, according to estimates shared by the Ministry of Labour, Social Security and Services in 2014. These agencies collect information on migrant workers and facilitate their registration, pre-departure training and employment abroad.

According to government officials, there are more unrecognized and unofficial brokers operating as recruitment agencies than there are certified private employment agencies. Although all private employment agencies are required to pass a clearance, registration and certification process, many fail to do so and challenges in oversight remain.

Professional associations

A number of professional associations in Kenya play an important role in matters pertaining to migration within, into and out of Kenya. They include sectoral associations of teachers, medical and health personnel. The Nursing Council of Kenya receives requests for license verification for migration and through this tracks information on the intentions of nurses to migrate abroad for professional purposes. The Council responds to requests for verifications from different countries when a Kenyan nurse applies to migrate abroad – as such it may receive more than one request for each nurse. To eliminate duplication when calculating the number of nurses intending to migrate, verification requests are linked to each nurse's index number.

There are also a number of associations of private employment agencies such as the Kenya Association of Private Employment Agencies (KAPEA). KAPEA's members are registered with the Ministry of Labour, Social Security and Services

and recruit Kenyans and link them to local and international employers. All of KAPEA's members have signed a code of conduct for ethical recruitment practices. A second umbrella association, the Association of Private Recruitment Agencies of Kenya provides similar services and has 12 members.

Anti-trafficking organizations

At the time of the study, there was very little data on human trafficking numbers in Kenya, which was identified as a shortcoming in terms of understanding the extent of human trafficking in the country. Anti-trafficking organizations that provide direct assistance to trafficked persons usually collect their own internal data, but no centralized mechanisms for data collection and analysis exist. No modalities for data sharing between service providers, NGOs, government agencies, and law enforcement agencies on trafficking complaints, referrals, investigations, or prosecutions exist, hampering the anti-trafficking sector's ability to develop evidenced-based programmes.

Investment promotion organizations

There are three main investment promotion organizations in Kenya that engage diaspora in investment initiatives: Kenya Private Sector Alliance (KEPSA), Kenya Investment Authority (KenInvest) and Capital Market Authority. KEPSA aims to attract experts from the diaspora to return to Kenya to transfer skills to the private sector in Kenya, as well as facilitating the investment of the diaspora into business start-ups in the country. KenInvest provides advisory services to returning diaspora on investment opportunities in Kenya. The Capital Market Authority works in liaison with MFAIT through its embassies abroad and the Central Bank of Kenya to promote investment products such as real estate, diaspora bonds and remittances.

C.4 INTERNATIONAL COOPERATION

This section is indicative of the ongoing work in the area of migration and development, and provides a rapid overview of current and planned international cooperation and programmes. The issue of cross-complementarities and synergies is addressed, along with suggestions for areas of future interventions.

International cooperation on migration management and capacity-building

IOM has been closely working with the Government of Kenya to strengthen migration management and national capacity. IOM's technical cooperation programmes in Kenya began in 2004, and have focused on capacity-building in

migration management, integrated border management, regional integration, administration of labour migration programmes, and health promotion for migrants. A number of key advances have been made in recent years with IOM support, including the introduction of standard operating procedures for border management, the enactment of anti-trafficking legislation, the development of a national plan of action to combat human trafficking, the establishment of a labour migration data management facility, the development of a national strategy on HIV/AIDS and sexually transmitted infections along transport corridors, the development of national guidelines for HIV response in emergency settings, development of a national action plan on World Health Resolution 61.17, and the improvement of the skills and knowledge of civil society and government officials on a broad range of migration management issues including integrated border management, human rights of migrants, protection of trafficked and vulnerable migrants, health promotion for migrants, and community stabilization for migration-affected communities and populations. However, institutionalization of these results remains a challenge, and additional efforts to develop and implement comprehensive migration management policies are required.

International cooperation on return and reintegration

IOM and UNHCR have been actively involved in the assistance and response to the needs of migrant return and reintegration. In line with its global strategy, IOM Kenya aims to provide secure, reliable, flexible and cost-effective services for persons who require international migration assistance. This includes humanitarian assistance to stranded migrants who request emergency to return home; and assisted voluntary return and reintegration services to migrants, including asylum-seekers whose claims have been rejected or are likely to face rejection of their claim, irregular migrants, victims of trafficking, unaccompanied minors, elderly people and those with particular medical needs. Depending on the individual's unique needs, this assistance can include: i) pre-departure assistance such as outreach, information and counselling, application processing and health assessments, fitness to travel checks, and preparations for travel such as documentation, transit centres and temporary accommodation, health and safety escorts; ii) return transit assistance such as ticketing, luggage, transfer and airport assistance, medical assistance, small grants; iii) reception support like arrivals assistance, temporary accommodation, health assistance and referrals, information and counselling, onward transport; iv) reintegration assistance such as allowances, grants, and individualized assistance services; and v) monitoring and evaluation of reintegration activities through site visits, assessments of the impacts of reintegration assistance, trends analysis, and best practices.

In mid-2014 IOM and UNHCR conducted a return intention survey of the Somali refugee population in Dadaab as a means of understanding the needs, concerns and expectations of Somali refugees as part of a durable solutions strategy and ensuring that refugees could take an active role in shaping their futures. The survey found that an estimated 2,228 families (approximately 9,627 individuals) in Dadaab intended to return to Somalia within the 24 months following the survey (UNHCR and IOM, 2014). In December 2014 UNHCR initiated a pilot return project, within the context of the Tripartite Agreement Governing the Voluntary Repatriation of Somali Refugees Living in Kenya, 2013, to support up to 10,000 refugees who had freely and voluntarily decided to return home to select areas in Somalia. Under the pilot project, returning refugees were provided with assistance to secure safe transport, cash grants, travel and hygiene kits, and other basic needs (UNHCR, 2014d). As of January 2015, 1,166 refugees have been supported to return home (UNHCR, 2015a). UNHCR has also organized go and see visits for 19 refugees who visited Kismayo, Somali in August 2014. The refugees who visited Somalia returned to Dadaab refugee camps and shared information with other refugees through a live radio talk show, focus group discussions and camp leadership structures (UNHCR, 2015a).

International cooperation on mixed migration

Intergovernmental Authority on Development (IGAD) Regional Consultative Process on Migration

The IGAD Regional Consultative Process of Migration was established by a council decision in 2009 to foster regional dialogue and cooperation on migration by providing a platform for discussions on various migration issues. The dialogue is between IGAD member states, transit and destination countries as well as other stakeholders in migration. Key partners include IOM and the African Union Commission.

Mixed Migration Task Force

IOM and UNHCR co-chair the Kenya Mixed Migration Task Force (MMTF), which was established in 2012. The MMTF is a multi-agency forum for information-sharing and joint advocacy on the protection and humanitarian needs of irregular migrants, inclusive of refugees, asylum-seekers, trafficked and smuggled persons, and migrant workers who move in mixed migration flows through or into Kenya.

Regional Mixed Migration Secretariat

In 2011 UNHCR, IOM, Danish Refugee Council, Intersos and the Yemen Mixed Migration Task Force established the Regional Mixed Migration Secretariat to support agencies, institutions and forums in the Horn of African and Yemen

to improve the management of and response to mixed migration flows in the region. The Secretariat is hosted by the Danish Refugee Council and provides administrative support to the Kenya MMTF. In 2013, RMMS produced the publication *Mixed Migration in Kenya: The Scale of Movement and Associated Protection Risks*, which was based on information and statistics compiled by the members of the Kenya MMTF (2013a).

