Migration Profile of

KENYA

A. Executive Summary

Kenya is a migration source, destination, and transit country for neighbouring countries, as well as for South Africa, the Middle East, North Africa, North America, and Europe. Additionally, Kenya is home to one of the largest refugee populations and has some of the oldest refugee camps in Africa. Due to the ongoing migration issues in Kenya, governments, in conjunction with the International Migration Organization (IOM), are active in developing policies that shape migration management to achieve a structured migration system.

Much migration within Kenya is from rural to urban centres and is driven by the hope for better economic prosperity, higher educational attainment, and better health care. Mainly the male population leaves rural communities for urban city centres such as the capital Nairobi, Kisumu, Mombasa, Eldoret, and Nakuru. After spending time in the cities, males, more than females, will return to rural communities for an agricultural-based income. Migration between rural areas is heavily dependent on climate and agriculture. Kenyans who emigrate are mostly skilled workers who will seek out legal channels of migration through visas, although there are incidents where Kenyans are trafficked out of the country after seeking work in countries in the Middle East.

There are no clear statistics on the number of trafficked victims in and out of Kenya, but child trafficking is more regularly reported than the trafficking of adults. Additionally, girls and boys are trafficked in equal numbers. Within Kenya children are often subjected to forced labour through agriculture, fishing, street vending, and begging. Both girls and boys are subjected to sex trafficking in Nairobi, Kisumu, and on the coast. Most victims outside of Kenya are from the neighbouring countries that view Kenya as a popular migration destination. It is on the migration routes that smugglers often exploit victims. Internally displaced people, especially those that live close to major roads or trading centres, are more vulnerable to trafficking.

As a centre for refugees and asylum seekers, Kenya has two main refugee complexes of camps: Kakuma and Dadaab. Much of the refugee population is from Somalia, followed by South Sudan and the Democratic Republic of Congo. The irregular flow of refugees and asylum seekers has put a strain on government authorities and, in turn, caused tension between authorities and the refugee population. There have been reports of tensions between local communities near Kakuma, as well as asylum seekers and refugees being abused and mistreated by Kenyan authorities.

There are four overarching migration policies in Kenya: the National Migration Policy Draft, Kenya Vision 2030, the National Labour Migration Policy Draft, and the National Diaspora Policy. Refugees and asylum seekers are protected under the Refugee Act of 2008, while trafficking victims are protected under the Counter-Trafficking in Persons Act of 2010. All legislation is implemented through government branches, including the National Coordination Mechanism on Migration and the Ministry of Interior and Coordination of National Government. In addition to international organizations such as the International Organization of Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR), there are 60 organizations addressing refugee matters that are active in Kenya. A major issue for entries into Kenya is that authorities often cannot distinguish between refugees, asylum seekers, or trafficked victims. Furthermore, there are still failures in understanding how to implement the legislation and not enough collaboration with neighbouring countries to collectively manage the migration, trafficking, and refugee issues.

B. Country Profile

I. Basic Information

Kenya is located in East Africa, bordered by Ethiopia, Somalia, South Sudan, Tanzania, Uganda, and the Indian Ocean. It has an estimated population of 53, 527, 936 comprised of a number of ethnic and religious groups: 17.1% Kikuyu, 14.3% Luhya, 13.4% Kalenjin, 10.7% Luo, 9.8% Kamba, 5.8% Somali, 5.7% Kisii, 5.2% Mijikenda, 4.2% Meru, 2.5% Maasai, 2.1% Turkana, 1% non-Kenyan, and 8.2% other. The capital, Nairobi, has a population of around 4.7 million. Apart from the capital, the population is heavily concentrated in the west along the shore of Lake Victoria and in the southeast along the Indian Ocean coast. The main problems currently afflicting the country include poverty, inequality, climate change, crime, government corruption, and lack of employment opportunities.

