



KITUO CHA SHERIA
LEGAL ADVICE CENTRE
we care for justice

AN ANALYSIS OF THE LEGAL AND POLICY FRAMEWORKS ON REFUGEES' RIGHT TO WORK IN KENYA

LEGAL AND POLICY REVIEW -REPORT-





FOREWORD

For over five decades, Kituo cha Sheria has stood at the forefront of legal empowerment and human rights advocacy in Kenya, striving to ensure that access to justice is a living reality for the poor, marginalized, and displaced. Access to justice extends beyond the courtroom, it encompasses the fundamental right of every human being to earn a dignified livelihood, support their family, and contribute meaningfully to the socio-economic fabric of their host communities. Since 1990s, KITUO has promoted legal protections to refugees in Kenya through provision of legal aid and assistance. With time, KITUO found it also necessary to address systemic causes of vulnerability for refugees in Kenya, through research and strategic advocacy engagements geared towards legal and policy change.

This report, commissioned by Kituo cha Sheria, examines Kenya's legal, regulatory, and policy frameworks governing refugees' right to work. Grounded in the socio-economic reality of our nation, this publication evaluates the structural alignment and friction between constitutional guarantees, national legislation, international obligations, and policy execution.

This research constitutes part of Kituo Cha Sheria's contribution to the Refugee Access to Work and Inclusion – Eastern Africa (RAWI-EA) coalition. RAWI-EA is a multi-stakeholder coalition dedicated to advancing refugees' right to access decent work and full economic participation in Kenya and across the region. The network was established in 2025 under the convening leadership of Kituo Cha Sheria's Forced Migration Programme.

Article 41 of the Constitution of Kenya guarantees the right to fair labor practices to "every person," offering clear constitutional protection to non-citizens and displaced populations alike. Yet, as this review illustrates, a pronounced rift persists between progressive constitutional principles and daily administrative practice. Bureaucratic silos, administrative delays in issuing Class M work permits, and the persistent non-recognition of official refugee identity documents by financial institutions, government agencies, and employers create formidable obstacles for refugees seeking self-reliance.

Kenya stands at a pivotal historical moment. The national policy paradigm is transitioning away from traditional encampment towards sustainable, development-oriented inclusion through frameworks such as the Kalobeyei Integrated Socio-Economic Development Programme (KISEDPP), the Garissa Integrated Socio-Economic Development Plan (GISEDPP), and the flagship Shirika Plan. Furthermore, economic evidence demonstrates that refugee inclusion generates substantial local



value as evidenced by Kakuma's economy contributing over USD \$56 million annually. However, as this review firmly establishes, economic utility alone must never be the sole justification for human rights; market contributions must remain anchored in fundamental rights to prevent volatile, security-driven policy shifts.

To realize genuine socio-economic inclusion, the report presents strategic imperatives:

- Streamline Work Authorization: Simplify and expedite Class M work permit processing while eliminating redundant bureaucratic procedures.
- Enforce Recognition of Refugee IDs: Ensure strict compliance across private banks, government bodies, and prospective employers to accept refugee documentation per Legal Notice No. 143 of 2023.
- Harmonize Sectoral Policies at National and County Levels: Align labor, immigration, tax, and county-level frameworks with the 2021 Refugees Act and the Shirika Plan.
- Formalize Refugee Labor: Phase out underpaid "incentive work" in favor of formal employment with standard labor protections, equal remuneration, and access to social safety nets like NSSF and the Social Health Insurance Fund (SHIF).

The report engenders a call to action to all stakeholders. To government actors and policymakers at both national and county levels, we urge for the decisive harmonization of sectoral regulations to unlock full economic potential. To civil society and refugee-led organizations, we invite continued collaboration in legal empowerment, monitoring, and advocacy. And to the refugee community, we reaffirm our unyielding commitment to standing with you in the pursuit of dignity, justice, and economic self-reliance.

I would like to appreciate the role played by Ms. Dorothy Omboto, Advocate of the High Court of Kenya and Convener, Cross Border Practice and Immigration Committee of the Law Society of Kenya, and Ms. Rosa Ojwang, Advocate and Researcher, in the research and drafting of this report.

Finally, I extend our sincere gratitude to the Heinrich-Böll-Stiftung Horn of Africa Office for their generous financial and technical support in this project. This report was made possible through their institutional dedication to promoting humane, rights-based approaches to migration governance, regional displacement, and the protection of refugee rights.

Dr. Wambua Kituku

Executive Director, Kituo cha Sheria.

ACRONYMS

ACHPR	African Charter on Human and Peoples' Rights
BETA	Bottom-Up Economic Transformation Agenda
CIDPs	County Integrated Development Plans
COMESA	Common Market for Eastern and Southern Africa
CRPD	Convention on the Rights of Persons with Disabilities
CRRF	Comprehensive Refugee Response Framework
CESCR	Committee on Economic, Social and Cultural Rights
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
DRS	Directorate of Refugee Services
EAC	East African Community
GCR	Global Compact on Refugees
GISEDP	Garissa Integrated Socio-Economic Development Plan
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICT	Information Communication Technology
IGAD	Intergovernmental Authority on Development
ILO	International Labour Organization
e.g.	exempli gratia (for example)
ID	Identification Document

KRA	Kenya Revenue Authority
KISED	Kalobeyei Integrated Socio-Economic Development Plan
KNQA	Kenya National Qualifications Authority
NSSF	National Social Security Fund
NHIF	National Hospital Insurance Fund
NEA	National Employment Authority
NIIMS	National Integrated Identity Management System
NRB	National Registration Bureau
OAU	Organization of African Unity
PIN	Personal Identification Number
RPL	Recognition of Prior Learning
RECs	Regional Economic Communities
R-SEAT	Refugees Seeking Equal Access at the Table
SHARE	Support for Host Communities and Refugee Empowerment
SHIF	Social Health Insurance Fund
TVET	Technical and Vocational Education and Training
UBP	Unified Business Permit
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

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ABSTRACT

This legal and policy review, commissioned by Kituo cha Sheria, examines Kenya's legal framework governing the right to work for refugees. Utilizing a qualitative, desk-based analysis of primary and secondary sources, this study examines the alignment of constitutional guarantees, statutory provisions, and administrative practices with Kenya's regional and international obligations.

The review situates Kenya's laws within comparative contexts, particularly Uganda, Ethiopia, and Rwanda, to identify best practices and opportunities for reform. It finds that despite the 2010 Constitution's recognition of socio-economic rights for all persons, refugees continue to face legal and procedural barriers to employment, business registration, and social protection due to fragmented policy implementation. Laws and regulations often exist in functional silos—meaning that while a right may be established in refugee law, it is not consistently recognized or applied within labour, migration, finance, or social protection sector policies and/or laws. This disconnect demonstrates a systemic breakdown where rights recognized in one legal framework are undermined by operational barriers in another.

The study concludes that realizing the right to work for refugees requires comprehensive legislative harmonization across refugee, migration, labour, and social protection laws. This must be accompanied by the formal recognition and consistent acceptance of refugee documentation across all public and private sectors, as stipulated under Legal Notice No. 143 of 19 September 2023. Crucially, this requires engagement from all levels of government, including county governments, to ensure the consistent application of this mandate, and the deliberate alignment of national policies with Kenya's commitments under the Global Compact on Refugees (GCR) and the forthcoming Shirika Plan (2025).

EXECUTIVE SUMMARY

This legal and policy review, commissioned by Kituo cha Sheria, assesses the coherence and implementation of Kenya’s legal and policy framework governing the right to work for refugees.

Methodology

The study applies a qualitative legal research approach, relying on a desk-based review of primary legal instruments, including the Constitution, statutes, and regulations, and secondary materials, including reports by UNHCR, ILO, and academic and policy analyses. Comparative perspectives from Uganda, Ethiopia, and Rwanda are also incorporated to inform best-practice benchmarks

Focus Area	Description
National Legal Instruments	Constitutional, statutory, and regulatory provisions affecting refugees’ right to work.
Regional & International Obligation	Kenya’s commitments under relevant treaties and compacts.
Comparative Frameworks	Benchmarking progressive refugee labour inclusion models.
Jurisprudence & Literature	Review of court decisions and policy analyses interpreting relevant laws.

Key Findings

Kenya’s constitutional framework guarantees equality and socio-economic rights but implementation gaps persist. Refugees face structural restrictions tied to documentation, work authorisation, and encampment policies that limit access to formal employment and self employment. These inconsistencies undermine Kenya’s obligations under international law and its own developmental commitments under the Shirika Plan.

Conclusion

Legal harmonization, administrative reform, and policy coordination are critical to operationalize refugees’ right to work as an enforceable entitlement.



ANALYSIS OF THE LEGAL AND POLICY FRAMEWORKS ON REFUGEES' RIGHT TO WORK IN KENYA



1.0 INTRODUCTION

The right to work is a fundamental human right, enshrined in international human rights law. The right to work, as per Article 6(1) of the ICESCR, is the right of everyone “to the opportunity to gain his living by work which he freely chooses or accepts.”¹ This definition grounds the concept of work in a rights-based approach, which recognises human dignity rather than merely prioritising access to employment. This right encompasses guarantees of non discrimination under Article 2(2), which requires that all economic rights be secured without discrimination of any kind.² It also incorporates the notion of decent work, as articulated in the ILO Decent Work Agenda, which demands fair income, workplace security, social protection, opportunities for development, freedom of association, and equal treatment.³ The CESCR has further clarified that the right to work must be accessible in practice: physically, economically, and informationally, and those failures of accessibility may amount to a violation.⁴ The right to work also requires that work be genuinely freely chosen, precluding forced labour, trafficking, or situations in which vulnerability compels acceptance of exploitative conditions. Together, these elements affirm that refugee access to work is an enforceable human right, and not a discretionary policy matter, and that national frameworks must be evaluated against these standards of respect, protection, and fulfilment.

The right to work is essential for the enjoyment of other rights, including personal dignity, autonomy, and self-determination.⁵ Kenya currently hosts over 860,000 refugees and asylum seekers, the majority of whom live in protracted displacement with limited access to formal employment.⁶ For these refugees, access to lawful employment not only enhances self-reliance targeted policy recommendations, legal advocacy, and broader efforts to align Kenya’s refugee protection regime with international standards.

1 *International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR) art 6(1).*

2 *Ibid*, art 2(2).

3 *International Labour Office, Decent Work (Report of the Director-General, International Labour Conference, 87th Session, ILO 1999).*

4 *Committee on Economic, Social and Cultural Rights (CESCR), General Comment No 18: The Right to Work (2005) UN Doc E/C.12/GC/18.*

5 *United Nations (UN) Committee on Economic, Social and Cultural Rights, General Comment No 18: The Right to Work (Art 6 of the Covenant), UN Doc E/C.12/GC/18 (6 February 2006) para 1.*

6 *UNHCR, Kenya Fact Sheet (August 2023) <https://www.unhcr.org/ke/factsheet> accessed 10 October 2025.*

The normative basis for the right to work is firmly established in international law, including the 1951 Refugee Convention and international human rights instruments, which obligate states to ensure that refugees enjoy the right to work under conditions comparable to nationals.⁷ The scope and content of the right to work, as elaborated in the UNHCR Guidelines, encompass the right to seek and obtain wage-earning employment, pursue self-employment, and engage in occupations of choice without discrimination.⁸ International human rights law imposes on States the tripartite obligations to respect, protect, and fulfil human rights. For the right to work, under the obligation to respect, States must refrain from directly or indirectly interfering with access to work, meaning they may not impose discriminatory restrictions, documentation barriers, or spatial limitations such as encampment policies.⁹ The obligation to protect requires States to regulate private actors, including employers and recruitment agencies, to prevent discrimination, exploitation, and abuse, and to ensure access to remedies and trade union rights.¹⁰ The obligation to fulfil demands positive measures such as accessible work authorisation procedures, vocational training, recognition of qualifications, inclusion in social protection systems, and targeted support for marginalised groups. While subject to progressive realisation, specific core duties, such as non-discrimination and protection from forced labour, are of immediate effect.¹¹ Applied to Kenya, this framework particularly necessitates examining concerns, such as restrictive work permit requirements, skills recognition, and social protection mechanisms for refugees, all of which indicate potential non-compliance with obligations under the ICESCR and related regional instruments.

This consultancy, commissioned by Kituo Cha Sheria, critically examines Kenya's legal and policy framework governing the right to work for refugees. It identifies normative inconsistencies, implementation gaps, and procedural bottlenecks that hinder the realisation of this right, despite constitutional and international commitments. The findings will inform targeted policy recommendations, legal advocacy, and broader efforts to align Kenya's refugee protection regime with international standards.

7 *Convention Relating to the Status of Refugees* (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention), arts 17–19; *International Covenant on Economic, Social and Cultural Rights* (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR), art 6.

8 UNHCR, *Guidelines on International Legal Standards Relating to the Right to Work for Refugees* (2021) <https://www.refworld.org/docid/5fbbb1a14.html> accessed 10 October 2025.

9 Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No 18: The Right to Work* (2005) UN Doc E/C.12/GC/18.

10 African Commission on Human and Peoples' Rights, *Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights* (2010).

11 ICESCR, art 2(1); CESCR, *General Comment No 18*.

1.1 Historical Evolution of the Right to Work for Refugees in Kenya

1.1.1 The Encampment Policy, Informal Livelihoods and the Rise of “Incentive Work”

From the early 1990s onwards, Kenya’s institutional and policy framework for refugee management has been anchored in an encampment approach, conceived as a regulatory response to mass refugee arrivals from neighbouring states, particularly Somalia, Sudan, and Ethiopia.¹² Refugees were required to reside in designated camps, principally Dadaab and Kakuma, and could only leave with movement passes issued by the Department of Refugee Services.¹³ While intended to ensure security and facilitate humanitarian assistance, the encampment system severely limited refugees’ movement and access to formal labour markets. Moreover, this curtailment of the freedom of movement bears an unsettling resemblance to the colonial kipande system, which similarly restricted mobility based on ascribed status and served as a tool of administrative control rather than individualized security assessment.

Humanitarian agencies in Kenya’s refugee camps developed the concept of “incentive work” as a pragmatic response to the legal prohibition on the formal employment of refugees at the time. This arrangement allowed refugees to undertake essential camp-based functions, such as teaching in primary schools, translation, community outreach, cooking, cleaning, and other administrative or logistical tasks, in return for modest stipends framed as “incentives” rather than wages.¹⁴ The scheme established a quasi-employment relationship that created a parallel labour market within Dadaab and Kakuma, where refugees performed indispensable public service roles without the protection of formal contracts, social security coverage, or wage parity with Kenyan nationals.

Although this system provided greater stability than the informal economy, it entrenched structural inequalities and raised concerns under ILO Core Labour Standards due to inconsistent remuneration practices and the absence of standardised employment guidelines.¹⁵ Skilled refugees, including those with professional or postgraduate qualifications, were often confined to low-paying

12 International Institute for Environment & Development (IIED), *An inclusive Nairobi? Refugee accounts of life in the city* (IIED, 2022) <https://www.iied.org/inclusive-nairobi-refugee-accounts-life-city> accessed 25 October 2025.

13 NRC & IHRC, *Movement Passes: A Situational Analysis of Kakuma* (Briefing Paper, August 2018) 1–2 https://www.nrc.no/globalassets/pdf/briefing-notes/kakumas-refugees-freedom-of-movement/hrc_ihrc_movementpass_briefingpaper_aug18.pdf accessed 25 October 2025.

14 Alfred Dube and Andreas Koenig, *The “Incentive Worker” Scheme: Legal and Economic Implications for Refugees in Kenya* (ILO/UNHCR Partnership, April–September 2005) 5.

15 *Ibid.*

incentive roles due to work permit restrictions, lack of recognition of qualifications, and encampment limitations.¹⁶ Although incentive work was originally framed as a mechanism to build self-reliance and reduce aid dependency, it entrenched structural inequalities and de-skilling, effectively institutionalising discrimination in employment within humanitarian operations.¹⁷ These dynamics continue to shape the discourse on decent work and equality for refugees in Kenya.

Alongside such quasi-formal engagements, many refugees in Dadaab and Kakuma also pursued self-employment and micro-enterprise activities to sustain their livelihoods.¹⁸ These included food preparation, tailoring, carpentry, welding, small-scale trade in consumer goods, collection and sale of firewood, and the provision of manual transport services within the camps.¹⁹ These informal economic pursuits reflected a strong entrepreneurial spirit and the adaptive resilience of refugee communities, yet they remained precarious, unregulated, and excluded from Kenya's formal business and labour frameworks.

1.1.2 Urban Refugees and Informal Livelihoods

Despite the encampment policy, many refugees settled in urban centres, seeking safety, autonomy and better livelihood prospects. The government's initial stance was restrictive, characterising urban refugees as irregular residents, and in 2012-2013, issued a directive mandating their relocation to camps.²⁰ That directive was challenged by Kituo Cha Sheria and quashed by the High Court of Kenya, which held that the blanket relocation plan violated fundamental rights to dignity, freedom of movement and just administrative action.²¹ Urban refugees, however, continued to face significant legal and administrative barriers to formal employment. The process for obtaining Class M work permits continues to be cumbersome and lengthy.²² As a result, self-employment and micro-enterprise have become the dominant livelihood strategies.²³ Refugees operate small businesses, engage in informal trade, tailoring,

16 NRC & IHRC (n 6).

17 Ibid.

18 Alfred Dube and Andreas Koenig (n 7).

19 Ibid.

20 *Kituo Cha Sheria and 8 Others v Attorney General* [2013] eKLR.

21 Human Rights Watch, 'Kenya: Court Quashes Plan to Force Refugees into Camps' (Human Rights Watch, 26 July 2013) <https://www.hrw.org/news/2013/07/26/kenya-court-quashes-plan-force-refugees-camps> accessed 25 October 2025.

22 Buhendwa Iragi and Foni Joyce Vuni, 'The Role of Formal and Informal Financing in Refugee Self Employment: The Case of Urban Kenya' (2025) 13(4) *Economies* 100 <https://doi.org/10.3390/economies13040100> accessed 25 October 2025.

23 Foni Joyce Vuni and Buhendwa Iragi, 'Refugees' Access to Work Permits and Business Licences in Kenya' (Refugee-Led Research Hub, July 2023) <https://refugeeledresearch.org/refugees-access-to-work-permits/> accessed 25 October 2025.

food services, and digital work, largely without legal protection or access to financial systems.²⁴ While urban livelihoods embody resilience and self-reliance, they remain precarious due to informality, harassment, and lack of recognition under labour and social protection frameworks.

