Policy brief

Background

Kenya currently hosts over 500,000 refugees and has been hosting refugees and managing refugee affairs for several decades, and is now classified as a country with protracted refugee situation. Many refugees have no hope to return to their countries of origin due to ongoing conflicts, nor the opportunity to be resettled to a third country due to limited resettlement places being offered. Local integration as an alternative durable solution has also not been fully eased by the government even for refugees who have family ties with Kenyan nationals through mixed marriages. Despite the existing international and national legal frameworks for the integration of refugees, local integration has not yet been fully achieved. It is on this premise that the RLRH, Kituo Cha Sheria and RELON Kenya, with funding support from the Open Society Foundation, conducted a study on refugees’ access to citizenship and permanent residence in Kenya to assess the extent of local integration in Kenya.

The study findings were reviewed by a range of stakeholders including government department of refugee services, NGO, academic institutions, and civil society stakeholders.

Summary of research findings

- Experiences of applicants for residency or citizenship and the aspirations of refugees: Local integration was the second most preferred durable solution after resettlement, chosen by 34% (n=180) of the interviewed refugees. Generally, refugees who met the citizenship criteria and who have the requisite documents were willing to apply for permanent residency and citizenship. Refugee spouses of Kenyan nationals, in particular, were more willing to apply than other interviewed refugees. However, lack of information among most respondents as to their eligibility to apply, where to apply, and the process hindered them from applying. A majority of the participants reported that already being registered in the UNHCR refugee database was a major challenge for them in terms of attaining rights to permanent residency or citizenship, followed by unclear application guidelines and lack of legal support. Applicants followed up with multiple
government institutions for several months and even for years to get feedback. In the process, some faced extortion and harassment from government officials. In addition, the encampment policy has made it challenging for refugees who are camp based to access legal support to secure the necessary documents in order to apply for permanent residency and citizenship.

- **The extent to which refugees enjoy the right to work:** Refugee cited challenges relating to non-recognition of refugee ID cards as a valid form of identification by employers as a hindrance to obtaining KRA PINs and work permits. In addition to identification issues, refugees were required to present information regarding their prospective employer (KRA PIN, business license, etc). Fear on the part of refugees to approach potential employers asking for these details, and the reluctance of the employers to provide the information dissuaded them from following through with applications. Only 12% (14, n=61) of the respondents who attempted to apply for KRA PIN certificates did so successfully, whereas only 4% (2, n=46) of those who attempted to apply for work permits did so successfully.

- **The nature of the host community’s feelings:** The majority of them sympathise with the situation of refugees and hold the view that they should be afforded legal protection of the requisite degree to open up their enjoyment of rights, but that this should be done within strict limits, to avoid attracting large numbers of migrants. They felt that opening up the economy to refugees and garnering their potential would be more beneficial than it would be detrimental. Refugees in Nairobi had diverse social interactions with host community and only withdrew from the community and separated themselves when they felt the need to support each other, being in similar circumstances.

**Recommendations**

**To the Government of Kenya**

- Request that the Director of Immigration develops guidelines for refugees to be able to apply for permanent residency and citizenship within a reasonable timeframe, and at an affordable cost to them. The guidelines should include the right to appeal within a reasonable timeframe.

- Establish registration centres and other essential infrastructure in areas where refugees are present, including Kakuma and Dadaab refugee camps, to address inequalities in accessing services for both refugee and host communities living in those areas, and to alleviate any potential exclusion from receiving necessary documents or services as a result.

- Develop a formal mechanism for individuals who are entitled to Kenyan nationality but who are on the refugee database to be removed from it within a clear timeframe and provide them with necessary documents and services.

- Ensure that the Department for Refugee Services finalises the regulations of the Refugee Act, 2021 in consultation with civil society and the refugee community, and takes measures to operationalize the act including provisions related to the integration of refugees.
• Implement a multi-departmental approach within government to ensure more internal coordination and collaboration on refugee related issues, including but not limited to the Department of Refugee Services, Department of Immigration, Ministry of Education, Department of Civil Registration and the Attorney General’s Office.

• Operationalize the legal aid fund under the Legal Aid Act in order to provide support to refugees in need of legal assistance.

• Take immediate steps to end the encampment policy and ensure that the design of settlements and other measures taken towards meaningful integration of refugees are undertaken in consultation with refugees, host communities and civil society actors.

To civil society actors

• Empower refugees with legal knowledge so they can understand regulations and laws that relate to issues that affect them including access to permanent residency or citizenship, and hold the government to account in ensuring that policies are implemented in a timely manner.

• Support the government through providing technical assistance where needed to meaningfully integrate refugees in Kenya including ensuring that policies that would allow refugees to access permanent residency and citizenship are implemented in a timely manner.

• Advocate for the progressive implementation of the requirements of the rights of refugees and the obligations of the state under national and international law.

• Provide awareness raising sessions to host communities on refugees and their rights in order to create a sense of cohesion between the communities.

• Raise awareness amongst institutions within the private sector that have the mechanisms to address deficits amongst employers so that refugees have the ability to access economic livelihoods.

To international organisations, donors, and UNHCR

• Provide adequate funding and technical support to the government to enable it to implement policies related to refugee integration in a timely manner.

• Support civil society organisations that work with refugees through providing adequate and sustainable resources and solidarity.

• Request that UNHCR coordinates with the government to ensure that individuals who are entitled to Kenyan nationality are removed from the refugee database and provided with nationality documents in a timely manner.

• Call on the international community, in particular wealthy nations, to meaningfully share responsibility with Kenya in protecting and supporting refugees. This includes providing adequate funding to Kenya to continue hosting refugees as well as resettling refugees to third countries.
To research organisations

- Carry out more research to better understand refugee integration in Kenya and other major refugee hosting countries. In particular, studies that seek to monitor and assess socioeconomic outcomes of integration that would provide evidence on the importance of integration as a durable solution.

The study was supported by Open Society Foundations. The report was prepared by Bisimwa Mulemangabo (Lead Researcher, RLRH) and Dr Kenneth Wyne Mutuma. It was published in April 2023.