

The Kenyan Experience

MTM: A Dialogue in Action

Linking Emigrant Communities for More Development
Inventory of Institutional Capacities and Practices

Joint ICMPD-IOM Project

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The African Migration and Development Policy Centre (AMADPOC) wishes to acknowledge the contribution of Dr. Linda A. Oucho and George Odipo in the preparation of this study under the guidance of Prof. John O. Oucho, the Executive Director of AMADPOC.

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ABREVIATIONS AND ACRONYMES

ACP	African, Caribbean and Pacific
CBK	Central Bank of Kenya
COMESA	Common Market for Eastern and Southern Africa
DFID	Department for International Development
EAC	East African Community
ERP	Government's Economic Recovery Plan
EU	European Union
GFMD	Global Forum on Migration and Development
HRME	Human Resource Management and Employment
ICMPD	International Centre for Migration Policy Development
IGAD	Inter-Governmental Authority on Development
IGAD-RCP	Inter-Governmental Authority on Development – Regional Consultative Process on Migration
IOM	International Organization for Migration
KCA	Kenyan Community Abroad
KDIF	Kenya Diaspora Forum Ltd
KIPPRA	Kenya Institute for Public Policy Research and Analysis
KLN	Kenya London News
KNBS	Kenya National Bureau of Statistics
MTM	Mediterranean Transit Migration
PRSP	Poverty Reduction Strategy Paper
RECs	Regional Economic Communities
SADC	Southern Africa Development Community
UK	United Kingdom
US\$	US Dollar
YEDF	Youth Enterprise Development Fund
YEDFB	Youth Enterprise Development Fund Board

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1.1 History of Emigration

Kenya is an East African country with a more recent history of emigration. The early emigration patterns of Kenyans began in the late 1950s where migration was primarily for educational purposes for citizens to train overseas and return home to develop the country. A closer study of emigration from Kenya reveals four waves since the mid-20th century:

- **1950s – 1960s** **First Wave:** After the Second World War, an anti-colonialism climate was sweeping across Kenya which encouraged Kenyans to embrace self-determination. Through some influential politicians, a small number of Kenyans emigrated to the United Kingdom, the United States, Cuba, the USSR and East Germany to acquire specific skills that the countries were famed to provide and that were unavailable in Kenya.¹ The emigrants included aspiring political figures such as Tom Mboya and Jomo Kenyatta who upon return began to campaign for Kenya's independence. For the United States, there was an initiative agreed upon between Tom Mboya and Senator John Kennedy to airlift 800 Kenyans to universities between 1959 and 1961². Upon completion, the students were expected to return to work in positions available to them in Kenya. As a slowly developing colonial state, there were several opportunities for scholarship made available to bright students by international organisations in the United Kingdom and the United States, for instance. After the independence in 1963, in a bid to harness development in the newly independent Kenyan state, the first president Jomo Kenyatta made government education funding available for young Kenyans to pursue higher education abroad that would be beneficial to the country. There were two streams of airlifts: the US-bound and the defunct USSR-and-socialist world bound.
- **1970s – 1980s** **Second Wave:** After the birth of the new Kenyan nation as an independent state in 1963, Kenya's first president Jomo Kenyatta embarked on a mission to educate Kenyans abroad by making government funding available for young students to acquire skills training for jobs in Kenya that would allow for the economic, social and structural development of the country. By the 1970s, India

¹Okoth, K. (2003). *Kenya: What role for Diaspora in development?*. New York: Migration Information Source <http://www.migrationinformation.org/feature/display.cfm?ID=150> [accessed on 20.3.2012]

²Odari, C.J. (2011). *A Blessing or Curse? The Mboya-Kennedy Students' Airlift and its Implications*. MA Thesis. Miami University.

became a favoured destination for students who did not secure government funding for education abroad. During the 1980s, the second president, Daniel Arap Moi tried to maintain the same standards of education but due to the fast-growing population and political mismanagement, he did not invest enough in international education. The Kenyan economy began to decline and immigration rules and regulations in the UK and United States and other developed countries became stricter, making emigration more precarious. By the end of the 1980s, international migration became one-sided with many Kenyans emigrating to escape political, economic and ethnic unrest that characterized the abortive post-1982 coup³.

