

Refugees' Access to Work Opportunities: A Case of Kakuma Camp in Kenya

Paul Ekitoo

Kibabii University, Bungoma, Kenya

ABSTRACT

This study analyses the access of refugees to Kenyan job market. The study was carried out in Kakuma refugee camp. The Kakuma camp hosts refugees and asylum seekers, from South Sudan, Somalia, Sudan, Ethiopia and other African countries (UNHCR, 2015). The majority of refugees are from South Sudan, with 2016 data showing that over 320,000 South Sudanese refugees had registered in Kakuma. The study sought to address the policy documents in place that seek to improve access to formal employment for refugees in Kenya.

KEYWORDS: Access, Opportunities, Refugees, Work

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1. INTRODUCTION

The 'United Nations High Commissioner for Refugees' (UNHCR, 2018) indicates that over 68.5 million people are displaced forcibly crossing national borders or internally displaced in their own countries. From the estimates, 25.4 million are refugees, with over a half being children and 3.1 million being Asylum seekers. The average length of displacement remains at 20 years, meaning the majority of children have to spend all their childhood far from home (BHER, 2017). If refugee children cannot access appropriate social services mainly health and education during these protracted situations of displacement, there is a risk that they might miss out of education forever (European Parliament, 2015). According to Dryden-Peterson (2016a), inability of refugees to access formal job opportunities is as a result of inadequate required knowledge and skills. In Kenya, emergencies have continuously become protracted crisis and refugee populations have continued to grow, with most coming from Somali, DR Congo, South Sudan and Burundi (Kanja, 2010). Therefore, there is need for evidenced-based policies that could guide the Kenyan government and partners to ensure the learned

refugees join the job market. The study therefore intends to conduct a research on current national policies, current debates the government and international partners are having in regards to refugees' job opportunities they have in the country, using Kakuma camp as a case study.

2. LITERATURE REVIEW

2.1. Demography of Refugees in Kenya

Kenya is ranked as one of the countries with the highest number of refugees and asylum seekers. As of May 2019, Kenya was host to 476,695 refugees and asylum seekers. The majority of refugees in Kenya reside in the two camps (Dadaab – 211,544(44%) and Kakuma/Kalobeyi – 190,181(40%) with an additional minority living in urban areas across the country (74,970 – 10%), Education data, 31 May 2019 (Term 2) (UNHCR, 2019). 56% of the refugees in Kakuma and Dadaab are under the age of 18 years. While the numbers of refugees hosted in Kenya have reduced by 73,084 since the onset of the Voluntary Repatriation program to Somalia in 2014, political instability in neighboring countries such as Somalia, South Sudan and the Democratic Republic of Congo

lead to continues influx of refugees from these areas. As of May 2019, there were 221,754 refugees of school – age children (4-18 years), 46% are estimated out of school (UNHCR 2019). However, this figure does not take into account the number of overage learners attending school nor the number of adults who would want to learn. Refugee children attending public schools outside of the refugee camps are fully mainstreamed and benefit from Government programs such as capitation grants for Free Primary Education and Free Day Secondary Education and other initiatives. Refugee children in camps follow the Kenyan curriculum and sit for the national primary and secondary examinations. However, education services in refugee camps have been largely managed by the international community under the coordination of UNHCR. Refugee children and their counterparts in the host communities face comparable challenges including insufficient infrastructure, equipment and supplies, number of (qualified) teachers, and social and economic challenges.

2.2. General Policy framework for refugees in Kenya

There are several policy documents that seek to improve access to quality education for refugees in Kenya. Most of the policies are focusing to improve the quality of the learning process and reduce a wide range of challenges that undermine knowledge in-semination and the accommodate the rising number of immigrants from the neighboring nations. The policy documents look beyond knowledge access by refugees to their experiences in the Labor market

- The 1951 Convention and Protocol Relating to the status of refugees
- Constitution of Kenya (2010),
- The provision of the Basic Education Act (2013)
- Sessional Paper No. 4 of 2017
- The global consensus on the CRRF; (2017)
- The Djibouti Declaration (2017)
- The Nairobi Declaration (2018) or PACE
- The aspirations of Vision 2030,
- Education Policy for the Inclusion of Refugees and Asylum Seekers

Kenya became a signatory to the Refugee Convention of 1951 in the year 1966, as well as the 1967 Protocol in the year 1981. Further, the Kenyan government additionally ratified the Convention. Governing the Specific Aspects of the Refugee Problem in Africa of 1969, and that expanded the Refugee Convention of 1951 to take in the individuals who have been forced to leave their nations as a result of external aggression, foreign occupations along with external domination or the incidences that are likely to have serious disturbance on public order (UNHCR, 2017).