Since its inception the RMMS has produced a significant body of research on mixed migration within and out of the Horn of Africa. In addition to its 2013 publication on mixed migration in Kenya, a number of its publications, while regional or thematic in scope, provide information and analysis of relevance to Kenya. These include: *Responses to Mixed Migration in the Horn of Africa and Yemen: policies and assistance responses in a fast-changing context* (RMMS, 2013b); *Migrant Smuggling in the Horn of Africa and Yemen: the political economy and protection risks* (RMMS, 2013c); and *Behind Bars: The detention of migrants in and from the East and Horn of Africa* (RMMS, 2015). RMMS also compiles a monthly summary report that includes statistics on relevant migrant movements in the Horn of Africa and Yemen and an analysis of political events and policy changes affecting mixed migration. The monthly report is a key source of information for all migration stakeholders in Kenya and the region.

International cooperation on refugee affairs

There are significant efforts for international cooperation on refugee affairs in Kenya, reflecting the significant refugee population in the country. This section highlights a number of key partners working on refugee matters; a more comprehensive list is presented in Annex E.

Urban Refugee Protection Network

UNHCR is the lead agency for the Urban Refugee Protection Network, which brings together humanitarian agencies working on refugee issues within urban areas. The focus of the network is on working with asylum-seekers and refugees in the city of Nairobi and implementing programmes aimed at ensuring that the needs of urban asylum-seekers and refugees are met. The network convenes every two months to discuss protection issues and receive updates from six thematic groups working on advocacy and legal issues, child protection, education and livelihoods, gender-based violence, health and psychosocial care.

Kituo Cha Sheria (Legal Advice Centre)

Kituo Cha Sheria is a national NGO in the process of establishing a forced migration programme. The aims of the programme include: consolidating forced migration

referral networks and partnerships; establishing a rapid response capacity to address the issues of refugees, stateless persons, asylum-seekers, deportees, evictees, and detainees; linking communities to micro-financing institutions; strengthening psychosocial support services for clients; advocating for the rights of persons with special needs amongst the marginalized, including victims of human trafficking; advocacy for durable solutions; research; and partnerships.

Kituo Cha Sheria became well known through its advocacy efforts and petition against the 2012 directive to relocate urban refugees to camps. It succeeded in obtaining a High Court ruling overturning the implementation of the directive on the grounds that it was unconstitutional although later, the same High Court judge allowed the reimplementation of the directive.

Refugee Consortium of Kenya

Refugee Consortium of Kenya is a national NGO established in 1998 to promote and protect the rights of refugees, asylum-seekers, IDPs and other forced migrants. Its mandate is three-fold: provision of legal aid services and psychosocial counselling; advocacy for policy change and legislation development in line with international instruments; and awareness raising through research and information dissemination. The Refugee Consortium of Kenya has been a leader in defending the rights of forced migrants and has authored leading research on urban refugees, asylum under threat, and lessons from the national policy framework on internal displacement which have become key reference documents on migration issues and migration management in Kenya.

Danish Refugee Council

The Danish Refugee Council focuses on building the self-reliance for refugees in Kenya through three pillars: equipping them with skills; enterprise development; and linking them to financial services that are sharia compliant in the case of Muslim refugee communities. Opportunities for implementation of these programmes, and for refugee well-being, would be enhanced if provision of documentation for refugees, which is a critical step for proper identification and a requirement for provision of services, is improved; and if options for refugees to operate outside of the camps, for example in local markets, were to be expanded.

Norwegian Refugee Council

The Norwegian Refugee Council (NRC) has been active in Kenya since 2006, through assistance to refugees in Dadaab with lifesaving activities addressing food security, water and sanitation interventions, and more recently through its Information, Counselling and Legal Assistance Programme as part of its strategy on durable solutions. In 2014, NRC expanded its programme in

Kakuma to include shelter activities and youth education. NRC is expanding its programming to include urban refugees and host communities in Turkana and Garissa. NRC is making efforts to identify solutions for protracted refugees through options beyond camp assistance. In a recent study, NRC sought to gain a better understanding of ways in which assistance can facilitate a higher degree of self-reliance, and provide alternatives to traditional camp-based assistance (Robinson, N.D). The study identifies the encampment policy as restricting refugee self-reliance, while it highlights major protection concerns among urban refugees. It singles out work permits as a strong pillar of livelihood that should be prioritized through legal aid programmes. It recommends the establishment of community-based organizations or cooperative societies to involve a wider section of people, including host community members.

International cooperation on resettlement and cultural orientation

Resettlement is one of three durable solutions offered to refugees, available for those who are unable or are unwilling to return home or integrate locally. As such, it remains a key protection tool. Resettlement assistance is a process involving closely the Government of Kenya, UNHCR, IOM and other partners such as RefugePoint, HIAS Refugee Trust of Kenya and other NGO partners. The process begins with UNHCR with the identification, interview and submission of refugee applications for resettlement consideration. When refugee applications are accepted under cooperative agreements, IOM, RefugePoint, HIAS Kenya and other agencies proceed with resettlement services which include case processing, health assessments, pre-departure orientation, movement and in some cases post-arrival support. In order to avoid duplication of services, partners coordinate, cross-check, and take fraud prevention measures.

NGOs active in resettlement assistance, for example RefugePoint, HIAS Kenya, and Church World Service, convene with other entities and UNHCR on a monthly basis for a best interest determination panel and work through administrative centres in Nairobi and key refugee hosting areas in Kenya – notably Dadaab and Kakuma – to facilitate resettlement assistance.

IOM and other partners provide pre-departure cultural orientation to refugees headed to a number of resettlement countries. Pre-departure orientation provides refugees (and other migrants) with information on travel and reception services available in the country of destination, as well as on their new country's climate, geography, education, health, housing, and employment with the aim of facilitating their transition and integration.

International cooperation on displacement

NRC will continue to try to address the needs of the IDPs in Kenya, mainly in Mandera, Wajir and Marsabit counties. The displacement numbers have been unclear but the conflicts are often resource-based. In Marsabit County, the displacement is not only internal but also cross-border since the warring communities are spread across the Kenya-Ethiopia border. As of 2015, IOM has been piloting its displacement tracking mechanism, a standardized global tool on displacement tracking, in seven counties in an effort to provide humanitarian actors with improved information on displacement in the country and to improve skills in displacement tracking. The United States Agency for International Development (USAID) and the Rockefeller Foundation have developed the Global Resilience Partnership that offers protection to vulnerable populations on the basis of climate adaptations and preparedness. ReliefWeb has reported that the partnership has improved the resilience of pastoralists in Kenya through strengthening the disaster early warning system (Population Reference Bureau, 2011). There is a need to conduct further research to support development of evidence-based and effective strategies for addressing environmentally-induced migration and displacement. To this effect, IOM is implementing a migration, environment, and climate change project in Kenya, which aims to: i) strengthen knowledge and information-sharing with new evidence on migration and the environment; ii) enhance government capacity to take action on environmental migration; and iii) facilitate policy coherence and cooperation both nationally and regionally.

The Nansen Initiative on disaster-induced cross-border displacement is a major initiative that seeks to clarify the rights of such displaced persons and is a key mechanism for ensuring their protection. Representatives from Djibouti, Ethiopia, Kenya, Somalia, South Sudan, the United Republic of Tanzania, Uganda, and Yemen convened in Nairobi in May 2014 for the third Nansen Initiative Regional Consultation on “Natural Hazards, Climate Change, and Cross-Border Displacement in the Greater Horn of Africa: Protection people on the move.” Participants identified actions to complete over the next five years, including:

1. Preventing and mitigating the impact of displacement through resilience building and disaster risk reduction measures;
2. Mapping cross-border movement of pastoralists, and reconciliation of cross-border pastoralist movements with cross-border security, supported in accordance with national and regional frameworks such as the 2010 African Union Policy Framework for Pastoralism in Africa.
3. Developing a regional approach to ecosystem management;

4. Promoting migration opportunities for people affected by climate change and environmental degradation, facilitating seasonal migration, and improving and developing new data management tools and analysis on such forms of human mobility;
5. Protecting people displaced across international borders in the context of disasters, considering applying the *1969 OAU Refugee Convention's* expanded definition of a refugee through its inclusion of persons fleeing “events seriously disturbing public order,” and engaging with the African Court and Commission on Human and People’s Rights; and
6. Enabling international coordination and cooperation for cross-border displacement in disaster contexts to ensure that donor priorities are aligned with the context, and promoting the conclusions of the Nansen Initiative Greater Horn of Africa Regional Consultation in world summits; regional, international and multilateral agreements, treaties and conventions on Climate Change; and in IGAD’s regional consultation process on migration.