- **1990s – 2000s** **Third Wave:** Emigration during this period was mostly the result of political, economic, environmental and social factors that pushed low, middle and highly skilled Kenyans to migrate to countries that offered them better opportunities. During this time, Kenyans were migrating more within the African continent to Southern and Western Africa as well as to the Middle East, most of them being professionals and technicians.
- **2000 to Present** **Fourth Wave:** From 2000, Kenya has lost a significant number of professionals, especially in the medical sector (e.g. nurses, doctors and academics). Shitundu’s (2006) study revealed that there are only 600 doctors in Kenya, whilst 6,000 Kenyan trained doctors have emigrated to the United States, the UK, Canada and Australia⁴. There has also been student migration to the UK, Canada, Australia and the United States where students have ended claiming permanent residence on account of job offers, marriage and long-term residence.

In sum, emigration from Kenya has been due to economic, labour market, political, demographic and social factors (table 1.1).

Table 1.1 – Kenya: Factors Influencing Kenyan Emigration	
Push Factors	
Political factors	Political Instability Corruption Political mismanagement
Economic factors	Reduction of national income Medical treatment Unequal development Lack of economic development
Demographic factors	Urbanisation of poverty
Environmental factors	Climate change?

³Okoth, K. (2003), Kenya: What Role for Diaspora in Development? Migration Policy Institute. Available from <http://www.migrationinformation.org/feature/display.cfm?ID=150> [accessed on 20.3. 2012]

⁴Shitundu, J.M. (2006). *A Study on Labour Migration Data and Statistics in East Africa*. Geneva: ILO p.7. <http://www.ilo.org/public/english/protection/migrant/download/imp/imp81.pdf> [accessed on 20.3. 2012].

Pull Factors	
Political factors	
Labour factors	Employment opportunities
Social factors	Family reunification Education/training opportunities Better living standards
Sources: Okoth, K. (2003); ⁵ Macharia, K. (2003); ⁶ IOM (2010). ⁷	

1.2 Competent Authorities

As in many sub-Saharan African (SSA) countries, Kenya has several competent authorities dealing with emigration issues (table 1.2).

Table 1.2 - Kenya: Main National Authorities with Competencies Relevant to Emigrant Communities		
Agency	Ministry	Areas of Responsibility
Diaspora Unit	Office of the Prime Minister	Key responsibilities: Coordinate Diaspora activities in the interest of national development
Department of Labour ⁸	Ministry of Labour	Key responsibilities: Provides advice on labour migration and labour related issues at Kenyan missions abroad
Directorate of Diaspora Affairs ⁹	Ministry of Foreign Affairs (MOFA)	Key responsibilities: Managing relations with the Kenyan Diaspora and encouraging development and investment initiatives in Kenya. Note: The MOFA is responsible for: <ul style="list-style-type: none"> • Foreign Policy • Bilateral and Multilateral Relations International and Regional Organizations • Kenya Embassies Abroad Foreign Missions in Kenya Treaties, Conventions and Agreements • Diplomatic Privileges and Immunities State and Official Visits • Protocol Matters

⁵ See footnote 3.

⁶ Macharia, K. (2003) Migration in Kenya and Its Impact on the Labor Market. Paper prepared for the Conference on African Migration in Comparative Perspective, Johannesburg, South Africa, 4-7 June 2003.

⁷ IOM (2010) World Migration Report 2010. Geneva: IOM.

⁸ http://www.labour.go.ke/labour/index.php?view=article&catid=54%3Aabout-us&id=179%3Aour-core-functions&option=com_content&Itemid=76 [accessed on 10.3. 2012]

⁹ http://www.mfa.go.ke/index.php?option=com_content&view=article&id=371&Itemid=116 [accessed on 10.3. 2012]

