# Out of Sight, Out of Policy: The Struggles of Urban Refugees in Kenya

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## Introduction

Many mistakenly assume that the majority of refugees live in camps. In reality, most seek refuge in urban areas, finding safety in towns and cities. Over the past 15 years, the percentage of refugees who have sought shelter in urban areas has grown significantly, from around 15 percent in 2003 to more than 60 percent today.[1] Despite this geographical shift, policies themselves have not adjusted to meet the different needs of urban refugees and asylum seekers. Host governments, humanitarian actors, and donors continue to heavily prioritize and fund infrastructure for camp-based populations, creating a substantial resource gap.[2] In African nations, efforts have largely been concentrated on refugee camps, with the United Nations High Commissioner for Refugees (UNHCR) serving as the guardian of the 1951 Refugee Convention, which oversees the implementation and maintenance of the camp system.[3] While refugees and migration issues dominate the media in the U.S. and Europe, the reality is that the majority of refugees reside in developing countries.[4] Around one-third of those forcibly displaced are in Africa, including approximately 8.9 million refugees.[5] In Africa, the protections established by the UNHCR and in international refugee guidelines hold greater influence in refugee camps than in urban settings. Urban refugees are often overlooked, and national governments rarely implement formal policies to address their needs. Instead, changes are typically driven by ad-hoc, local-level practices, meaning that municipal authorities, NGOs, or community initiatives respond on a case-by-case basis without consistent national frameworks, leaving urban refugees underserved.[6] Urban refugees worldwide often struggle to access humanitarian aid, and African nations are no exception, where camp populations receive priority.[7] The larger issue is not only that urban refugees are ignored, but also the disproportionate emphasis placed on camps. I argue that it is imperative for African states to shift their focus from refugee camps to urban integration. This is not to suggest that camps are redundant, but rather that more attention needs to be directed toward urban settings. There should be a shift to urban integration to better actualize UNHCR's aim for refugees to become self-reliant. First, I will analyze why refugee camps are preferred as a policy. Then, using Kenya as a case study, I highlight the need for greater focus

on urban refugees globally, and propose policy recommendations to improve urban refugee integration in Kenya and other African states.

## The Camp Focus

Mistakenly, self-reliance or self-sufficiency is assumed for the majority of the world's urban refugees.[8] Policy and funding are primarily directed toward camps, which are often viewed as the default response to new refugee crises.[9] Governments prefer camps for two key reasons. First, the aspect of visibility is critical for governments—because "camps are a tangible demonstration that a government is actively responding to a refugee crisis, " the presence of camps allows governments to access international funds and resources.[10] In cities, refugees lose their visibility as they blend into urban life, living alongside other residents, and are therefore less likely to be seen as a population in need. One might intuitively assume that governments would prefer refugees to remain "invisible" as they undergo local integration. However, visibility is crucial for governments to mobilize resources from UNHCR and NGOs, as governments are more inclined to allow refugees to remain if they are provided with the funding necessary to build the appropriate infrastructure to accommodate them. As noted previously, one-third of the world's refugees reside in Africa, placing significant strain on host countries in the continent. Many African states find themselves ill-equipped to carry out their duties to refugees, so they look to UNHCR and international funding for support. UNHCR is more experienced with camp-based populations, with established practices and dedicated professionals. Conversely, urban refugees often go unregistered, meaning they are not officially recognized by the host government or UNHCR. Their "invisible" status makes it difficult for UNHCR to assess their needs and allocate aid effectively. Thus, host countries favor refugee camps as a visible strategy to attract international funding.[11] Other actors, like aid agencies, also prefer camps for exposure, as they serve as a "visual tool" for fundraising at the NGO level, further complicating and drawing international efforts away from addressing urban refugee displacement in cities.[12]

Specifically, governments prefer camps because they align with their long-term goal of only keeping refugees and other displaced people in the country temporarily, until they can be returned home. Governments view camps as a short-term solution to displacement. Since they do not intend to host refugees indefinitely, governments are reluctant to integrate them into the urban community and would rather keep them separate.[13] This separation reinforces the narrative that refugees are outsiders and potential security threats that need to be physically distanced from the local community and kept under supervision. The settlement of refugees in urban areas is not new, yet the urban displaced are considered "an expense and security threat."[14] There is a general perception that refugees belong in camps, and therefore urban refugees are viewed as "out of place" and seen as security risks who should remain isolated.[15]