PART D: KEY FINDINGS AND RECOMMENDATIONS

D.I MAIN FINDINGS ON CURRENT TRENDS, THE IMPACT OF MIGRATION AND MIGRATION POLICIES

Current migration trends

Forced migration is a key concern in Kenya. Kenya is home to Africa's largest protracted refugee population and the world's largest refugee camp. As of 31 March 2015, 533,267 refugees lived in the camps of Dadaab, Alinjugur and Kakuma, with a continuous flow of new arrivals. These camps represent a humanitarian crisis as they have exceeded their full capacity and are located in some of Kenya's least developed and most environmentally fragile regions. The Dadaab camps were established more than 30 years ago with the aim of housing up to 90,000 refugees fleeing Somalia's civil war, and as of 31 March 2015 have a population of 351,446. In the past four years, the population of Kakuma has doubled, to 181,821 in March 2015. Somalis represent the largest group of asylum-seekers and refugees in Kenya with a total of 427,311 refugees and asylum-seekers, double the number of Somali refugees ten years earlier, with 158,149 refugees and asylum-seekers recorded in 2004. The increase is due to continued conflict and repeated cycles of drought, with a significant spike during the 2011 famine. The most recent refugee influx is of South Sudanese refugees: from 34,607 in 2012, their number has more than doubled in two years with 89,474 in December 2014. As of 31 March 2015, this figure has risen to 92,317.

The urban figures of the Nairobi refugee caseload have stayed constant at around 50,000 throughout the years, although these figures are indicative only as registration of urban refugees has ended. In addition, the Government of Kenya has issued formal directives (December 2012 and March 2014) ordering urban refugees to return to the camps thereby shutting down all registration and service provisions, and returning to an encampment policy for refugees.

The future for refugees remains uncertain in Kenya. A twofold increase in asylum applications has been met with a twofold increase in pending decisions showing a sharp slowdown of the refugee status determination process in Kenya, as UNHCR is passing over responsibility to the Government of Kenya. However aggregate numbers of Somali refugees have begun to decrease. The Governments of Kenya and Somali signed a *Tripartite Agreement* together with United Nations High Commissioner for Refugees (UNHCR), and in December 2014 UNHCR began

a pilot project facilitating voluntary return. Political pressure to expedite the return process and begin planning for camp closure remains high, particularly in periods following terrorist attacks.

In addition to its refugee population, Kenya has a significant population of internally displaced persons (IDPs) in need of protection at home. Over 650,000 Kenyans were internally displaced in the post-election violence aftermath of 2007–2008. Climate change and environmental degradation contributes to displacement, as people are forced to move due to droughts and floods. Frequent and often severe droughts have also forced pastoralists to move further away from their usual grazing ground in search of pastures and water for their cattle, which has led them to come into conflict with local communities over use of resources (e.g. water and land) and these conflicts led to periodic displacements. Between January and November 2014, 220,177 people were displaced due to intercommunal violence due to competition over land and water resources, revenge attacks, cattle rustling, and struggles over political representation. Forced evictions are a concern, with the directives to relocate urban refugees in camps leading to instances of forced evictions, alleged police harassment and forced relocation of refugees from Nairobi to Dadaab and Kakuma refugee camps. Kenyans have also been displaced as a result of development and environmental protection projects.

Trafficking in persons is a problem within the country, as it has been identified as a source, transit, and destination country. Data on the scale of the trafficking phenomena in the country is limited, although some trafficking routes have been identified, and some researchers have estimated that around 20,000 children are trafficked in Kenya every year. Girls and women are likely to be more vulnerable to trafficking for the purposes of sexual exploitation, both domestically and abroad, whereas Kenyan men have been trafficked abroad for labour exploitation.

Kenya is not just a destination country for forced migrants – it also attracts **tourists, foreign workers and foreign students**. Kenya relies heavily on its tourism industry and its ability to attract visitors, which have recently been jeopardized by threats of insecurity and attacks in Nairobi and along the coasts. Most tourists are from Europe, followed by tourists from the African region. Given the insecurity the country has experienced in recent years, tourist numbers have drastically reduced, encouraging the National Tourism Board to change its strategy for attracting tourists. The vast majority of immigrants to Kenya are from Africa, and of these, 60 per cent are from East Africa. Kenya is a regional economic hub attracting foreign workers from East Africa and

beyond. The private sector, United Nations programmes, funds and agencies, and international non-governmental organizations are amongst the employers of foreigners in the country. Kenya is also a regional education hub. It is home to over 40 universities and has seen a rise in the number of students – both Kenyan and foreign – seeking higher education. A sample of data provided by universities indicates that the vast majority of foreign students are from Africa, largely from the East African and Great Lakes regions.

The porous nature of the borders has enabled **cross-border mobility**. This includes the seasonal cross-border migration of fisher folk in western Kenya in the Uganda and the United Republic of Tanzania border regions, and pastoralists who frequently cross international borders while following their new or traditional seasonal migratory patterns. Further, weak border management and corruption has been linked to **migrant smuggling** in Kenya.

Kenya is also a source country for **emigrants, both regular and irregular**. While the number of irregular emigrants is not known, there are nearly half a million Kenyan emigrants abroad.

Impact of migration

There is a **rapid urbanization trend** in Kenya due to internal, voluntary and forced migration trends. The urban refugee population resulted from the administrative exceptions outlined in the ‘encampment policy’ and dates as far back as the 1990s with the insecurity in Ethiopia, Somalia and countries in the Great Lakes region. The total number of refugees and asylum-seekers in Nairobi as of March 2015 was an estimated 52,957 individuals. These are estimates alone as urban refugee registration stopped in 2012. IDPs have also moved to urban areas, for example about half of the post-election violence IDPs settled in urban areas, mainly in the former Nyanza Province.

Conflicts within and between neighbouring counties, particularly Somalia, have contributed to an overall **securitization of migration** in the country. In the aftermath of terrorist attacks claimed by al-Shabaab within the country, it is common for Kenyan politicians to call for the removal of Somalis and the closure of Dadaab refugee camps. In 2014 this led to Operation Usalama Watch, when the Government of Kenya detained large numbers of persons of Somali origin and deported over 300 of them to Somalia. In 2015, the terrorist attack on Garisssa University has led to renewed calls to hasten the closure of Dadaab refugee camps and the return of Somali refugees to Somalia.

Migration and economic development are associated in Kenya through emigration trends, diaspora contributions to economic development, the central role played by tourism in development and the impact of mobile money transfers. Kenyans emigrate to North America, other parts of Africa, Europe, Asia, the Middle East, Oceania, and the Caribbean. These emigrants remit money back to Kenya; the National Diaspora Policy estimates the inward formal remittances from the Kenya Diaspora at 113 billion Kenyan shillings in 2013, accounting for 2.98 per cent of the country's GDP. The true volume of remittances is likely to be significantly higher, once remittances through informal channels are taken into account. The majority of remittances are sent from outside of Africa, with diaspora in North America and Europe being the main contributors of remittances to the country. Tourism remains a major contributor to national development, although in recent years tourism in Kenya has suffered a severe setback due to insecurity and the Ebola outbreak in West Africa. Finally, migrants have contributed to the success of mobile money transfer in Kenya, which has become one of the main drivers of economic development in the country. Kenyans who have migrated from rural to urban areas are a major user of these services, as they use them to remit monies to household members remaining in urban areas.