		<p>Consular Matters Joint Commissions with other Countries</p> <ul style="list-style-type: none"> Peace Initiatives Pan African News Commonwealth Affairs Kenyans in Diaspora
N/A	Ministry of State for Immigration and Registration of Persons, Department of Immigration Services ¹⁰	<p>Key responsibilities: Management of administrative documents (e.g. passport, identification documents), border control and regulation of residency of non-Kenyans; etc. by the Department of Immigration.</p> <p>Note: (i) The Department of Immigration is in-charge of citizenship and immigration. It undertakes control of entry and residence of foreigners into this country dating back to the introduction of what was called the Immigration Restriction Ordinance of 1906. (ii) The Immigration Ordinances were revised in 1962 and 1964, when the latter was renamed the Immigration Act. The Immigration Act of 1964 was revised and a new immigration Act of 1967, Cap. 172 Laws of Kenya became operational on December 1, 1967</p> <p>Services by Department of Immigration to emigrants are: Issuance of Kenyan Passports and other travel documents (a) Issuance of passports to new applicants: This service is offered to Kenyan applicants intending to travel abroad Persons who qualify for this service are applicants who:</p> <ul style="list-style-type: none"> Are bona fide Kenya Citizens in accordance with the Constitution of Kenya Must demonstrate a genuine reason for travel <p>NB: The onus of proof of citizenship rests with the applicant (b) Renewal of passport after five (5) years (c) Replacement of passport after ten (10) years</p>
KAPEA	N/A	Private recruitment of semi-skilled and unskilled labour for countries in the Middle East

1.3 Countries of Destination

The World Bank reports that the Kenyan emigrant population comprises 427,324 with the top destination countries being the United Kingdom, United States, Canada, Australia, Germany, the Netherlands, Switzerland, Tanzania, Uganda and India¹¹. There is a significantly large population of Kenyans resident in the United States, the neighbouring EAC countries and the United Kingdom.

¹⁰http://www.immigration.go.ke/index.php?option=com_content&view=article&id=60%3Adepartment-of-immigration-services&catid=39%3Afrontpage&Itemid=81 [accessed on 10.3. 2012]

¹¹World Bank (2011). *Migration and Remittances Factbook, second edition*. World Bank: Washington, D.C. p.150

IOM reported the population of legally resident Kenyan migrants in the United States to be 48,250, accounting for the 11% of the Kenyan population abroad, based on the World Bank 2006 data. However, in 2009, the *Migration Information Source* (2011) reported that the Kenyan population in the United States was estimated at 87,267, making it the fifth largest African emigrant population out of 1.5 million African emigrants in the United States¹². Some 58% of the Kenyan population migrated between 2000 and 2009, making their exodus very recent. Tanzania and Uganda hosts a significantly large Kenyan emigrant population, with 109,552 estimated to be in Tanzania and 32,910 in Uganda¹³. It is important to caution, however, that these figures change rather quickly as the international migration scene is rather unstable. Moreover, it has been noted that while some figures report Kenyans by country of birth, others report them by citizenship hence the discrepancies.

The population of Kenyans in Europe, North America and Australia may be higher given that one of the limitations on the data on Kenyan emigrants is that there are no exact estimations on irregular migrants. In addition, sources of reliable data on Kenyan emigrants aboard are limited.

Table 1.3 – Kenya: Estimated Distribution of Kenyan Emigrant Communities	
Regions of destination	Emigrant population
Europe:	
• United Kingdom	144,089
• Germany	7,210
North America:	
• United States	48,250 ^a
• Canada	22,236
Africa:	
• Tanzania	109,552
• Uganda	32,910
Other Countries	63,077
Total	427,324
Source: IOM Report (2010), adapted from World Bank report	

1.4 General Characteristics of Emigrant Communities

The Kenyan emigrant population is mostly composed of highly skilled migrants, mainly due to low wages, resulting in brain drain of professionals¹⁴. IOM reported that a majority of Kenyan emigrants resident in the UK were aged between 36 and 45 years followed by those aged 26-35 years; 30.8% had first degrees, and 33.4% had masters qualifications or higher whereas 15% had technical qualifications.

Recent emigration trends reveal that skilled professional Kenyans are emigrating for better career opportunities including personal development, higher salaries and better benefits. A significant