This perception fuels anti-immigrant sentiment, making future efforts at integration into urban areas increasingly challenging. Even if UNHCR wishes to address urban refugee displacement, the body is constrained by host government national policy, which typically prioritizes assistance to refugees in camps.[16] For example, in Jordan, camps only house 20 percent of Syrian refugees, but they receive 80 percent of humanitarian funding.[17] This preference is not solely driven by the need for UNHCR funding; governments also have their own independent reasons for prioritizing camps, and obtaining UNHCR funding is only one facet of that. The greatest difficulty in addressing urban displacement in cities is that host governments prefer a camp-based approach, thwarting efforts that champion city-orientated approaches, even when cities themselves may have a more favorable outlook. Instead of investing in urban refugee infrastructure, such as housing assistance programs, job training centers, and accessible work permits, which could allow refugees to integrate into local economies, host governments focus on increasing camp capacity—even when it may not be the most effective use of resources to improve living conditions for refugees on a national scale. It is important here to remember the existence of camps does not mean the issue of urban refugee displacement is resolved.

## The Kenya Case

In Kenya, camp policies are highly restrictive. In 1991, the country introduced an encampment policy requiring all refugees to reside in camps established and managed by UNHCR.[18] This meant that refugees living outside of the camps, such as in cities like Nairobi, were unable to legally work or access social services. Despite this mandatory encampment policy, some refugees chose to illegally live in cities. Currently, around 15 percent of all refugees in Kenya live in Nairobi.[19] In 2018, Kenya's official figures indicated that of the country's 470,088 registered refugees and asylum seekers, just 74,845 were living in urban areas.[20] However, due to the strict encampment policy, these numbers are likely underreported, as many unregistered refugees also live in Nairobi.[21] In Kenya, camps are "closed, and only refugees who can convince the authorities of their resources and family connections, and [are able to] navigate the bureaucracy… can move out of the camp on a temporary or permanent basis."[22] It is extremely difficult to even leave the camp, as it requires obtaining an extremely regulated and rarely approved movement pass. If for some reason this pass is obtained, refugees are still segregated.[23] Additionally, refugees can be arrested if they leave the camp without a movement pass.[24] Dr. Lucy Earle, an academic and UK government advisor on urban refugee displacement, interviewed refugees in the Dadaab camp, showing that respondents were desperate to leave the camp, and described it as a prison: "We [refugees] say we are in a cell that is open in the upper part."[25] Camps are portrayed as "safety nets" by aid agencies, but when underfunded, like Dadaab, they can become places of hunger, homelessness, and inadequate service provision.[26]

In Earle's research study, Somali refugees in Nairobi, aware of the poor services and lack of freedom in camps, chose to bypass Dadaab and instead work as street hawkers selling goods informally in the city.[27] As a sort of resistance to the stringent refugee policies, these women chose to "endure significant hardships for the sake of a better future for their children outside the camp."[28] As a Somali refugee woman said:

> "I have never thought of moving to the camps because it's difficult to start a business. [. . .] Through my small hustles along the road, I want to pay for university fees for my older children and the smaller ones."[29]

Despite the difficulties faced by refugees living in the city, it is still preferable to the camp for many due to the possibility of earning income, albeit illegally, rather than being trapped in a camp with subpar conditions and no hope of escape.

Leaving or bypassing the camp means foregoing humanitarian assistance.[30] While the recent 2021 Refugee Act in Kenya aimed to expand refugee rights and address the injustices of the system formed by the 1991 law, refugees are still required to live in "designated areas."[31] Exactly what these areas are is still vague. Allan Mukuki, an advocate at the High Court of Kenya and legal expert, states the Act defines these areas as "any reception area, transit point or settlement area as may be declared by the Cabinet Secretary."[32] Currently, Somali refugees in Nairobi are often confined within the boundaries of Eastleigh, a neighbourhood with a large population of Kenyans of Somali origin as well as Somali refugees.[33] This is because Somali refugees are associated with links to terrorism and fear discrimination, as well as being signalled out by police or authorities for detention or extortion due to their distinctive physical characteristics.[34] One Somali refugee man, aged 45, explained:

> "I don't feel safe to move around because there's so much harassment from the police, who will do everything to extort money from vulnerable people."[35]

A 30 year old Somali refugee woman also stated:

> "If I leave it is when I am going to the UNHCR offices in Westlands. I am always afraid I will be arrested if I go beyond. [. . .] My refugee status cannot allow me to leave Eastleigh, I am only allowed to live within the camp or Eastleigh."[36]

Thus, many Somali refugees limit their movement to the Eastleigh neighbourhood, mirroring the segregation from the camp. Most worryingly, these refugees' limited movement severely impacts their access to basic services. This more prominently applies to unregistered urban refugees who are afraid to move freely around the city for fear of being arrested and sent back to the camps, as occurred in 2020 to those who lost their livelihoods due to the COVID-19 pandemic.[37]

There must be a policy shift in Kenya to account for the unregistered urban refugees who fear being sent back to the camps as well as the registered urban refugees that are still living in the "shadow of the camp."[38] Even with a strict encampment policy, Kenya cannot prevent refugees from residing in cities. Refugees will continue to be drawn to cities, whether it is because of the possibility of earning income or family ties. Furthermore, it is imperative to dispel the assumption that urban refugees are "self-reliant" and only camp populations are in need of assistance. I have demonstrated that many refugees feel trapped by life in camps, and those that live in urban areas lack access to essential social services and resources. Therefore, rather than channeling resources into camps, efforts should focus on urban integration, as most refugees in Kenya are unlikely to return home soon. Keeping them in camps only delays their inevitable integration. A trading of places from camps to cities is essential, as both registered and unregistered urban refugees face significant challenges that will only be resolved by allowing freedom of movement and increasing the capacity for urban areas to handle and support refugees.

## Key Areas for Policy Improvement in Africa

The 2021 Refugee Act marks a significant step forward for Kenya, laying the groundwork for meaningful change. If fully implemented, the Act offers refugees freedom of movement, the right to work, and access to financial services, among other rights.[39] A key component of the new refugee policy is the transformation of refugee camps into urban settlement areas.[40] While this Act is a step in the right direction, a closer examination reveals ambiguities in the language. In addition to the aforementioned provision requiring refugees to live in "designated areas," the Act also fails to adequately address access to work permits and healthcare for refugees. Importantly, the implementation of this policy will take time, and critics remain skeptical about its effectiveness as urban refugees continue to face daily struggles.

Additionally, due to the deep rooted discrimination against Somali refugees in Kenya, positive urban-oriented strides such as the UNHCR's Garissa Integrated Socio-Economic Development Programme (GISEDP) have made little progress, with no clear indication that Somali refugees will be resettled outside of camps.[41] Given these ongoing challenges, policymakers must prioritize immediate action to address urban refugees' needs, rather than focusing solely on camp populations.

### Access to Healthcare

Unregistered urban refugees struggle to access essential services, such as healthcare, because many public services require documentation. Therefore, private clinics often become the only option for seeking medical help. However, as is the case in Kenya, private clinics are far more expensive,[42] forcing refugees to obtain medical help from unreliable sources, or even worse, forgo medical help altogether.[43] Even registered refugees often struggle, as newly

arrived individuals usually lack information on how Kenya's healthcare system operates and face various barriers to access, such as language and cultural differences.[44] Because the new Refugee Act focuses primarily on assisting refugees in camps such as Kakuma and Dadaab with integration, current challenges faced by urban refugees in accessing services remain largely neglected.[45]

A successful urban integration model must strive to make essential services like healthcare more accessible to urban refugees. Such policies do not just pertain to Kenya, but also other African nations. Policies should aim to simplify the registration process and ensure refugees have the necessary documents to access healthcare services. In Kenya's case, urban refugees should be guaranteed access to necessary documentation without fear of being sent to a camp. Other policies can involve providing multilingual support in healthcare facilities to overcome language barriers and improving accessibility to healthcare facilities. For Nairobi, this can involve either improving health care near refugee areas like Eastleigh or improving transportation from Eastleigh to clinics.