Furthermore, the OAU convention of 1969 also disallows refugees from demonstrating either personal or direct relations to the prospective danger. It is, however, worth noting that Kenya did not enter any of the reservations concerning the above-stated conventions (Organization of African Unity, 1969). Nevertheless, it was till 2017 that the 2006 Refugee Act was fully enforced and this enabled Kenya to develop the national laws that affirmed the country's devotion to the various global refugee conventions, as well as set up the various treatments and rights of the refugees along with asylum-seeker in the country (UNHCR, 2009). The Act has been attributed to the establishment of the country's Department of Refugee Affairs that is tasked with the reception and processing of the refugees' status application, a function that that had earlier been delegated to the UNHCR as from the 1990s (UNHCR, 2009).

The Department of Refugee Affairs assumed the responsibility of receiving and processing refugees in the year 2011; nevertheless, it only took up some of the refugee registration and processing duties in 2014 (Montclos, & Kagwanja 2015). As a result of the limited capacity and resources, the completion of the desired transfer of all refugee related functions has not been attained. In Kenya, the refugee status registration process normally takes approximately two years as opposed to the internationally stipulated six months maximum, and there is presently no appeal system to the process. As at November 2016, a disbandment of the country's Department of Refugee Affairs occurred abruptly and this was effectively replaced by the novel Refugee Affairs Secretariat, which was mainly tasked with similar and comparable function to the initial department (Cechvala, 2011). The novel refugee secretariat staff mainly comprised of the government intelligence and security agencies. The Kenyan Refugees Act acknowledges two refugee categories, namely; prima facie and statutory refugees. The prima facie refugees have been defined by the act based on the expanded version of the 1969 OAU Convention. Thus, the Act empowers the Cabinet Secretary for Interior Affairs and Coordination of National Government to proclaim a given category of refugees as prima facie refugees, as well as revoke or amend the declarations. A good example of such instances of designation refers to the 2014 incident in which the South Sudanese refugees residing in Kenya were declared as prima facie refugees, along with the 2016 revocation of the refugee status of the Somali refugees (Refugees International, 2017).

The Act further calls for the protection of the refugees from arbitrary arrests, expulsion and detention, and also demands that the refugees are to be offered with

the necessary refugee identification card. Such identification cards are required to conform to the Mandated Refugee Certificate of the UNHCR with a validity period of two years, and the Alien Refugee Certificate that were issued by the Department of Refugee Affairs, with a validity period of five years. Though it has been observed that the most significant implication of the refugee identity documentations regards the view that it accords the refugees some protection from extortion, aggression and harassment by the security officials in urban regions of Kenya, it does not stipulate their access to tertiary education and employment opportunities (Cechvala, 2011). Moreover, the existing pathways for transition from the refugee status to citizen are also restricted.

The Kenyan constitution promulgated in 2010 asserts that an individual who has resided legally in the country continuously for at least seven years might be accorded citizenship through naturalization in case they have met the extra stipulated conditions. The extra conditions include legal entry into Kenya, aptitude to speak a local language or Kiswahili, and the aptitude to contribute substantial to the country's development. Under normal circumstances, the practices imply that the refugees hardly satisfy the criteria and are infrequently accorded the essential citizenship to enable them access tertiary education and formal work opportunities (Organisation of African Unity, 1969). This has, therefore, resulted in the attempts aimed at illegal acquisition of citizenship by the refugees. The novel refugee law passed by the Kenyan parliament in the year 2012 was mainly developed by a task force comprising the civil society and the government. Existing accounts on the law have indicated that it has increased provision for the self-dependence of the refugees, including the probability of the refugees to access tertiary education, work permits and land. Nonetheless, in the course of the discourse on the law in parliament, the members of the august house unanimously agreed that reference to integration be eliminated as a probable and lasting solution to the refugee problem, with the concerns being linked to the gaining of citizenship by the Somali refugees. Even though the bill was passed successful in every parliamentary approval stage, Anota, (2018) observes that it remains unclear whether the bill has been approved into law by the president, and that there is uncertainty with regards to the level to which some of the progressive elements are likely to be enforced in practice is.