¹²<http://www.sacausa.org/images/AfricanImmigrantsUSAMigrationInformation.pdf>

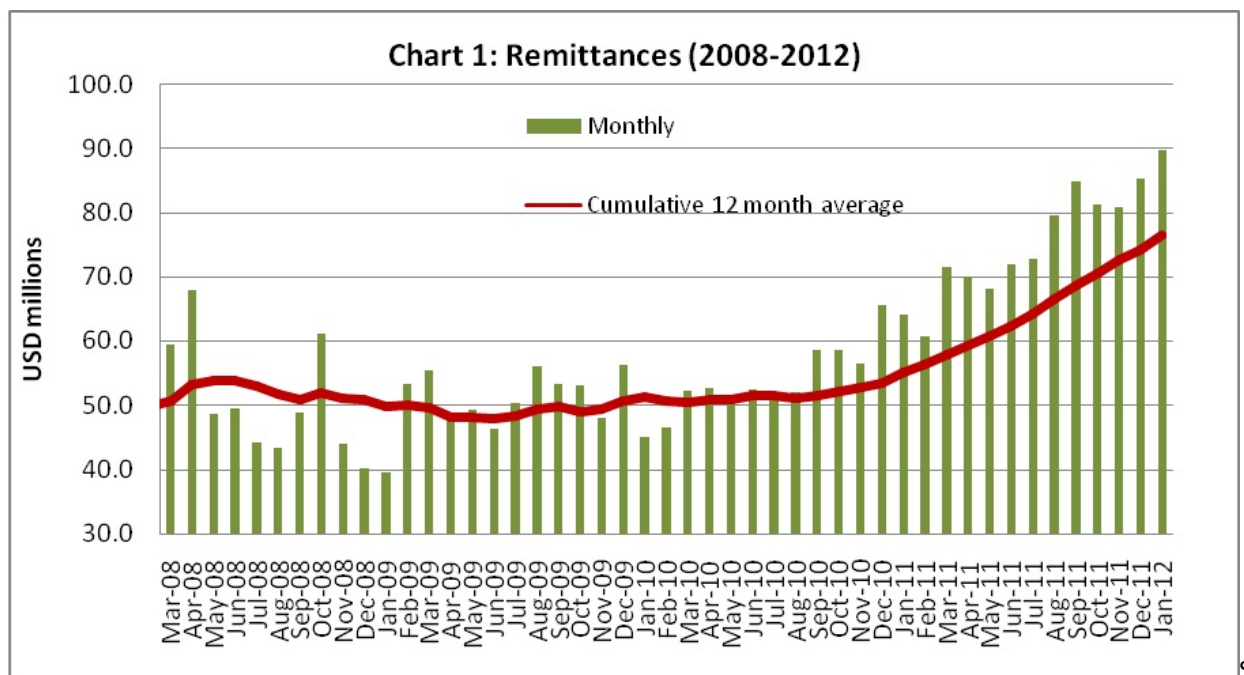
¹³IOM (2010). p.5

¹⁴Oyelere, R.U. (2007). "Brain Drain, Waste or Gain? What we know about the Kenyan Case". *Journal of Global Initiatives*. Vol. 2(2). p.117

proportion of low-skilled and semi-skilled Kenyans emigrated for better opportunities due to lack of economic and personal growth they experienced in Kenya. Younger Kenyans have emigrated for higher education in order to capitalize on the benefits that international qualifications will provide, which include employment opportunities in the destination country or higher job positions in Kenya. Others stay on in the hope of gaining citizenship in the chosen country of destination¹⁵.

1.5 Estimated Remittance Flows

According to the Central Bank of Kenya (CBK), in 2006, Kenyans abroad remitted 407,593 million US \$ to Kenya raising to 891,107 million US \$ in 2011. These figures are based on transfers through formal money transfer services, such as Moneygram and Western Union. Transfers through informal channels are difficult to trace, the most common being person-to-person or conveyance¹⁶, suggesting that the figure is much higher than that reported by the CBK. The majority of the remittances are sent from North America¹⁷. The Director of Research at the CBK reports that commercial banks in Kenya have managed to develop outreach strategies to trigger diaspora’s investment towards Government Savings Development¹⁸ by improving the data collection methods that enable the department to determine different formal channels by which Kenyans transfer money. Chart 1 below shows the remittances trend from March 2008 to January 2012.



Source: Central Bank of Kenya

¹⁵International Organization for Migration (2010), *Harnessing the Development Potential of Kenyans Living in the United Kingdom*, Geneva: IOM, p.1

¹⁶Kiiru, J.M. (2010). "Remittances and Poverty in Kenya", *Paper submitted for the poster session 'New Faces of African Development'*. Dakar, Senegal, 27-30 June 2010. p. 2

¹⁷http://www.centralbank.go.ke/forex/Diaspora_Remit.aspx [accessed 11.3. 2012]

¹⁸http://www.centralbank.go.ke/forex/Diaspora_Remit.aspx

Usually, the remittances are received by close family members of the emigrants and are primarily used for household consumption, education, health, real estate and business investment in Kenya.¹⁹ Information on the role of the Diaspora in Kenya's development floods Kenyan newspapers and has been reported by the country's citizens in a study on citizens' perceptions of and attitudes toward the Diaspora.²⁰

1.6 Country Specificity

The Kenyan community abroad has a variety of forums and social and business organisations that are rooted in Kenyan political, cultural, environmental as well as developmental affairs. These forums provide a space in which Kenyans can discuss issues plaguing the country, such as the 2010 drought that hit northern Kenya, air their political views concerning the Kenyan Constitution (2010) as well as socialize in family events in celebration of the Kenyan culture. The forums that have an active participation of Kenyan emigrants in the host countries include investment portfolios.