Regarding the connections between **migration and demography** several key issues emerge. Projections indicate that Kenya's population will reach 52.6 million in 2020 and 65.9 million in 2030 (Population Reference Bureau, 2011). The country's current stage of demographic transition implies a growing proportion of young people who are prone to internal migration and emigration. Kenya experiences net emigration as departures of the citizens exceed arrivals of foreigners: the most recent figure is -0.22 per 1,000 persons in mid-2014. This means that although Kenya is home to one of Africa's largest refugee flows, emigration still exceeds immigration, drawing concerns among policy circles regarding the impact of large-scale emigration on the country's development. Labour market conditions, specifically the wage gap and the supply of labour, particularly among the youth, explain in part the net emigration rate prevalent in Kenya.

Migration and the environment are inter-linked in Kenya. Migration is used as a coping strategy in response to patterns of climate change and environmental degradation. Traditionally, nomadic pastoralists have engaged in cyclical migration patterns in search of pasturelands and grasslands for their livestock. As a result of climate change and environmental degradation, which has led to more frequent and more severe droughts, the traditional migratory routes have changed, as pastoralists migrate further afield and for longer periods of

time. Pastoralist populations are competing amongst themselves for access to ever more scarce natural resources such as water and grazing land. At times this competition leads to conflict, resulting in displacements, particularly in the north-eastern, eastern, and coastal parts of the country. In other parts of the country, flooding regularly leads to loss of life and displacement. Migration also increases the environmental pressure in urban areas and camp settings. Rural to urban migration increases pressures on urban infrastructure and contributes to urban environmental problems such as pollution and waste management. The majority of refugees are hosted in environmentally fragile areas, and the large population has led to deforestation and environmental degradation, as well as challenges with waste management.

There are also linkages between **migration and health**. In crisis situations, displaced persons in Kenya have been vulnerable to health problems, most notably the outbreak of water-borne diseases such as cholera, dysentery, and diarrhoea. There is a link between mobility and HIV infections at transport corridors in Kenya, which remain a source of new infections. Migrants face barriers in accessing health services.

Migration policies

Kenya's migration policies have increased in recent years showing the Government's willingness to formalize a policy framework to manage migration. Yet, key gaps remain to be addressed, notably in mainstreaming migration into development plans and policies, safeguarding the rights of citizens (IDPs) and non-citizens (refugees), and ensuring the effective launch and implementation of laws and draft policies. Limited coordination, capacity and information sharing have hampered implementation.

Migration policy is in planning stages in Kenya, under two main policies: the Draft Migration Policy and the Draft National Labour Migration Policy. The National Diaspora Policy was recently adopted and launched on 20 January 2015 by President Kenyatta.

Migration is presently not mainstreamed in development plans, with the country's national development plan, Kenya Vision 2030, making only minor references to "drawing in more remittances from Kenyans abroad"²⁹ and "pursuing a comprehensive remittances strategy"³⁰ as part of its flagship projects.

²⁹ *Kenya Vision 2013 – The popular version* (Government of Kenya, 2007b:14).

³⁰ Government of Kenya, 2007b:19.

More clarity will be needed on the mainstreaming of migration in development policies in Kenya in the design of subsequent Medium Term Plans.

Kenya's policies towards foreigners may prove to be contradictory and counter-productive. Although the stated goal is to increase control over foreign-born populations in Kenya, in practice the result may achieve the opposite. As part of the securitization trend of migration control in Kenya, the Government has drafted new policies to further encamp the refugee population: urban refugees have been asked to relocate to camps. Yet, urban refugee registration has stopped, arguably making the refugee population more difficult to track and monitor. It is also possible that where real numbers are lacking policy implementation will be impeded.

Balance between restrictions on foreigners taking up employment and the needs of the labour market has not yet been achieved. Kenya still depends on foreign workers to contribute to its economy and its tourism industry. The higher visa fees, restrictions to employing foreigners under 35 and those making less than USD 24,000 a year, new requirements to apply for non-renewable two-year work permits, and restrictions in key sectors, such as medical, accounting, legal and real estate to name a few, have had a negative impact on the ability of foreigners to register and operate in Kenya. As part of the Kenyanization requirements, each foreign worker is required to train a Kenyan understudy to take over responsibilities, as part of an effort to build the capacity of Kenyan citizens to take up the functions of the job. However the number of visas granted to foreign workers is insignificant compared to the number of new job-seekers entering the Kenyan labour market every year: between 2009 and 2013 , 73,112 work permits and 67,923 work permit renewals were issued to foreigners, while in 2010 alone 323,908 students graduated from local training institutions and, presumably, entered the job market. Further, key skills gaps remain in the Kenya labour market (KNBS, 2014c).

Kenya is party to key international treaties and multilateral agreements relating to migration including international conventions and covenants, United Nations conventions and regional African Union treaties. Kenya's previous dualist legal system required that international treaties and obligations take effect after implementation through domestic legislation. This had resulted in significant delays in the full implementation of treaties as the production of new laws and amendments has led to national debate. The constitutional reform of 2010 changed the system to a monist system recognizing international law as part of Kenyan law.

As summarized in a recent Technical Working Group Meeting in August 2014, Kenya ‘remains a land of policies being drafted, but lacking implementation’. The migration policies that have been implemented so far have been restrictive in nature – negatively impacting foreigners, rather than maximizing the development potential of migration.

D.2 RECOMMENDATIONS REGARDING THE MIGRATION GOVERNANCE FRAMEWORK

Recommendation 1: The Government of Kenya should develop and implement a comprehensive migration governance framework, including through the finalization and implementation of the Migration Policy and the National Labour Migration Policy.

The Government of Kenya’s commitment to building a migration governance framework will require the finalization of two on-going policy drafts: the Migration Policy and the National Labour Migration Policy. The Government’s commitment to enhancing the Kenya diaspora’s input to development has been demonstrated through the finalization and launch of the country’s first-ever National Diaspora Policy. A successful migration governance framework will be one that aims to maximize the benefits of migration while minimizing its negative impacts. This includes concrete and achievable implementation strategies for finalized policies as well as striking a balance between the fulfilment of international legal obligations and the Government’s sovereign right to control its borders and territory.

Recommendation 2: The Government of Kenya should strive to meet its responsibilities and obligations towards asylum-seekers and refugees under international law.

Given the importance of Kenya as a safe haven for refugees and asylum-seekers, Kenya’s migration governance framework will need to first recognize Kenya’s responsibility vis-à-vis asylum-seekers and refugees, who are entitled to benefit from a specific legal regime under international law. While acknowledging the importance of securing borders and controlling migration flows, this report emphasizes the need to preserve asylum space by respecting the right to entry, the principle of non-refoulement for asylum-seekers and of voluntary repatriation and return for refugees. On the issue of urban refugees, the migration framework should be an opportunity to revisit the Government’s decision to adopt an encampment policy.

Recommendation 3: The issue of forced migration should be incorporated into the migration governance framework and appropriate policies and programmes together with partners and stakeholders.