Still, in relation to the right to work opportunities, Refugees International, (2017) notes that the Refugee Act of 2016 offers refugees similar employment rights as the other non-Kenyans. The non-Kenyans employment is mainly governed by the 2011 Kenya

Citizenship and Immigration Act that calls for the provision of the Class M permits for a period of two years. The application for the class M permits additionally requires recommendations by the prospective employer and has to be accompanied by another letter from the refugee secretariat confirming the individual's refugee status. Even as the refugees might hypothetically work, in reality, this tends to be increasingly difficult mainly as a result of the observation that the rates of unemployment in Kenya is very high, even as a larger proportion of the population has resorted to reliance on informal sectors of the economy. As a result, the Refugee Consortium of Kenya maintained that the Kenyan government normally offer limited number of work permits to refugees and asylum seekers in cases that are isolated. For the refugees who succeed in acquiring the work permits, they tend to last for just five years (Organisation of African Unity, 1969). For that reason, both the skilled and unskilled refugees often seek employment opportunities within the informal sectors. Moreover, the thriving informal sector has thrived in the refugee camps even as a larger proportion of refugees living in Kenyan towns have continuously relied on the expansive informal sector.

Normally, in Kenya, the refugee policies state that refugees are required to have work permits, which are normally acquired through burdensome and expensive procedures, and the residence permit over and above their refugee status. On most occasions, those who are accorded work opportunities are also required to have job offers from the prospective employers prior to acquiring the work permit. Still, there are other restrictions to the access to higher education and Labor market by refugees albeit such restrictions are indirect with regards to the refugee's aptitude to raise capital and entrepreneurship. For instance, in most case, in Kenya, the refugees also have restricted access to the fiscal institutions to access loans even as the government continues to charge high fees for start-ups and businesses belonging to the refugees. According to (UNHCR, 2009) the various indirect obstacles to the refugees' right to access tertiary education and the Labor market often assume different forms. The backlogs linked to the refugee status determination in Kenya has been observed to slow down the access to tertiary education and the formal Labor market opportunities, even as the immigration offices that are tasked with processing the refugee documents are located far from the nation's borders. The restrictions on the access to tertiary education and the available work opportunities have often coerced a larger proportion of the refugees to partake in informal sectors of the

host nation's economy. This is evident in parts of Kenya, especially the North Eastern region and in Nairobi's East Leigh estate in which working outside the refugee camps has been accepted tacitly in spite of it being illegal. Though refugees also partake in the informal sectors of higher income nations like the UK and the US, the number of individuals in such sectors is often limited. Such informal labor opportunities often involve increased amounts of considerable disadvantages alongside risks, restricted amount of sustainable livelihood, insufficient wages, exploitation and dearth of decent work.

Other notable aspects that have been observed to impact the access to tertiary education and the kind of work opportunities available to the refugees entail the provision of comparable treatment of refugees as the economic migrants, who often have restricted work opportunities coupled with poor work conditions. Also, the negative stereotyping, aggression towards women and gender related social discrimination has been observed to be increasingly prevalent in Kenya (Anota, 2018). For instance, in case a female refugee has access to the Labor market, she is likely to be underpaid and overworked, even as they are also likely to experience harassment within the work environment and become victims of abuse by the employers. Evidence from various camps have additionally asserted that the dearth of access to formal employment opportunities along with the right to work by the adult refugees tend to increase the rates of child labor, which has both adverse long-term and short-term effects. A considerable implication of the restrictive policies and other factors regards the observation that the refugees are infrequently capable of acquiring adequate professional skills and capital to fund their individual and legitimate path to self-dependence, as well as prop up their return and possible reintegration into their home nations.