Recent jurisprudence has further clarified the legal entitlements of refugees in Kenya. In *Haki Na Sheria Initiative & 2 others v Cabinet Secretary Ministry of Interior & 5 others*,²⁵ the High Court held that refugees with determined status constitute lawful residents under both national and international law, and that administrative practices which hinder their access to work, residence documentation, or family unification are presumptively unconstitutional. The court emphasised the duty of state authorities to accept refugee-issued identification documents for citizenship and lawful residence purposes. This judgment reiterates the constitutional and policy imperative to eliminate barriers that prevent refugees from fully exercising the right to work, reside, and integrate into Kenyan society.

1.1.3 The Shift toward Development-Oriented Approaches: KISED P and GISDEP

In recent years, Kenya has transitioned from a humanitarian model to a development-oriented inclusion framework. The Kalobeyei Integrated Socio-Economic Development Programme (KISED P), launched in 2016, integrates refugees and host communities into county-level development planning, enhancing access to education, markets, and employment while aligning refugee livelihoods with county and national development strategies. This programme reflects Kenya's commitment under the Global Compact on Refugees (GCR) and the Comprehensive Refugee Response Framework (CRRF) to promote self-reliance and reduce aid dependency.²⁶ Similarly, the Garissa Integrated Socio-Economic Development Plan (GISDEP) extends this model to the Dadaab region, incorporating refugees into local economies through inclusive business environments, skills training, and access to work opportunities. GISDEP adopts a whole-of-society approach to sustainable solutions, benefiting both refugees and host communities and aligning with national priorities.²⁷ These programmes signify a shift toward recognising refugees as economic actors rather than mere aid recipients. If fully realised, the integrated development approach could

24 Ibid.

25 *Haki Na Sheria Initiative & 2 others v Cabinet Secretary Ministry of Interior & 5 others* [2025] KEHC 10567 (KLR).

26 UNHCR Kenya, 'Kalobeyei Integrated Socio-Economic Development Plan (KISED P)' <https://www.unhcr.org/ke/kalobeyei-integrated-socio-economic-development-plan-kisedp> accessed 25 October 2025.

27 UNHCR Kenya, 'Garissa Integrated Socio-Economic Development Plan (GISDEP)' <https://www.unhcr.org/ke/unhcr-partners-kenya/government-of-kenya/garissa-integrated-socio-economic-development-plan-gisedp> accessed 25 October 2025.

ensure a rights-based work regime grounded in equality, legality, and inclusion within local labour markets.

1.2 Core Principles of the Right to Work for Refugees

International law establishes seven interrelated principles that define the normative content of the right to work for all persons, including refugees. These principles require that work meet acceptable labour standards and protect workers' rights; guarantee just and favourable conditions of work, including fair remuneration and safe workplaces; ensure non-discriminatory access to wage-earning employment; provide social protection through inclusion in social security schemes; safeguard free choice of employment and protection from forced labour; ensure measures against unemployment such as active labour market policies; and secure workers' ability to engage constructively with employers through collective bargaining and trade union participation. Together, they establish benchmarks against which domestic refugee employment regimes must be assessed, and, in Kenya's case, show the need for legal and practical reforms to operationalise the Refugees Act 2021 in a manner that ensures decent work, social protection, and non-discriminatory labour-market access.

Figure 1: Core Principles of the Right to Work — Content and Key Indicators for Refugees

Principle	Normative Content	Legal Basis	Key Operational Indicators for Refugees
1. Acceptable Quality Work	Protection of fundamental labour rights, anti discrimination, and fair dismissal	ILO Declaration; ACHPR art 15; Refugee Convention art 24. ²⁸	Unionisation rights; access to dispute resolution; equal OSH standards; protection from arbitrary dismissal
2. Equitable Conditions of Work	Safe work, fair remuneration, reasonable hours	UDHR art 23; ICESCR art 7; ACHPR art 15. ²⁹	Minimum wage equality; safe workplaces; labour inspection access; equal pay for equal work

28 ILO, *Declaration on Fundamental Principles and Rights at Work* (1998); African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) (ACHPR) art 15; Convention relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention) art 24.

29 Universal Declaration of Human Rights (UDHR) art 23; International Covenant on Economic, Social and Cultural Rights (ICESCR) art 7; ACHPR art 15.

Principle	Normative Content	Legal Basis	Key Operational Indicators for Refugees
3. Access to Wage Earning Employment	Availability and accessibility of employment	ICESCR art 6; Refugee Convention art 17; ILO C122. ³⁰	Non-discriminatory hiring; no arbitrary sectoral limits; workable work-permit rules; access to job services
4. Social Protection	Access to social security and insurance schemes	ICESCR art 9; Refugee Convention art 24; ILO C102. ³¹	Inclusion in NSSF/SHIF; unemployment insurance; maternity/family benefits; workers' compensation
5. Free Choice of Employment	Right to choose occupation; freedom from forced labour	ICCPR art 8; ILO C29; Refugee Convention art 17. ³²	No tied permits; employer mobility; protection from exploitative recruitment; prohibition of forced labour
6. Protection Against Unemployment	Systems to mitigate unemployment	ICESCR art 6; ILO C122. ³³	Eligibility for unemployment benefits; job-matching and retraining access; inclusion in employment strategies
7. Constructive Employment Engagement	Participation in workplace representation	ILO C87; ILO C98. ³⁴	Right to join unions; anti-union discrimination protection; collective bargaining access; OSH committee participation

1.2.1 The Economic Contribution of Refugees and the Case for their Right to Work

Across Kenya, refugees constitute a significant economic force whose contributions challenge long-standing narratives of dependency. In refugee-hosting counties such as Turkana, Garissa, and Nairobi, refugees have built vibrant market ecosystems and integrated themselves into commercial life, often despite restrictive legal and administrative barriers. UNHCR estimates that Kakuma and the Kalobeyei Integrated Settlement now host approximately 2,500 refugee run businesses, representing nearly

³⁰ ICESCR art 6; Refugee Convention art 17; ILO Employment Policy Convention 122 (adopted 1964, entered into force 1966).

³¹ ICESCR art 9; Refugee Convention art 24; ILO Social Security (Minimum Standards) Convention 102 (adopted 1952, entered into force 1955).

³² International Covenant on Civil and Political Rights (ICCPR) art 8; ILO Forced Labour Convention 29 (adopted 1930, entered into force 1932); Refugee Convention art 17.

³³ ICESCR art 6; ILO Convention 122.

³⁴ ILO Freedom of Association and Protection of the Right to Organise Convention 87 (adopted 1948, entered into force 1950); ILO Right to Organise and Collective Bargaining Convention 98 (adopted 1949, entered into force 1951).

nearly 30 per cent of all known enterprises in Turkana County.³⁵ These businesses provide goods and services to both refugees and host communities, creating jobs, stimulating consumer demand, and circulating capital in an otherwise under-served region.

The World Bank's assessment of the Kakuma economy estimates its annual value at roughly USD 56 million, driven largely by retail trade, services, and transport, sectors in which refugees play a central role.³⁶ Refugee spending patterns reinforce this economic vitality as a significant proportion of household income is directed toward everyday consumer goods, forming a stable and predictable local market that supports Kenyan traders as well.³⁷ Far from displacing local businesses, evidence shows that refugees expand the economic frontier of remote regions by increasing market size, diversifying supply chains, and generating positive spillover effects. The World Bank has further noted measurable gains in local economic output and employment linked to refugee presence, highlighting that host communities, not just humanitarian agencies, benefit from integration.³⁸

A parallel trend is visible at the national level, where development actors and private investors have begun to recognise the economic opportunities within refugee-hosting areas. The Kakuma-Kalobeyi Challenge Fund, backed by the IFC and the EU, seeks to catalyse private sector investment and create employment opportunities for both refugees and Kenyans.³⁹ These initiatives are premised on Kenya's demonstrated potential to harness refugee entrepreneurialism, professional skills, and purchasing power as engines of local development. The ILO's PROSPECTS programme has similarly expanded business services and market linkages available to refugees and host communities; the Turkana Chamber of Commerce now counts more than 6,000 members, including roughly 2,500 refugees, illustrating how economic integration is already reshaping local institutional landscapes.⁴⁰ However, while the economic case for refugee work rights is compelling and increasingly well documented, it cannot serve as the sole basis for policy. Economic rationales, when used alone, are inherently

35 UNHCR, *Livelihoods and Economic Inclusion (UNHCR Kenya)* <https://www.unhcr.org/ke/livelihoods-and-economic-inclusion> accessed 18 November 2025.

36 World Bank, 'In Kenya, Refugees Are Opening up Frontiers: The Pull of Investing in Underserved Areas' (2018) <https://www.worldbank.org/en/news/feature/2018/09/27/in-kenya-refugees-are-opening-up-frontiers-the-pull-of-investing-in-underserved-areas> accessed 18 November 2025.

37 Ibid.

38 Ibid.

39 European External Action Service, 'EU Supporting Private Sector Initiatives for Refugees and Host Communities in Turkana' (EEAS) https://www.eeas.europa.eu/delegations/kenya/eu-supporting-private-sector-initiatives-refugees-and-host-communities-turkana_und_en accessed 18 November 2025.

40 International Labour Organization, 'Empowering Enterprise: Refugees and Hosts Thrive with Business Support Services in Kenya' (ILO PROSPECTS, 2024) <https://www.ilo.org/resource/article/empowering-enterprise-refugees-and-hosts-thrive-business-support-services> accessed 18 November 2025.



fragile. They fluctuate with the business cycle, political pressures, labour-market anxieties, and donor priorities. A purely utilitarian model of refugee inclusion risks endorsing rights only when financially convenient and withdrawing them when conditions shift. For this reason, the economic argument, though powerful, must ultimately be situated within a broader human-rights framework that provides stability, legal clarity, and normative grounding

1.2.2 Why a Human Rights–Based Approach Ultimately Prevails

A rights-based approach situates the refugee's right to work within fundamental principles of dignity, equality, and legal obligation. International human rights law treats the right to work not as an instrument of economic policy but as a core entitlement inherent to all persons. As already discussed, the ICESCR conceptualises work as integral to human dignity and community participation, elevating employment from a discretionary privilege to a protected right.⁴¹ Framing the right to work in this way ensures that refugees are not evaluated according to their perceived economic utility but recognised as autonomous agents entitled to self-reliance, development, and social belonging.

This legal framing is crucial because it immunises refugee work rights from the volatility of economic reasoning. Under the doctrine of non-retrogression, States may not simply withdraw or curtail rights once recognised, unless stringent criteria, necessity, proportionality, non-discrimination, and full use of available resources, are satisfied. This provides an important safeguard that regardless of economic downturns, shifting political rhetoric, or changing labour-market conditions, refugees retain enforceable rights rather than conditional privileges. Courts can therefore serve as accountability mechanisms, ensuring that Kenya's obligations under its Constitution and international treaties are upheld even when political pressures favour restriction.

A human-rights-based approach also ensures equality. If policy rests only on economic reasoning, governments may feel justified in privileging highly skilled refugees or those likely to generate profit while excluding others. Human rights principles prevent such selective inclusion by grounding the right to work in universality and non-discrimination. Every refugee, regardless of education level, nationality, age, or background, is entitled to equal access to employment opportunities. Anchoring refugee work rights in human rights also strengthens the coherence of Kenya's broader legal and policy framework. It aligns the Refugees Act, labour laws, and constitutional guarantees with the State's obligations under the 1951 Refugee Convention, the ICESCR, and regional human rights instruments. It fosters policy

41 ICESCR, art 2(1); CESCR, General Comment No 18.



stability and protects Kenya from relying on inconsistent or ad hoc administrative practices. Moreover, rights-based inclusion contributes to long-term social cohesion by affirming that refugees are full members of the community in which they live, not temporary economic actors whose presence is justified only when profitable.

Viewed in this light, the economic and rights-based arguments are not mutually exclusive. Economic contributions demonstrate the practical value of inclusion, while human rights supply the normative and legal foundation that ensures sustainability. Economic logic explains why inclusion is beneficial, while the rights-based approach explains why it is necessary.

2.0 METHODOLOGY

This assessment adopts a qualitative legal research methodology, focused on a desk-based review of primary and secondary sources. The objective is to analyse the coherence, adequacy, and implementation of Kenya’s legal and policy frameworks governing refugees' right to work.

Table 1: Focus Areas of the Review

Focus Area	Description
National Legal Instruments	Constitutional provisions, legislation, subsidiary regulations, and official policy documents related to refugees' right to work.
Regional and International Obligations	Kenya’s commitments under regional and international treaties and conventions relevant to refugee employment rights
Comparative Frameworks	Employment-related legal and policy frameworks in selected African host countries (e.g. Uganda, Ethiopia, Rwanda) for benchmarking and best practices globally.
Jurisprudence & Literature	Relevant court decisions, academic commentary, institutional reports, and policy analyses.

Table 2: Data Sources

Source Type	Examples
Primary Legal Materials	National laws and regulations, constitutional texts, judicial decisions, treaties, and official policy instruments.
Secondary Materials	Reports and publications from UNHCR, ILO, NGOs, academic institutions, and other relevant sources.
Comparative Frameworks	Legislative and policy documents from peer countries with progressive models for refugee inclusion in the labour market.

3.0 CONCEPTUALISING THE RIGHT TO WORK

The right to work is a foundational pillar of refugee protection and sustainable livelihoods. It serves as a critical bridge between humanitarian assistance and long-term self-reliance. Access to employment opportunities represents far more than mere economic participation. The right affects a refugee's dignity, degree of vulnerability, resilience, and their capacity to rebuild their lives.⁴² The conceptualisation of the right to work within refugee contexts requires a multidimensional understanding that encompasses not only formal wage employment but also self-employment, skills recognition, social protection, and the quality of work itself. Consequently, an assessment of the right to work necessitates a comprehensive analysis of the practical conditions, socioeconomic mediators, and systemic barriers that shape refugees' actual labour market participation.

The right to work for refugees has evolved considerably within international discourse, moving from a narrow focus on formal sector wage employment to a broader understanding of “decent work” that encompasses various dimensions of labour market access and protection.⁴³ This evolution recognises that refugees possess skills, entrepreneurship, and agency that, when harnessed through legal access to labour markets, can benefit both displaced populations and host communities.⁴⁴ However, the gap between legal provisions and practical implementation remains substantial, with refugees worldwide facing complex bureaucratic hurdles, discriminatory practices, and structural barriers that limit their economic potential even where formal rights exist.⁴⁵

Understanding the right to work for refugees necessitates examining multiple interconnected components that together determine whether displaced persons can meaningfully access economic opportunities and secure sustainable livelihoods. These components include access to wage-earning employment in both formal and informal sectors, the right to engage in self employment and entrepreneurship, recognition of professional qualifications and prior learning, access to social security and labour protections, freedom from exploitative working conditions, and alignment between refugees' skills and available employment opportunities.⁴⁶

42 Roger Zetter and Héloïse Ruaudel, *Refugees' Right to Work and Access to Labour Markets – An Assessment* (KNOMAD Working Paper, World Bank 2016) 1.

43 International Labour Organization, *Employment and Decent Work in Refugee and Other Forced Displacement Contexts: Compendium of ILO's Lessons Learned, Emerging Good Practices and Policy Guidance* (ILO 2020) 12-15.

44 Zetter and Ruaudel (n 5) viii.

45 *ibid* 28-29.

46 *ibid* 11-27.

3.1 Dimensions of the Right to Work

3.1.1 Employment and Self-Employment

The right to work encompasses both wage-earning employment and self-employment opportunities. For refugees, wage employment provides immediate income security but often proves challenging to access due to legal restrictions, employer attitudes, and competition within already constrained labour markets.⁴⁷ Self-employment and entrepreneurship provide refugees with alternative pathways to economic self-sufficiency, enabling them to utilise their existing skills and social networks to establish businesses that benefit both refugee and host communities. However, self-employment presents distinct challenges, including access to capital, business registration requirements, property ownership restrictions, and banking regulations that may discriminate against non-nationals.⁴⁸ Effective policy frameworks must therefore address both employment modalities, recognising that refugees' pathways to economic participation vary according to their skills, resources, and the opportunity structures within host countries.

3.1.2 Skills Recognition and Qualifications

Another dimension of the right to work concerns the recognition of refugees' professional qualifications, educational credentials, and prior learning acquired in countries of origin.⁴⁹ Refugees possess substantial human capital, including professional expertise, technical skills, and academic qualifications, which remain underutilised when host countries fail to establish recognition mechanisms. The absence of credential recognition systems forces highly skilled refugees into low-skilled employment, resulting in “brain waste” that diminishes both individual well-being and potential contributions to host economies.⁵⁰ This deskilling process perpetuates downward social mobility, as doctors, teachers, engineers, and other professionals find themselves relegated to menial labour. Establishing qualification recognition frameworks, including mechanisms for assessing competencies through alternative means when documentation is unavailable, is therefore an essential component of meaningful right to work implementation.⁵¹

45 *ibid* 28-29.

46 *ibid* 11-27.

47 *ibid* 25-26.

48 *ibid* 13.

49 Per Andersson and others, 'Recognition of Prior Learning for Highly Skilled Refugees' Labour Market Integration' (2021) 59(6) *International Migration* 379, 380.

50 Sayed Botoon, 'Unveiling Disadvantages Faced by Refugee Professionals: A Review of Intersecting Challenges in Professional Reintegration' (2025) 19(1) *Sociology Compass* e70061, 2-3.

51 UNESCO, *What a Waste: Ensure Migrants and Refugees' Qualifications and Prior Learning Are Recognized* (UNESCO 2018) 8-12.

3.1.3 The '3Ds' and Employment Quality

The quality of work accessible to refugees is another fundamental concern within the extant discourse on the right to work. Migrants and refugees disproportionately find themselves consigned to what scholars characterise as “3D jobs”, work that is dirty, dangerous, and demeaning.⁵² This categorisation describes employment sectors characterised by poor working conditions, minimal legal protections, health and safety risks, and social stigmatisation. Refugees working without formal legal status or adequate documentation become particularly vulnerable to such exploitative arrangements, accepting hazardous working conditions, substandard wages, and excessive hours due to their precarious position.⁵³ The prevalence of 3D employment among displaced populations reflects not merely individual circumstances but systemic patterns wherein host labour markets channel refugees toward undesirable sectors that national workers reject.⁵⁴ To address this concern, there is a need for the express recognition of the labour rights of refugees, targeted labour inspection systems, enforcement of anti discrimination laws, and other proactive measures to ensure refugees have access to decent work that respects their dignity and safety

3.1.4 Social Security and Labour Protections

The right to work extends beyond mere access to employment and entails protections in the workplace and social security provisions that safeguard workers' wellbeing and economic security.⁵⁵ For refugees, access to social protection systems, including unemployment insurance, disability benefits, pension schemes, and health insurance, often remains limited even when employment rights exist.⁵⁶ Many countries explicitly exclude non-citizens from social security programmes, while others impose residency or contribution requirements that refugees cannot meet.⁵⁷ Labour protections such as minimum wage enforcement, maximum working hours, occupational safety standards, and freedom of association through trade unions similarly may not extend to refugee workers, particularly those in informal employment. This exclusion from protective frameworks amplifies refugees' vulnerability to exploitation and prevents them from achieving genuine economic security even when formally employed. Comprehensive right-to-work frameworks must therefore address the full spectrum of workplace rights and social protections essential to sustainable livelihoods.⁵⁸

52 Castles, de Haas, and Miller, *The Age of Migration: International Population Movements in the Modern World* (6th edn, Macmillan 2020).