Progress in mainstreaming forced migration issues was made with the passing of the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act of 2012, which provides a comprehensive approach to addressing internal displacement caused by armed conflict, large-scale development projects, situations of generalized violence, violations of human rights, or natural or human-made disasters. However a draft policy on internal displacement has not been finalized or implemented. Further, the lack of updated and accurate information on the number, location and needs of IDPs in the country hinders any effective response. A profiling exercise, taking on board the expertise of international organizations and agencies present in Kenya, should be conducted. The Draft National Policy for Disaster Management does not effectively mainstream migration in its response, only acknowledging rural–urban migration and briefly mentioning the challenge of disaster management in the process of relief, repatriation rehabilitation and resettlement toward recovery of IDPs. Mainstreaming forced migration and internal displacement in the National Policy for Disaster Management is a necessity. The fact that the 2009 *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)* has neither been signed nor ratified is a major concern for stakeholders in the identification and safeguarding of the rights of IDPs, and should be rectified to ensure that Kenyans internally displaced due to conflict, natural disasters or man-made disasters are not deprived of their rights. Ratification would provide a platform for party states, the African Union, United Nations agencies, international organizations, and international and national NGOs to provide much needed protection support and durable solutions for IDPs. Further, Kenya should continue upholding the importance of the Nansen Initiative and global dialogue on natural disaster induced, climate change and cross border displacement to define a cooperation framework to address the relationship between the environment and displacement.

Recommendation 4: The Government of Kenya and concerned stakeholders should make explicit linkages between urban planning and migration in both policy and programming.

The disconnect between urban planning and migration policy development is especially concerning given the Kenyan context. The Government of Kenya's Draft Urban Policy is waiting for clearance by the Cabinet. Although Dadaab is the third largest city in Kenya, the Draft Urban Policy does not address issues relating

to refugees or internal migration, which have led to rapid urbanization rates despite limited absorption capacities and challenges in terms of urban planning. Many migrants, both foreign and national, migrate to urban areas as a result of push and pull factors such as climate change and environmental degradation, conflict, man made and natural disasters, and access to employment and services. It appears the Government of Kenya is not fully engaged in this issue, reverting instead to encampment policies or return as the preferred solutions. Programmes that address and mitigate the pressures of migration on urban environments in the country should be developed and implemented with the technical guidance and expertise from specialized agencies such as UN-Habitat and IOM.

Recommendation 5: The Government of Kenya and concerned stakeholders should cooperate to improve the capacity of relevant ministries, departments, and agencies to effectively implement migration policies, laws, and regulations.

Effective implementation of laws, regulations, and policies requires an effective and capacitated workforce. Improvements are needed in the skills and knowledge of some officials, and in the administrative procedures for migration governance. For example, in practice many refugees and asylum-seekers share the same migration routes as smugglers and irregular migrants. Proper administrative procedures are needed at the borders to formalize asylum claims. At the moment, refugee rights and principles of international protection are not sufficiently well known or integrated by officials at the border. Beyond border areas, within Kenya, authorities will require greater sensitization to refugee law to prevent any violations, including harassment or forceful returns and relocations that are in violation of the refugee law. Efforts should be made to train, better inform and disseminate information on refugee rights to authorities, and to increase the number of officials at border points knowledgeable on these issues and who can direct asylum-seekers to the right procedures for seeking asylum in Kenya. Similar efforts are needed to improve the capacity of immigration and police officials and prosecutorial authorities to investigate human trafficking offenses and to protect victims of trafficking. So long as the border remains porous, the country will face significant challenges in effective migration management: improvements are needed in border management infrastructure, systems, and personnel. The Department of Refugee Affairs (DRA) requires further investment in resources, training and capacity-building.

Recommendation 6: The Government of Kenya and development partners should allocate sufficient resources to support the development of a comprehensive migration governance framework and its full and effective implementation.

Whether looking at refugee status determination or diaspora engagement, resources fall short of objectives. In a recent Danish Refugee Council study titled *'Is my claim meritorious?' Congolese experience of the refugee status determination process in Kenya*, it is claimed that the overwhelmed RSD machinery means that asylum-seekers often face pending decisions for far longer than the 90 days stipulated in the law. Additionally, the requirements and some of the key interventions of the Diaspora Policy include clear structural changes requiring major investments, whether in terms of curbing the high cost of remittances, improving consular services to address the needs of Kenyans abroad, using the Kenyans abroad to promote tourism, tapping into Diaspora talents to reverse brain drain or designing a dedicated web portal to facilitate collection of data and profiles of Kenyans abroad for proper planning and engagement. Donor support will be required to ensure that such policies can be implemented at home and abroad, in the case of the diaspora policy.

D.3 RECOMMENDATIONS ON MAINSTREAMING MIGRATION INTO DEVELOPMENT POLICIES

Recommendation 7: The Government of Kenya, migrants, and diaspora should work together to realize the full potential contributions of migration to national development.

So far, the potential of the Kenyan migration to contribute to national development has largely been seen through the prism of diaspora remittances. This is indeed a significant contributor as in 2014 financial remittances were estimated at USD 1.4 billion. The National Diaspora Policy is framed to provide strategies to mainstream the Kenyan diaspora into the development agenda, and in August 2014 President Kenyatta, speaking at the US-Africa Leaders Summit in Washington, D.C. announced measures to benefit the Kenyan diaspora and encourage Kenyans abroad to act collectively in pursuit of greater investment in their home country and greater participation in democratic political processes there. Additional measures have been announced or are under consideration, such as efforts to facilitate investment by the diaspora, a registration exercise, and the creation of a diaspora portal, increasing the number of foreign missions in countries with a sizeable Kenyan diaspora population, and facilitating diaspora voting in the next general elections. While these are all welcome steps, diaspora interests must also be addressed. These interest include: access to appropriate

and adequate consular services; portability of social security; reduced costs of remitting money; access to protection services, notably around labour practices; incentives for investments in Kenya; recognition of skills and facilitation of skills transfer; information services; support for reintegration mechanisms to return home; and ability to participate in political processes at home.

Regarding foreign populations present in Kenya, the current narrative is largely focused on the actual or potential negative impacts: the environmental impacts of refugee camps on fragile ecosystems; the security risks of foreigners, particularly Somalis; the loss of jobs to foreign workers. This downplays or ignores the actual or potential positive impacts of foreign populations on the development of Kenya: the improved access to social infrastructure, services, security, goods and employment for host communities in the environs around refugee camps; the contributions of Somali migrants to Kenya's economy through job creation, capital investments, income generation, and provision of consumer goods; the skills, monies, investments, innovation, and dynamism that foreign workers and investors can inject into the economy; the role of humanitarian and development actors in making Kenya a regional crisis management hub and the associated economic benefits for the country. Efforts should be made to recognize and maximize these positive impacts on local and national development, including by facilitating the establishment and operation of foreign-owned businesses and foreign workers in Kenya through an easing of immigration processes and lowering of visas and work permit costs; and by opening up local markets to refugees to increase the benefit to host communities of the huge amount of resources invested into the refugee camps.

Even less attention has been paid to the social remittances: the ideas, practices, identities, and social capital transmitted by migrants. Diaspora transmit ideas, knowledge, and skills from abroad back home to Kenya, and immigrants, refugees, asylum-seekers, and foreign-born workers and residents bring these new ideas, practices, and social capital with them as well. All of these actors have a potentially strong role as agents of change, contributing to the human development of Kenya. Identifying the positive social contribution of these groups will be a necessary step towards mainstreaming migration into development – both economically and socially. Social remittances can have an impact on education, health, poverty and employment (particularly through micro-entrepreneurship and businesses) in Kenya. These non-financial contributions remain under-examined and under-reported in Kenya.

These issues should be reflected in Kenya's national development documents, specifically the Medium Term Plans of the Vision 2030. The Government of

Kenya should consider ratifying the *Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*.

Recommendation 8: The potential of youth to contribute to national development should be maximized.