II. International and Internal Migrants

Kenya has seen more internal migration than international migration. The coastal region has had the highest percentage of migrants (59.5%) in urban areas, and the Western regions have had the highest (77.4%) migration in rural areas. The age group 0-14 holds the highest proportion of migrants in all regions of Kenya, followed by those aged 25-29. Male migrants outnumber females in rural-to-urban migration. The movement of the population has been predominantly from rural areas to major urban cities such as Nairobi, Kisumu, Mombasa, Eldoret, and Nakuru. The movement is mostly triggered by the desire for better economic or educational opportunities and better-quality health care.

The IOM reports three types of internal migration: urban to urban, urban to rural, and rural to rural. Urban-to-urban migration is mainly triggered by the movement of people between cities for government or business prospects. Urban-to-rural migration is undertaken by those returning to villages to pursue agriculture as a living after earning and saving money in the cities. RTI international found that around 41% of males in Nairobi would return to their village and that females were less likely than males to do so. Lastly, rural-to-rural migration is driven

by a lack of resources and the need to find better land for agriculture. Rift Valley has seen an increase in internal migrants mainly due to a growing need for labourers but also because individuals wish to settle in a large arable land suitable for farming.

Kenya has seen an increase in international migration from 2010 to 2015 but a slight decrease from 2015 to 2019. Many of the migrants in Kenya come from neighbouring African countries such as South-central Somalia, Ethiopia, South Sudan, Uganda, and Tanzania. Due to a moderately developed infrastructure, large established migrant communities, good land and air connections, which include open borders with Somalia, Kenya has become an attractive transit and destination country for migrants. Migrants of Somalian, Ethiopian, and Eritrean origins are fleeing political and/or economic insecurity in their home countries. The main routes for international migrants are the existing trade routes from the Horn of Africa to North Africa and beyond. Travelling from Ethiopia into Kenya, migrants are transiting near Moyale, which is located on the border between Ethiopia and Kenya, and occasionally but to a lesser extent in Mandera, which borders Kenya, Ethiopia, and Somalia.

In recent years, Kenya has also seen an increase in foreign nationals setting up and investing in business in Kenya. This has contributed to economic prosperity in Kenya's major urban cities and increased the country's GDP.

Due to the irregular movement of migration in Kenya, authorities have struggled to control borders and the movement of undocumented foreigners. Furthermore, as a result of Kenya's ongoing conflict with Islamic extremists in Somalia, Somalian migrants often face hardship when resettling in Kenya.

Despite Kenya's high internal migration, there are recurring problems that migrants face. For 15-34-year-olds migrating from rural communities to urban cities for economic prosperity, there is no guarantee of a job. Thus they are nearly twice as likely to be unemployed. For the age group of 0-14, migration can either boost their chance of completing high school or cause a strain for youth who are leaving peers behind, possibly predisposing them to deviant behaviour. Although rural-to-urban migration can increase the economic prosperity of youth and future generations, it does raise concerns about abandoning agriculture and not knowing who will take up the responsibility once the older generation is gone.

III. Emigration and Skilled Migration

Emigration and skilled migration in Kenya were triggered by the economic recession of the 1980s. Kenyans who do leave the country are generally skilled workers and, at least initially, leave through legal channels. As of 2014 about 35% of skilled workers emigrated, which raises concerns about the loss of skilled personnel in key sectors. A pressing concern is the loss of healthcare professionals, as their emigration rate is as high as 51%. The top countries of destination for Kenyan emigrants in 2009 were the USA, Uganda, the United Kingdom, Tanzania, Germany, and South Africa. Emigration to the destination country does vary in terms of work type. Labour migration to Tanzania, Uganda, Rwanda, South Sudan, and the

Democratic Republic of Congo serves agriculture and mining. It is presumed that due to climate change, droughts, floods, and inter-annual rainfall fluctuations, there will be an increase in emigration for the agricultural sector, which in turn will have an overall negative impact on Kenya's agriculture, both in terms of land and the economy.

IV. Forced Migrants (internally displaced, asylum seekers and refugees)

Forced migration in Kenya can be attributed to three factors: conflict, both political and resource-based; natural or man-made disasters (i.e. landslides, fires, floods, droughts); and violations of human rights causing displacement (development-induced displacement and reforestation).

