

Kenya

MIGRATION PROFILE

*Study on Migration Routes
in the East and Horn of Africa*

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1. Introduction

The Republic of Kenya is a country in East Africa and a founding member of the East African Community. The country borders Ethiopia in the north, Somalia in the north-east, the Indian Ocean in the south-east, Tanzania in the south and Uganda in the west. Kenya has an estimated population of close to 47 million (CIA, 2017) and can be considered to be the most developed of the countries in the East and Horn of Africa. However, its Human Development Index is still low with 0.555 in 2015, which places it at rank 146 out of 188 countries (UNDP, 2016). Unemployment is significantly high with an estimated rate of 9 per cent in 2015 and youth unemployment of close to 18 per cent.



Source: CIA, 2017.

Table 1: Kenya's Key Demographic and Development Indicators

Indicator	Kenya
Total area, in sq km ^a	580,367
Population (2015), in million ^b	46.05
Urban Population (2015), % of total ^c	25.6
Population Growth Rate, annual % ^d	2.6
Ethnic Groups ^a	Kikuyu 22% Luhya 14% Luo 13% Other 51%
Human Development Index (2015), country rank out of 188 ^e	0.555 146
GDP Based on PPP per Capita, current international dollars per capita ^f	3361.02
Life Expectancy at Birth (2015), years ^e	62.2
Unemployment (2015), % of labour force ^e	9.2
Youth Unemployment (2015), % ages 15-24 ^e	17.6
Multidimensional Poverty Headcount (2014), % ^e	36.0
Gini Coefficient (2010-2015) ^e	48.5
Foreign Direct Investment (net inflows, 2015), current USD millions ^d	1,437.00
Net Official Development Assistance Received (13), current USD millions ^d	2473.78
Personal Remittances Received (2015), current USD millions ^d	1,560.42

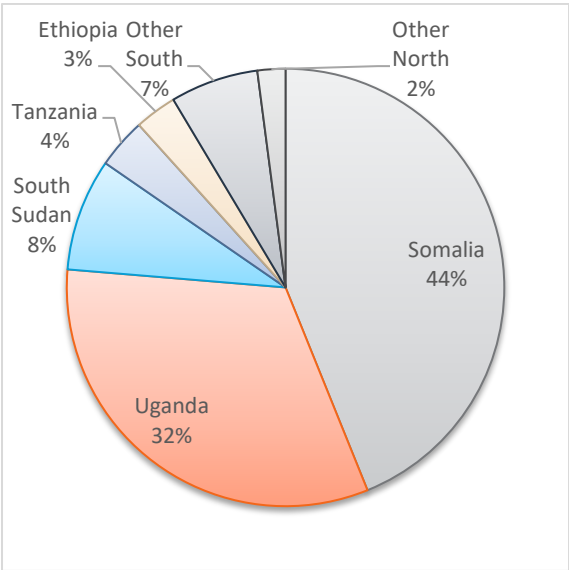
^a CIA, 2017; ^b UN DESA, 2015b; ^c UN DESA, 2014; ^d World Bank, 2017; ^e UNDP, 2016; ^f IMF, 2017.

In terms of migration, Kenya is an important hub for irregular migrants in the East Africa region. It is both a country of destination and transit for asylum seekers, refugees and economic migrants from neighbouring countries such as Ethiopia, Somalia and South Sudan and from other countries such as Eritrea, Sudan, the Democratic Republic of Congo (DRC) and Rwanda. Compared to many of its neighbours, Kenya is politically relatively stable and well developed. In addition, its geographic location, good infrastructure – both for plane and road travel – as well as already established migrant communities and extensive smuggling networks underpin the role of Kenya as an important irregular migration hub in the region (Horwood, 2015).

As a country of origin, on the other hand, Kenya shows significantly different characteristics compared to the other countries in the East and Horn of Africa. Kenyans are rarely found among the flows of irregular migrants in or out of the region. Instead Kenyan migrants are largely (highly) skilled workers traveling with documents and visas, which some then fail to renew or overstay and become irregular as a consequence (Horwood, 2015; RMMS, 2017a).

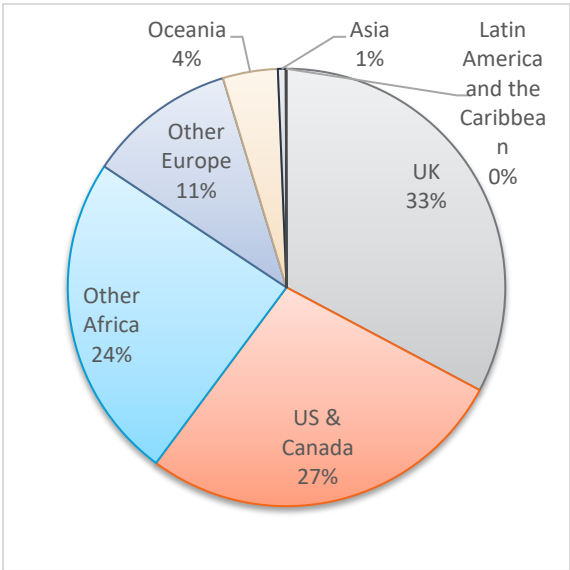
The immigrant stock in Kenya, as of 2015, was estimated to be 542,713. The top origin countries of immigrants in Kenya are Somalia and Uganda, followed by South Sudan and other African countries (Figure 1). As for the emigrant stock, the UN DESA migration trends of 2015 demonstrate a stock of 240,469 migrants. As shown in Figure 2, the top destination countries of Kenyan migrants are the United Kingdom, the United States and Canada, other African and other European countries (UN DESA, 2015a).