Given Kenya's demographic structure, the role of youth in national development is critical. This is recognized by a number of key government initiatives: the Youth Enterprise Development Fund, which works to enhance youth's capacity to engage in entrepreneurship; the National Youth Service, which aims to alleviate youth unemployment through skills creation, engage youth in national development programmes, and promote national cohesion; and the Youth Employment Services Abroad, which facilitates youth labour migration. Youth in the diaspora would benefit from the measures to facilitate diaspora engagement in development described above; but there are additional measures that could be taken to further maximize their potential contributions. First, additional investment in quality education that is responsive to both the national and international labour markets will improve Kenyan youth's access to jobs both at home and abroad. For example, Kenya aspires to become a major centre for information and communication technology, yet it has an insufficient supply of home grown talent in the sector. Second, Kenyan youth would benefit from efforts to "skill up" departing labour migrants, as migration for semi-skilled, skilled, and highly skilled employment is more lucrative (and tends to be safer) for labour migrants than low skilled jobs such as domestic work. Third, programmes to facilitate the re-entry of returning youth in terms of re-entry into the job market, transfer of skills, social reintegration, and education on investment opportunities and financial literacy would not only improve their chances for successful return on a personal level, but would also maximize the positive contributions of their return on their families, communities, and local economies.

Recommendation 9: Appropriate institutions should be established or strengthened to support the contributions of migration to development.

There are multiple opportunities for the Governmental, non-governmental organizations, the private sector, and civil society to organize in support of migration and development. Within the Government, consideration should be given to the establishment of a foreign labour administration unit bringing together actors from a range of government ministries, departments, and agencies to facilitate safe and regular labour migration that benefits individual migrants, their families, and their communities in a way that contributes to national development through financial and social remittances while at the

same time minimizing disruptions to national development associated with brain drain, de-skilling, and loss of human resources in important social sectors like health and education. The Labour Migration Unit in the Ministry of Labour, Social Security and Services can be further capacitated to provide assistance services to Kenyan migrant workers including information services, processing, and assistance to migrant workers in distress. The African Union's African Institute for Remittances will be hosted in Kenya and is expected to become operational within 2015. This presents a significant opportunity for Kenya and all African Union member states to harness migrant remittances for social and economic development by making remittance transfers to and within Africa cheaper, safer, faster, and easier. The Ministry of Foreign Affairs and International Trade could scale up its services to diaspora through, for example, expanding its representation abroad and posting labour attachés to countries with a large population of Kenyan emigrant workers. Further, it could establish an advisory unit to provide advisory and information services on the potential for foreigners and diaspora to invest in Kenya and contribute to its development. Devolution provides opportunities for county governments to engage with the diaspora and facilitate investment of remittances into community development projects and small and medium size enterprises that provide employment opportunities in communities; as well as engaging in return of qualified nationals' programmes where skilled members of the diaspora are incentivized to take up employment in the sectors with skills shortages, such as health facilities in remote areas.

The private sector has a key role to play in migration and development. Private employment agencies often play a key role in linking Kenyans to job opportunities abroad. By adhering to ethical standards in recruitment and placement, these agencies can help ensure that labour migration benefits both the migrants and the employers who use their services. Umbrella associations for self-regulation are useful in this regard. Civil society and diaspora organizations can be encouraged to more effectively network and cooperate on migration and development initiatives; the proposed diaspora portal could play a key role in such initiatives. International organizations and development partners can leverage their expertise to provide technical and financial assistance in the establishment and operation of migration and development initiatives and institutions.

D.4 RECOMMENDATIONS ON IMPROVEMENTS TO MIGRATION STATISTICS AND THE OVERALL EVIDENCE BASE

Recommendation 10: The Government of Kenya should consider establishing a Migration Research Unit.

Compared to other countries in similar stages of development, Kenya gathers a significant amount of migration data; however it faces equally significant challenges in data analysis, sharing, and dissemination. Efforts to collate migration data for this report were marred with challenges. Access to migration data that exists was limited or denied, key migration data was not being collected, and there are limitations in migration knowledge key government bodies. Data management capacities in ministries are limited. Specific challenges include inadequate procedures and resources for data gathering, analysis, storage, and sharing; a need to upgrade processes, equipment, and skills for computerization and digitization of data and records; and a need for computerized systems at entry points. A consolidated approach to data collection through a Migration Research Centre would address these challenges. The purpose of the Centre, which should preferably be detached from governmental structures but with a Memorandum of Understanding providing it with necessary access and government data, would be to collating information on migration trends, conducting research into migration issues, and to provide advice and guidance to government ministries, departments, and agencies on how to effectively and efficiently gather migration data in the course of their functions, for example through collection of administrative data, labour force surveys, household surveys, censuses, etc.

Recommendation 11: The Government of Kenya should consider mechanisms to promote open source access to migration data for researchers, scholars, and experts for analysis of under-utilized datasets.

The experience of this migration profiling exercise supports the findings of the Africa, Caribbean, and Pacific Groups of States (ACP) Observatory report *Enhancing Migration Data Management in Kenya: Assessment and Recommendations*, which states that "... despite Kenya having adequate migration data in various institutions, the data is not sufficiently coordinated, shared, analysed and or disseminated... many of the existing sources of migration data – including administrative databases and registries – that could potentially yield important migration data for analysis and policymaking, are underutilized. In addition, many of the institutions surveyed have limited capacity, resources and facilities for collection, processing, sharing and analysis of migration data.

This in turn has made the access and use of migration data difficult” (Olum, 2013). The most cost effective way to respond to this dilemma is to make the data public such that researchers and scholars can have access and use the data. This will provide a free and open source of information for the Government to use to plan and implement policies. The more information and analysis generated from databases, the better equipped Kenyan authorities will be to manage migration in and out of Kenya.

Recommendation 12: The International Organization for Migration should continue to expand its capacity development initiatives in Kenya.

IOM has provided a broad range of capacity development services to the Government of Kenya including through support for the establishment of Labour Migration Unit in the Ministry of Labour, Social Security and Services; training for immigration officers and support for the development of standard operating procedures for border management; support for the development of the 2010 *Counter-Trafficking in Persons Act*; and provision of technical assistance for the inclusion of migration indicators in national surveys and health management information systems, amongst others initiatives. This report has highlighted the need for a number of improvements to migration data information management, including through: the creation of a labour migration data management system; use of appropriate information and communication technologies for migration data collection, analysis, and storage; creation of a coordinated and centralized database of the Kenyan diaspora; conduct of an IDP profiling exercise and displacement tracking; and improvements to border management information systems. These initiatives are costly in terms of financial and human resources, and require well-trained staff in several disciplines: migration, statistics and data analysis. IOM should re-double its efforts on capacity-building and migration management initiatives directly enhancing the capacity of the Government to upgrade its data collection and analyse its datasets, with the support of its donors.

Recommendation 13: Additional research projects are needed to fill knowledge gaps on key migration issues and provide an evidence-base for policy.

There are key information and knowledge gaps in a number of important migration issues in the country. Statistics on internally displaced persons are out of date, and a comprehensive profiling exercise, including a socioeconomic, demographic, and protection profile, is necessary. Such an exercise should include profiling of IDPs in situations of protracted displacement, as well as those newly displaced by conflict, natural disasters, and climate change and

environmental degradation. Mechanisms for regularly updating this information, for example through IOM's methodologies for displacement tracking, should be institutionalized within relevant government ministries, departments, and agencies and amongst humanitarian partners. Such an exercise would provide stakeholders with information of the drivers of internal displacement and would move towards unlocking solutions to displacement, pathways to durable solutions and protection responses.

Similar research efforts are needed to profile foreign immigrants in Kenya to identify the push and pull factors underlying their decision to migrate to Kenya, their intended length of stay, the nature of their employment and their impact on Kenya's local and national development.

There is limited information on clandestine migration such as smuggling of migrants and trafficking in persons, and the research reports available are already dated. Additional research into these phenomena is required in order to facilitate effective law enforcement and protection responses.

An improved understanding of the social remittances of migrants of both emigrants and immigrants will help to ensure that the contributions of the Kenyan diaspora and of foreign-born populations are acknowledged and recognized in practice. While there is already a more comprehensive understanding of the flow and financial remittances, both domestic and international, additional information on the use and impact of these remittances would enable policies and programmes to encourage the use of remittances for community and national development projects.