Kenya holds one of the largest refugee populations in the world and the third largest number in Africa, with 494,289 refugees and asylum seekers. It is predicted that the number of forced migrations due to climate change will increase in the next years, as exemplified by the 2017 drought in Somalia that triggered an influx of refugees in Kenya. Once arriving in Kenya, most of the refugees are housed in one of the two complexes or sets of camps, Dadaab and Kakuma, the former holding a higher number than the latter. About 54% of refugees are from Somalia, 25% from South Sudan, and 9% from the DRC. Adults between the ages of 18 and 59 constitute the highest number of refugees, with children between the ages of 5 and 11 following, representing 22.5%.

Internally Displaced Persons (IDPs) are much harder to identify as there is no formal registration process. Most IDPs move to other communities on their own or join family members in other parts of the country. The most recent statistics by the IDMC show that 2019 saw 1,400 new displacements due to disasters, with 74,000 in total. There were an additional 1,800 new displacements in 2019 due to conflict and violence, bringing the total to 162,000 IDPs. In comparison to 2014, which saw about 225,000 new displacements, the number of IDPs has decreased in recent years.

The irregular movement of refugees and asylum seekers has both negative and positive impacts. On one hand, a sudden influx of large populations can increase the risk of disease outbreaks (ex. Malaria or HIV) and the competition for resources. Furthermore, refugees in the camps often remain there for years without freedom of movement or the opportunity to access higher education or employment. On the other hand, a UNHCR report states that 94% of citizens support the delivery of public services to refugees and only 27% of citizens see refugees as a security threat. Additionally, a refugee movement can bring in foreign aid in the form of resources from international organizations that can alleviate the burden on health care and educational facilities. There have, however, been conflicts between the refugee camp, Kakuma, and the surrounding communities in the north-west parts of Kenya. Many of the tensions stem from the local communities feeling as if the refugees are economically advantaged due to international aid, the allocation of land and resources, and an imbalance in numbers favouring the refugee population..

Additionally, migrants and asylum seekers are reporting incidents of extortion and harassment by Kenyan authorities along key migration hubs/routes, such as the route from Somalia into Kenya, with a high number being reported in Nairobi. Somali refugees have experienced the most amount of tension, presumably because of the ongoing conflict with Islamic extremists of Somalian origin. In 2013, 85,067 Somali refugees were returned to Somalia following several terrorist attacks for which the Somalia-based Al Shabaab group claimed responsibility.

V. Victims of Human Trafficking

Kenya is considered a Tier 2 country, which means that the government does not fully meet the minimum standards of the Trafficking Victims Protection Act (TVPA) but is making significant efforts to reach those standards. In 2018, following recent media attention focused on the returnees' form Gulf countries, Kenyan women working the in Middle East, Kenyans suffering from exploitation and even death abroad, the IOM conducted an assessment report on human trafficking in Kenya. Due to its illegal nature, there are only rough estimates on the number of victims of trafficking. There is a greater identification of child trafficking victims than adults, the most vulnerable age group being 12 to 35, regardless of gender. There is an estimated 10,000 to 15,000 girls living in Diani, Kiliifi, Malindi, and Mombasa who are involved in casual sex work—with 30% of all 12 to 18-year-old girls living in those areas. Though all may not be victims of trafficking, many child sex workers have moved to the coast, having previously been forced into sex work.

It is even more difficult to determine the statistics of Kenyan nationals who are trafficked out of the country. Kenyans who are seeking employment in the Middle East in such places as Kuwait, Qatar, Saudi Arabia, and the UAE are doing so through legal or illegal employment agencies, which in turn can expose them to exploitation through domestic servitude, massage parlours, brothels, or forced manual labour.