53 Sarah C Moyce and Marc Schenker, 'Migrant Workers and Their Occupational Health and Safety' (2018) 59 *Annual Review of Public Health* 351, 355-358.

54 Castles and Miller (n 15).

55 Zetter and Ruaudel (n 5) 12.

56 *Ibid.*

57 *ibid* 13.

58 International Labour Organization (n 6) 38-42.

3.1.5 Labour Market Matching and Integration

Practical realisation of the right to work also requires mechanisms that facilitate appropriate matching between refugees' skills and qualifications and available employment opportunities within host labour markets.⁵⁹ Without such matching mechanisms, refugees experience prolonged unemployment, accept employment far below their qualification levels, or work in sectors where their skills remain underutilised. Labour market integration services, including career counselling, job placement assistance, skills gap training, and language instruction, play crucial roles in facilitating this matching process.⁶⁰ However, such services are frequently inadequate or absent for refugee populations, who may lack information about labour market opportunities, face discrimination from employment agencies, or encounter employers uncertain about refugees' legal status and work authorisation. The absence of effective labour market integration mechanisms contributes to the concentration of refugees in specific sectors, often characterised by low pay and poor conditions, rather than distribution across the economy according to skills and preferences.⁶¹ The following table synthesises the essential components that constitute the right to work for refugees, encompassing legal entitlements, practical dimensions, and enabling conditions.

Table 3: Key Components of the Right to Work

Component	Description	Key Considerations
Formal Employment Rights	Legal authorisation to engage in wage employment	Work permit requirements; sectoral restrictions; equivalence with nationals; renewal procedures
Self-Employment & Entrepreneurship	Right to establish and operate businesses.	Business registration; property ownership; access to credit; investment requirements
Access to Decent Work	Employment characterised by fair conditions, adequate remuneration, and safety	Labour standards enforcement; freedom from 3D jobs; occupational health and safety; working hours regulation
Social Protection	Access to social security systems and workplace benefits	Health insurance; pension schemes; unemployment benefits; disability insurance; maternity protection
Freedom of Association	Right to join and form trade unions	Collective bargaining rights; protection from union-related discrimination; representation in labour disputes

59 Zetter and Ruaudel (n 5) 18.

60 *ibid* 18-19.

61 *Ibid* 32.

Component	Description	Key Considerations
Non-Discrimination	Equal treatment in hiring, remuneration, and conditions	Protection from xenophobic practices; enforcement mechanisms; gender equality; accessibility for persons with disabilities
Freedom of Movement	Mobility to access employment opportunities	Encampment policies; geographic restrictions; rural-urban mobility; cross border movement
Labour Market Integration Services	Support for job matching and skills development	training; skills upgrading; labour market information
Access to Justice	Legal remedies for workplace violations	Knowledge of rights; access to legal aid; labour court systems; complaint mechanisms; protection from retaliation
Financial Inclusion	Access to banking and financial services	Bank account opening; wage payment mechanisms, access to credit, savings facilities
Documentation	Identity and work authorisation documents	Refugee status determination; work permits; identity cards; recognition by employers and authorities

3.2 Systemic Barriers to Effective Implementation

Despite legal frameworks that ostensibly grant refugees the right to work, numerous systemic barriers impede its practical realisation. Bureaucratic complexity, including lengthy status determination procedures, expensive permit requirements, and bureaucratic application processes, creates substantial hurdles even where legal entitlements exist.⁶² Employer attitudes, shaped by xenophobia, misconceptions about legal requirements, or a preference for more vulnerable undocumented workers, significantly limit refugees' employment prospects regardless of formal authorisation.⁶³ Socioeconomic conditions within host countries, including fragile economies, high unemployment among nationals, and limited formal-sector capacity, also create competitive labour markets in which refugees face structural disadvantage.⁶⁴ Gender discrimination compounds these barriers, with refugee women experiencing heightened vulnerability to exploitation, sexual harassment, and exclusion from specific employment sectors.⁶⁵

Policy inconsistencies between refugee protection frameworks and labour market regulations create additional complications, as ministries responsible for refugee affairs and those governing employment often fail to coordinate effectively.⁶⁶

⁶² *ibid* 15.

⁶³ *ibid* 16.

⁶⁴ *ibid* 19-20.

⁶⁵ *ibid* 22-23

⁶⁶ *ibid* 31.



Specifically, the predominance of informal jobs, while providing some economic opportunities for refugees, also exposes them to exploitative conditions, often without legal recourse.⁶⁷ Spatial restrictions, whether through formal encampment policies or informal constraints on mobility, limit refugees' access to economic opportunities that are largely concentrated in urban centres.⁶⁸ Educational barriers, including limited access to language training and skills development programmes, also prevent refugees from competing effectively within host labour markets.⁶⁹ These multiple, intersecting barriers demonstrate that an assessment of the effectiveness of the legal right to work in Kenya necessitates going beyond the legal stipulation of the right in the Refugee Act, and necessitates an examination of whether there are comprehensive legislative and policy frameworks addressing the implementation challenges that exist due to the considerations in the political economy, labour market conditions in the country, and the social attitudes that mediate refugees' employment access even where legal rights exist. Having established this comprehensive conceptual framework for understanding the right to work, the analysis now turns to international legal instruments that provide the normative foundation for these various dimensions

⁶⁷ *Ibid* 26.

⁶⁸ *Ibid* 13-14.

⁶⁹ *Ibid* 18.

4.0 INTERNATIONAL LEGAL FRAMEWORKS AND KENYA'S OBLIGATIONS ON THE RIGHT TO WORK FOR REFUGEES

Kenya has obligations regarding the right to work for refugees arising from its ratification of some international and regional instruments. This section examines these obligations and establishes normative standards against which Kenya's national framework must be assessed

Table 4: Kenya's Ratification of Key International and Regional Instruments

Instrument	Ratification Date	Key Work-Related Provisions
ICESCR (International Covenant on Economic, Social and Cultural Rights)	1 May 1972	Articles 6–7 (right to work; just and favourable conditions of work)
1951 Refugee Convention	16 May 1966	Arts 17-19, 24 (employment, self-employment, liberal professions)
1967 Refugee Protocol	16 May 1981	Removes temporal and geographical limitations from the 1951 Convention
ICCPR (International Covenant on Civil and Political Rights)	1 May 1972	Article 8 (prohibition of slavery and forced labour)
African Charter on Human and Peoples' Rights (ACHPR)	23 Jan 1992	Article 15 (right to work under equitable and satisfactory conditions)
CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women)	9 March 1984	Article 11 (employment rights and workplace equality for women)
(Convention on the Rights of Persons with Disabilities)	19 May 2008	Article 27 (right of persons with disabilities to work and employment)
1969 OAU Refugee Convention	23 June 1992	Article II (obligation to grant asylum and protect refugees)

4.1 The Right to Work in International Human Rights Law

4.1.1 The Right to Work for Refugees under the ICESCR

Article 6 stipulates that the ICESCR applies to every person. The Committee on Economic, Social and Cultural Rights (CESCR) has confirmed that this extends to “refugees, asylum seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation”.⁷⁰ Article 6 of the ICESCR recognises everyone’s right to freely chosen or accepted work, obligating States to safeguard this right. Article 7 establishes the right to just and favourable working conditions. CESCR emphasises that work is both essential for realising other rights and inseparable from human dignity.⁷¹ For Article 7 of the ICESCR, the CESCR further specifies that States should “enact legislation enabling refugees to work and under conditions no less favourable than for nationals”. Based on the provisions, financial assistance for refugees cannot justify restrictions in employment, as the human dignity dimension must also be respected.⁷² The CESCR has also clarified that while article 6 does not guarantee employment per se, it protects against arbitrary work deprivation and forced labour, and requires that work be “decent work”, meaning that it should provide adequate income while respecting workers’ physical and mental integrity.⁷³

Table 5: Essential Elements of the Right to Work under ICESCR⁷⁴

Element	State Obligation	Application to Key Components
Availability	Establish employment services to assist job-seekers	Labour Market Integration Services: Career counselling, job placement, skills training, and labour market information must be accessible to refugees
Accessibility	Prohibit discrimination; promote equal access	Non-Discrimination & Formal Employment Rights: Work permits, sectoral restrictions cannot constitute discrimination; Documentation: Identity documents must facilitate rather than obstruct access
Acceptability	Ensure just conditions, protect from exploitation, and reduce the informal sector.	Access to Decent Work: Enforcement of labour standards; Social Protection: Coverage under protective schemes; Freedom of Association: Union rights; Access to Justice: Remedies for violations.

⁷⁰ CESCR, 'General Comment No 20: Non-discrimination in Economic, Social and Cultural Rights' (2 July 2009) UN Doc E/C.12/GC/20, para 7.

⁷¹ UN Committee on Economic, Social and Cultural Rights (CESCR), 'General Comment No 18: The Right to Work (Art 6)' (6 February 2006) UN Doc E/C.12/GC/18, para 1.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Cathryn Costello and Colm O'Cinnéide, *The Right to Work of Asylum Seekers and Refugees (ASILE Working Paper, 10 May 2021)* https://www.asileproject.eu/wp-content/uploads/2021/07/CostelloOCinneide_RightToWorkASILE_10May2021.pdf accessed [14 October 2025].

Article 2(1) of the ICESCR requires States to progressively realise the rights in the Covenant using the maximum available resources.⁷⁵ However, some obligations take immediate effect, particularly the minimum core content, which includes non-discrimination in access to employment, decent work conditions, prevention of labour exploitation, and labour market integration through inclusive employment strategies. Article 2(2) mandates the immediate guarantee of non-discrimination as a human right, while Article 4 allows limitations only if they are compatible with the nature of the rights and necessary to promote general welfare in a democratic society. A key counterargument may be postulated through Article 2(3), which allows developing countries to determine the scope of economic rights for non-nationals, with due regard to human rights and their national economy. This clause must, however, be carefully interpreted noting the following key consideration:

1. Human rights must be upheld: Article 2(3) cannot justify violations of non-economic rights, such as the prohibition of forced labour, or other treaty obligations.⁷⁶
2. Economic justification must be genuine: States must show that excluding non-nationals benefits the economy. In practice, such exclusions often lead to exploitative shadow labour markets that harm local workers and economic stability.⁷⁷
3. Historical context matters: Travaux préparatoires indicate Article 2(3) was intended to allow newly independent States to limit the economic dominance of former colonial elites, and not to marginalise vulnerable populations.⁷⁸
4. No precedent: No State has invoked Article 2(3) to justify discrimination against refugees.⁷⁹

Therefore, substantial employment restrictions on refugees and asylum seekers likely breach Article 6 unless they meet the strict justification criteria under Article 4. This applies across key dimensions of the right to work, including formal employment, self-employment and entrepreneurship, and recognition of skills and qualifications.

4.1.2 The Global Compact on Refugees and the Right to Work

The GCR, affirmed by the UN General Assembly in December 2018, is a key international policy framework for strengthening refugee protection and supporting host states. Although non-binding, it builds upon the 1951 Convention Relating to the

⁷⁵ *Ibid.*

⁷⁶ *Costello and O'Cinnéide (n 37).*

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

Status of Refugees, seeking to operationalise its principles through enhanced burden- and responsibility-sharing, promotion of self-reliance, and inclusion of refugees in national systems.⁸⁰ A core objective of the GCR is to promote refugee self-reliance, which directly engages the right to work and access to livelihoods. The Compact recognises that enabling refugees to work lawfully and participate in local economies benefits both refugees and host communities, reducing dependency on aid and fostering resilience.⁸¹ It calls on States to adopt national policies facilitating employment, entrepreneurship, and vocational training for refugees, in alignment with domestic development and labour market priorities.

In Kenya's context, the GCR serves as a normative and policy benchmark for the inclusion of refugees within national economic and social systems. Kenya, as a signatory, has expressed commitment to these objectives through its engagement with the CRRF, a mechanism within the GCR that promotes integrated, development-oriented approaches.⁸² The CRRF encourages Kenya to create enabling legal and policy environments for refugees' access to work and livelihoods, as exemplified in initiatives such as the Kalobeyei Integrated Settlement in Turkana County.⁸³

4.2 The Refugee Convention Framework

While Article 6 of the ICESCR arguably offers broader protection, the 1951 Refugee Convention provides more specific and detailed standards on the right to work, particularly in Articles 15, 17, 18, 19, and 24.⁸⁴

Table 5: Essential Elements of the Right to Work under ICESCR⁷

Right	Article	Applies to	Standard of Treatment	Relevant Components
Freedom of Association	15	Refugees lawfully staying	Most favourable treatment accorded to foreign nationals	Association / Trade Unions
Wage-Earning Employment	17	Refugees lawfully staying	Most favourable treatment accorded to foreign nationals	Formal Employment Rights

80 United Nations General Assembly, *Global Compact on Refugees*, UN Doc A/73/12 (Part II) (17 December 2018) para 2.

81 *Ibid* Par. 7

82 UNHCR, *Comprehensive Refugee Response Framework: From the New York Declaration to a Global Compact on Refugees* (UNHCR 2018) 4.

83 Government of Kenya and UNHCR, *Kalobeyei Integrated Socio-Economic Development Programme (KISEDPP) 2018–2022* (UNHCR 2018).

84 Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention).

Right	Article	Applies to	Standard of Treatment	Relevant Components
Self-Employment	18	Refugees lawfully in the territory	Treatment accorded to aliens generally	Self-Employment & Entrepreneurship
Liberal Professions	19	Refugees lawfully in the territory	Treatment accorded to aliens generally	Skills & Qualifications Recognition
Labour Law & Social Security	24	Refugees lawfully staying	National treatment	Social Protection; Access to Decent Work

The term “lawfully staying”, under Article 17, denotes a stronger legal attachment than “lawfully in”, under Articles 18 and 19. Legally recognised refugees fall within the former, and asylum seekers whose claims remain undecided beyond a reasonable time may also qualify. In contrast, the term “lawfully in” includes those admitted temporarily, such as asylum seekers and individuals under temporary protection.⁸⁵ The “most favourable treatment” standard under Article 17 entitles refugees to the best treatment granted to any foreign national. Where no privileged group exists, the Michigan Guidelines propose permanent residents as an appropriate comparator.⁸⁶ For self-employment, under Article 18, refugees should receive a similar standard of treatment to “aliens generally”. Notably, Article 5 of the Refugee Convention ensures refugees benefit from more favorable rights protections available under other instruments, such as the ICESCR or, in the African context, the African Charter

4.3 CRPD and CEDAW

Kenya is a State Party to the CRPD, which applies to all persons with disabilities within its jurisdiction, including refugees. Article 27 of the CRPD requires States to promote access to work for persons with disabilities on an equal basis with others, through both non discrimination and reasonable accommodation.⁸⁷ This includes adapting work environments, recruitment procedures, and support services to ensure effective inclusion. In the context of refugee employment, this means that Kenyan policies must ensure that programmes promoting access to work also address the accessibility needs of refugees with disabilities, as part of the broader non-discrimination obligation.

⁸⁵ Costello and O’Cinnéide (n 37).

⁸⁶ Refugee and Asylum Law Forum, *The Michigan Guidelines on the Right to Work* (University of Michigan Law School, March 2010) <https://www.refworld.org/docid/4bbaf1242.html> accessed 14 October 2025.

⁸⁷ Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3, art 27.

Under CEDAW, Kenya is further obliged to ensure that all women, including refugee women and women with disabilities, enjoy the right to work and to equal employment opportunities.⁸⁸ Article 11 requires States to eliminate discrimination in the field of employment and to guarantee equality in recruitment, promotion, vocational training, and remuneration. The Committee on the Elimination of Discrimination against Women, in its General Recommendation No. 32, emphasises that women asylum seekers and refugees must be provided with “sources of livelihood and employment opportunities” and that States must ensure an adequate standard of living throughout the asylum and integration processes.⁸⁹ This reinforces the need for States such as Kenya to design refugee policies that promote equal access to work and sustainable livelihoods for refugee women. General Recommendation No. 18 further recognises that women with disabilities face double discrimination and calls on States to take measures to ensure their equal access to employment, education, and social participation.⁹⁰

Accordingly, Kenya’s labour, disability, and refugee policies should integrate gender- and disability-responsive approaches to ensure inclusive and non-discriminatory access to livelihood opportunities. In the context of the right to work, this implies that Kenya must ensure that employment and livelihood programmes are accessible and inclusive for women with disabilities, including those within refugee populations.

4.4 Regional Framework: The African Union

The ACHPR adopts an integrated and indivisible approach to civil, political, economic, social, and cultural rights. Article 15 provides that “every individual shall have the right to work under equitable and satisfactory conditions and shall receive equal pay for equal work.”⁹¹ This right applies universally, without limitation to nationality or legal status. The African Commission on Human and Peoples’ Rights has interpreted Article 15 as requiring States to guarantee equal access to decent work, and to regulate both public and private employers to prevent violations, reflecting the minimum core obligations under Article 6 of the ICESCR.⁹² Refugees are not excluded from the Charter’s protection. The Commission has consistently affirmed that Charter rights

88 *Convention on the Elimination of All Forms of Discrimination against Women, adopted 18 December 1979, entered into force 3 September 1981, 1249 UNTS 13, Article 2.*

89 *Committee on the Elimination of Discrimination against Women, General Recommendation No 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women (14 November 2014) UN Doc CEDAW/C/GC/32, paras 33 and 48.*

90 *Committee on the Elimination of Discrimination against Women, General Recommendation No 18: Disabled Women (1991) UN Doc A/46/38, para 1.*

91 *African Charter on Human and Peoples’ Rights (adopted 27 June 1981, entered into force 21 October 1986) 1520 UNTS 217 (ACHPR), art 15.*

92 *African Commission on Human and Peoples’ Rights, Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples’ Rights (2004), para 55.*

apply to all individuals within a State's jurisdiction, including non-nationals and refugees.⁹³ This interpretation imposes positive obligations on States to ensure non-discriminatory access to work and social protections. The Commission has also urged States to accelerate asylum procedures⁹⁴ and to adopt measures for refugee integration,⁹⁵ which include facilitating access to employment and vocational training.