Figure 1: Origin of Migrants in Kenya, 2015



Source: UN DESA, 2015a.

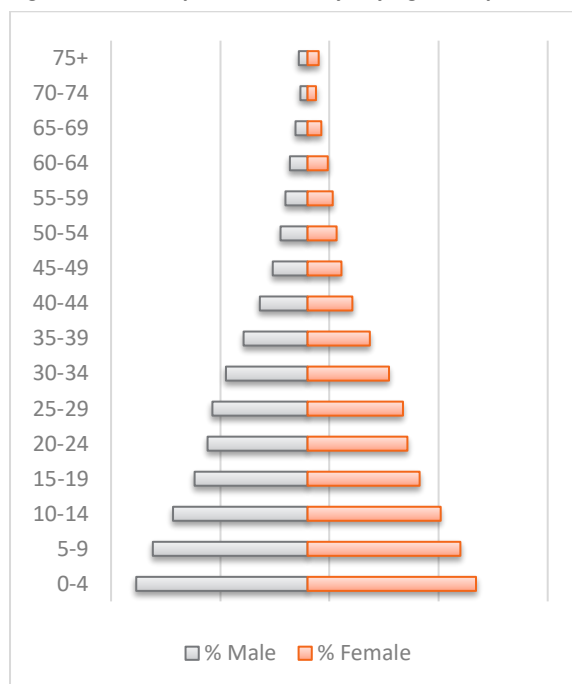
Figure 2: Destination of Migrants from Kenya, 2015



Source: UN DESA, 2015a.

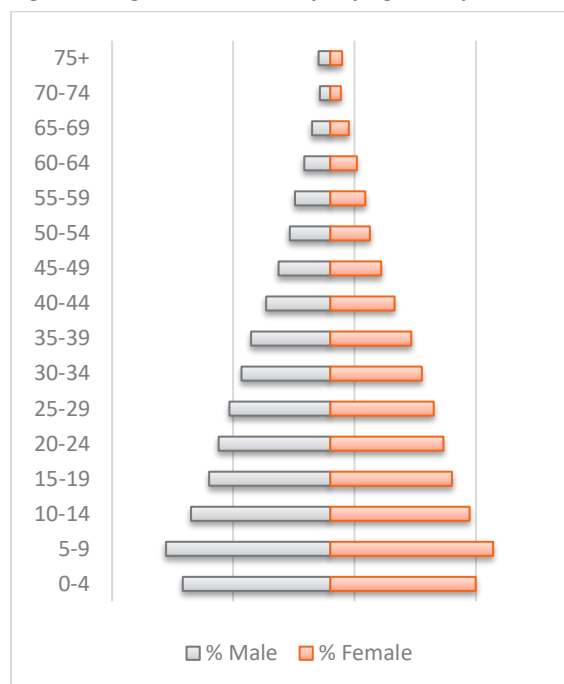
Comparing the population pyramids of the total population of Kenya and of the migrant stock (Figure 3 and Figure 4 respectively), it is interesting to see that in contrast to the other countries under study, the native and migrant populations are in fact quite similar in terms of their demographic profiles. Both populations show the typical pyramid shape, with the exception of the youngest age group, where the number share is much lower for migrants.

Figure 3: Total Population in Kenya by Age Group, 2015



Source: UN DESA, 2015a.

Figure 4: Migrant Stock in Kenya by Age Group, 2015



Source: UN DESA, 2015a.

2. Forced Migration/ Displacement

2.1. Refugees in Kenya

Kenya has been hosting one of the largest refugee populations worldwide for years. Refugees in Kenya mainly come from Somalia, but also from South Sudan, Ethiopia and a few other African countries. Refugee flows from the neighbouring countries started in the early 1990s, when these countries were affected by conflicts (conflict-induced displacement) and/ or incidences of extreme droughts and famine (disaster-induced displacement). Most of these refugees received their status on a *prima facie*¹ basis due to the severity of problems during those times (Horwood, 2015). Currently, Somalis, except those from Puntland and Somaliland, and South Sudanese are eligible for *prima facie* refugee status (RMMS, 2017a).

As of May 2017, Kenya hosted 490,656 refugees and asylum seekers (Table 3). The majority of these come from Somalia (62%), but they also come from South Sudan (around 20%), particularly after the outbreak of civil war in 2013, the DRC (6%) and other countries such as Ethiopia, Burundi, Sudan, Uganda, Rwanda and Eritrea (UNHCR, 2017c). According to national regulations, refugees and asylum seekers in Kenya are required to stay in refugee camps in order to access humanitarian assistance. In practice, settlements of refugees and asylum seekers in Nairobi and other cities across Kenya have also occurred and are generally accepted (DAI Europe & EuroTrends, 2015). The settlement of

¹ A *prima facie* approach means the recognition by a State or UNHCR of refugee status on the basis of readily apparent, objective circumstances in the country of origin or, in the case of stateless asylum seekers, their country of former habitual residence. A *prima facie* approach acknowledges that those fleeing these circumstances are at risk of harm that brings them within the applicable refugee definition.

refugees in Nairobi is officially allowed under special circumstances, but it seems like it is not clearly regulated what those may be. Informally, factors that may qualify include health, education, resettlement interviews as well as “humanitarian reasons”, which could be a variety of things (RMMS, 2017a). In May 2017, UNHCR reported that 67,267 registered refugees and asylum seekers were living in Nairobi (UNHCR, 2017a).