Finally, additional information is needed on the relationship between the environment and migration in Kenya. This includes information on the impact of climate change and environmental degradation on displacement in Kenya, means of improving the resilience of communities to climate change and environmental degradation; and means of managing migration so that it is not forced and disruptive but rather an adaptive coping strategy that reduces pressures on the environment.

ANNEXES

ANNEX A: INTERNATIONAL GLOSSARY

Term	Definition
asylum-seeker	A person who seeks safety from persecution or serious harm in a country other than his or her own and awaits a decision on the application for refugee status under relevant international and national instruments. In case of a negative decision, the person must leave the country and may be expelled, as may any non-national in an irregular or unlawful situation, unless permission to stay is provided on humanitarian or other related grounds.
bilateral labour migration agreements	Formal mechanisms concluded between States, which are essentially legally binding commitments concerned with inter-state cooperation on labour migration. The term is also used to describe less formal arrangements regulating the movement of workers between countries entered into by States as well as a range of other actors, including individual ministries, employer organizations, etc.
border officials	A generic term describing those officials whose primary task is to guard the border and enforce the immigration (and possibly customs) laws of the State. Also termed 'border guards', 'border police' or 'aliens police'.
circular migration	The fluid movement of people between countries, including temporary or long-term movement which may be beneficial to all involved, if occurring voluntarily and linked to the labour needs of countries of origin and destination.
citizenship/nationality	Legal bond between an individual and a State.
cross-border migration	A process of movement of persons across international borders.
diaspora	Diasporas are broadly defined as individuals and members or networks, associations and communities, who have left their country of origin, but maintain links with their homelands. This concept covers more settled expatriate communities, migrant workers based abroad temporarily, expatriates with the nationality of the host country, dual nationals, and second-/third-generation migrants.
emigration	The act of departing or exiting from one State with a view to settling in another.
forced migration	A migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes (e.g. movements of refugees and internally displaced persons as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects).
foreigner	A person belonging to, or owing an allegiance to, another State.
immigration	A process by which non-nationals move into a country for the purpose of settlement.
internal migration	A movement of people from one area of a country to another area of the same country for the purpose or with the effect of establishing a new residence. This migration may be temporary or permanent. Internal migrants move but remain within their country of origin (e.g. rural to urban migration).

Internally Displaced Person	Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border (Guiding Principles on Internal Displacement, UN Doc E/CN.4/1998/53/Add.2.)
irregular migration	Movement that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries it is entry, stay or work in a country without the necessary authorization or documents required under immigration regulations. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. There is, however, a tendency to restrict the use of the term “illegal migration” to cases of smuggling of migrants and trafficking in persons.
labour migration	Movement of persons from one State to another, or within their own country of residence, for the purpose of employment. Labour migration is addressed by most States in their migration laws. In addition, some States take an active role in regulating outward labour migration and seeking opportunities for their nationals abroad.
migrant worker	“A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national” (Art. 2(1), <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> , 1990).
minority	Although there is no universally accepted definition of minority in international law, a minority may be considered to be a group which is numerically inferior to the rest of the population of a State and in a non-dominant position, whose members possess ethnic, religious or linguistic characteristics which differ from those of the rest of the population and who, if only implicitly, maintain a sense of solidarity directed towards preserving their culture, traditions, religion or language.
mixed flows	Complex migratory population movements that include refugees, asylum-seekers, economic migrants and other migrants, as opposed to migratory population movements that consist entirely of one category of migrants.
refugee	A person who, “owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country. (Art. 1(A) (2), <i>Convention relating to the Status of Refugees</i> , Art. 1A(2), 1951 as modified by the 1967 Protocol). In addition to the refugee definition in the <i>1951 Refugee Convention</i> , Art. 1(2), 1969 <i>Organization of African Unity (OAU) Convention</i> defines a refugee as any person compelled to leave his or her country “owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country or origin or nationality.” Similarly, the 1984 <i>Cartagena Declaration</i> states that refugees also include persons who flee their country “because their lives, security or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances, which have seriously disturbed public order.”
refugee status determination	A process (conducted by States and/or UNHCR) to determine whether an individual should be recognized as a refugee in accordance with applicable national and international law.
remittances	Monies earned or acquired by non-nationals that are transferred back to their country of origin.

repatriation	The personal right of a refugee, prisoner of war or a civil detainee to return to his or her country of nationality under specific conditions laid down in various international instruments (<i>Geneva Conventions, 1949</i> and <i>Protocols, 1977, the Regulations Respecting the Laws and Customs of War on Land, Annexed to the Fourth Hague Convention, 1907</i> , human rights instruments as well as customary international law). The option of repatriation is bestowed upon the individual personally and not upon the detaining power. In the law of international armed conflict, repatriation also entails the obligation of the detaining power to release eligible persons (soldiers and civilians) and the duty of the country of origin to receive its own nationals at the end of hostilities. Even if treaty law does not contain a general rule on this point, it is today readily accepted that the repatriation of prisoners of war and civil detainees has been consented to implicitly by the interested parties. Repatriation as a term also applies to diplomatic envoys and international officials in time of international crisis as well as expatriates and migrants.
residence permit	A document issued by the competent authorities of a State to a non-national, confirming that he or she has the right to live in the State concerned during the period of validity of the permit.
return migration	The movement of a person returning to his or her country of origin or habitual residence usually after spending at least one year in another country. This return may or may not be voluntary. Return migration includes voluntary repatriation.
rural—rural migrants	Internal migrants who move from one rural area to another, consisting also of both short and longer distance movements of traders, pastoralists and agricultural workers.
rural—urban migrants	Internal migrants who move from rural to urban areas, often in response to poverty, low agricultural incomes, low productivity, population growth, shortages, fragmentation and inequitable distribution of land, environmental degradation, and the relative lack of economic opportunities in rural areas.
stateless person	“A person who is not considered as a national by any State under the operation of its law” (Art. 1, <i>UN Convention relating to the Status of Stateless Persons, 1954</i>). As such, a stateless person lacks those rights attributable to nationality: the diplomatic protection of a State, no inherent right of sojourn in the State of residence and no right of return in case he or she travels.
trafficking in persons	“The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation” (Art. 3(a), <i>UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime, 2000</i>). Trafficking in persons can take place within the borders of one State or may have a transnational character.
tourism	Movement of one person or a group of people, whether internationally or within one country, for purposes of leisure, sport, or discovery. Tourism does not imply a change of habitual residence for those participating, and it is not a form of migration in the strict sense, even though the term “tourism migration” is occasionally used.
visitors	In the migration context, the term is used in some national legislation to designate a non-national authorized to stay temporarily on the territory of a State without participating in a professional activity.

Source: IOM, 2011b.