In addition to the Charter, Kenya is also bound by the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969). This landmark treaty expands the definition of a refugee beyond the 1951 Convention and reinforces the principle of non-discrimination in the treatment of refugees.⁹⁶ While it does not explicitly mention the right to work, the Convention calls on States to cooperate in ensuring refugee protection and solutions, including local integration, which implies access to employment and livelihoods. The Protocol to the African Charter on the Rights of Citizens to Social Protection and Social Security, adopted in 2022 but not yet in force, also reaffirms the right to work and social security for all individuals, including migrants, refugees, and asylum seekers.⁹⁷ These regional instruments reinforce Kenya's legal duty to uphold the rights of refugees and asylum seekers in relation to non-discrimination in employment, access to decent work, and inclusion in labour market integration measures.

4.5 Regional Economic Communities: Legal and Policy Frameworks on the Right to Work for Refugees

Kenya is a member of three key Regional Economic Communities (RECs) relevant to refugee rights: the East African Community (EAC), the Intergovernmental Authority on Development (IGAD), and the Common Market for Eastern and Southern Africa (COMESA). Each of these RECs promotes labour mobility, integration, and human rights, though their approaches to the right to work for refugees vary in scope, legal force, and implementation. While most REC frameworks do not specifically target refugees, their broader commitments to labour rights, non-discrimination, freedom of movement, and social inclusion provide an interpretive basis for advancing refugee access to employment within member states. Some policies are binding; others are still non-binding or awaiting ratification.

93 *Rencontre Africaine pour la Défense des Droits de l'Homme v Zambia* (2000) AHRLR 321 (ACHPR 1996); see also *African Institute for Human Rights and Development (on behalf of Sierra Leonean refugees in Guinea) v Guinea* (2004) AHRLR 57 (ACHPR 2004).

94 ACHRP, 'Concluding Observations and Recommendations on the 1st Periodic Report of the Union of South Africa' (21 November–5 December 2005) para 26.

95 ACHRP, 'Concluding Observations and Recommendations on the 3rd Periodic Report of the Republic of Sudan' (13–27 May 2009) para 39.

96 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (adopted 10 September 1969, entered into force 20 June 1974) 1001 UNTS 45, arts I (2) and III.

97 African Union, *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security* (adopted 6 February 2022, not yet in force), arts 6–8.

Table 7: Right to Work in REC Legal and Policy Frameworks

REC	Relevant Instrument / Policy	Status	Provisions Related to the Right to Work for Refugees
EAC	Protocol on the Establishment of the EAC Common Market (2010)	Ratified by Kenya	Provides for the free movement of persons, labour, and services; does not explicitly include refugees, but offers a framework for labour market access. ⁹⁸
	EAC Refugee Management Policy (Draft)	Not yet adopted	Proposes harmonised refugee protection across the region, including work rights and recognition of qualifications. ⁹⁹
IGAD	IGAD Protocol on Free Movement of Persons (2021)	Kenya is a signatory; it has not yet ratified	Article 13 explicitly recognises refugees' right to work, reside, and establish businesses in host states. ¹⁰⁰
	IGAD Kampala Declaration on Jobs, Livelihoods, and Self Reliance for Refugees (2019)	Political declaration; non-binding	Commits Member States to integrate refugees into national development plans and promote access to labour markets. ¹⁰¹
COMESA	COMESA Treaty (1993) & Protocol on the Free Movement of Persons, Labour, Services, Right of Establishment and Residence (drafted 2001)	Kenya hasn't ratified the protocol.	The treaty promotes labour mobility in general; however, it makes no all member states have adopted the Protocol. ¹⁰²

IGAD is the most progressive REC in terms of refugee rights. The 2021 IGAD Protocol on Free Movement of Persons explicitly includes refugees, granting them the right to work, reside, and establish businesses. Kenya signed the protocol in 2024 but has yet to ratify it.¹⁰³ The IGAD Kampala Declaration further affirms commitments to refugee economic inclusion as part of regional development strategies. As such, despite Kenya's active participation in RECs, there is a lack of consistency in regional labour mobility frameworks and refugee-specific protections.

98 East African Community, *Protocol on the Establishment of the East African Community Common Market* (adopted 20 November 2009, entered into force 1 July 2010), arts 7–10.

99 East African Community, *Draft EAC Refugee Management Policy*.

100 IGAD, *Protocol on Free Movement of Persons in the IGAD Region* (adopted 26 February 2021, not yet in force), art 13.

101 IGAD, *Kampala Declaration on Jobs, Livelihoods and Self-Reliance for Refugees, Returnees and Host Communities* (28 March 2019).

102 COMESA, *Treaty Establishing the Common Market for Eastern and Southern Africa* (signed 5 November 1993), art 164; *Draft COMESA Protocol on Free Movement of Persons, Labour, Services, Right of Establishment and Residence* (2001, not ratified).

103 IGAD, 'Kenya Signs the IGAD Free Movement of Persons Protocol' (IGAD, 7 June 2024)

<https://igad.int/kenya-signs-the-igad-free-movement-of-persons-protocol/> accessed 14 October 2025.

4.6 Conclusion

The international treaties summarised below create binding obligations to respect, protect, and fulfill refugees' right to work. The minimum core obligations include non-discrimination, preventing exploitation, and establishing employment strategies, which take immediate effect regardless of resource constraints

Table 8: International Standards Supporting Key Right to Work Components

Component	Primary Legal Basis	Standard	Kenya's Obligation
Formal Employment Rights	Art 6 ICESCR; Art 17 Refugee Convention; Art 15 ACHPR	Non-discrimination; most favourable foreigner treatment	Remove arbitrary restrictions; ensure lawful work authorisation
Self-Employment & Entrepreneurship	Art 6 ICESCR; Art 18 Refugee Convention	Minimum: aliens' general treatment	Facilitate business registration; remove ownership barriers
Skills Recognition	Art 6 ICESCR; Art 19 Refugee Convention	Accessibility element	Establish recognition procedures; alternative assessments
Access to Decent Work	Arts 6-7 ICESCR; Art 24 Refugee Convention; Art 15 ACHPR	Just conditions; national treatment in labour law	Enforce labour standards equally; prevent 3D jobs exploitation
Social Protection	Art 9 ICESCR; Art 24 Refugee Convention	National treatment for lawfully staying refugees	Extend social security coverage; health insurance access
Freedom of Association	Art 8 ICESCR; Art 15 Refugee Convention	Most favourable foreigner/non discrimination	Ensure union rights; collective bargaining access
Non-Discrimination	Art 2(2) ICESCR (minimum core); CEDAW Art 11; CRPD Art 27	Immediate obligation	Prohibit xenophobic practices; gender equality; disability inclusion
Freedom of Movement	Art 12 ICCPR; Art 26 Refugee Convention	Liberty of movement within territory	Eliminate encampment restrictions on labour mobility
Labour Market Integration	Art 6 ICESCR (availability element—minimum core)	Establish employment services	Provide job placement, counselling, skills training to refugees
Access to Justice	Art 2(3) ICESCR; Art 16 Refugee Convention	Access to courts; national treatment	Legal aid; labour court access; complaint mechanisms
Financial Inclusion	Art 6 ICESCR (instrumental dimension)	Necessary for realising the right to work	Bank account access; wage payment systems
Documentation	Art 27 Refugee Convention; Art 6 ICESCR (accessibility)	Travel documents; work facilitation	Issue appropriate identity/work documents

The next section examines Kenya's domestic legal framework to determine whether it meets these international obligations across the identified dimensions of the right to work.

5.0 KENYA'S LEGAL FRAMEWORK ON THE RIGHT TO WORK FOR REFUGEES

5.1 Constitutional Framework

The Constitution of Kenya, 2010, establishes a rights-based legal order that extends some fundamental protections to all persons within Kenya's jurisdiction

5.1.1 Fair Labour Practices

Article 41 of the Constitution, which is the cornerstone of employment rights in Kenya, provides that:

1. Every person has the right to fair labour practices.
2. Every worker has the right:
 - a) to fair remuneration;
 - b) to reasonable working conditions;
 - c) to form, join or participate in the activities and programmes of a trade union; and
 - d) to go on strike.

The phrase “every person” rather than “every citizen” signals a conscious constitutional choice to extend labour rights universally. This universalist formulation aligns with international human rights norms and suggests that refugees, as persons lawfully present in Kenya, fall within the protective scope of Article 41. The Constitution thus provides textual support for treating the right to work as a human right rather than a privilege of citizenship.

5.1.2 Equality and Non-Discrimination

Article 27 of the Constitution guarantees equality before the law and prohibits discrimination on grounds including “race, sex, ethnic or social origin.” When read alongside Article 41, this provision should, in theory, shield refugee workers from discrimination in accessing employment or workplace protections. However, the Constitution does not explicitly address how equality principles apply to non-citizens in the labour market, leaving considerable interpretive discretion to administrators and courts.

5.1.3 Right to Social Security

Article 43(1) (e) of the Constitution guarantees every person the right to social security. At the same time, Article 43(3) requires the State to provide appropriate social security to persons who are unable to support themselves and their dependents.¹⁰⁴

¹⁰⁴ Constitution of Kenya 2010, art 43(1) (e) and 43(3).

The use of “every person” mirrors the language of Article 41 and signals a constitutional commitment to universal access, irrespective of citizenship or immigration status. In the context of refugee employment, this provision is critical. It implies that refugees, once engaged in the workforce or lawfully resident in Kenya, should be eligible for labour protections and public social insurance schemes, such as health benefits, pensions, and workplace injury compensation. When read together with Articles 41 and 27, Article 43 reinforces Kenya’s constitutional obligation to ensure decent work and non-discriminatory access to labour-related social protections for refugees. However, in practice, access to national social security institutions such as the National Social Security Fund (NSSF) and Social Health Insurance Fund (SHIF) remains unclear or uneven for refugees, often due to barriers in documentation or restrictive interpretations of eligibility rules.¹⁰⁵

5.1.4 International Law and the Bill of Rights

Articles 2(5) and 2(6) of the Constitution provide that “the general rules of international law shall form part of the law of Kenya” and that “any treaty or convention ratified by Kenya shall form part of the law of Kenya.” This constitutional incorporation of international law as a source of Kenyan law strengthens refugees' claims to employment rights under instruments like the 1951 Refugee Convention and the ICESCR, both of which Kenya has ratified. Additionally, Article 20(1) confirms that the Bill of Rights applies to “all law” and binds “all State organs and all persons,” creating a horizontal effect that extends constitutional protections into private employment relationships.

Table 9: Constitutional Provisions Relevant to Refugees' Right to Work

Provision	Content	Implication for Refugees	Implementation Gap
Article 41	Right to fair labour practices for "every person"	Textually includes refugees in labour rights framework	No explicit operational guidance on application to non-citizens
Article 27	Equality and non-discrimination	Protects against employment discrimination based on origin	Limited enforcement mechanisms accessible to refugees
Article 2(5)–(6)	Incorporation of international law	Strengthens claims under refugee and human rights treaties	Inconsistent judicial application in refugee contexts
Article 43	Right to social security	Guarantees social security for "every person"	Primarily implemented for citizens; refugee access unclear

¹⁰⁵ International Rescue Committee, *An Analysis and Evaluation of Refugee-Related Policies and Legislation: Uganda | Kenya* (Re: Build, October 2022).

Despite its progressive language, the Constitution contains no specific provisions recognising refugees' unique vulnerabilities or their particular barriers to labour market access. This silence has enabled restrictive administrative practices that undermine the universalist promise of Article 41. Moreover, the Constitution does not provide guidance on reconciling labour rights with immigration control measures, creating interpretive challenges when refugee and immigration law intersect.

5.2 Legislative Framework on Right to Work for Refugees in Kenya

5.2.1 The Refugees Act, 2021

The Refugees Act, 2021, which came into force on 23 February 2022, replaced the earlier Refugees Act, 2006, and represents a significant evolution toward a rights-based and development-oriented approach to refugee protection. The Act establishes administrative structures, refugee status determination procedures, and, crucially, articulates refugees' rights and responsibilities.

Section 28 of Kenya's Refugees Act 2021 guarantees refugees the right to legal documentation enabling them to engage individually or collectively in gainful employment, enterprise, or to practice a profession or trade where Kenyan authorities recognise their qualifications. This creates a statutory right to work, conditional on qualification recognition. Further, section 28(6) affirms that refugees and asylum seekers have the right to identification and civil registration documents, which suffice for accessing rights and services under this Act and other laws, implying acceptance of refugee identity documents for employment without additional requirements. However, the Act contains some ambiguity: section 8(2) (v) requires that refugee activities must not negatively impact host communities, natural resources, or the environment. This vague limitation may be used to restrict refugee employment, particularly during times of economic stress or political sensitivity.¹⁰⁶

The Refugees Act 2021 establishes three central bodies, which are the Department of Refugee Services (DRS), the Refugee Advisory Committee, and the Refugee Status Appeals Committee. The DRS is tasked with refugee status determination, issuance of identification documents, regulation of freedom of movement, and facilitating durable solutions. However, the Act does not provide for a dedicated mechanism to address employment-specific issues or to coordinate with labour market authorities, revealing a gap in institutional frameworks for refugee work rights. The Commissioner for Refugee Affairs is mandated to issue refugee identification documents and to facilitate the issuance of civil registration and other relevant documents by government agencies. Section 28(7) of the Refugees Act 2021 states that refugee

¹⁰⁶ Refugees Act 2021 (Kenya) s 28(1), s 28(6), s 8(2) (v).

identity cards shall have “similar status” to the Foreign National Registration Certificate issued under the Kenya Citizenship and Immigration Act. However, the use of the term “similar” rather than “equivalent” creates legal ambiguity about whether refugee IDs hold the same legal weight as other residence permits. This ambiguity has practical implications, as many employers and government agencies do not consistently recognise refugee IDs as sufficient for work authorisation.

Table 10: Key Provisions of the Refugees Act, 2021 on Employment Rights

Section	Provision	Legal Effect	Practical Challenge
28(4)	Refugees shall be enabled to contribute to economic and social development through access to documentation.	Creates facilitate an obligation to documentation	Lengthy, unclear documentation processes
28(6)	Right to engage in employment, enterprise, proffession or trade with recognised qualifications.	Establishes right to work a statutory	Qualification recognition mechanisms underdevelopment
28(7)	Refugee ID shall have "similar status" to Foreign National Registration Certificate	Intended to enable employment access	"Similar" vs "equivalent" creates enforcement gaps
8(2)(v)	Refugee activities must not negatively impact host communities	Potential limitation on work rights	Vague standard enables discriminatory application

5.2.1.1 Refugees (General) Regulations, 2024

The Refugees (General) Regulations, 2024, operationalise the Refugees Act, 2021, by establishing administrative procedures governing refugee management, including refugee status determination, documentation, designated areas, and access to employment.¹⁰⁷ Yet, the Regulations are strikingly silent on how that right to work is to be exercised. Their silence produces a regulatory vacuum, whereby the right to work exists in law but lacks implementing mechanisms, leaving refugees dependent on discretionary administrative practice or cross application of immigration rules that do not address the historical challenges that hindered enjoyment of the right.

a) Documentation and Its Exclusionary Effects

The most direct interface between the Regulations and the right to work lies in the documentation regime under Part IV (Regulations 28–32). Part IV of the Regulations governs refugee and asylum-seeker documentation. The Commissioner is required to issue a refugee identity card to every recognised refugee, and an asylum-seeker pass

¹⁰⁷ The Refugees Act, 2021 (Act No. 10 of 2021), published in Kenya Gazette Vol. CXIII—No. 246 on 3 December 2021, assented to on 17 November 2021, and commenced on 21 February 2022.

to those awaiting determination.¹⁰⁸ These documents serve as proof of lawful presence and, in principle, should facilitate access to employment, banking, and other services requiring identification.

However, the Regulations impose documentation standards that often serve as gatekeepers rather than enablers of economic participation. Regulation 28(2) allows the Commissioner to request “any other information as may be required,” a broad discretion that, in practice, may enable inconsistent and sometimes prohibitive documentation demands. Refugees unable to produce national passports, educational certificates, or proof of residence, which may have been lost due to displacement, risk being excluded from timely registration. The lack of explicit recognition of alternative or secondary evidence perpetuates the administrative precarity that already characterises refugee livelihoods.

b) Designated Areas and Restrictions on Economic Mobility

The Regulations retain the encampment system established under the Refugees Act, 2021. Regulation 46(1) requires refugees to reside in designated areas unless exempted by the Commissioner. Although Regulation 46(2) allows for relocation “for reasons of employment, education, or protection,” it provides no criteria, timelines, or procedural safeguards for obtaining such authorisation. In practice, this has entrenched spatial exclusion, as refugees in Dadaab and Kakuma camps remain geographically separated from urban labour markets in Nairobi, Mombasa, and other economic hubs. These mobility restrictions render the constitutional guarantee of fair labour practices under Article 41, which should be available to “every person”, largely theoretical for many refugees. They also contradict the 2021 Act’s objective of promoting refugee self-reliance and integration.¹⁰⁹

c) Absence of Work Authorisation Procedures

Unlike the repealed Refugee (Reception, Registration, and Adjudication) Regulations, the 2024 Regulations do not prescribe a specific work permit or employment authorisation process for refugees. The absence of such a framework creates uncertainty that while section 29(1)(f) of the Refugees Act, 2021 confers the right to work, the Regulations neither confirm that refugee identity documents suffice for employment nor specify whether work permits under the Kenya Citizenship and Immigration Act apply. This regulatory silence may leave employers uncertain about compliance requirements and refugees vulnerable to informal labour arrangements. It also fosters inconsistent administrative practice between the Department of Refugee Services and the Directorate of Immigration, effectively excluding refugees from the formal labour market by default rather than by law.

¹⁰⁸ *Ibid*, Regs. 28–32.

¹⁰⁹ *Refugees Act, 2021*, s.4 (b)–(c).

d) Professional Licensing and Skills Recognition

The 2024 Regulations are silent on professional licensing and recognition of prior learning. Refugees who wish to practise regulated professions must therefore navigate the ordinary national professional bodies, none of which have procedures adapted to the circumstances of displacement. This omission reproduces structural exclusion, as the licensing regimes of councils and the Kenya National Qualifications Authority (KNQA) presuppose voluntary migration, complete documentation, and financial stability. The Recognition of Prior Learning (RPL) Policy Framework adopted by KNQA in 2024 acknowledges that nearly half of Kenya's refugee population could benefit from RPL, noting that many refugees possess undocumented qualifications or competencies acquired in camps.¹¹⁰ It recognises the need for a "comprehensive recognition of prior learning system" to make visible the skills of refugees, asylum seekers, and migrant workers, thereby facilitating integration into host economies and eventual reintegration upon return.¹¹¹ Yet the policy offers recognition without a roadmap as there are no concrete institutional mechanisms, timelines, or funding structures to translate this acknowledgment into actual access for refugees. The implementation gaps that remain pronounced are:

1. Procedural barriers: Refugees must still satisfy documentation and attestation requirements designed for credentialed foreign professionals, making RPL largely theoretical for those lacking papers.
2. Cost and accessibility: Assessment fees, language barriers, and concentration of services in Nairobi exclude camp-based refugees.
3. Institutional disconnect: No legal linkage ensures that KNQA certification automatically triggers recognition by professional councils.
4. Absence of bridging mechanisms: Refugees whose skills fall short of Kenyan standards have no subsidised or flexible pathways to meet equivalency conditions.