1.6.1 Investment Forums

The Government of Kenya as well as Diaspora organisations keen in investing in Kenya's development have organised several investment forums where Kenyans gather to discuss new and upcoming investment initiatives in the country. They furthermore create platforms where they encourage other Kenyans to invest in Kenya. These forums include the Kenyan Investment Forums hosted by the Kenya Diaspora Forum Ltd (KDIF)²¹ in London and the Kenya Overseas Business Alliance (KOBA) that participates in the annual Kenya Investment Forum Expo²². In Atlanta, Georgia, United States, in 2009, members of the Kenyan Diaspora hosted the 2nd Kenyan Diaspora International Conference and Investment Forum²³ demonstrating an avid interest in investing in the development of their country. More so, in 2011, a Kenyan Homecoming Diaspora meeting was held in Nairobi.

1.6.2 Social Forums

Annually, Kenyans converge to the Rugby Sevens event, also known as 'Safari Sevens', where they are able to socialize with Kenyans resident in different parts of their country of residence. These events take place in England, the United States, Australia, Scotland, Dubai, New Zealand, South Africa, Hong Kong and Japan²⁴. Such events and other social gatherings are advertised via social media (e.g. Facebook and Twitter) and websites, such as <http://www.mwakilishi.com/> providing news and entertainment to Kenyans in Diaspora. They give Kenyans living in the same country the opportunity to interact with one another and to share their patriotism.

¹⁹http://www.africaremittances.org/conferences_content/presentations/Kenya-ES.pdf "Survey Research Examining Remittance Flows into Kenya" (2010) p.3

²⁰ African Migration and Development Policy Centre (AMADPOC), Homeland Perceptions of and Attitudes towards Their Diasporas: A Study of Kenyans and Tanzanians; A Research Report disseminated at a Seminar in Nairobi: AMADPOC, 19th June 2012.

²¹<http://www.grassroots.co.ke/business/kenya-Diaspora-investment-forum-to-be-held-in-london.html> [accessed 28.3. 2012]

²²<http://www.koba-uk.com/> [accessed 28.3. 2012]

²³<http://www.kenyaopen4business.com/> [accessed 28.3. 2012]

²⁴<http://www.irbsevens.com/> [accessed 28.3. 2012]

2 Inventory Findings

2.1 Legislative and Policy Framework Pertaining to Emigrant Communities

2.1.1 National Legislation

The national legislation pertaining to Kenya's emigrants is outlined in documentation by the Diaspora Affairs department of the Ministry of Foreign Affairs. It states that the Government of Kenya recognizes the contribution of Kenyan emigrants on the National Development Agenda. In 2008, the Diaspora Affairs department identified 'Diaspora Diplomacy' as one of the key pillars in the Ministerial Strategic Plan.

'The vision of the Directorate in handling the Diaspora Affairs was 'to be a premier diaspora resource centre', whereas its mission is 'to support the diaspora and harness their potential for social-economic development through networking and information sharing.'²⁵

The Directorate of Diaspora Affairs undertakes the following tasks:

- Coordinating efforts to improve the relationship with the diaspora;
- Mobilizing the diaspora for the country's development;
- Harnessing the diaspora expertise and resources for national development;
- Developing and maintaining an up-to-date database of Kenyans in diaspora;
- Facilitating access to accurate and reliable information on national development that will enhance Diaspora participation in nation building;
- Coordinating with relevant stakeholders in delivering services to the diaspora;
- Identifying investment opportunities and attracting the diaspora to invest in Kenya; and
- Protecting the interests of Kenyan diaspora in the countries of residence²⁶.