Table 2: Refugees and Asylum Seekers in Kenya, May 2017

Country of Origin	Refugees
Somalia	304,892
South Sudan	101,713
Democratic Republic of Congo	29,894
Ethiopia	27,640
Burundi	10,591
Sudan	9,881
Uganda	2,305
Rwanda	1,692
Eritrea	1,594
Other	454
Total	490,656

Source: UNHCR, 2017c.

There are two main refugee camps in Kenya: the Dadaab complex (consisting of Dadaab and Alinjugur camps) in the north-east of the country and Kakuma in the north-west (Horwood, 2015). Dadaab, which used to be largest refugee camp in the world, hosts 50 per cent of the refugees currently in Kenya (UNHCR, 2017c). The camp was established in the early 1990s in response to the influx of Somali refugees at the time. When first set up, the camp was supposed to have capacity for 90,000 people, while as of May 2017 was still hosting 246,517 refugees (DAI Europe & EuroTrends, 2015; UNHCR, 2017c). Kakuma was established around the same time and is significantly smaller. It was hosting 176,872 refugees as of May 2017, which equals around 36 per cent of the refugees in Kenya (UNHCR, 2017c). The situation in these camps is difficult as they are generally overcrowded due to the government’s official encampment policy and most of the refugees’ situations can be classified as protracted. These refugees are therefore likely to stay in camps for long periods of time without access to higher education, employment or travel (Horwood, 2015).

In April 2015, the deputy President of Kenya issued an ultimatum to UNHCR to close down Dadaab within three months. While this did not happen, this action reflects concerns about the activities of al-Shabaab militants from Somalia in Kenya, including for example the deadly attacks at Garissa University College in North Eastern Kenya. As a consequence of this ultimatum, UNHCR and Kenya entered discussions that led to the agreement to continue with voluntary repatriations rather than returns by force. In addition, resources aiming at ensuring the safety of the camp were allocated (RMMS, 2017a).

In May 2016, the government announced renewed plans to close Dadaab, its largest refugee camp, within a period of six months and return refugees to their home countries. In addition, the authority responsible for registration of refugees in Kenya, the Department of Refugee Affairs (DRA) was supposed to be closed (RMMS, 2016). Official reasons for this step were national security concerns,

including the presence of al-Shabaab members in the camp, as well as economic and environmental reasons (RMMS, 2017a). Experts and international organisations were concerned about the refugees who were to be returned to their home countries (mainly Somalia) which are still in crises (HRW, 2016). In February 2017, the High Court of Kenya ruled that the closure of the camp is against Kenyan legislation as well as other international commitments and as such illegal and discriminatory and therefore stopped the process as well as the closing of the DRA. While the government announced to appeal this ruling, voluntary repatriations to Somalia are continuing for now (RMMS, 2017c).

In November 2013, Kenya, Somalia and UNHCR concluded the *Tripartite Agreement Governing the Voluntary Repatriation of Somali Refugees Living in Kenya*. Between December 2014 and the end of May 2017, 66,674 Somalis have been returned from Kenya under this agreement (UNHCR, 2017b). The original aim was to have a total of 135,000 returnees by the end of 2017 (UNHCR, 2015). It was also originally planned that returns would be directed to three areas in South Central Somalia, but this has since expanded to include nine areas, including some in Somaliland and Puntland (RMMS, 2017a).

Recently, the drought in Somalia and other neighbouring countries has triggered new arrivals of refugees in Kenya and specifically Dadaab camp. UNHCR indicates that at least 2,000 Somalis have entered Kenya in recent months and that among these are around 100 persons that had recently returned to Somalia under the voluntary repatriation programme (RMMS, 2017d). In the same context of the ongoing drought, UNHCR has also been criticized for continuing with the repatriation activities despite the dire situation in Somalia. Humanitarian agencies have expressed their concerns about the safety of these returnees and the lack of conditions that could lead to sustainable reintegration (RMMS, 2017b).

2.2. Refugees from Kenya

In contrast to the stock of refugees in Kenya, the number of forced migrants from Kenya is relatively small. As Table 3 shows, there was a total of 7,506 registered refugees from Kenya in 2016, about 44 per cent of which in Ethiopia. In addition, there were 3,510 registered Kenyan asylum seekers, of which more than 50 per cent claimed asylum in the United States and close to 20 per cent in Europe.

Table 3: Kenyan Refugees and Asylum Seekers in Country of Asylum, 2016

Country of Destination	Refugees	Asylum Seekers
Ethiopia	3,326	412
United States	2,196	1,872
Europe	1,057	652
Canada	453	82
Other African Country	363	312
Other	111	189
Total	7,506	3,519

Source: UNHCR, 2017d.

2.3. Internal Displacement in Kenya

Information on internal displacement in Kenya is limited. The Internal Displacement Monitoring Centre (IDMC) estimates that there were 178,000 internally displaced persons (IDPs) as of 2016. Causes of internal displacement in Kenya include ethnic, political and land-related violence as well as disasters and development projects. Not much is known about the situation and protection needs of Kenyan IDPs (IDMC, 2017).