Thus, while the RPL framework gestures toward inclusion, its current design risks symbolic recognition without practical enablement—an infrastructural void that leaves skilled refugees under-employed and the Kenyan labour market under-served.

e) Labour Protections and Social Security

The Regulations also contain no provisions on refugee inclusion in national social protection systems such as the National Social Security Fund (NSSF) or SHIF. Their silence contrasts with the constitutional guarantee of fair labour practices for every person and with Kenya's obligations under Article 17 of the 1951 Refugee Convention. Government pronouncements have indicated plans to include refugees in the SHIF

¹¹⁰ Kenya National Qualifications Authority, *Recognition of Prior Learning Policy Framework in Kenya* (June 2021) § 2.5 https://mahe.kstvet.ac.ke/sites/default/files/2022-02/recognition-of-prior-learning-policy-framework-2021_0.pdf accessed 25 October 2025.

¹¹¹ *Ibid.*

and to upgrade healthcare facilities in refugee-hosting areas.¹¹² However, these commitments remain policy statements without a binding legal framework, as neither the Refugees Act, 2021 nor the Refugees (General) Regulations, 2024 provide for inclusion in SHIF, the NSSF, or pension schemes. Consequently, implementation, including by private employers, remains discretionary and lacks an enforceable roadmap.

5.2.2 Employment Act

The Employment Act guarantees the right to work for all legal residents in Kenya. It prohibits discrimination based on race, language, religion, nationality, or ethnic or social origin, among other grounds.¹¹³ These protections extend to refugees who secure lawful employment. However, Section 5(4) (c) permits preferential employment of Kenyan citizens “in accordance with national employment policy,” a carve-out that may undermine refugees’ non discrimination protections. Notably, Sessional Paper No. 4 of 2013 on Employment Policy and Strategy articulates Kenya’s ambition for decent, productive employment by promoting rights at work, skills development, and labour-market efficiency but it omits any reference to refugees or asylum seekers.¹¹⁴ Without explicit inclusion in national employment policy, refugees are effectively excluded from employment-promotion programmes, labour-market data systems, and institutional supports designed under that policy, rendering their legal protections under labour law largely theoretical. The Employment Act also establishes dispute-resolution mechanisms through Labour Officers and the Employment and Labour Relations Court to handle employment-related disputes. Yet, refugees often face significant barriers to accessing these forums, including costs of legal representation, limited knowledge of Kenyan labour law, and insufficient legal aid services with expertise in refugee issues.

5.2.4 Kenyan Legislation on Access to Self-Employment and Enterprise

While Section 28(6) of the Refugees Act guarantees refugees the right to engage in private enterprise,¹¹⁵ that guarantee is constrained by the general legal and regulatory architecture applicable to all business operators in Kenya. Refugees seeking to establish businesses must comply with standard registration, taxation, social security, and licensing regimes, which embed various requirements that may not accommodate the particular circumstances of forced displacement. The Registration of Business Names Act, for instance, mandates that any individual or firm

¹¹² Stanley Nyale, ‘Government Launches Shirika Plan to Enhance Refugee and Host Communities Inclusion’ (Department of Refugee Services, 28 March 2025) <https://refugee.go.ke/government-launches-shirika-plan-enhance-refugee-and-host-communities-inclusion> accessed 25 October 2025.

¹¹³ Employment Act 2007 (Kenya) s 5(4) (c).

¹¹⁴ Government of Kenya, Sessional Paper No. 4 of 2013 on Employment Policy (2013).

¹¹⁵ Refugee Act, 2021.

carrying on business under a business name must register with the Registrar, furnishing particulars such as names, nationality, address, and the nature of the business.¹¹⁶

The Business Registration Service Act vests responsibility for business registration functions, including maintenance of online registration platforms and oversight of compliance.¹¹⁷ Tax law further requires all persons or entities engaging in business to obtain a Personal Identification Number (PIN) by providing valid identity documentation, such as a passport or national ID, in the prescribed form.¹¹⁸ For refugees, this requirement is often complicated by systemic issues in transferring registration data from the DRS to the National Registration Bureau (NRB), which maintains national identity records, thereby preventing many refugees from obtaining KRA PINs or official identification documents required for business registration and licensing.¹¹⁹ Urban refugees, many of whom earn livelihoods as motorcycle or rideshare drivers, are particularly affected due to the inability to obtain the necessary national documentation effectively blocks access to driver's licenses and other regulatory approvals required to operate legally.¹²⁰

The NSSF Act and related regulations further require employers and employees to register with NSSF, submit statutory contributions, and provide proof of identity.¹²¹ Businesses with employees are typically expected to register with national schemes such as NHIF and NSSF, and comply with labour licensing or local trade permit requirements, which are often regulated at the county level. Notably, while the Micro and Small Enterprises Act proposes simplified business registration for qualifying businesses,¹²² several of its support mechanisms remain unoperational, limiting its practical utility for refugee entrepreneurs.¹²³ In particular, while the Micro and Small Enterprises Act No 55 of 2012 establishes a Registry of MSEs and mandates county-level offices, there is considerable ambiguity about whether these structures are effectively accessible to refugee entrepreneurs, both in settlements and urban areas.¹²⁴ Although the MSEA website notes offices in all counties, practical accessibility for refugees is unclear, especially in counties hosting large refugee populations, due to the concentration of services in county headquarters rather than closer to communities.¹²⁵ Moreover, while MSEA's policy emphasizes simplifying registration for "vulnerable groups," it does not explicitly reference refugees or clarify whether refugee identity documents will be accepted, leaving their ability to benefit from the Act uncertain.³ This indicates a gap that warrants further study to assess how the MSE Act is operationalized for refugees in practice.¹²⁶

¹¹⁶ Registration of Business Names Act, Cap. 499, ss 4(1)–(2), 6.

¹¹⁷ Business Registration Service Act 2015 (Kenya); Registration of Business Names Rules, LN 136 of 1975, r 4 (Kenya) (requiring form of statement, address, photographs).

¹¹⁸ Kenya Revenue Authority, 'Requirements for PIN Registration' (KRA)

<https://www.kra.go.ke/individual/individual-pin-registration/learn-about-pin/requirements-for-kra-pin-registration> accessed 15 October 2025.

¹¹⁹ Cinn and Tang (n 69)

¹²⁰ Ibid.

¹²¹ NSSF Act 2013 (Kenya), ss 4, 5; NSSF (Mandatory Registration) Regulations.

¹²² Micro and Small Enterprises Act No. 55 of 2012; Micro and Small Enterprises (Association) Regulations, 2019.

¹²³ International Rescue Committee (n 61) p. 21.

¹²⁴ Micro and Small Enterprises Authority, "Registrar of MSEs" <https://msea.go.ke/registrar-of-mse/> accessed 18 November 2025.

¹²⁵ Micro and Small Enterprises Authority, Micro and Small Enterprises Authority Historical Policy Interventions (MSEA) <https://msea.go.ke/wp-content/uploads/2024/11/MSES-HISTORICAL-POLICY-INTERVENTIONS-1.pdf> accessed 18 November 2025.

¹²⁶ Ibid

5.2.3 The Kenya Citizenship and Immigration Act, 2011

The Kenya Citizenship and Immigration Act, 2011, governs the entry, residence, and employment of foreign nationals.¹²⁷ Section 40 guides the issuance of work permits and provides refugees access to Class M permits that enable permit holders to engage in any “occupation, trade, business, or profession.” The DRS is meant to facilitate refugee access to Class M work permits through the Department of Immigration. However, in practice, significant barriers exist. Previous studies have consistently identified access to Class M work permits as a major challenge.¹²⁸

Refugees seeking employment in a specific occupation, trade, or profession must apply at the national level through the Directorate of Immigration Services, submitting multiple documents including a refugee ID, a KRA PIN, a recommendation letter from DRS, and a cover letter addressed to the Director General of Immigration Services.¹²⁹ Employers are also required to justify why hiring a refugee, rather than a Kenyan national, is necessary. The high evidentiary standards of the Form 25 application, combined with lengthy processing times of three to six months, mean many refugees are either denied permits, face administrative delays, or abandon the application altogether. Many refugees have only short-term skills training, further complicating their ability to meet these requirements.

Table 10: Key Provisions of the Refugees Act, 2021 on Employment Rights

Requirement	Purpose	Barrier for Refugees	Inconsistency with Refugee Law
National passport	Proof of identity and nationality	Many refugees flee without passports; country of origin will not issue	Refugee ID should suffice under Section 28(7) of Refugees Act
Employer letter	Demonstrate concrete job offer	Employers reluctant to hire without confirmed work authorization (a chicken-egg conundrum)	Creates circular dependency
Tax Compliance Certificate	Evidence of tax registration	Refugees lack KRA PINs without employment	Contradicts enabling documentation principle

¹²⁷ Kenya Citizenship and Immigration Act 2011, s 40.

¹²⁸ Thomas Ginn and Harrison Tang, *Urban Refugee Policies and Legislation in Kenya and Uganda: 2025 Stocktake* (Centre for Global Development 2025) <https://rebuild.rescue.org/sites/default/files/2025-05/urban-refugee-policies-and-legislation-kenya-and-uganda-2025-stocktake-rebuild.pdf> accessed 25 October 2025; R SEAT (Refugees Seeking Equal Access at the Table), *Utilising Refugee Participation in the Shirika Plan Development and Kenya's Refugee Response: Sub-Theme – From Beneficiaries to Solution Enablers* (R-SEAT and ReDSS, 2025) <https://www.regionaldss.org/e-library/a-framework-for-inclusive-decision-making-and-governance-in-kenyas-shirika-plan/> accessed 1 November 2025.

¹²⁹ *Ibid.*

Requirement	Purpose	Barrier for Refugees	Inconsistency with Refugee Law
DRS recommendation	Verify refugee status	Slow processing; inconsistent practices	DRS already issues refugee IDs
Skills verification	Prove qualifications unavailable locally	No mechanism for assessing refugee credentials	Conflicts with Section 28(6) right to work

Table 12: Comparison of Refugee Employment Provisions in KICA 2011 and Refugees Act 2021

Aspect	Refugees Act 2021	Kenya Citizenship and Immigration Act 2011	Critique
Proof of identity	Refugee ID sufficient for employment access (s 28(7))	National passport required for Class M work permit (s 40) ¹³⁰	Passport requirement unrealistic for refugees; Refugee ID not recognized under KICA.
Work authorization	Right to work established; no pre employment job offer needed	Employers reluctant to hire without confirmed work authorization (a chicken-egg conundrum)	Creates circular dependency
Employer obligations	Not explicitly specified	Employer must prove skills unavailable locally and train a Kenyan. ¹³¹	Discourages employers from hiring refugees, thereby creating additional gatekeeping.
Permit portability	Not specified	Permit tied to employer; changing jobs requires a new permit	Limits refugees' labour mobility, restricting freedom to change employment.
Permit renewal	Not specified	Permits are renewed every two years, with administrative/financial burdens.	Creates ongoing hurdles, risking employment disruption.

Table 11 summarises work permit requirements under the Citizenship and Immigration Act, highlighting barriers for refugees and inconsistencies with the Refugees Act. Table 12 compares refugee employment provisions under KICA 2011 and the Refugees Act 2021. The Kenya Citizenship and Immigration Act imposes stringent documentation and procedural requirements on refugees seeking employment,

¹³⁰ Directorate of Immigration Services Kenya, 'Application for Permit Class M (Refugees) – Information Pack' (eFNS, Govt of Kenya) <https://fns.immigration.go.ke/infopack/permits/classM/> accessed 1 November 2025.

¹³¹ Ginn and Tang (n 69)

including the need for national passports and employer-backed work permits. These conditions conflict with the Refugees Act, which recognises refugee identification documents as sufficient proof for work access.¹³² The Immigration Act's pre-employment requirement and employer obligations create circular barriers that hinder refugees' ability to secure lawful employment. Furthermore, the permit's employer-specific nature restricts labour market mobility, and mandatory renewals impose additional administrative burdens. This legal inconsistency between the two statutes undermines the Refugees Act's progressive framework, effectively limiting refugees' statutory right to work and contravening Kenya's international obligations.

As noted in the introduction, refugees face significant administrative and documentation barriers under KICA 2011. The High Court of Kenya has recently reaffirmed the legal principle that refugee-issued identification documents constitute lawful residence and should be recognised for administrative purposes. The Court held that requiring refugees to produce national passports or other restrictive documentation for citizenship or work permit applications was unconstitutional.¹³³ The judgment directs state authorities to recognise refugee IDs, including for Class M work permit applications, and to remove procedural hurdles that disproportionately affect refugees. This reinforces the need to align KICA implementation with the Refugees Act and Kenya's international obligations.

5.2.5 Technical and Vocational Education and Training (TVET)

Kenya's legislative framework on TVET is primarily governed by the TVET Act.¹³⁴ However, it does not explicitly mention refugees or describe how they can access or participate in TVET programmes. Kenya has, nonetheless, made international commitments concerning refugee education. At the 2017 Djibouti Regional Conference on Refugee Education, Kenya pledged to integrate refugees into national education policies.¹³⁵ However, these commitments have not been fully translated into actionable policies within the TVET sector. The Action Plan envisaged integrating refugees into education sector plans by 2020, identifying skills-training needs among refugee populations, and developing mechanisms to link TVET institutions across the region.¹³⁶ Despite these commitments, the International Labour Organisation (ILO) has observed that Kenya has yet to integrate refugees into national education sector plans, strengthen frameworks for refugee teacher inclusion, support refugee access to secondary education, or mobilise financial resources to support refugee education.¹³⁷

¹³² Refugees Act 2021, s 28(6)–(7).

¹³³ *Haki Na Sheria Initiative & 2 others v Cabinet Secretary Ministry of Interior & 5 others* (n 18).

¹³⁴ Technical and Vocational Education and Training Act (Kenya), No 29 of 2013.

¹³⁵ IGAD, 'Djibouti Declaration on Refugee Education' (2017) <https://igad.int/djibouti-declaration-on-quality-education/> accessed 25 October 2025.

¹³⁶ IGAD, 'Enhancing Refugee Education: IGAD Ministers Sign Declaration and Accompanying Action Plan' (2017) https://trust-fund-for-africa.europa.eu/news/enhancing-refugee-education-igad-ministers-sign-declaration-and-accompanying-action-plan-2017-12-20_en accessed 25 October 2025.

¹³⁷ International Rescue Committee (n 64), p. 24-25

The Refugees Act, 2021, anticipates the recognition of professional qualifications obtained outside Kenya, which could facilitate refugees' access to TVET institutions. However, the practical application of this provision remains uncertain, particularly regarding admission into formal TVET institutions. The absence of a clear framework for recognising foreign qualifications and the lack of government grants for refugees to access TVET services pose significant barriers. Additionally, the requirement for prospective students to present certificates of completion from Kenyan primary or secondary schools or evidence of passing Kenyan exams further limits refugees' access to formal vocational training.¹³⁸ Furthermore, there is a need to develop policies that accommodate linguistic diversity, given that TVET courses are typically offered in English or Swahili, to enhance inclusivity and ensure equitable access to vocational training for all refugees.

5.3 County-Level Legal and Policy Barriers to Refugee Employment

Kenya's devolved governance architecture assigns substantial licensing and regulatory power to county governments, which creates real friction for fully-realizing the right to work for refugees, especially in business and self-employment. While the national-level Refugees Act guarantees work rights, the absence of harmonized county policies recognizing refugee documentation and status means local-level implementation varies significantly

5.3.1 Turkana County (Kakuma/ Kalobeyi)

In Turkana, refugees operating businesses must obtain a Single Business Permit under county law. According to UNHCR data, refugees with valid refugee ID can acquire a permit independently of a Class M work permit.¹³⁹ Nevertheless, the Turkana County Finance Bill (2023) mandates annual renewal of these permits and requires payment of associated fees, with no publicly available derogation or simplified regime for refugee-owned enterprises.¹⁴⁰ Compounding this, a recent Skills for Employment report highlights that the expiry of alien identification cards hinders registration of businesses in Turkana County," particularly for refugees.¹⁴¹ On the positive side, a Biashara Huduma Centre was launched in the Kakuma-Kalobeyi area in 2023, offering business registration, permit applications, and other county services in one location.¹⁴² This is a promising institutional step, but it may not be sufficient to guarantee consistent acceptance of refugee IDs or to fully remove discretionary barriers

¹³⁸ Ibid.

¹³⁹ UNHCR, *Understanding the Business Environment of Kakuma and Kalobeyi (Refugee Livelihoods Report, UNHCR 2022)* para 39 <https://data.unhcr.org/en/documents/download/85273> accessed 18 November 2025.

¹⁴⁰ Turkana County Government, *Turkana County Finance Bill 2023*, cl 26 https://slocountybills.go.ke/api/v1/bill/files/Z854B5RNIQ_Turkana%20County%20Finance%20Bill.THE%20%20Final%20TURKANA%20COUNTY%20FINANCE%20BILL%20CII%202023%20Final%20%282%29.pdf accessed 18 November 2025.

¹⁴¹ ILO / Skills for Employment, *Formalization of Informal Work in Turkana County, Kenya (2024)* 27–28 https://www.skillsforemployment.org/sites/default/files/2024-01/wcms_863639.pdf accessed 18 November 2025.

¹⁴² KKCF, *Biashara Huduma Centre – Kakuma/Kalobeyi (Turkana County)* <https://kkcfke.org/biashara-huduma-centre/> accessed 18 November 2025

5.3.2 Nairobi County (Urban Refugees)

In Nairobi, entrepreneurs must obtain a Unified Business Permit (UBP) from the county. According to media reporting, applicants are required to provide a KRA PIN and a National ID or passport when applying, both of which pose practical hurdles for many refugees who lack national IDs or face complicated KRA PIN registration processes.¹⁴³ While county e-services portals facilitate online application, the dependency on ID or KRA PIN underscores a potential exclusionary mechanism. There is little or no public directive from Nairobi County clarifying that refugee identification documents are equally valid for the UBP process, which leaves decisions to the discretion of licensing officers.