Victims of trafficking from outside of Kenya come from countries in the Horn of Africa and the East such as Somalia, Tanzania, and Ethiopia. Globally, they come from countries in Southeast Asia including Nepal, Pakistan, and Bangladesh. Within Kenya the most popular destinations for trafficking are Mombasa, which is a source, transit, and destination region; Kisumu; and Nairobi. Girls in the coastal areas of Kenya are recruited for jobs through hair salons and restaurants and are then exploited upon arrival in the Gulf. Another route is the corridor toward Southern Africa. Irregular migrants typically cross the border into Kenya near Moyale and then travel to Marsabit, Isiolo, or Nayuki before Nairobi. Upon entering Kenya, the individuals are connected to smugglers, making them vulnerable to trafficking. Kidnapping, extortion, forced labour, and sexual exploitation have been reported along these routes. Native boys and girls, as well as foreign children and refugees, have become victims of trafficking in Kenya, who are then forced to work as domestic and agricultural workers, fishers, herders, street vendors, and beggars. Internal trafficking occurs within Kenyan borders mainly for purposes of domestic labour and sexual exploitation, while cross-border international trafficking happens for purposes of forced labour, sexual exploration, and domestic servitude.

In recent years the government has provided a National Referral Mechanism, Victim Assistance Fund, and implemented two national 24hr hotlines for trafficking victims. Despite efforts in implementing services for medical care, psycho-social counselling, rehabilitation, and reintegration support, NGOs are often acting alone due to neglected or slow response times from the government.

VI. National Legal Framework

The National Migration Policy Draft, Kenya Vision 2030, the National Labour Migration Policy Draft, and the National Diaspora Policy are the four main policy frameworks on migration for the government of Kenya. Kenya Vision 2030 is the Kenyan government's national strategic planning document. While it only makes minor references to migration, its three pillars are social, economic, and political development. The document highlights various legal frameworks and sets out the efforts required to mobilize the Kenyan diaspora for development, with diaspora remittances being one of the flagship projects under the financial sector.

The Kenya National Migration Policy was informed by the African Union Lusaka Council of Ministers' decision in July 2001 that laid a foundation for migration policy frameworks. The policy aims to address the management and development of international migration and the efficient delivery of migration services. Its framework focuses on key thematic areas, including migration and security; migration and development; facilitation of international mobility; forced migration; cross-cutting issues in migration; national coordination and international cooperation; and migration data, information management, and capacity-building.

The main legislation governing refugees and asylum seekers is the Refugee Act (2006), which outlines the criteria for disqualification, exclusion, recognition, cessation, withdrawal, and cancellation of refugee status. Additionally, it provides various identification documents for refugees and asylum seekers and spells out their rights and duties. The Act is executed through the Refugee Affairs Secretariat, the Refugee Affairs Committee, the Commissioner for Refugee Affairs, Camp Officers, and the Refugees Appeal Board.

The Counter-Trafficking in Persons Act (2010) specifies punishments for those involved in crimes such as promotion of trafficking, acquisition of travel documents by fraud or misrepresentation, facilitation of entry into or exit from Kenya, and interference with documents. Additionally, it provides protection for victims of such crimes. The legislation is informed by the United Nations' Convention Against Transnational Organized Crime. Prior to this Act, trafficking cases were adjudicated under the Penal Code, Children's Act (2001), and the Sexual Offenses Act (2006).

Due to the multi-faceted components of mixed migration, there have been some difficulties in implementing the laws mentioned above. Particularly, there seems to be a failure by law enforcement officers to distinguish between irregular migrants, asylum seekers, and criminals, thus leading to ineffective application of the refugee law and even increased levels of abuse, extortion, and harassment of refugees. On entering Kenya, asylum seekers have a period of 30

days to get to a registration point. In most cases this means a refugee camp, though many asylum seekers make their way to urban centres. This makes it difficult for law enforcement to know how long they have been in the country. Additionally, implementation and understanding of refugee law is still lacking. Many authorities are not conducting proper interviews due to language barriers and do not understand if the migrants are asylum seekers or economic migrants and thus end up labelling them incorrectly. There has also been a failed implementation of the Counter-Trafficking Act through the continued use of Section 14 of the Sexual Offense Act to prosecute and punish child sex tourists. To fully implement the legislation, the government needs both collaboration between all countries involved in the war against human trafficking, as well as prosecution, protection, and prevention efforts by Kenyan authorities.