The Kenyan Citizenship and Immigration Act (2011) outlines the laws governing different types of passports or travel documents to which Kenyan citizens are entitled; these include: ordinary, diplomatic, EAC passport, temporary, Emergency, Certificate of Identity and Nationality, Temporary Permit and Travel Document. In addition, it discusses the laws on dual citizenship as provided for in the Kenyan Constitution (2010).

2.1.1.1 Dual Citizenship

On dual citizenship, the Kenya Constitution (2010) outlines in Chapter 3, Article 16 that 'a citizen by birth does not lose citizenship by acquiring the citizenship of another country'²⁷.

The draft Diaspora Policy (2011) affirms that dual citizenship entitles the Kenyan emigrants to 'access rights, privileges and obligations of citizenship for both the host country and Kenya'. Those who choose

²⁵http://www.mfa.go.ke/index.php?option=com_content&view=article&id=371&Itemid=116 [accessed on 31.3. 2012]

²⁶ ibid

²⁷<http://www.kenyaembassy.com/pdfs/The%20Constitution%20of%20Kenya.pdf> p.13

not to comply with arrangement would be granted an ‘Overseas Citizenship Card’ which is essentially viewed as a ‘visa for life’ allowing Kenyan emigrants to visit the country regularly²⁸.

2.1.1.2 Freedom of Movement and Right of Residence

The Constitution also states that every Kenyan citizen has the Freedom of Movement and Residence in accordance with Chapter 1, Article 39 which states that:

1. ‘Every person has the right to freedom of movement.
2. Every person has the right to leave Kenya.
3. Every citizen has the right to enter, remain in and reside anywhere in Kenya’.²⁹

This article thus provides opportunities for internal migration as well as emigration and return migration. It opens avenues for Kenya to embrace Free Movement protocols propagated by Regional Economic Communities (RECs), such as the East African Community (EAC) and the Common Market for Eastern and Southern Africa (COMESA).

2.1.1.3 Investment and Development

The ‘investment and development’ initiative is currently being drafted in the country’s Diaspora Policy. The working draft of the policy has proposed the following activities that the Government of Kenya aims to carry out:

- To deal with the high cost of sending remittances in order to attract remittances for trade and investments;
- To offer incentives (e.g. tax holidays) in order for Kenyans in diaspora to invest and remit to Kenya;
- To encourage the Kenyan diaspora to direct their remittances towards investment in development and productive ventures in order to deal with any adverse macro-economic impact of diaspora remittance inflows;
- The Government to explore the possibility of hosting constant briefs with Kenyan diaspora informing them of investment issues and opportunities in Kenya; and
- To encourage the Kenyan diaspora to import and consume Kenyan products in their host countries’³⁰.

2.1.2 International Legislation

Kenya has a significant population of emigrants outside its borders, a phenomenon that has made it ratify some international conventions that are in the interests of its citizens abroad. These include:

- Migration for Employment Convention, 1949 (No. 97), (ratified 13 January 1964)³¹;
- Migrant Workers (supplementary provisions) Convention, 1975, (ratified 9 April 1979)³²;

²⁸ Diaspora Policy, draft (2011), p.9 <http://www.kenyaembassy.com/pdfs/DraftDiasporaPolicyofKenya.pdf>

²⁹ <http://www.kenyaembassy.com/pdfs/The%20Constitution%20of%20Kenya.pdf> p.29

³⁰ <http://www.kenyaembassy.com/pdfs/DraftDiasporaPolicyofKenya.pdf> [accessed 29.3. 2012], Diaspora Policy Draft (2011), p.9-10

³¹ <http://www.kenyalaw.org/treaties/treaties/265/Migration-for-Employment-Convention-Revised-1949> [accessed 31.3. 2012]

³² <http://www.kenyalaw.org/treaties/treaties/141/Migrant-Workers-Supplementary-Provisions-Convention> [accessed 31.3. 2012]

- Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organised Crime, 2008 (already ratified by Kenya but yet to be domesticated through legislation);³³
- Article 104 of the Treaty for the Establishment of the East African Community;
- East African Community Common Market, (ratified 2010)³⁴, in particular:
 - Part D – Free Movement of Persons and Labour;
 - Part E – Rights of Establishment and Residence;
 - Part F – Free Movement of Services; and
 - Part G – Free Movement of Capital.

The country is yet to ratify the following conventions:

- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990³⁵.