A comparative analysis shows that these county-level licensing frameworks show a structural disconnect, whereby national legislation may grant refugees the right to work or run enterprises, but local regulatory systems may not operationalize those rights equitably. The discretion afforded to county officials on accepting refugee documentation, combined with lack of consistent county policies, subjects refugees to administrative uncertainty and potential discrimination. Without explicit county-level reforms, such as circulars clarifying refugee ID acceptance, licensing officer training, or formal inclusion of refugees in enterprise support funds, refugees' work rights may remain legally recognized yet practically restricted.

¹⁴³ How to Obtain a Business Permit in Nairobi County *The Times Kenya* (2 Nov 2025) <https://thetimes.co.ke/how-to-obtain-business-permit-in-nairobi-county/> accessed 18 November 2025.

6.0 KENYA’S POLICY FRAMEWORK ON THE RIGHT TO WORK FOR REFUGEES

6.1 Shirika Plan

The Shirika Plan,¹⁴⁴ launched in March 2025, marks Kenya’s most ambitious effort to shift refugee management from a humanitarian aid model to a development-centred approach. Derived from the Swahili term *ushirika*, meaning cooperation or coming together. Shirika Plan embodies a collaborative vision for integrating refugees and host communities within a unified socioeconomic framework. It builds on earlier initiatives, such as KISED and GISED, and establishes a comprehensive national framework for inclusion.

The plan was developed through a whole-of-government and whole-of-society approach, reflecting broad consultations among national and county governments, UN agencies, notably UNHCR, development partners, civil society, and refugee-led organisations. The plan reaffirms Kenya’s commitment to the GCR and its domestic implementation through the Support for Host Communities and Refugee Empowerment (SHARE) framework. The Shirika Plan also aligns with Vision 2030, the Bottom-Up Economic Transformation Agenda (BETA), the Fourth Medium-Term Plan, and County Integrated Development Plans (CIDs) in hosting counties, thus embedding refugee inclusion as part of national development rather than a parallel humanitarian track.

The Shirika Plan is anchored in the Refugees Act No. 10 of 2021, which represents a paradigm shift in Kenya’s refugee legal framework by explicitly recognising refugees’ rights to work, establish businesses, own property, and access education and healthcare. The Act was operationalised through the Refugees (General) Regulations of 2024, which provide the regulatory detail necessary for implementation.

Table 13: The Six Pillars of the Shirika Plan

Pillar	Focus	Key Objective
1. Systems Building	Legal and policy reform, institutional strengthening, and peacebuilding	Establish an enabling environment for integration
2. Integrated Services	Unified access to education, health, housing, WASH, energy, and social protection	Replace parallel service systems with government-led delivery

144 Government of Kenya, *Shirika Plan for Refugees and Host Communities* (Department of Refugee Services, April 2023) <https://refugee.go.ke/kenya-shirika-plan-overview-and-action-plan> accessed 25 October 2025.

Pillar	Focus	Key Objective
3. Climate Action & Natural Resource Management	Sustainable resource use and environmental restoration	Address ecological pressures in hosting areas
4. Human Capital & Skills Development	Vocational training, certification, and digital literacy	Enable refugees to contribute productively to the economy
5. Sustainable Economic Development	Enterprise support, access to finance, and private sector engagement	Unlock local economic potential and job creation
6. Durable Solutions & Complementary Pathways	Local integration, repatriation, resettlement, and mobility opportunities	Offer context-specific long term solutions

Table 14: Implementation (2025–2036) in three four-year phase

Phase	Period	Core Focus
1. Transition	2025–2028	Legal and policy reforms, capacity building, and systems establishment
2. Stabilization	2029–2032	Institutional strengthening and financial management
3. Resilience	2033–2036	Innovation, investment diversification, and strategic partnerships

The Plan prioritises key refugee-hosting areas, such as Turkana (specifically Kakuma and Kalobeyei), Garissa (specifically Dadaab), and urban centres.

6.2 Relevant Provisions on the Right to Work for Refugees, in the Shirika Plan

Table 15: Summary of the Legal Reforms Promised by the Shirika Plan (Full Table in Annex 1)

Sector / Right	Reform Commitment (from Shirika Plan)	Required Legal / Policy Action	Lead Ministry / Agency	Priority
Documentation & Identity	Operationalise the Refugee Database and ID recognition	Gazette regulations under the Refugees Act 2021 on registration and data protection compliance	Ministry of Interior / DRS	High
Employment & Labour	Enable refugees to work in the formal and self employment sectors	Amend the Employment Act 2007; issue Refugee Work Authorisation Regulations	Ministry of Interior / DRS	Critical

Sector / Right	Reform Commitment (from Shirika Plan)	Required Legal / Policy Action	Lead Ministry / Agency	Priority
Social Protection	Extend SHIF and NSSF to refugees	Amend the Social Health Insurance Act 2023 and the NSSF Act to include refugees	Ministry of Health / Labour	High
Education & Skills	Integrate refugees in TVET and recognize prior learning	Amend Basic Education Act 2013; operationalize RPL Policy	Ministry of Education	High
Business & Entrepreneurship	Facilitate refugee business registration and financial inclusion	Amend Companies Act, Banking Act, and CBK KYC rules	Ministry of Trade / Treasury	High
Movement & Residence	Reform encampment policy; clarify right of residence	Amend Refugees (General) Regulations 2024	Ministry of Interior	Critical
Coordination & Systems	Adopt Comprehensive National Refugee Policy	Cabinet approval of National Refugee Policy	Ministry of Interior	High

6.2.1 Documentation and Legal Identity

The Plan recognizes documentation as foundational to socioeconomic inclusion, citing the Refugee Act No. 10 of 2021, which affirms refugees' right to work and to obtain documentation for employment and business activity. Under Pillar 1 (Systems Building), it commits to establishing a refugee management information system and on boarding refugee services into government systems. The Plan's recognition of documentation as a prerequisite for economic participation is a major strength, particularly its commitment to unify fragmented data systems previously managed separately by UNHCR and the government. However, critical gaps persist as the Plan lacks clarity on the type of ID to be issued, its legal recognition by banks and government agencies, timelines for rollout, urban refugee coverage, and costs. Its silence on integration with Kenya's National Integrated Identity Management System (NIIMS/Huduma Namba) raises questions about interoperability and functional recognition. Issue / Gap Required Reform or Action Key Indicator

Issue / Gap	Required Reform or Action	Key Indicator (Target)
Absence of ID format & issuance procedures	Mol and RAS to publish ID specifications and issuance protocol	Refugee ID policy published (Q2 2025)
Lack of functional recognition by service providers	Regulatory directives for banks, KRA, M-Pesa, NSSF, NHIF to accept refugee IDs	System interoperability achieved (Q4 2025)

Issue / Gap	Required Reform or Action	Key Indicator (Target)
No integration with NIIMS	Technical linkages between refugee database and NIIMS	Refugee ID policy published (Q2 2025)
Missing implementation milestones	Operational timeline for refugee database and ID issuance	90% of refugees 18+ with recognised IDs by 2028

6.2.2 Access to Formal Employment

Under Pillar 2 (Integrated Services), the Plan commits to enabling refugees with professional skills to exercise their rights and engage in formal and self-employment, including integrating informal workers into the National Social Security Fund (Haba Haba) and extending social health and maternity protection. While this recognition marks a shift toward inclusion, the Plan omits key enablers that would make this right effective. The work permit regime under Kenya's Immigration Act remains unaddressed, leaving uncertainty over whether refugees will require permits or benefit from exemptions. The plan uses phrases such as "establishing mechanisms" which are vague, with no indication of whether employment facilitation structures or job matching services will be created. The Plan also lacks employer engagement strategies, employment targets, and anti-discrimination safeguards. Furthermore, it overlooks professional recognition for skilled refugees and does not clarify whether refugees may access public sector employment.

Issue / Gap	Required Reform or Action	Key Indicator (Target)
Ambiguity on work permit requirements	Amend the Immigration Act or issue special work authorisation for refugees	Refugee work authorisation procedure published (Q4 2025)
Lack of employer engagement	Develop employer incentive schemes (tax reliefs, wage subsidies)	Number of employers registered under refugee employment schemes
No inclusion in labour laws	Amend the Employment Act, the NSSF Act, and the Labour Relations Act to include refugees.	Legal amendments enacted (by 2026)
Missing quantitative targets	Establish baseline and annual targets for refugee formal employment	% of working-age refugees in formal jobs (tracked annually)
No anti-discrimination enforcement	Strengthen labour inspection and dispute resolution for refugee workers	Number of labour disputes resolved in favour of refugee workers

6.2.3 TVET

Under Pillar 4 on Human Capital and Skills Development, the Shirika Plan commits to expanding access to digital and vocational skills training for refugees and host communities to enhance employability and inclusion within national systems. It envisions establishing Adult and Continuing Education centres, providing open and distance learning opportunities, and expanding scholarships and non-formal education in refugee-hosting sub-counties. The Plan also acknowledges existing barriers such as low prior education levels, limited access to technology, and financial constraints.

While these provisions demonstrate a strong recognition of the role of skills development in realising the right to work, the framework remains largely programmatic rather than legal. The Plan does not clarify whether refugees are legally entitled to admission in public TVET institutions or whether their documentation will be recognized for enrolment and certification purposes. Neither the Technical and Vocational Education and Training Act, 2013 nor its regulations currently provide for refugee inclusion, leaving participation dependent on administrative discretion. Similarly, there is no guidance on how qualifications obtained through camp-based or NGO-run programs will be accredited by the national TVET Authority, limiting portability and recognition of refugee-acquired skills. The Plan also fails to operationalise equality guarantees, which require affirmative measures to ensure access for women, persons with disabilities, and marginalised groups. The absence of explicit provisions on non-discrimination, fee parity, or accessibility in training environments weakens its transformative potential. Moreover, the linkage between TVET participation and actual labour market access remains unclear without integration into work authorisation systems or recognition of prior learning frameworks, and vocational training risks remaining a closed circuit with limited economic outcomes.

Legal implementation of these commitments would require amendments to the TVET Act to include refugees and explicitly mandate non-discriminatory access to public institutions. Regulations should provide for the recognition of refugee documentation for enrolment and the accreditation of camp-based qualifications by the TVET Authority. Complementary policy instruments could link TVET certification to eligibility for formal work authorisation under the Refugees Act, 2021, ensuring that training directly contributes to the enjoyment of the right to work. Monitoring should therefore focus on the adoption of legal and regulatory reforms enabling refugee inclusion in the national TVET system, the recognition of refugee-acquired qualifications, and measurable increases in refugee participation in accredited training programs.

6.2.4 Recognition of Prior Learning

The Shirika Plan acknowledges the centrality of recognizing refugees' existing skills and qualifications by committing to certify skilled refugees and host community members in line with the RPL Policy and to facilitate recognition of foreign qualifications and ratification of UNESCO regional and global conventions on higher education. These provisions affirm an intent to align refugee inclusion with Kenya's ongoing education reforms and regional commitments to mobility of qualifications. However, while the Shirika Plan references existing national frameworks such as the RPL Policy, it remains silent on how these frameworks will be operationalized for refugees. No responsible agency, assessment process, or procedural timeline is specified, leaving implementation dependent on administrative discretion.

The absence of clarity on certification also raises concerns of equivalence and potential discrimination. The Plan does not indicate whether refugees will receive the same nationally recognized certificates issued to Kenyan trainees or certificates stipulating their refugee status. Similarly, there is no provision for bridging or conversion programs that would allow holders of partially recognized foreign qualifications to meet Kenyan standards.

Legally, the implementation of RPL for refugees requires reforms to the Technical and Vocational Education and Training Act, 2013 and related regulations to mandate refugee inclusion within the national RPL framework. Complementary amendments to sectoral licensing laws, such as the Medical Practitioners and Dentists Act, the Engineers Act, may also be necessary to enable qualified refugees to obtain professional registration based on verified foreign credentials. Further, ratification of relevant UNESCO conventions, including the Addis Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and Other Academic Qualifications in Higher Education in African States, 2014, would strengthen Kenya's international legal basis for recognising foreign qualifications.

6.2.5 Business Registration and Entrepreneurship

The Shirika Plan's fifth pillar on Sustainable Economic Development seeks to align with county development priorities by reducing legal and regulatory barriers to refugee economic participation. It promises improved access to credit, establishment of Biashara Centres for enterprise support, infrastructure enhancement in market areas, and greater private sector involvement. The Plan also commits, under its systems-building pillar, to harmonize laws and on board refugee services into national systems. At policy level, this emphasis on entrepreneurship acknowledges the reality that refugees in Kenya often rely on self employment due to limited access to formal jobs. It further reflects a growing recognition that business regulation, financial access, and land tenure form the core legal determinants of refugee economic



inclusion. However, despite this awareness, the Shirika Plan remains largely declaratory and omits the specific reforms required to operationalise these commitments.

County-level licensing regimes pose a challenge. Under devolved trade regulation, counties issue permits and enforce by-laws that often omit refugees as eligible applicants. The Shirika Plan's call for harmonization of laws and policies could address this inconsistency, but no framework for inter-county alignment is provided.

6.2.6 Social Protection and Labour Right

The Shirika Plan's second pillar on Integrated Services presents a notably progressive vision for inclusive social protection, aiming for equitable access by refugees and host communities to national safety nets, health insurance, and labour protections. It proposes the integration of refugee data into the national Enhanced Single Registry, the extension of NSSF schemes to informal refugee workers through Haba Haba, the expansion of social health insurance to refugees and host communities, and pilot cash transfers for elderly refugees under the Inua Jamii programme. The Plan also pledges to enact a legal framework for the inclusion of all individuals, including refugees, in National Safety-Net Programmes. Integrating refugees into the Single Registry would align Kenya's social protection system with constitutional guarantees of equality and the right to social security under Article 43.

However, the Shirika Plan's legal underpinnings remain underdeveloped. Its promise to enact a legal framework for inclusion lacks a timeline, designated lead ministry, or indication of whether this will take the form of a standalone statute or amendments to existing laws such as the NSSF Act, Social Assistance Act, and Employment Act. At the operational level, several implementation questions arise. While integration into Haba Haba is commendable, the Plan does not clarify contribution rates, compliance mechanisms for informal refugee workers, or whether subsidies will be provided for those unable to contribute. Pension portability, which is vital for refugees who may repatriate or resettle, is not addressed, potentially undermining confidence in contributory schemes. Similarly, while the Plan refers to extending SHIF coverage, it does not specify who will bear the cost of premiums, which refugees will qualify, or whether benefit packages will be equivalent to citizens'. In the labour sphere, the Plan's silence on statutory employment protections is a notable omission. Refugee workers' entitlement to minimum wage, maternity leave, occupational safety, and redress for unfair dismissal remains unclear. The Plan also omits recognition of the rights to join trade unions or engage in collective bargaining. Without such legal clarity, refugees remain vulnerable to exploitation and exclusion from the full spectrum of labour rights.

Legal Area	Current Position	Reform Required to Implement Shirika Plan Commitments
Social security (NSSF)	Refugees not explicitly recognized as eligible contributors or beneficiaries under NSSF Act	Amend NSSF Act and regulations to include refugees in both standard and informal schemes, with portability provisions
Social assistance (cash transfers)	Refugees excluded from Social Assistance Act 2013 and NSNP programmes	Amend Act or issue regulations to include refugees in national safety nets
Health insurance (SHIF)	No express provisions for refugee enrolment	Regulations under Social Health Insurance Act 2023 specifying eligibility, premium subsidies, and benefit parity
Employment rights	Employment Act silent on refugees' status as workers	Explicit inclusion of refugees under minimum wage, maternity leave, and non discrimination protections
Labour relations	Right to unionize and bargain not expressly extended to refugees	Clarify applicability of Labour Relations Act to refugee workers
Occupational safety and compensation	WIBA and OSHA not applied to refugees in practice	Amend to guarantee equal protection for refugee workers injured or exposed to hazards
Legal framework for social protection inclusion	No dedicated refugee social protection law	Draft omnibus Refugee Social Protection Bill or coordinated amendments across related statutes

2.7 Freedom of Movement and the Right to Choose Residence

The Shirika Plan articulates a transformative vision of “integrated settlements” in which refugees and host communities live together in harmony, sharing services and opportunities. Integration is defined as socioeconomic inclusion, and the Plan acknowledges over 110,000 urban refugees in major towns. This language suggests a departure from the encampment model that has characterized Kenya’s refugee management for decades, where refugees are confined to designated camps and permitted to leave only with special authorization.

Yet, despite its progressive tone, the Plan stops short of addressing the core legal question on whether Kenya’s longstanding policy of mandatory encampment will be repealed, reformed, or retained. There is no explicit commitment to abolish movement restrictions, no indication that refugees will be free to choose their residence, and no reference to the administrative system of movement passes currently required for travel outside camps. The Plan’s invocation of “integrated settlements” could therefore mask a continuation of confinement

Freedom of movement is a prerequisite for nearly every other socioeconomic right the Shirika Plan purports to advance. Access to employment, education, healthcare, and family life all presuppose the ability to relocate, travel, or reside where opportunities exist. Article 26 of the 1951 Refugee Convention obliges states to accord refugees' freedom of movement and residence, subject only to lawful and necessary restrictions. Domestically, section 20 of the Refugees Act 2021 affirms this right but allows limitations in the interests of national security or public order. The Act thus permits flexibility, but in practice, restrictive regulations and administrative circulars have maintained an encampment regime.

The Shirika Plan's silence on the future of movement passes, documents refugees must obtain from the Department of Refugee Services to leave camps, raises further uncertainty. These passes are time-bound, inconsistently granted, and frequently hinder access to jobs and education in urban centres.