### Access to Employment

Urban refugees in Nairobi are often excluded from the formal labor market,[46] with many struggling to obtain work permits. As a result, they are forced to seek employment in the informal sector.[47] The 2021 Refugee Act stipulates that refugees will have the right to work. If properly enforced, this stipulation could address existing employment challenges. Although this new provision is promising, I question its potential impact if the work permit issue remains unresolved. The Act stipulates that refugees "shall have the right to engage individually or in a group, in gainful employment or enterprise or to practice a profession or trade where he holds qualifications recognized by competent authorities in Kenya."[48] As Allan Mukuki, a distinguished legal professional and Advocate of the High Court of Kenya, points out the problem is that the Act mandates that refugees have their qualifications recognized by the Kenyan National Qualifications Authority—[49]a task that is far from straightforward. For instance, a refugee in the Kakuma camp would need a permit to travel to Nairobi for document certification, which may also require approval from professional bodies like the Law Society of Kenya or the Engineers Board of Kenya.[50] Thus, requiring travel permits, this process can be lengthy and complex, sometimes involving additional testing. Since many refugees fleeing conflict are unable to bring their documents, obtaining copies of their diplomas and certifications from their home countries is even more difficult.[51]

In Kenya and beyond, policies should aim to encourage access to employment rather than complicating the process.. It is difficult to predict how the right to work in the new Act will unfold, but policymakers must ensure that work permits are accessible to refugees without overly complicated procedures. Hopefully, the right to movement clause in the Refugee Act will eliminate the worries that Allan Mukuki highlights. Given the current uncertainty, I propose that access to work permits should be a streamlined process, with no requirement

for prior documentation. Policies to dovetail the right to work should promote anti-discrimination practices in the workplace and should encourage private investment in areas hosting refugees, like Kakuma and Kalobeye, through subsidies or tax incentives. The Kakuma Kalobeyei Challenge Fund (KKCF) is an example of such initiatives, which supports private sector investments in these areas by providing grants and technical assistance.[52]

### *Access to Housing*

Housing is a prominent issue for most urban refugees, especially in Nairobi where housing costs are high and refugees face discrimination from landlords.[53] In Nairobi, the International Institute for Environment and Development (IIED) found that the most significant challenges faced by newly arrived refugees are the poor condition of housing (39.2 percent), followed by difficulty raising rent, or rent being too high (19.5 percent).[54] Due to this, many urban refugees live in houses with very poor conditions, such as overcrowded housing with inadequate water, sanitation, and energy. [55]

   Unfortunately, the 2021 Refugee Act fails to address the issue of sub-par housing conditions, or outline how housing rights for refugees will be secured.[56] Policymakers should aim to expand affordable housing initiatives by partnering with private developers and NGOs to create more affordable housing units. For example, Greece's Emergency Support to Integration and Accommodation (ESTIA) program demonstrates how governments, in partnership with international organizations, can create localized housing solutions by leveraging the rental market, a model that Kenya and other African states could adapt to include refugees in its affordable housing initiatives.[57] ESTIA provided housing and aid for asylum-seekers with support from the UNHCR, the Greek government, and NGOs.[58] Its first pillar secured 20,000 apartments, offering shelter to those fleeing conflict, while the second, ESTIA Cash, provided financial support for daily needs, regardless of residence.[59] Kenya could implement a similar initiative, and has proven it has the political willpower to do so. For example, the Kenyan Government's Affordable Housing Program aims to support the establishment of 250,000 affordable housing units annually.[60] However, refugees are currently not eligible for these units. Therefore, a potential policy could involve collaboration between refugee organizations, donors, and the Kenyan government in order to incorporate refugees in this housing scheme.[61] Other potential policies could include implementing cash-based interventions similar to the UNHCR's program in Kalobeyei, which provides refugees with financial assistance to build or rent safe and dignified housing.[62]

## Conclusion

Kenya, like many African nations, has long prioritized a camp-based approach to refugee management, often overlooking the growing population of urban refugees who struggle with limited access to essential services, housing, and

employment. While camps may serve as visible symbols of state response to displacement, they are not a sustainable long-term solution. While the 2021 Refugee Act marks a step toward greater refugee inclusion, its implementation must also address the immediate and pressing needs of urban refugees, not just those in camps. The Act's ambiguity of "designated areas" and the government's intentions with the right to work stipulation raises questions. Additionally, it is still unclear when and how this act will be concretely implemented. Kenya is moving in the right direction regarding refugee management, but urban refugees, especially Somali refugees who face widespread discrimination, need to be made a higher priority. By shifting policies toward urban integration—ensuring better access to healthcare, employment, and housing—Kenya and other African states can foster self-reliance and improved living conditions among refugees. Refugees are not temporary guests; they are part of the urban fabric. Recognizing this reality and implementing inclusive policies will create more sustainable, humane, and practical approaches to refugee management in Africa.

## Notes

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