2.3. Liberty of Mobility for refugees

As mentioned above, in 2006, the government of Kenya enacted the Refugee Act, which became operational in May 2007 and also states that refugees have a right to education. Kenyan legal instruments provide a solid foundation for the inclusion of refugee learners in the national education system. The Kenyan Constitution (2010) and the Basic Education Act (2013) stipulate access to education as the right of every child in Kenya. Currently, the government is in the process of developing the Education Policy for the Inclusion of Refugees and Asylum Seekers In October 2017, Kenya recognized the need for greater responsibility-sharing to protect and assist refugees and support host states and communities by adopting the Comprehensive Refugee Response Framework (CRRF) and in December 2017, signing the Djibouti

Declaration. Education, training and skills development for all refugees and host communities is an important component of the CRRF approach which places emphasis on inclusion of displaced populations in national systems. When refugees gain access to education and Labor markets, they can build their skills and become self-reliant, contributing to local economies and fueling the development of the communities hosting them as well as upon return to their countries of origin. The Djibouti Declaration also commits IGAD Member States and Development Partners to take collective responsibility to ensure that every refugee, returnee and members of host communities have access to quality education in a safe learning environment without discrimination.

2.4. Main Challenges for refugee access to the Labor market in Kenya

A strict encampment policy is enforced in Kenya, meaning refugees have few legal rights outside the camp environment, including access to work or land. "In some cases there are limitations, although indirect, on refugees' entrepreneurship and ability to accumulate capital: For instance in Kenya, refugees cannot hold real estate or own a business without a Kenyan partner. Further, refugees have limited access to financial institutions to obtain loans; and there are high fees for refugee business start-ups" (Zetter, Ruaudel, 2016). An additional challenge for refugees to secure a work permit or a residence permit in addition to their refugee status they need to acquire a job from an employer before being granted the work permit. Such circumstances are challenging to the refugees since the process of obtaining a work permit becomes burdensome for the employer and the refugee alike. This results in very limited livelihood opportunities.

According to Zetter and Ruaudel (2016) there are also indirect barriers to the right to work such as backlogs in status determination and low access to formal Labor Markets. However, the Kenyan government now allows Somali and Sudan refugees who possess temporary identity cards and have resided in Kenya for six months to apply for work permits. For these reasons a majority of refugees are blocked from formal employment and forced to work informally.. Zetter and Ruadel (2016) report that in Kenya many refugees work outside of the camp in the informal sector even if it is illegal. In Kakuma Refugee Camp, refugees also work in the informal sector, although in smaller numbers. Such work entails significant disadvantages and risks – limited livelihood sustainability, marginal wages, lack of decent work, and exploitation. Refugees in the informal sector are exposed to many risks especially the women. For instance, female refugees are normally overworked,

and underpaid, while also harassed and abused by employers. There is also evidence that the lack of formal employment opportunities and right to work for adults increases levels of youth and child labor, with obvious short- and long-term negative effects. Such implications include the inability of refugees to become self-reliant financially.

3. RESULTS AND DISCUSSIONS

3.1. Challenges for refugees to access the labor market

Some of the employment policies and regulations state that the job seeker must be a Kenya citizen. Such policies make refugee integration into the job market very difficult. Most of the refugees will be locked out of jobs due to the lack of the right documents including Kenyan certificates and revenue department details that allow every employee to pay taxes. Another perennial problem is the fact that unemployment rate of youth in Kenya is high and many of them don't have jobs.

A. Legal barriers

In most cases, Kenyan law does not allow refugees to have formal jobs in the camps. However, most of the participants of different refugee programmes such as BHER, DAFI hold positions referred to as Incentive positions in the camps such as community health services and teaching. Such programs offer knowledge and capability to the students who have completed tertiary education helping them become better teachers and better health workers.

B. Insufficient education

Some of the respondents indicated that getting a job after completing tertiary education was also not easy because the quality of education provided could not be compared to the one provided in the other institutions of higher learning.

Student 5 stated that:

“Getting a job after completing tertiary education is never easy, I have a few friends who have completed tertiary education in the camp but have not been lucky to secure a job, the greatest challenge that we face is competition with the students in other universities. In most cases we are down looked by most of the employers and securing an attachment is never easy”. (Interview Student 5, August 2019)

Student 4 also stated that the fact that he comes from Sudan has been a great challenge to him securing employment in Kenya;

“I was able to secure a chance to have my education in Kakuma Camp in Kenya despite the fact that I am a Sudanese national. However, on completion of my tertiary education in Kenya I have been unlucky to get a job in the country despite my qualifications. I

am considering moving to Sudan next year to see if I will be lucky enough to get a job”. (Interview Student 4, August 2019)

In 2018, the Turkana County Government in collaboration with UNHCR and the UN Refugee Agency were able to come to a consensus to address tertiary education in the camp. They agreed to start a new university to offer higher education in Kakuma.