3. Regular/ Labour Migration

3.1. Immigration

Kenya may be the most relevant country in the East and Horn of Africa region in the context of labour immigration. Evidence shows that besides having been a major host of refugee populations, there have been increasing numbers of economic migrants coming to the country. This includes labour migrants from countries like India, Bangladesh and Pakistan. While labour migrants often arrive without proper documentation, they may be able to obtain fake or real ones by paying bribes, as well as avoid arrest by paying off immigration and police officers (Horwood, 2015). The Department of Immigration does collect data on these migrants. They do not, however, release this data (IOM, 2015).

3.2. Emigration

As described above, the majority of Kenyan emigration is through regular channels largely for the purpose of working or studying abroad. There are no exact figures on the number of Kenyans abroad and estimates vary largely. The World Bank (2016), for example, indicates a stock of emigrants of 475,499 (representing 1.1% of the total Kenyan population) as of 2013 and UN DESA (2015a) only indicates 240,469 emigrants in their data for 2015. The Kenyan government itself, on the other hand, indicates in its Diaspora Policy that there are as many as 3 million Kenyans abroad (Republic of Kenya, 2014). Of course, these different estimates are largely driven by the way that Kenyans are identified, where it is likely that the government considers everyone of Kenyan descent while the other data sources go by country of birth/ citizenship.

Main countries of destination of Kenyan migrants on the African continent are Tanzania, Uganda, South Africa, Lesotho, Botswana and Nigeria. In addition, significant numbers of Kenyans, especially highly skilled ones, have migrated to the United Kingdom, the United States, Canada, Australia and other European countries. The Gulf States and countries in the Middle East are key destination regions for low-skilled Kenyan labour migrants. While exact numbers on the extent of these flows are lacking, estimates indicate that there were around 100,000 Kenyans working in the Gulf States in November 2014 (RMMS, 2017a). Other estimates indicate that there are 40,000 Kenyan workers in Saudi Arabia alone, with the majority going through regular channels (Horwood, 2015).

4. Internal Migration

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

1. Rural to urban: common since times of colonization when migrants were attracted to cities for employment reasons and for better access to social services.
2. Rural to rural: migrants moving across rural areas of the country to find better resources or due to landlessness and population pressure at their place of origin.
3. Urban to rural: mainly return migration of initial rural-urban migrants, many moving back to their origin upon retirement.
4. Urban to urban: usually this applies to government officials that are moved between the main urban centres of the country or business owners planning to expand or start a business in another area of the country.

Data on internal movements shows that rural to urban migration, specifically to Nairobi, remains the most significant form of internal migration (IOM, 2015).

5. Irregular Migration

In addition to its importance as a country of destination for refugees and asylum seekers, Kenya is a crucial destination and transit country for irregular migration movements in the East and Horn of Africa. Mainly the country is reached by migrants from neighbouring countries such as Ethiopia, Somalia and South Sudan and from other countries such as Eritrea, Sudan, the DRC and Rwanda. To a much lesser extent Kenya is a country of origin of irregular migrants in the region. As described above, Kenyans are rarely found among the irregular migrants in or out of the region, but are more likely to migrate through regular channels. Kenya scores best in the region in terms of development indicators, has a relatively stable economy and is politically stable. As such it is attractive for migrants from other countries in the region looking for better economic opportunities (RMMS, 2017a).

Many come into the country either on their own or with the support of smugglers. In particular, the border with Somalia is difficult to control due to its length of about 700 km, which makes it relatively easy to cross without being noticed. Upon arrival, many migrants stay in the two main urban centres of Nairobi and Mombasa as well as in other cities and refugee camps. Depending on their further migration plans, the duration of stay varies largely - from short term transit through Kenya to Kenya being the final destination of the irregular movement (Horwood, 2015; RMMS, 2017a).

While the majority of those coming irregularly to Kenya do so to claim asylum, the country is also one of the main hubs on the Southern migration route towards South Africa as well as a transit country for many migrants moving north (RMMS, 2017a). Most migrants on the Southern route are Ethiopians and to a lesser extent Somalis, while Eritreans are rarely observed using this route (Frouws & Horwood, 2017).

5.1. Human Smuggling

Smuggling and trafficking have been found to be one of the most common forms of organized crime in Kenya (Gastrow, 2011). While the importance of smuggling in the Kenyan context is therefore clear, evidence on the phenomenon is still somewhat limited. Smugglers in Kenya reportedly operate in the main urban centres Nairobi and Mombasa, but also out of the refugee camps as well as between these places (Gastrow, 2011; RMMS, 2017a). Kenyan police officials have confirmed that smuggling networks have been working out of different parts of the Dadaab complex, including Dagahaaley, Hagadera and Ifo (RMMS, 2017d). Officially, refugees need an official pass issued by the Kenyan government to move within the country, but in practice it has been found that they are also able to travel without this document (Gastrow, 2011; RMMS, 2017a).

From the camps, migrants pay smugglers to take them to Nairobi, which is a central hub for obtaining travel documents, fake birth and marriage certificates, as well as visas for other countries (often fake). Many of these documents are particularly needed by migrants who aim to move onwards to countries in Europe or North America (Marchand, Roosen, Reinold & Siegel, 2016; RMMS, 2017a).

Not much is known about the profits of smuggling networks in Kenya. An older estimate by IOM indicates that annual revenue of about USD 40 million is generated by these activities (Hungwe, 2009). More recently, the Regional Mixed Migration Secretariat estimated an overall sum of USD 47 million each year for 2015/16. It is clear that smuggling operations contribute significantly to the local economy especially in smaller border communities, such as Moyale by the border with Ethiopia (Frouws & Horwood, 2017). In terms of fees that individuals pay, it has been reported that the costs of being smuggled from the Ethiopian-Kenyan border to Nairobi is between USD 600 and 700 (Marchand et al., 2016).