Legal Area	Current Position	Reform Required to Realize Shirika Plan Commitments
Freedom of movement	Refugees Act 2021, s.20 allows restrictions for security/public order; encampment maintained by administrative practice	Repeal or amend encampment regulations; define lawful, proportionate limits consistent with Article 26 of the 1951 Convention
Right to choose residence	Not expressly guaranteed; residence determined by DRS designation	Amend Refugees (General) Regulations 2024 to permit self-settlement across counties, subject to registration
Movement documentation	Movement passes required for travel outside camps; refugee ID not sufficient	Abolish pass system; recognize refugee
Urban refugee status	Urban refugees tolerated under special permission; legal status ambiguous	Formalize right to urban residence and equal access to services
County-national coordination	County-level discretion leads to inconsistent enforcement	National directive harmonizing county policies on refugee residence and services

While the Shirika Plan gestures toward inclusive socioeconomic participation, it fails to mainstream equality obligations across gender, age, and disability. Kenya's Constitution, under Articles 27 and 54, and statutes such as the Persons with Disabilities Act, 2003 and Employment Act, 2007 not only prohibit discrimination but also require reasonable accommodation. Yet the Plan's commitments are limited to isolated welfare measures, such as maternity cash benefits, dignity kits, and youth empowerment activities, without translating these into enforceable rights. For women, there are no provisions guaranteeing workplace safety, childcare support, or equal access to non-traditional trades. Refugee youth, who form the majority



population, are not targeted through structured apprenticeships or employment incentives. Persons with disabilities are mentioned only once, with no commitments on accessible workplaces, assistive devices, or anti-discrimination enforcement. These omissions expose a legal and policy incoherence between Kenya's equality framework and the Shirika Plan's operational design

7.0 RECOMMENDED LEGAL AND REGULATORY REFORMS

The Shirika Plan establishes a progressive vision of refugee inclusion within Kenya's national development framework. However, the realization of refugees' right to work requires explicit legislative and regulatory reform. The following recommendations outline concrete measures to align Kenya's legal framework with its constitutional and international obligations and operationalise the commitments under the Refugees Act, 2021, and the Shirika Plan.

7.1 Clarifying the Work Authorisation Regime

Section 40 of the Kenya Citizenship and Immigration Act, currently requires all non-citizens to obtain work permits before engaging in employment. Refugees, though lawfully resident under the Refugees Act, are subjected to this general requirement despite holding government issued Refugee Identity Cards. This duality perpetuates exclusion: refugees cannot obtain permits without job offers, and employers cannot make offers without valid authorization. In practice, even refugees who complete Kenya's national education system face serious legal and administrative obstacles to employment, for instance, in the process for securing a Class M work permit, meaning that educational achievements do not reliably translate into formal labour-market inclusion.¹⁴⁵ To harmonize the legal regime:

- Section 40 should be amended to exempt recognized refugees from the work permit requirement, or a new Section 40A should be inserted to designate the Refugee ID as sufficient work authorization.
- Consequential regulations should specify application, renewal, and monitoring procedures consistent with Section 28 of the Refugees Act.

7.2 Legal Recognition of Refugee Identification Documents

Section 28(7) of the Refugees Act, 2021, provides that the Refugee ID has similar status to a national ID for purposes of identification. This phrasing, while progressive, has produced inconsistent recognition by banks, KRA, and county governments. To achieve uniformity:

- The term “similar” should be replaced with “equivalent legal status for all purposes under Kenyan law.”

¹⁴⁵ Refugee Consortium of Kenya, *Access to Labour Markets for Refugees in Kenya: Findings and Recommendations (2023)* 3 <https://www.rckkenya.org/wp-content/uploads/2023/05/Access-to-labour-markets-research.pdf> accessed 18 November 2025.

- The Department of Refugee Services (DRS) should issue an administrative circular, endorsed by the Attorney-General, obligating all state organs, financial institutions, and regulatory bodies to recognise Refugee Identity Cards, and other documents enumerated under Legal Notice 143 of 2023,¹⁴⁶ as primary identification documents for the right to work. Legal Notice 143 of 2023 currently declares these documents “for purposes of acquiring services provided by the Government of Kenya,” which may limit their application to access to government services and not explicitly the full range of rights such as employment.
- This would enable refugees to register businesses, open bank accounts, and access NSSF and SHIF benefits, thus translating the right to work into practice.

7.3 Abolition of the Encampment Policy and Guarantee of Freedom of Movement

Although Section 20 of the Refugees Act, 2021, vests the Commissioner with authority over refugee residence, the Refugees (General) Regulations, 2024) continue to restrict movement through a pass system that effectively sustains encampment. Such restrictions undermine economic participation and contravene Article 26 of the 1951 Convention, which grants refugees freedom of movement and residence. Recommended reforms are:

- Amend Regulation 46 of the Refugees (General) Regulations, 2024, to abolish the movement pass system and recognize refugees’ right to reside in any part of Kenya, subject only to registration with the Commissioner.
- Issue a Cabinet directive confirming the gradual transition from encampment to settlement-based integration, with county-level coordination to facilitate refugee residence and employment.
- Harmonize national refugee management with devolved governance by requiring counties to integrate refugees into local labour, business licensing, and development planning frameworks.

7.4 Equality and Non-Discrimination in Employment

The Employment Act, 2007, while prohibiting discrimination on several grounds, omits refugee status as a protected category. This omission has permitted subtle exclusion in both public and private employment practices. To remedy this:

- Insert a new subsection under Section 5(3) of the Employment Act expressly prohibiting discrimination on the basis of refugee status.

¹⁴⁶ Government of Kenya, *The Refugee Identification Documents (Legal Notice No 143 of 2023)* (Kenya Gazette Supplement No 234 Vol CXXV, 27 October 2023) <https://new.kenyalaw.org/akn/ke/act/ln/2023/143/> accessed 1 November 2025.

- Clarify in Section 5(4) (c) that national preference in employment does not exclude refugees lawfully authorised to work.
- Direct the National Employment Authority (NEA) to include refugees in national labour statistics and placement programs

7.5 Transition from the “Incentive Worker” System

Refugees employed in humanitarian sectors, especially education and health, are currently engaged as “incentive workers,” earning below minimum wages and lacking statutory protections. This system has no basis in Kenyan law and violates Articles 27 and 41 of the Constitution of Kenya. To align practice with law:

- The Ministries of Labour and Interior, in consultation with UNHCR and NGOs, should issue a timely transition framework to convert incentive positions into formal contracts compliant with national labour standards.
- The transition plan should include phased inclusion of refugee workers in NSSF and SHIF schemes, ensuring parity with Kenyan workers in similar roles.

7.6 Strengthening Oversight and Enforcement

Implementation gaps persist primarily due to weak accountability mechanisms. The Shirika Plan provides for monitoring but lacks an independent oversight framework. It is recommended that:

- An Independent Refugee Rights Monitoring Board be established through regulations under Section 33 of the Refugees Act, composed of civil society, refugee-led organizations, and academia, mandated to issue public reports and recommend corrective action.
- Parliament’s Committees on Justice, Legal Affairs, and Labour should receive annual reports from the DRS and conduct hearings on refugee work rights implementation.
- All refugee employment, permit, and ID data should be made publicly accessible through an online transparency portal to promote evidence-based oversight

Table 16: Summary of the Legislative Reform Matrix (Detailed tables in Annexes 2, 3 & 4)

Area of Reform	Current Legal Provision	Proposed Amendment / Action	Objective / Right Advanced
Work Authorization	Kenya Citizenship and Immigration Act (2011), s.40	Exempt refugees from work permit requirement or insert new s.40A recognizing Refugee ID as valid work authorization.	Access to employment; harmonization of refugee and immigration regimes.

Area of Reform	Current Legal Provision	Proposed Amendment / Action	Objective / Right Advanced
Refugee Identification	Refugees Act (2021), s.28(7)	Replace “similar status” with “equivalent legal status for all purposes under Kenyan law.” Issue national directive mandating recognition.	Legal certainty; access to services and labour markets.
Freedom of Movement	Refugees (General) Regulations (2024), reg.46	Abolish movement pass requirement and permit residence in any county subject to registration	Freedom of movement; access to economic opportunities.
Non Discrimination in Employment	Employment Act (2007), s.5	Insert “refugee status” as a protected category and clarify that lawful refugees qualify for employment.	Equality before the law; labour market inclusion.
Incentive Work Transition	Administrative practice (non statutory)	Establish a 24-month transition plan to convert incentive work into formal employment with NSSF and SHIF coverage.	Equal remuneration; decent work.
Oversight and Accountability	Refugees Act (2021), s.33	Establish an Independent Refugee Rights Monitoring Board and require annual parliamentary reporting.	Transparency; accountability; enforcement.

8.0 COMPARATIVE BEST PRACTICES ON THE RIGHT TO WORK FOR REFUGEES

Kenya's Refugees Act 2021 provides a progressive legal framework for refugee rights. As Kenya operationalises this framework through the Shirika Plan, examining how other countries, particularly in Africa, have implemented similar provisions offers practical guidance. This chapter identifies specific best practices across key components of the right to work, focusing on concrete legislative and administrative mechanisms that Kenya can adapt.

8.1 Work Authorization and Documentation

Country	Best Practice	Legal Provision	Lesson for Kenya
Argentina	Work rights granted within 20 days of asylum application	Law 26.165 provides asylum seekers right to work within 20 days of applying	Implement fast-track work authorization within 30 days of refugee application submission
Brazil	Comprehensive documentation package upon recognition	Refugees receive National Migration Card, Work and Social Security Card, Tax ID, and passport	Ensure Shirika Plan refugee IDs function as work authorization and integrate with KRA PIN system
Panama	Work authorisation continues during renewal.	Ministry of Labour resolution enables lawful work while permit renewal is pending (Executive Decree No. 20, 2019)	Close authorisation gaps during document renewal periods

8.2 Freedom of Movement

Country	Best Practice	Legal Provision	Lesson for Kenya
Chad	Comprehensive movement rights with long-validity documents	2020 Refugee Law guarantees freedom of movement; ide	Issue multi-year refugee IDs (3-5 years minimum) with explicit movement rights

Country	Best Practice	Legal Provision	Lesson for Kenya
Cameroon	Travel documents provided to all refugees	2005 Refugee Law entitles all refugees to identity cards and travel documents giving right to move freely	Ensure refugee IDs serve as valid domestic travel documents
Rwanda	Camp residents can exit freely for employment	Law No. 13ter/2014 grants freedom of movement; refugees in camps may exit and enter to seek employment	Eliminate movement permit requirements for employment seeking
DRC	Legal guarantee of movement rights for recognised refugees	Refugee Law and Foreigner Law grant recognised refugees freedom of movement	Align Refugees (General) Regulations with Article 26 of Refugees Act 2021
Ethiopia	Legal recognition of the right to work and movement outside camps	Refugee Proclamation 1110/2019; Right to Work Directive; Free Movement and Choice of Residency Directive	Kenya can consider formalising refugees' right to work and free movement, but implementation must ensure access isn't limited by sponsors or financial proof

8.3 Equal Treatment in Employment

Country	Best Practice	Legal Provision	Lesson for Kenya
Cameroon	Refugees treated same as nationals in work access	2005 Refugee Law requires refugees be treated same as nationals in access to work, education, housing, social assistance, property, justice, naturalization and freedom of movement	Ensure implementing regulations prohibit discrimination in employment based on refugee status
Chad	Right to wage employment, self employment,	2020 Refugee Law guarantees right to wage employment, self employment and practice of liberal profession	Explicitly include all forms of work in regulations (wage, self employment, professional

Country	Best Practice	Legal Provision	Lesson for Kenya
Germany	Same social benefits as citizens	Refugees entitled to unemployment benefits, healthcare, and training support on par with citizens	NSSF and SHIF frameworks with equal contribution and benefit rights
Spain	No sectoral restrictions and equal employment	Asylum Act 2009 provides no restrictions on sectors; refugees and subsidiary protection holders have same employment rights as Spanish citizens	Ensure no sectoral quotas or restrictions apply to refugee employment

8.4 Business Registration and Self-Employment

Country	Best Practice	Legal Provision	Lesson for Kenya
Cameroon	Refugees can register businesses in their own names	2005 Refugee Law allows refugees to start businesses and register them in their own names	Amend BRS procedures to explicitly accept refugee IDs for business registration
Burundi	Free work permits; refugees may register businesses	Work permits free to obtain with employment contract and refugee ID; refugees may register own businesses	Streamline business registration and eliminate discriminatory fees for refugees
Jordan	Home-based businesses permitted	2016 Jordan Compact simplified documentation and allowed at home businesses for Syrian refugees	Allow home-based business registration for micro enterprises
Ecuador	Constitutional guarantee of equal rights including work	2008 Constitution guarantees foreigners same rights as nationals without discrimination, including right to work	Ensure county-level business licensing does not impose additional barriers on refugee entrepreneurs

8.5 Asylum Seeker Work Rights

Country	Best Practice	Legal Provision	Lesson for Kenya
Italy	Work rights 60 days after application	Reception Decree allows asylum seekers to work 60 days after applying for asylum	Grant asylum seekers work authorization within 60-90 days of application
Costa Rica	Work rights after 3 months with free permits	Asylum seekers with pending applications 3+ months granted right to work; process free	Ensure asylum seekers access formal employment during status determination
Cameroon	Right to remain without term limits during application	2005 Refugee Law guarantees asylum seekers right to remain while application processed, without term limits or renewal periods	Eliminate waiting period uncertainty through clear timelines and status during determination

8.6 Skills Recognition and Training Access

Country	Best Practice	Legal Provision	Lesson for Kenya
Cameroon	Law enables credential verification and TVET access	Law 2018/010 enabled government to verify refugees' credentials and provide access to vocational training	Operationalize RPL under KNQA for refugees lacking original documentation
Germany	State-funded qualification recognition fees	Labour Agency covers fees required for qualifications recognition	Subsidize or waive credential recognition fees for refugees
Spain	Vocational training and language instruction access	Asylum Act 2009 grants asylum seekers right to vocational training and language instruction	Ensure explicit refugee eligibility in all TVET institutions and professional certification schemes

8.7 Long-Term Integration Pathways

Country	Best Practice	Legal Provision	Lesson for Kenya
Rwanda	Citizenship pathway after demonstrating self-reliance	Law No. 13ter/2014 guarantees refugees right to pursue citizenship after demonstrating "self-reliance" for 5 years	Consider naturalization pathways for long-term refugees demonstrating economic integration
Argentina	Two-year path to citizenship	Recognized refugees obtain 2-year temporary residency and may apply for citizenship after 2 years	Develop clear permanent residency and naturalization procedures for refugees
Panama	Permanent residency after 3 years	Law 74, Article 2 provides right to apply for permanent residency after 3 years of refugee/temporary protection status	Create graduated integration pathway: refugee status → permanent residency → citizenship
DRC	Ten-year residence permits for former refugees	Government pledged 10-year residence permits for Rwandans whose refugee status was terminated (2019)	Offer long-term residence options for refugees achieving self-reliance

8.8 Institutional Best Practices

Country	Best Practice	Legal Provision	Lesson for Kenya
Mexico	Comprehensive refugee law with expanded definition	2010 Law on Refugees incorporates Convention principles and Cartagena Declaration expanded definition, offering residency, work rights, healthcare, education, and naturalization pathway	Ensure comprehensive implementing regulations translate Refugees Act 2021 into detailed operational procedures
Costa Rica	Established integration program	General Law on Migration No. 8764 includes integration program helping refugees find jobs, start businesses, and adapt to culture	Develop operational integration programs beyond legal frameworks
Ugand	No discrimination between refugee populations	Beyond Article 17 reservation, no formal discrimination between refugee populations in work rights	Ensure equal treatment regardless of nationality or region of origin

8.9 Best Practices from RECs

REC	Best Practice	Legal / Policy Provision	Lesson for Kenya
IGAD	Simplified documentation and recognition for refugees: e.g., the IGAD Kampala Declaration on Jobs, Livelihoods and Self-Reliance calls for “review and amend national policies ... including documentation (identification, birth certificates, permits, property, certification, skills)”. ¹⁴⁷	IGAD Secretariat, Kampala Declaration on Jobs, Livelihoods and Self-Reliance (28 March 2019) paras 2.1-2.2. ¹⁴⁸	Kenya can adopt regulations that ensure refugee-identification documents are issued for multi-year periods, tie in recognition of qualifications and skills, and simplify permits and schooling/skill certification for refugees.
ECOWAS	Regional labour-mobility framework that emphasises recognition of skills and equal employment access for migrants/refugees: “recognition of skills and qualifications ... ensuring that migration becomes a tool for empowerment.” ¹⁴⁹	ECOWAS, “ECOWAS Unveils Regional Labour Migration Strategy to Drive Mobility, Rights, and Integration”. ¹⁵⁰	Kenya should create a skills/qualification recognition scheme that treats refugee credentials on par with those of nationals or other foreign workers, with transparent procedures for certification and professional access.
EU	Equal employment rights for refugees/protected persons: EU Directive 2004/83/EC Article 26 mandates Member States authorise beneficiaries of refugee status to engage in employed or self-employed activities under the same conditions as nationals, including access to vocational training and recognition of foreign qualifications. ¹⁵¹	Council Directive 2004/83/EC (OJ L304/12, 30 Sept 2004) art 26. ¹⁵²	Kenya could legislate or regulate that refugees have the right to work immediately on status recognition, with no discrimination in sector or profession, and ensure professional training, certification and recognition of foreign credentials are formally included in the regulatory framework.

¹⁴⁷ IGAD Secretariat, Kampala Declaration on Jobs, Livelihoods and Self-Reliance (28 March 2019) para 2.1 <https://igad.int/kampala-declaration-on-jobs-livelihoods-and-self-reliance/> accessed 1 Nov 2025.

¹⁴⁸ IGAD Secretariat, “IGAD Holds Regional Learning Exchange on the Implementation of the Kampala Declaration” (Addis Ababa, 20-23 Oct 2025) <https://igad.int/igad-holds-regional-learning-exchange-on-the-implementation-of-the-kampala-declaration/> accessed 1 Nov 2025.

¹⁴⁹ ECOWAS, “ECOWAS Unveils Regional Labour Migration Strategy to Drive Mobility, Rights, and Integration” (15 May 2025) <https://www.ecowas.int/ecowas-unveils-regional-labour-migration-strategy-to-drive-mobility-rights-and-integration-in-west-africa/> accessed 1 Nov 2025.

¹⁵⁰ Ibid.

¹⁵¹ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection (OJ L304/12) art 26.

¹⁵² “Directive 2004/83/EC – Access to employment” EUR-Lex <https://eur-lex.europa.eu/eli/dir/2004/83/oj/eng> accessed 1 Nov 2025.