A government led inter-agency coordination platform called the National Coordination Mechanism on Migration was formed with the efforts of implementing the African Migration Policy Framework and to establish a coherent manner of handling migration issues regionally and nationally. The agency is membership-based and includes relevant government ministries and departments, agencies with migration functions, and non-state actors.

VII. Main Actors

The State

Actors in the field of migration include the Ministry of Interior and Coordination of National Government (including Directorate/Department of Immigration Services), the Ministry of Labour, the Ministry of Foreign Affairs and International Trade, Social Security and Services, the Ministry of Transport and Infrastructure, the Central Bank of Kenya, and the Counter-Trafficking in Persons Advisory Committee. The Ministry of Interior and Coordination of National Government; the Ministry of Health; the Ministry of Education, Science and Technology; and the Ministry of Foreign Affairs and International Trade all partner with the UNHCR. The Ministry of Interior and Coordination's Department of Immigration Services' core responsibilities relate directly to people on the move and include registration of persons, births, and deaths; providing immigration services; management of refugees; border management; and maintenance of the integrated population registration system. The department is also the base for the National Migration Coordination Mechanism, which is a government led inter-agency coordination platform responsible for national migration management.

The Catholic Church

The Catholic Church is active in Kenya working with migrants in various spheres. The Kenya Conference of Catholic Bishops (a member of the AMECEA) responds to matters affecting migrants, including appealing to the government of Kenya in 2016 to reconsider the decision to close Kenya's major refugee camps. In June 2020 the Bishop of Maralal and Chairman of the Commission for Refugees, Migrants, and Seafarers of the Kenya Conference of Catholic Bishops raised the Kenyan Bishops' concern about the impact of COVID-19 on vulnerable populations

including refugees, internally displaced persons, people on the move such as truck drivers and pastoralists, people living on the streets, and those with mental illness.

Salesian missionaries have had an established presence in the Kakuma refugee camp since 1993 as a UNHCR implementing partner in vocational training. Kakuma is operated by the UNHCR in collaboration with Salesian missionaries as well as several other humanitarian organizations. Salesian missionaries at Kakuma refugee camp operate the Holy Cross Parish and the Don Bosco Vocational Training Center, where young men and women receive critical employment and life skills. There are many courses available, and those studying welding, carpentry, and bricklaying often utilize their new skills to help build infrastructure within the camp. '[R]efugees are able to take classes at the Don Bosco Vocational Training Centre to ensure that they will have the skills to rebuild their countries if they are able to go back home.'

The Jesuit Refugee Service (JRS) in Kenya assisted 12,349 refugees and asylum seekers in 2020 and operated two temporary protection houses for survivors of sexual and gender-based violence as well as children with protection needs. JRS operates five protection centres for people with special needs, offering essential services, psychosocial support, and conducting community outreach to identify more home-bound people with disabilities. Ite urban programs apply the Pathfinder Refugee Career Incubator model for vocational training, giving learners different pathways to create and improve their livelihoods. Courses under the model range from teacher training to business development and digital literacy. These urban programs aim at helping refugees integrate into the socio-economic life of Nairobi by giving them livelihood options.

The Church in Kenya is also working proactively to respond to the challenges of human trafficking, especially through the work of the Kenya Conference of Catholic Bishops (KCCB). The Santa Marta Group (SMG) is one of the main Catholic actors working to counter human trafficking. The international alliance of bishops, police leaders, and religious communities working in collaboration with civil society in the fight against human trafficking has been focused on making local communities and the government aware of human trafficking while providing assistance to victims. To raise awareness and better understand how the international leaders of law enforcement agencies and international organizations can work with the Church to assist victims of modern slavery, the SMG organizes a series of conferences aimed at sharing experiences and good practices from different national contexts and finding solutions to better respond to the challenges posed by human trafficking. Sensitization of both local communities and the Catholic Bishops Conferences is one of the core objectives of the SMG to effectively address the needs of migrants and refugees in the different dioceses. In 2019 the second African Regional Conference of the SMG was held in Nairobi - on the theme "Sensitizing the Communities on Human Trafficking in Africa" - and focused on the initiatives by the government of Kenya to combat human trafficking and how the Catholic Church can become a counter-trafficking agent at the community level.