High levels of corruption in the country facilitate the thriving smuggling industry in Kenya. Border officials and police can easily be bribed and protection, information, documentation and power can be bought (Gastrow, 2011). Migrants have reported that it does not seem like officials accept an occasional bribe, but rather are part of the smuggling and trafficking industry (Frouws & Horwood, 2017; Gastrow, 2011; Horwood, 2009).

5.2. Trafficking in Human Beings

According to the Trafficking in Persons Report by the US Department of State (2016), Kenya can be characterized as source, transit and destination country for children, men and women who are subjected to sex trafficking and forced labour. Due to its illicit nature, data on the number of victims of trafficking (VoTs) is limited. It is, however, estimated that human trafficking in Kenya has a black market value of around USD 40 million (Havoscope, 2017). It is as such an issue of serious concern to the national government (IOM, 2015).

In Kenya, native boys and girls as well as refugee and other foreign children that become VoTs are forced to work as domestic and agricultural workers, fishers, herders, street vendors and beggars. In addition, they might be forced into sex work, for instance in the coastal sex tourism industry or by individuals working in khat cultivation, gold mines, truck drivers and fishermen. In addition, some Somalis living in Kenya's largest refugee camp, Dadaab, raised concerns about a fear of recruitment

by the terrorist group al-Shabaab, especially of children. Kenyan children have also been found to be trafficked to East African countries and South Sudan for similar purposes, namely forced labour and sex trafficking (US Department of State, 2016).

As discussed above, migration from Kenya is mainly for the purpose of labour to destinations such as other East African countries, Angola, Europe, the United States, the Gulf States and the Middle East. Particularly migrants in the latter countries sometimes find themselves in situations where they are “exploited in domestic servitude, massage parlors and brothels, or forced manual labor” (US Department of State, 2016: 225). There are reports of employment agencies based in Nairobi that recruit young Kenyans to migrate abroad and tempt them by promising of high wages. Upon arrival in the destination country they find themselves in a situation where their passport is taken from them and the work they are expected to do does not match what they were told prior to going. Serious human rights violations such as violence, torture, sexual exploitation, starvation and other equally bad practices have been reported (RMMS, 2017a). In addition, bi- and homosexual men are offered jobs abroad, for instance in Qatar and the United Arab Emirates, where upon arrival they do not find the promised employment but are forced into prostitution (US Department of State, 2016).

Due to the illegal nature of these practices, information on the number of such incidences cannot be obtained. VoTs often do not want to identify as such and government officials, which may in some instances be involved in such operations, do not want to report on the issue. However, the Kenyan government did react to reports of abuses of migrants and trafficking incidences in 2014 by revoking the license of more than 900 recruitment agencies acting as facilitators of migration to the Middle East. In addition, there was a temporary ban on recruitment for migration to the Gulf countries. The government used this time to implement a new procedure for recruitment agencies where contracts need to be officially approved before potential migrants can sign them, as such limiting the kind of employers that recruitment agencies can mediate. Upon arrival in the destination country migrants have to register with the Kenyan embassy (RMMS, 2017a).

Despite efforts by the government, the US Department of State (2016) places Kenya on Tier 2 in the Trafficking in Persons Report of 2016. This is in large parts due to the government not fully complying with the minimum standards for the elimination of trafficking, despite showing significant efforts to do so. In 2014, a Counter-Trafficking in Persons Advisory Committee was established and in the meantime developed a mechanism for the collection of data on anti-trafficking efforts across the country as well as standard operating procedures on responding to and prosecuting cases of trafficking. In addition, mandatory training on trafficking issues has been introduced (RMMS, 2017a; US Department of State, 2016).

Law enforcement efforts related to trafficking have also been increased. In 2015, for example, the governments reported the prosecution of 762 suspected traffickers with resulting 456 convictions, while in the year prior only 33 traffickers were convicted. However, the issue of corruption in the country and its relation to trafficking remains an issue (RMMS, 2017a; US Department of State, 2016).

6. Migrant's Vulnerabilities and Protection Issues

The following main vulnerabilities and protection issues have been identified in the case of Kenya (RMMS, 2017a):

- The conditions in Kenya's refugee camps are challenging due to overcrowding, related to the encampment policy of the government. The displacement situation of many of the refugees in the camps is protracted and access to basic services, education and employment are limited.
- The activities of al-Shabaab, including the deadly attack on Garissa University College in 2015, has contributed to the calls by the Kenyan government to close the refugee camps and return Somali refugees to Somalia, as allegedly Dadaab camp acts as a support and recruitment base for the terrorist organization. The threats of closing the camp as a result expose the refugees that currently stay there to a new set of risks and vulnerabilities.
- Harassment and extortion by Kenyan police and security officers are commonly reported by migrants and asylum seekers coming to Kenya.
- The detention of migrants is a common practice. When irregular migrants are detected they face criminal charges which may result in a fine (up to USD 5,500) or jail time of up to three years as well as deportation. This does not apply to asylum seekers. However, it appears that many of the law enforcement officers working on the ground with asylum seekers, irregular migrants and criminals, are not able to distinguish between these groups and their different protection needs. This is especially problematic where the officials are not able to determine whether an individual should be classified as an economic migrant or an asylum seeker, who has the right to protection. Language barriers are a main issue here besides a lack of training.
- Migrants that are found to be in the country irregularly may be arrested and brought to court. This is often a challenging procedure due to language barriers and a lack of adequately trained interpreters, which may lead to misunderstandings regarding charges and sentences.
- There are reports of mass arrests, detentions and deportations being carried out by Kenyan authorities in recent years. Based on an executive order such actions are carried out ad hoc for example in response to terrorist attacks.
- Multiple detentions of individual migrants do also happen in the context of Kenya. Due to the lack of proper documents, irregular migrants are vulnerable to be arrested again if they are released once. In some cases, people spend multiple cycles in and out of prison before eventually being repatriated. The process of repatriation is often hindered by a lack of financial resources, leading to prolonged detention or arrest.