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Annex 1: Shirika Plan Provisions on the Right to Work for Refugees

Sector/ Right	Specific Legal/Policy Reform Commitment	Source in Shirika Plan	Responsible Ministry/ Agency	Expected Legislation/ Regulation	Timeline (if specified)	Monitoring Priority
DOCUMENTATION & IDENTITY						
Refugee Database	"Operationalization of a Refugee management information system (database)"	p. 9, Pillar 1	DRS, Ministry of Interior	Regulations on database management; data protection compliance	Phase 1 (2025- 2028) - No specific date	HIGH
Refugee ID	Establishment of "Refugee Database Refugee ID Recognition" as core enabler	p. 26, Figure 3.1	DRS, Ministry of Interior	Regulations specifying ID format, issuance procedures, validity	Phase 1 (2025- 2028) - No specific date	HIGH
Digital Inclusion	"For reforms in laws related to digital inclusion of refugees and access to mobile services"	p. 30, Ministry of ICT	Ministry of ICT	Amendments to Communications Act; KYC regulations for SIM registration	Not specified	MEDIUM
EDUCATION & SKILLS						
Education System Integration	"For reforms in laws and policies related to the inclusion of refugees into the national education system"	p. 30, Ministry of Education	Ministry of Education	Amendments to Basic Education Act 2013; Regulations on refugee learner registration	Not specified	HIGH
TVET Access	Implementation of existing "Technical and Vocational Education and Training (TVET) Policy" for refugees	p. 21, Pillar 4	Ministry of Education	Regulations under TVET Act 2013 explicitly including refugees	Not specified	HIGH
RPL	"Certify skilled refugee and host community in line with the RPL Policy"	p. 22, Pillar 4	Ministry of Education; TVET Authority	Operational guidelines for RPL assessment of refugees; designation of assessment centres	Not specified	HIGH
Foreign Qualification Recognition	"Facilitate recognition of foreign qualifications and ratification of UNESCO regional and global conventions on Higher Education"	p. 22, Pillar 4	Ministry of Education; Commission for University Education	Ratification of UNESCO Addis Convention 1981 or other conventions; establishment of foreign credential evaluation service	Not specified	MEDIUM

Sector/ Right	Specific Legal/Policy Reform Commitment	Source in Shirika Plan	Responsible Ministry/ Agency	Expected Legislation/ Regulation	Timeline (if specified)	Monitoring Priority
EMPLOYMENT & LABOR						
Equal Labour Access	"For reforms in laws and policies related to access to equal labour and social protection services	p. 30, Ministry of Labour	Ministry of Labour and Social Protection	Amendments to Employment Act 2007; clarification on work permits for refugees	Not specified	CRITICAL
Work Authorization Mechanisms	Establishing mechanisms that enable refugees with professional skills and trades to exercise their rights, facilitating their engagement in formal and self employment within the labour market"	p. 19, Pillar 2	Ministry of Labour; DRS	Regulations under Refugees Act 2021 specifying work authorization procedures; possible amendments to Immigration Act on work permits	Not specified	CRITICAL
Professional Regulation	Recognition of refugee professionals by regulatory bodies	Implied in RPL and foreign qualification recognition	Various professional boards (Medical, Engineering, Nursing, etc.)	Amendments to or regulations under professional licensing Acts to accommodate refugees	Not specified	MEDIUM
SOCIAL PROTECTION						
National Safety-Net Inclusion	"Enactment of a legal framework for the inclusion of all individuals, including refugees, in National Safety-Net Programmes	p. 19, Pillar 2	Ministry of Labour and Social Protection	New Act or Amendments to Social Assistance Act 2013 explicitly including refugees	Not specified	CRITICAL
NSSF Integration	"Integration of informal refugee workers into the NSSF (Haba Haba)" and formal workers into standard NSSF	p. 19, Pillar 2	Ministry of Labour; NSSF	Amendments to National Social Security Fund Act (Cap 258) to include refugees	Not specified	HIGH
Social Health Insurance (SHIF)	"Extension of social health protection...to refugees" and "Enrolment of refugees...into SHIF"	p. 14, 19, pillar 2	Ministry of Health	Regulations under Social Health Insurance Act 2023 for refugee enrolment and premium subsidies	Not specified	HIGH

Sector/ Right	Specific Legal/Policy Reform Commitment	Source in Shirika Plan	Responsible Ministry/ Agency	Expected Legislation/ Regulation	Timeline (if specified)	Monitoring Priority
Labour Rights Protections	Ensuring refugee workers access labour dispute resolution and protections	Implied in "equal labour access"	Ministry of Labour	Potentially amendments to Labour Relations Act 2007; Employment Act 2007; Work Injury Benefits Act 2007	Not specified	MEDIUM
BUSINESS & ENTREPRENEURSHIP						
Financial Inclusion	"For reforms in laws related to the financial inclusion of refugees"	p. 30, Ministry of Treasury	Ministry of National Treasury	Amendments to Banking Act; Microfinance Act; CBK regulations on KYC for refugee account opening	Not specified	HIGH
Business Registration	Enabling refugees to register businesses	Implied in "Reducing Business Obstacles" and "Harmonization of laws"	Ministry of Cooperatives and MSME; Registrar of Companies	Amendments to Companies Act 2015; Business Registration Service Act; procedures accepting refugee IDs	Not specified	HIGH
Tax Registration (RA PIN)	Enabling refugees to obtain tax identification numbers	Implied in business registration and formal employment	Kenya Revenue Authority	KRA procedures amended to issue PINs based on refugee IDs	Not specified	HIGH
Land Access for Business	"More favourable land access policies for host communities and refugees"	p. 23, Pillar 5	Ministry of Lands; County Governments	Amendments to Land Act 2012; Land Registration Act 2012; County land use regulations enabling refugee land lease/access	Not specified	HIGH
County Business Licensing	Harmonization of county business permit and licensing for refugees	Implied in "Harmonization of laws"	Ministry of Cooperatives; County Governments	County Finance Acts and business licensing regulations harmonized across refugee hosting counties	Not specified	MEDIUM
MOVEMENT & RESIDENCE						

Sector/ Right	Specific Legal/Policy Reform Commitment	Source in Shirika Plan	Responsible Ministry/ Agency	Expected Legislation/ Regulation	Timeline (if specified)	Monitoring Priority
Freedom of Movement	Clarification/re form of encampment policy and movement restrictions	Implied in "integrated settlements " concept but NOT explicit	Ministry of Interior; DRS	Amendments to Refugees (General) Regulations 2024 on movement restrictions; potential repeal of encampment requirements	Not specified	CRITICAL
Urban Refugee Rights	Formalization of urban refugees' legal status and right to reside outside camps	Implied in acknowledg ment of 110,861 urban refugees	Ministry of Interior; DRS	Regulations clarifying urban residence rights and documentation	Not specified	HIGH
County-Level Harmonization	Ensuring counties do not impose additional movement/residence restrictions	Implied in coordination mechanisms	Ministry of Interior; Council of Governors	National-county coordination framework; possibly amendments to County Governments Act	Not specified	MEDIUM
COORDINATION & SYSTEMS						
Comprehensive National Refugee Policy	"A Comprehensive National Refugee Policy	p. 9, Pillar 1	Ministry of Interior; DRS	New National Refugee Policy document approved by Cabinet	Phase 1 (2025-2028) - No specific date	HIGH
Harmonization of Laws	"Harmonization of laws and policies" (general commitment)		All relevant MDAs	Systematic review and amendment of sectoral laws to ensure refugee inclusion	Not specified	MEDIUM
Coordination Mechanisms	"Establishment of coordination mechanisms for accountability and proper targeting"	p. 10, Pillar 1	DRS (Secretariat)	Establishment orders for National Steering Committee, Technical Committee, Sector	Phase 1 (2025- 2028) - Should be early	MEDIUM
COUNTY LEVEL REFORMS						
County Integrated Development Plans (CIDPs)	Inclusion of refugee and host community priorities in county planning	Alignment noted in Plan	County Governments (Turkana, Garissa, Nairobi)	Revised CIDPs explicitly budgeting for refugee inclusion	CIDP revision cycles (typically 5- year)	MEDIUM
County Service Delivery	Devolved services (health, WASH, vocational training, markets) extended equally to refugees	Implied throughout Pillar 2	County Governments	County sectoral regulations and budget allocations	Not specified	HIGH

Sector/ Right	Specific Legal/Policy Reform Commitment	Source in Shirika Plan	Responsible Ministry/ Agency	Expected Legislation/ Regulation	Timeline (if specified)	Monitoring Priority
CROSS CUTTING						
Gender Equality	"For reforms in policies related to...gender and affirmative action"	p. 30, Ministry of Public Service	Ministry of Public Service	Unclear - possibly gender mainstreaming in refugee programming; no specific law mentioned	Not specified	LOW (due to vagueness)
Disability Inclusion	No specific commitment	Not mentioned	None identified	GAP - Should include amendments to Persons with Disabilities Act 2003 or sectoral regulations	N/A	CRITICAL GAP
Youth Empowerment	"Mainstream youth empowerment, social inclusion, and meaningful engagement"	p. 20, Pillar 2	Ministry of Youth, Sports, Culture	Unclear - possibly inclusion in National Youth Policy or youth programs; no specific law	Not specified	LOW (due to vagueness)
Environmental Management	Regulations on sustainable resource use, waste management in settlements	Implied in Pillar 3	Ministry of Environment ; County Governments	County environmental management regulations; possibly amendments to Environmental Management and Coordination Act	Not specified	LOW (not directly related to right to work)

Annex 2: Recommendations for Refugees in Designated Camps (Dadaab and Kakuma)

Component	Legal/Policy Gap	Recommended Action	Responsible Agency	Priority
Formal Employment Authorization	No clear work authorization procedure; reliance on Class M permits impractical for camp-based refugees	Issue streamlined work authorization allowing camp-based refugees to work without individual permits; accept refugee ID as sufficient documentation	Ministry of Interior/DRS	Critical
Freedom of Movement	Movement passes required for travel; restricts access to labour markets outside camps	Abolish movement pass system; amend Refugees (General) Regulations 2024 to permit free movement for employment, education, and family purposes	Ministry of Interior/DRS	Critical
TVET Access	Camp-based TVET institutions lack accreditation; certificates not recognized nationally	Accredit camp-based TVET centres under TVET Authority; ensure certificates issued have equal status to national qualifications	Ministry of Education/TVET Authority	HIGH
Recognition of Prior Learning	No RPL assessment centres in camps; skilled refugees cannot certify competencies	Establish mobile or camp based RPL assessment centres; subsidize assessment fees; train assessors in Dadaab and Kakuma	TVET Authority/Ministry of Education	HIGH
Self Employment & Business Registration	Refugees operate informal businesses; lack legal registration and protection	Establish satellite Business Registration Service offices in camps; waive registration fees; accept refugee IDs for KRA PIN issuance	Ministry of Trade/KRA/County Governments	HIGH
Access to Finance	No banking services in camps; refugees excluded from formal credit	Require banks to establish branches or mobile banking in camps; mandate acceptance of refugee IDs for account opening; establish refugee-specific microfinance schemes	Central Bank of Kenya/Ministry of Treasury	HIGH
Social Protection (NSSF)	Camp-based workers (including incentive workers) excluded from NSSF	Amend NSSF Act to include all camp-based workers; backdate contributions for long-term incentive workers; establish NSSF enrolment centres in camps	Labour/NSSF	HIGH
Social Health Insurance (SHIF)	Limited health facilities; refugees not enrolled in SHIF	Enrol all camp-based refugees in SHIF with government subsidy for premiums; upgrade health facilities to SHIF accredited standards	Ministry of Health	HIGH

Component	Legal/Policy Gap	Recommended Action	Responsible Agency	Priority
Labour Protections	Incentive workers lack formal contracts; wage disparities with Kenyan staff; no occupational safety standards	Phase out incentive work system; transition workers to formal employment with contracts, equal pay, and WIBA coverage; establish labour inspection in camps	Ministry of Labour/U NHCR	Critical
Skills-Labour Market Matching	No job placement services; camp residents unaware of external opportunities	Establish employment centres in camps linked to National Employment Authority; provide job counselling, vacancy information, and interview support	National Employment Authority/ DRS	Medium
Digital Inclusion	Limited internet access; refugees excluded from digital economy	Expand internet connectivity in camps; provide digital literacy training; enable SIM card registration using refugee IDs	Ministry of ICT/Comm unications Authority	Medium

Annex 3: Recommendations for Urban Refugees

Component	Legal/Policy Gap	Recommended Action	Responsible Agency	Priority
Legal Status & Residence Rights	Urban refugee status is ambiguous; subject to arbitrary relocation directives	Formalise right to urban residence in Refugees (General) Regulations 2024; issue policy circular confirming urban refugees' lawful presence	Ministry of Interior/DRS	Critical
Work Authorization	Class M permit process is lengthy (3–6 months); employers unwilling to hire pending permits	Exempt recognised refugees from Class M permits; recognise refugee ID as sufficient work authorisation; issue work authorisation within 30 days for asylum seekers	Ministry of Interior/Directorate of Immigration	Critical
Documentation & KRA PINs	Refugees facing challenges in getting KRA PINs due to system barriers between DRS and NRB	Direct NRB to integrate DRS refugee database; issue directive requiring KRA to accept refugee IDs for PIN issuance	National Registration Bureau/KRA	Critical
Business Registration	Refugees cannot register businesses due to ID requirements; informal operations expose them to harassment	Amend Business Registration Service procedures to accept refugee IDs; establish fast-track registration desks in DRS urban offices; waive fees for refugee entrepreneurs	Business Registration Service/Ministry of Trade	High
Access to Banking & Mobile Money	KYC requirements exclude refugees; cannot open bank accounts or register SIM cards	Issue CBK directive requiring banks to accept refugee IDs; direct Communications Authority to mandate SIM registration using refugee IDs	Central Bank/Communications Authority	Critical
Professional Licensing	Professional bodies (medical, engineering, nursing councils) do not recognize refugee credentials or lack procedures for foreign qualifications	Establish fast-track foreign credential evaluation service; amend professional licensing Acts to provide pathways for refugee professionals; issue bridging program guidelines	Professional Regulatory Boards/Ministry of Education	High
TVET & Skills Training	Urban refugees lack access to affordable TVET; no scholarship	Reserve quota in public TVET institutions for refugees; establish scholarship fund; recognize refugee documentation for admission	Ministry of Education/TVET Authority	Medium

Component	Legal/Policy Gap	Recommended Action	Responsible Agency	Priority
Social Protection (NSSF & SHIF)	Urban refugee workers excluded from NSSF and SHIF enrolment	Amend NSSF Act and SHIF regulations to explicitly include refugees; establish NSSF/SHIF enrolment desks at DRS urban offices	Ministry of Labour/Ministry of Health	High
Labour Rights Enforcement	Refugee workers face exploitation; cannot access Employment and Labour Relations Court due to cost and lack of awareness	Establish legal aid desk for refugee labour disputes; train labour officers on refugee rights; provide interpretation services in labour tribunals	Ministry of Labour/Judiciary/Legal Aid	High
Anti Discrimination	Refugees face xenophobic hiring practices; no enforcement of equality provisions	Enact regulations under Employment Act prohibiting refugee-based discrimination; establish complaint mechanism; conduct employer sensitization campaigns	Ministry of Labour/Commission on Administrative Justice	Medium
Housing & Spatial Integration	Urban refugees concentrated in informal settlements; face eviction risks	Include refugees in affordable housing schemes; prohibit discrimination in rental markets; integrate refugees into county housing and urban planning	County Governments/Ministry of Lands	Medium

Annex 4: Recommendations for Integrated Settlements (KISED/ GISED Models - Kalobeyei, Garissa)

Component	Legal/Policy Gap	Recommended Action	Responsible Agency	Priority
Legal Framework for Integration	KISED/GISED operate as development programs without legal status; refugee rights depend on administrative discretion	Enact specific regulations or county ordinances recognizing integrated settlements; guarantee refugee rights to residence, work, and property access within settlement areas	Ministry of Interior/ County Governments (Turkana, Garissa)	Critical
Freedom of Movement	Refugees in Kalobeyei still subject to movement restrictions despite settlement designation	Declare integrated settlements as open areas; permit unrestricted movement to neighbouring towns (Lodwar, Kakuma town, Garissa town) for work and trade	Ministry of Interior/DRS/ County Governments	Critical
Employment in County Systems	County governments do not hire refugees for devolved functions (health, education, public works)	Direct counties to include refugees in employment for county positions; establish refugee hiring quotas in county public service boards	Council of Governors/ County Public Service Boards	High
Land Access & Business Premises	Refugees cannot lease or own land for business; operate informally in market spaces	Amend County Land Management Acts to permit refugee land leases (minimum 10- year terms); allocate designated commercial plots in settlement markets	County Governments/ Ministry of Lands	Critical
Business & Trade Licensing	County business permits exclude refugees; informal traders face harassment and confiscation of goods	Harmonize county trade licensing laws to explicitly include refugees; issue county circular recognizing refugee IDs for permits; waive permit fees for refugee micro enterprises	County Governments/ Ministry of Trade	High
Access to County Markets & Infrastructure	Refugees excluded from county-managed markets; poor infrastructure limits trade	Refugees excluded from county-managed markets; poor market infrastructure (water, sanitation, roads) in settlement areas as per Shirika Plan	County Governments/ Ministry of Trade	Medium
TVET & County Polytechnics	County TVET institutions do not admit refugees; lack of clear admission criteria	Issue county education policy including refugees in TVET institutions; reserve quota for refugees in county polytechnics; provide bursaries	County Education Departments/ Ministry of Education	High
Recognition of Camp-Based Skills	KISED/GISED participants trained in camps lack nationally recognized certificates	Accredit all KISED/GISED training programs under TVET Authority; issue certificates with full national recognition; establish RPL centres in Kalobeyei and Dadaab	TVET Authority/ County Governments	High

Component	Legal/Policy Gap	Recommended Action	Responsible Agency	Priority
Social Protection Integration	Refugees in integrated settlements not enrolled in county social assistance programs (e.g., elderly stipends, disability support)	Include refugees in County Integrated Development Plans (CIDPs); enrol refugees in county cash transfer programs and bursaries	County Social Services Departments/ Ministry of Labour	High
NSSF & SHIF Enrolment	Integrated settlement workers not registered with NSSF/SHIF; county health facilities do not serve SHIF-enrolled refugees	Establish NSSF/SHIF mobile enrolment units in settlements; upgrade settlement health facilities to SHIF standards; train county health workers on refugee entitlements	Ministry of Labour/ Ministry of Health/County Health Departments	High
Labour Standards Enforcement	No labour inspection in settlements; exploitative practices in agriculture, construction, domestic work	Extend labour inspection services to integrated settlements; establish complaint desks; conduct awareness campaigns on labour rights for refugees and host communities	Ministry of Labour/ County Labour Offices	Medium
Financial Inclusion	No bank branches in Kalobeyei or Dadaab; refugees rely on informal money transfer systems (hawala)	Require banks to establish branches or mobile banking in integrated settlements; support establishment of SACCOs including refugee members	Central Bank/County Cooperatives Departments	High
Private Sector Engagement	Private investors reluctant to engage due to uncertain legal status of settlements and refugee workforce	Issue investment incentives for businesses operating in integrated settlements; formalize public-private partnerships under Shirika Plan framework; provide tax breaks for refugee employment	County Governments/ Ministry of Industrialization/Kenya Investment Authority	Medium
Education-to Employment Pathways	No structured apprenticeships or internships linking education to jobs	Establish apprenticeship programs linking TVET graduates to local businesses; create youth employment schemes in infrastructure projects under Shirika Plan	National Industrial Training Authority/ County Governments	Medium



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