One of the government stakeholders stated that; “In the year 2018, the representative for UNHCR, Raouf Mazou illustrated that there was need to have a broad collaboration and partnership between the locals and international universities. The aim of this was to make higher education affordable and also accessible to more refugees and also to Kenyans. This was a big step and the locals welcomed the planned university and the county government also fully supported the objectives. The aim of this was to increase the enrolment of refugees in higher education from the current one percent access in the local area.” (MoE, Director General, August 2019)

Additionally, Don Bosco which provides training course at the Technical and Vocational Education and Training (TVET) centre is also supporting access to tertiary education in Kakuma although it has many difficulties regarding the number of programs and manpower available for educational training. Six respondents reported that there was a great shortage of opportunities for adult education in the camp. Student 8 stated that the mandate of Don Bosco mainly focuses on adults. The following challenges were listed for this program to have a bigger impact: the need to adapt programmes that can ensure a higher student retention rate especially because of the language barriers because of the different commands in English or French speakers as well as the complication of simultaneously meeting the necessities of the donors and the refugees possibly because UNHCR mainly focuses on the vulnerable groups like school drop outs, women and the physically handicapped. The programs, however few should focus on all groups and also provide a suitable learning platform to solve the language barrier issues first.

This means the government does not create job opportunity for refugees to access salaried employment, making some of them to return to their countries after completion of studies. There was need for the government to offer work permits to the refugees who have graduated from colleges and universities. The focus was to ensure that these graduate refugees can improve the status of tertiary educational within the refugee communities in Kakuma camp. The government of Kenya could also

establish a strategy of capacity building hard working refugee youth and scholars to have official work permits to support work force and labour required for national development. Thus, it is evident that by improving the job access, economic opportunities for the refugees would generate inspiration and hope for the attainment of tertiary education thereby putting the community of the refugee in an improved financial position thereby improving capacity and quality of tertiary education within the refugee camps.

3.2. Opportunities and support structures in place for refugees to access the labor market

Private sectors such as Care International and Sama-source have also come in handy in providing Income Generating Activities (IGA) as part of support to livelihoods and education for students pursuing tertiary courses at college levels. Such activities include SMEs and small enterprise involving small groups of traders to increase their household income through livelihood diversification. Such activities include food processing technologies, preservation through drying, food preparation, and also marketing of animal products such as meat, milk, and ghee. This activities fall under agricultural production, which also livestock husbandry, poultry keeping, among many others practiced within the refugee camps. On the other hand, some of the suggested solutions for improving access to the employment opportunities in Kenya include; investing on skill development and providing equal opportunities for refugees and Kenyan scholars. Some of the practical skills that are needed include masonry; plumbing, black smith work, welding, and tailoring are viable for self-employment by the refugee population. Refugees should also be trained on financial management.

4. CONCLUSION

The study established that there are indirect barriers to the right to work such as backlogs in status determination and low access to formal labor markets. However, the Kenyan government now allows Somali and Sudan refugees who possess temporary identity cards and have resided in Kenya for six months to apply for work permits. For these reasons a majority of refugees are blocked from formal employment and forced to work informally. Such work entails significant disadvantages and risks – limited livelihood sustainability, marginal wages, lack of decent work, and exploitation. Refugees in the informal sector are exposed to many risks especially the women. For instance, female refugees are normally overworked, and underpaid, while also harassed and abused by employers. There is also evidence that the lack of formal employment

opportunities and right to work for adults increases levels of youth and child labor, with obvious short- and long-term negative effects. Such implications include the inability of refugees to become self-reliant financially.

5. RECOMMENDATIONS

- A. Employed refugees should be paid normally like nationals
- B. Both the government of Kenya and the UNHCR should provide more job opportunities to the refugees
- C. Both UNHCR and the government should come up with a way to do policy without corruption
- D. Government should give refugees freedom of movement in Kenya
- E. Refugees should be given job opportunities just like any other citizen but not being discriminated
- F. The government of Kenya and UNHCR should take an initiative to allow refugees students to attend internship and attachments programmes to the well-known companies, industries and factories.
- G. The Kenya government to consider qualified refugee students in the job markets

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