7. Relevant National Policies and Stakeholders

Kenyan migration policies seem more advanced and comprehensive compared to most other countries in the region. Existing legislation regulates immigration (entry, stay, exit, required travel documents, and naturalisation), migrant workers' rights and employment, as well as rights and protection of refugees and IDPs. In addition, Kenyan law criminalises human trafficking and smuggling and provides for the protection of VoTs (see Table 4). It is remarkable that Kenya is one of the few countries in the region, which also addresses labour migration, mainly to protect migrants' rights abroad.

Table 4: Kenya's Key Migration Legislation and Policy Responses

Policy	Content
The Immigration Regulations, 1967	Pursuant to the Immigration Act, No. 25 of 1967, regulates entry and departure from Kenya, issuance of proper passes.
The Immigration Act 1967	Requires certain non-citizens of Kenya to apply for entry permits and dependent's passes.
The Nurses, Midwives and Health Visitors Act (Chapter 257) [consolidated to 1977]	Act establishes a council for the supervision and regulation of nurses, midwives and health visitors. Includes provisions pertaining to registration, training, certification and discipline. Consolidates text from 1965 to 1977.
Employment Act (Exemption of Provisions) (Amendment) Order, 1978 [L.N. No. 246]	Act covers various aspects of employment, including the employment of migrant workers.
Refugees Act, 2006 (No. 13 of 2006)	Contains provisions concerning the granting of refugee status, the establishment of a Commissioner for refugee affairs and a Refugee Appeal Board, rights and duties of refugees, provisions with respect to families, and special provisions concerning women and children.
The Employment Act, 2007 (No. 11 of 2007).	Defines the fundamental rights of employees, provides for basic conditions of employment, including migrant workers.
Counter-Trafficking In Persons Act (Act No. 8 of 2010) (Cap. 61).	Prohibits trafficking in persons and related offences and provides for the prosecution and punishment of non-compliance, assistance and protection of VoTs. In addition, it establishes the Counter-Trafficking in Persons Committee and a National Assistance Trust Fund for VoTs.
Kenya Citizens and Foreign Nationals Management Service Act(No. 31 of 2011).	Establishes "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 of citizens, immigration and refugees; administration of the laws relating to marriages and for connected purposes."
Kenya Citizenship and Immigration Act (Act No. 12 of 2011) (Cap. 172).	Provides for "matters relating to citizenship; issuance of travel documents; immigration and for connected purposes"

Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012 (No 56 of 2012)	Provides “for the prevention, protection and provision of assistance to internally displaced persons and affected communities and give effect to the Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons, and the United Nations Guiding Principles on Internal Displacement and for connected purposes.”
National Social Security Fund Act, 2013 (No. 45 of 2013).	Establishes a national Social Security Fund; provides for coordination between social security schemes of individual East African Community Member States for migrant workers; introduces an emigration benefit if a citizen migrates permanently
Kenya National Qualifications Framework Act, 2014, No. 22 of 2014	“Establishes the Kenya National Qualifications Authority, which among other things, is responsible to establish standards for harmonisation and recognition of national and foreign qualifications” (Art. 8(n))
Victim Protection Act (September 2014)	Provides for support to VoTs
National Employment Authority Act, 2016 (No. 3 of 2016).	“An Act of Parliament to establish the National Employment Authority; to provide for a comprehensive institutional framework for employment management; to enhance employment promotion interventions; to enhance access to employment for youth, minorities and marginalized groups and for connected purposes.”
The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities (IDP Act)	Comprehensive approach to addressing internal displacement
National Plan of Action to Counter Human Trafficking (2013-2017)	<ul style="list-style-type: none"> - Developed to comprehensively address issues regarding human trafficking - Put in place measures to combat human trafficking

Sources: ILO, 2017; Marchand et al., 2016.

The Kenyan Government acknowledges the multiple dimensions, challenges and potentials of migration. Key policies in the field of migration are the Kenyan National Migration Policy and the Kenya Diaspora Policy (IOM, 2015). The former is currently in a draft form, which is set for validation. It covers issues related to citizenship, labour migration and return, trafficking in persons, refugee movements, border management and aims at protecting Kenyans abroad (RMMS, 2017b). The Kenya Diaspora Policy, on the other hand, is an attempt to “mainstream Kenyan diaspora into national development processes” (IOM, 2015, p.115). In addition, the Kenyan government drafted a National Policy on Internal Displacement. Internal displacement has been an issue since colonisation and deserves further attention from the government including the protection of IDPs, and finding out more about causes and consequences of internal displacement as well as the profiles of IDPs (IOM, 2015; RMMS, 2017a). In July 2016, the Kenyan National Migration Coordination Mechanism was launched, which is a government-led inter-agency platform for the coordination of migration management in Kenya that brings together government and non-state actors (IOM, 2016; RMMS, 2017a).