ANNEX B: NATIONAL GLOSSARY

Term	Definition	Source
deportation	The action or procedure aimed at causing an illegal foreign national to leave the country either voluntarily or compulsorily, or under detention in terms of this Act and the verb 'to deport' has a corresponding meaning.	Kenya Citizenship and Immigration Act (2011)
diaspora	The Kenyan diaspora consists "of Persons of Kenyan Origin (PKO) and Non-Resident Kenyans (NRK's). PKO status designates foreign citizens of Kenyan origin or descent. On the other hand, NRK status is for Kenyan citizens holding a Kenyan passport and/or having dual citizenship and residing outside the country whether for employment, business, vocation, education or any other purpose".	Kenya Diaspora Policy (2014)
dual citizenship	A citizen of Kenya by birth who acquires citizenship of another country.	Kenya Citizenship and Immigration Act (2011)
foreign national	Any person who is not a citizen of Kenya.	Kenya Citizenship and Immigration Act (2011)
habitual residence	A stable, factual residence of a person, in Kenya.	Kenya Citizenship and Immigration Act (2011)
internally displaced person	A person or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, large scale development projects, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.	Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act (2012)
migrant worker	A person who migrates to Kenya with a view to being employed by an employer and includes any person regularly admitted as a migrant worker.	Employment Act (2007)
rural—rural migrants	Typically undertaken in search of pasture and (arable) land, more often than not, due to population pressure and/or landlessness at the point of origin. Migration from one rural area to another also occurs in the search for employment or better opportunities in the rural agricultural plantations.	National Council for Population and Development, 2013.
rural—urban migrants	People [who] emigrate to towns in search of employment; better opportunities, infrastructure and services; and because of family and social networks.	National Council for Population and Development, 2013.
stateless person	A person who is not recognized as a citizen by any state under the operation of the laws of any state.	Kenya Citizenship and Immigration Act (2011)

trafficking in persons	<p>person commits the offence of trafficking in persons when the person recruits, transports, transfers, harbours or receives another person for the purpose of exploitation by means of:</p> <ul style="list-style-type: none"> a. threat or use of force or other forms of coercion; b. abduction; c. fraud; d. deception; e. abuse of power and vulnerability; f. giving payments or benefits to obtain consent of the victim of trafficking in person; or g. giving or receiving payments or benefits to obtain consent of a person having control over another person. 	NCPD (2013:206)
tourist	A person travelling to and staying in a place outside his or her usual abode for more than twenty-four hours, but not more than one consecutive year, for leisure, business or other purpose, not being a work-related activity remunerated from within the place visited.	Tourism Act (2011)
urban—urban migration	People who are occasionally transferred from one town (station) to another, as well as traders and business people seeking (more) viable economic activities.	National Council for Population and Development, 2013.
visitor	A person travelling to a place outside his or her usual abode for not more than one consecutive year for leisure, business or other purposes, not being a work-related activity remunerated from the place visited.	Tourism Act (2011)

ANNEX C: NATIONAL DATA SOURCES

Data Source	Responsible Agency	Level of computerization	Types of data captured	Web Page
Economic Survey Census Data, population census	Kenya National Bureau of Statistics (KNBS)	Reports on population, census and annual economic reports.	Immigrant data by work permit holders, tourism data generated from the Ministry of East African Affairs, Commerce and Tourism	www.knbs.or.ke/index.php
Immigration data on all foreign nationals in Kenya	Department of Immigration	Data held within the department.	Immigration data including international student passes, work permit holders and deportees.	www.immigration.go.ke/
National Population Register for Kenyan nationals and foreigners	Integrated Population Registration System	E-visa and e-border management system that collects biometric information of persons entering and exiting the country.	Births and deaths in Kenya and of Kenyans abroad.	No active website at the time of preparation of this report.
Diaspora and labour migration data including remittances	Ministry of Foreign Affairs and International Trade	Data held within the department.	Diaspora across the globe, remittances, information from diaspora web portal.	www.mfa.go.ke/
Data on labour migrants in Kenya	Ministry of Labour, Social Security and Services, Social Affairs and Services	Data held within the department.	Data on labour migration to the Middle East, bilateral agreements, list of approved recruitment agencies, youth labour in Kenya, data on the registration of the National Social Security Fund and the National Employment Bureau.	www.labour.go.ke/
Data on refugees and asylum-seekers in the camps	Department of Refugee Affairs	Data held within the department for internal consumption.	Refugee status determinations, camp and urban refugee registrations.	No active website available at the time of this study.
International remittance data	Central Bank of Kenya	Real time data on display on their website as well as reports.	Monthly and yearly remittances data for Kenyans resident outside of the country.	www.centralbank.go.ke/

Census data, survey data compiled by other government agencies and organizations	Kenya Data Portal	Publications and data on real-time.	Socioeconomic and population data.	http://kenya.africadata.org/
Various agencies and organizations	Kenya Socio-Economic Database (Keninfo)	Online software that helps to organize and display data from different agencies and organizations.	Collects data on 206 indicators related to: communication, demography, economic growth, economy, education, environment, equity and poverty reduction, governance, health, information and communication, nutrition, protection and women. These indicators are also classified into global and local Millennium Development Goals (MDGs), the Economic Recovery Strategy (ERS) goals and Kenya Vision 2030 economic development plan as well as sector specific performance indicators. It contains data for 123 time periods (standard years, year ranges and quarters) from 1962 to 2009.	http://statistics.knbs.or.ke/keninfo/libraries.aspx/Home.aspx
Data from Kenya National Bureau of Statistics; World Bank; Kenya ITC Board and Socrata.	Kenya open data	Free online access to data on Kenya	Data categories include: environment and natural resources, national accounts and inflation, agriculture, counties, education, employment, energy, financial sector, health sector, justice, land and climate, manufacturing and industry, migration, population, poverty, public finance; tourism, transport and communication and water and sanitation.	https://opendata.go.ke/

ANNEX D: NON-GOVERNMENTAL ORGANIZATIONS WORKING ON REFUGEE AFFAIRS AND ASSISTANCE IN KENYA

Action Africa Help International	Islamic Relief-Kenya
Action Against Hunger	Kenya Voluntary Development Association
Action First For Progress	Kitui Development Centre
Action For Empowerment - Kenya	Kokos Medicine Therapy International
Agrosphere	Kituo Cha Sheria (Legal Advise Centre)
Al Muntada Development Project	Life And Rights Protection
Amagoro Share International	Link Empowerment Programme
Amurt International	Lutheran World Federation Department For World Services
Article 19: Global Campaign For Free Expression	Lutheran World Relief East And Southern Africa Regional Office
Avsi Foundation	Medair East Africa
Care International	Mercy Corps
Centre For Domestic Training And Development	Minority Communities In Africa
Centre For Social Justice And Responsibility	Mubarak For Relief And Development Organization
Charitable Aid For Peace And Development Organization	Namoni Community Development Organization
Christian Aid (United Kingdom)	Njarange Area Project Kenya
Church World Service And Witness	Noble Actions International Organization
Coopt-Cooperazione Internazionale	Nomadic Assistance For Peace And Development
Cultural Video Foundation	North South Humanitarian Organization
Danish Refugee Council	Norwegian Church Aid
Diakonie Emergency Aid	Norwegian Refugee Council
East African Refugee Voluntary Assistance	Nyaguki Organization For Empowerment And Capacity-building
El-Taller Organization	Oxfam United Kingdom
Empowering Lives International - Kenya	Peace Building, Healing And Reconciliation Programme
Environment Networks In Cities	Peace Officers For Christ International
Everbest Youth Environmental Organization	Peace Winds Japan
Filmaid - Kenya	Refuge Point International
Francis Xavier Project	Refugee Consortium Of Kenya
Fraternity For Rural Development And Research	Refugee Education Trust- Kenya
Friends For Children Development Initiative	Research And Education Centre For Family Life International
German Agro Action	River Of Life International
Goal Ireland	Save Somali Women And Children
Good Deeds Charity-USA	Save The Children Fund (United Kingdom)

Great Mercy Development Centre	Sister Arise Project
Group For Transcultural Relations - Gruppo Per Le Relazioni Transculturali	Skills Active Forward Kenya
Handicap International	Sustainable Project Administration Services
Help Child/Mother Organization	Tarikh - Tana River Children Aid
Heshima Kenya	Terre Des Hommes Foundation
Hisan	The Center For Victims Of Torture
Humanitarian Initiative Just Relief Aid	The Windle Charitable Trust
Institute Of Education For Disabled People	Universal Welfare Ladder Organization
International Committee For The Development Of Peoples	Wajir Peace And Development Agency
International Lifeline Fund	Women And Child Care Organization
International Medical Corps	Youth Care And Positive Development Concern

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