Talitha Kum, the International Network of Consecrated Life Against Trafficking in Persons, is a project whose mission is to prevent, protect, and assist victims through social reintegration and

rehabilitation and to promote actions affecting the root causes of human trafficking. In Kenya Talitha Kum has been providing assistance to the most vulnerable, with a special focus on children made vulnerable by HIV/AIDS. In 1999 the Talitha Kum Children's Home was born and today hosts almost 100 children, offering them accommodation facilities, food, medical care, education, and spiritual support.

In 2016, in response to the human trafficking pledge, Religious Against Human Trafficking (RAHT) was founded in Kenya. This group of priests and members of male and female religious congregations - hosted by the Association of Sisterhood of Kenya (AOSK) and member of Talitha Kum network - aims to promote awareness of human trafficking at the grassroots and national levels, provide facilities to assist the victims, and create a network with other organizations working in the field to uphold human dignity. To reach these objectives, RAHT, in collaboration with the Religious Superiors Conference of Kenya (RSCK) and faith-based NGOs such as Counter Human Trafficking Trust East Africa (CHTEA), has been developing awareness activities in schools and parishes as well as facilitating shelters for victims seeking refuge.

International Organizations

In Kenya international and regional actors include the International Organization for Migration (IOM); the United Nations Refugee Agency (UNHCR); the United Nations Development Programme (UNDP), the ILO Country Office for the United Republic of Tanzania, Kenya, Rwanda, and Uganda; the Delegation of the European Union to Kenya; the World Bank; and the African Development Bank. The international organizations assisting refugees and asylum seekers as implementing partners with the UNHCR in Kenya include CARE International, the Danish Refugee Council, FilmAid International, the Hebrew Immigrant Aid Society (HIAS), the International Rescue Committee, Islamic Relief, the Kenya Red Cross Society, the Lutheran World Federation, the Norwegian Refugee Council, Peace Winds Japan, Save the Children International, Windle Trust UK in Kenya, Action Africa Help International Kenya, and the Francis Xavier Project.

Other Organizations

In December 2018 the Kenya Institute of Migration Studies was launched with a flagship course on Migration Studies. This is an important step in accurately assessing migration management in Kenya through research and making sure that the government and international organizations are effectively implementing policies to inform migration issues. Kenya houses scores of NGOs working on refugee affairs, including both international and national organizations. The NGOs mainly focus on refugees but have begun to assist internally displaced persons and other vulnerable uprooted populations. Faith-based organizations can often step in to help find solutions for refugees who are feeling overwhelmed or uncertain about the future. One of those organizations is Tearfund. Tearfund works with eight partner organizations to mobilize churches to meet the needs of the community in which they are located. This is done by equipping communities to cope with disasters, working for peace and reconciliation after conflict, promoting self-help groups, and improving access to local markets.

In addition to international organizations, there are a number of Kenyan NGOs and faith-based organizations assisting refugees and asylum seekers as implementing partners with the UNHCR in Kenya, including the National Council of Churches of Kenya, the Fafi Integrated Development Association, the Legal Advice Centre (Kituo Cha Sheria), the Refugee Consortium of Kenya, the Relief Reconstruction and Development Organization, Heshima Kenya, the Lotus Kenya Action for Development Organization, and the Pastoralist Initiative for Development and Advocacy. Additionally, there are a number of NGOs which are implementing Partners for Statelessness in Kenya, namely Haki Centre, Haki na Sheria, the Kenya Human Rights Commission, Nubian Rights Forum, and the Refugee Consortium of Kenya.

December 2020

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