The Kenyan Government engages in awareness raising campaigns regarding the associated risks of various forms of migration including displacement and human trafficking (IOM, 2015). According to the US Department of State (2016), the Kenyan government is making significant efforts to combat human trafficking. However, there is a need to further step up protection and assistance of VoTs as well as government funding and resources for the fight against trafficking.

Kenya has been host to large refugee populations during the past decades. The Refugee Act 2006 established an encampment policy for refugees to qualify for humanitarian assistance. A new bill replacing the 2006 Refugee Act is expected to be introduced soon. The new bill will provide for the protection and recognition of refugees, establish the Kenya Refugee Repatriation and Resettlement Commission, and proposes the foundation of a Secretariat of Refugee Affairs (RMMS, 2017a). As described above, in May 2016, the government announced plans to close Dadaab, its largest refugee camp. While this is not only against Kenyan legislation and other international commitments, experts and international organisations are concerned about the refugees which are to be returned to their home countries (mainly Somalia) which are still in crisis (HRW, 2016). Other challenges related to hosting refugees are integration and limited livelihood and employment opportunities (IOM, 2015).

Kenya signed bilateral agreements with Rwanda and Seychelles to address the shortage of teachers in Kenyan schools and an agreement on the recruitment of Kenyan domestic workers to Saudi Arabia (IOM, 2015; Al-Sulami, 2017). Kenya aims at further enhancing bilateral cooperation with other countries. There is no evidence for bilateral labour agreements between Kenya and other countries in the East and Horn of Africa.

The Kenyan work permit system has been reformed in line with the East African Community (EAC) Common Market Protocol of 2011, which entails free movement of workers between the member states (Burundi, Kenya, Rwanda, South Sudan, Tanzania and Uganda). As such nationals of these countries have the right to free movement to Kenya and access to its labour market, however, in practice Kenya keeps controlling the inflows of labour, as do other members states (RMMS, 2017a).

Key actors in the field of migration include but are not limited to the Ministry of Interior and Coordination of National Government (including the Directorate of Immigration and Registration of Persons, which is responsible for migration management, border control and refugee welfare supervision), the Ministry of Foreign Affairs and International Trade, the Ministry of Labour, Social Security and Services, the Ministry of Transport and Infrastructure, the Central Bank of Kenya, and Counter-Trafficking in Persons Advisory Committee (IOM, 2015; RMMS, 2017a).

Gaps

Having reviewed existing policies and laws related to migration, several gaps stand out. Firstly, border management needs to be improved, especially to combat human trafficking and smuggling (IOM, 2015). This includes addressing corruption among border officials, improving infrastructure and enhancing capacities and resources (IOM, 2015; US Department of State, 2016). Similarly, capacities and resources of other authorities responsible for the implementation of migration legislation and policies need to be increased (IOM, 2015). In addition, IOM (2015) recommends the development of a “comprehensive migration governance framework” (p.165), the establishment of a “Migration Research Unit” (p.169) and to increase cooperation between the Kenyan government, migrants and the Kenyan diaspora to better harness the development potentials of migration.

References

- Al-Sulami, M. (2017). *Saudi Arabia. Labor minister signs agreement to recruit Kenyan workers*. Arab News, 26 May. Retrieved June 2017 from <http://www.arabnews.com/node/1105076/saudi-arabia>
- Central Intelligence Agency (CIA) (2017). *The World Factbook: Kenya*. Retrieved June 2017 from <https://www.cia.gov/library/publications/resources/the-world-factbook/geos/ke.html>
- DAI Europe and EuroTrends (2015). *Context Assessment to Prepare the Project "Addressing Mixed Migration Flows in Eastern Africa"*. Brussels: European Commission.
- Frouws, B. & Horwood, C. (2017). *Smuggled South*. RMMS Briefing Paper 3. Regional Mixed Migration Secretariat. Retrieved June 2017 from http://regionalmms.org/images/briefing/Smuggled_South.pdf
- Gastrow, P. (2011). *Termites at Work: Transnational Organised Crime and State Erosion in Kenya*. New York: International Peace Institute. Retrieved June 2017 from https://www.ipinst.org/images/pdfs/ipi_epub-kenya-toc.pdf
- Havoscope (2017). *Black Market Crime in Kenya*. Retrieved June 2017 from <http://www.havoscope.com/tag/kenya/>
- Horwood, C. (2009). *In Pursuit of the Southern Dream: Victims of Necessity Assessment of the irregular movement of men from East Africa and the Horn to South Africa*. Geneva: International Organization for Migration. Retrieved June 2017 from <http://publications.iom.int/system/files/pdf/iomresearchassessment.pdf>
- Horwood, C. (2015). *Irregular Migration Flows in the Horn of Africa: Challenges and implications for source, transit and destination countries*. Occasional Paper Series, No. 18|2015. Australian Government Department of Immigration and Border Protection. Retrieved June 2017 from <https://www.border.gov.au/ReportsandPublications/Documents/research/horn-of-africa.pdf>
- Human Rights Watch (HRW) (2016). *Kenya: Ending Refugee Hosting, Closing Camps*. Retrieved June 2017 from <https://www.hrw.org/news/2016/05/06/kenya-ending-refugee-hosting-closing-camps>
- Hungwe, B. (2009). *Tracking Africa's people smugglers*. BBC News. Retrieved June 2017 from <http://news.bbc.co.uk/2/hi/africa/8178587.stm>
- Internal Displacement Monitoring Centre (IDMC) (2017). *Country Profile: Kenya*. Retrieved June 2017 from <http://www.internal-displacement.org/countries/kenya/>
- International Labour Organization (ILO) (2017). *Natlex - Database of national labour, social security and related human rights legislation*. Retrieved June 2017 from http://www.ilo.org/dyn/natlex/natlex4.home?p_lang=en
- International Monetary Fund (IMF) (2017). *IMF Data*. Retrieved June 2017 from <http://www.imf.org/en/Data#data>
- International Organization for Migration (IOM) (2015). *Migration in Kenya – A Country Profile 2015*. Retrieved June 2017 from https://publications.iom.int/system/files/pdf/migration_profile_kenya.pdf

- International Organization for Migration (IOM) (2016). *Kenya Unveils National Migration Coordination Mechanism*. Retrieved June 2017 from <https://www.iom.int/news/kenya-unveils-national-migration-coordination-mechanism>
- Marchand, K., Roosen, I., Reinold, J. & Siegel, M. (2016) *Irregular Migration from and in the East and Horn of Africa*. Report commissioned by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) in the framework of the EU-funded Better Migration Management (BMM) Programme.
- National Council for Population and Development (NCPD). *2013 Kenya Population Situation Analysis*. Nairobi: NCPD. Retrieved June 2017 from https://www.unfpa.org/sites/default/files/admin-resource/FINALPSAREPORT_0.pdf
- Regional Mixed Migration Secretariat (RMMS) (2016). *Monthly Summaries: May 2016*. Retrieved June 2017 from <http://www.regionalmms.org/monthlysummary/RMMSMixedMigrationMonthlySummaryMay2016.pdf>
- Regional Mixed Migration Secretariat (RMMS) (2017a). *Country Profile: Kenya*. Retrieved June 2017 from <http://www.regionalmms.org/index.php/country-profiles/kenya>
- Regional Mixed Migration Secretariat (RMMS) (2017b). *Monthly Summaries: February 2017*. Retrieved June 2017 from <http://regionalmms.org/monthlysummary/RMMS%20Mixed%20Migration%20Monthly%20Summary%20February%202017.pdf>
- Regional Mixed Migration Secretariat (RMMS) (2017c). *Monthly Summaries: January 2017*. Retrieved June 2017 from <http://regionalmms.org/monthlysummary/RMMS%20Mixed%20Migration%20Monthly%20Summary%20January%202017.pdf>
- Regional Mixed Migration Secretariat (RMMS) (2017d). *Monthly Summaries: March 2017*. Retrieved June 2017 from <http://regionalmms.org/monthlysummary/RMMS%20Mixed%20Migration%20Monthly%20Summary%20March%202017.pdf>
- Republic of Kenya (2014). *Kenya Diaspora Policy*. Retrieved June 2017 from https://www.kenyaembassy.com/pdfs/Kenya_Diaspora_Policy.pdf
- United Nations, Department of Economic and Social Affairs, Population Division (UN DESA) (2014). *World Urbanization Prospects: The 2014 Revision*. Retrieved June 2017 from <http://esa.un.org/unpd/wup/>
- United Nations, Department of Economic and Social Affairs, Population Division (UN DESA) (2015a). *International migrant stock 2015*. Retrieved June 2017 from <http://www.un.org/en/development/desa/population/migration/data/estimates2/estimates15.shtml>
- United Nations, Department of Economic and Social Affairs, Population Division (UN DESA) (2015b). *World Population Prospects: The 2015 Revision*. Retrieved June 2017 from <http://esa.un.org/unpd/wpp/Download/Standard/Population/>
- United Nations Development Programme (UNDP) (2016). *Human Development Report 2016 – Human Development for Everyone*. New York: UNDP. Retrieved June 2017 from http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf

- United Nations High Commissioner for Refugees (UNHCR) (2015). *Integrated Action Plan for Sustainable Return and Reintegration of Somali Refugees from Kenya to Somalia*. Retrieved June 2017 from <http://unhcr.org/561e54069.pdf>
- United Nations High Commissioner for Refugees (UNHCR) (2017a). *Refugees and Asylum-seekers in Kenya - May 2017*. Retrieved June 2017 from <http://reliefweb.int/sites/reliefweb.int/files/resources/57231.pdf>
- United Nations High Commissioner for Refugees (UNHCR) (2017b). *Somalia Repatriation Update May 1-31 2017*. Retrieved June 2017 from <https://data2.unhcr.org/en/documents/details/57557>
- United Nations High Commissioner for Refugees (UNHCR) (2017c). *Statistical summary as of 31-May-17*. Retrieved June 2017 from http://www.unhcr.org/ke/wp-content/uploads/sites/2/2017/06/Kenya-statistics-package-May_2017.pdf
- United Nations High Commissioner for Refugees (UNHCR) (2017d). *UNHCR Population Statistics*. Retrieved June 2017 from <http://popstats.unhcr.org/en/overview>
- US Department of State (2016). *2016 Trafficking in Persons Report*. Washington, DC: US Department of State. Retrieved June 2017 from <https://www.state.gov/documents/organization/243562.pdf>
- World Bank (2016). *Migration and Remittances Factbook 2016*. Washington, DC: World Bank. Retrieved June 2017 from <http://www.worldbank.org/en/research/brief/migration-and-remittances>
- World Bank (2017). *World Development Indicators*. Retrieved June 2017 from <http://data.worldbank.org/>