2.1.3 Bilateral Migration Agreements

Kenya has entered into migration agreements with individual countries to allow for easier movement of workers, business people and movement of goods and services. It is noted that even though there are regional or agreements on migration at the RECs level, many situations call for bilateral agreements on migration. For example, IGAD has a guideline on free movement of people for member states; nonetheless, Ethiopia and Kenya have entered into a bilateral agreement on migration so as to facilitate cross-border migrations, boost cross-border investment, particularly, to encourage Kenyan private sector to invest in Ethiopia. Equally, it is aimed at fostering good neighbourliness between the two countries, as well as facilitating faster investments, and development of the Lamu Port – South Sudan and Ethiopia Transport Corridor and erecting electricity transmission lines and posts between Kenya and Ethiopia. Table 2.1 details the nature of bilateral agreements between Kenya and some of the countries in the region.

³³<http://www.kenyalaw.org/treaties/treaties/279/Protocol-against-the-Smuggling-of-Migrants-by-Land> [accessed 31.3. 2012]

³⁴http://www.sadc.int/files/7013/3164/6942/EAC_Common_Market_Protocol.pdf [accessed 31.3. 2012]

³⁵<http://www.kenyalaw.org/treaties/treaties/888/International-Convention-on-the-Protection-of-the> [accessed 31.3. 2012]

Table 2.1 – Kenya: Bilateral and Multilateral Agreements

Labour Migration Agreements	Social Security Agreements
<ul style="list-style-type: none"> • Uganda • Tanzania • Rwanda • Burundi • Ethiopia • Djibouti • Namibia • Middle East countries (United Arab Emirates, Qatar and Saudi Arabia) • Department of Human Resource Management and Employment (HRME) under the Ministry of Labour and Human Resources Development • Youth Enterprise Development Fund (YEDF) under the Ministry of Youth Affairs (2007) • The International Job Office of the Ministry of Foreign Affairs which undertook the following tasks: Invitation of key Diaspora organisations for consultation; and hosting meetings and luncheon for Kenya community abroad with visiting senior government officials 	<ul style="list-style-type: none"> • A charter on the free movement of persons, goods, services and labour force as enshrined in the EAC Common Market Protocol does apply to Kenya, Uganda, Burundi, Rwanda and Tanzania³⁶ • IGAD has a draft guideline on the free movement of persons among member states (i.e. Djibouti, Eritrea, Ethiopia, Sudan, Kenya, Somalia, Uganda, and South Sudan)³⁷ • The SADC region to which Namibia belongs has an agreement on the free movement of persons within the region. There are ongoing discussions between COMESA, SADC and the EAC for a Tripartite Free Trade Agreement (FTA) which takes into account free movement of business persons in the regions the three organisations cover³⁸ • Kenya’s Ministry of Foreign Affairs (MOFA) has agreement with countries in the region and together with the Ministry of Labour supervises KAPEA; • For long has been handling employment of Kenyans outside Kenya and providing advisory services to GOK in various forms • Dealing with employment creation and exposure of youth to employment opportunities in and outside Kenya. Many youth have been able not only to secure employment but also to spearhead self-employment enterprises • This has been a recent development in the MOFA against the background of an increasing army of well-qualified but unemployed Kenyans whose skills and services are required elsewhere in the EAC and beyond

³⁶ Details are contained in East African Community (2009), *Protocol on the Establishment of the East African Community Common Market*. Arusha: EAC Secretariat, November, <http://eabc.info/node/410> [accessed on 18.08.2012]

³⁷ Inter-Governmental Authority on Development, Towards IGAD Regional Migration Policy Framework (IGAD-RMPF), April 2011. http://igad.int/index.php?option=com_content&view=article&id=479:igad-discusses-a-draft-protocol-on-free-movement-of-persons&catid=44:economic-cooperation&Itemid=127 [accessed 18.08.2012]

³⁸ <http://www.comesa-eac-sadc-tripartite.org/home> [accessed 22.08.2012]

2.2 Involved Stakeholders

2.2.1 Main National Institutions engaged with Emigrant Communities

In June 2007, the country published a paper on ‘Mainstreaming the Kenyan Diaspora Community’ in the development agenda.³⁹ To that end, the Government of Kenya created a department and institutions to deal with Diaspora matters (see table 2.2).

Outreach Channels of the Ministry	Initiatives Relating to Emigrant Communities
1) Ministry of Foreign Affairs, Diaspora Affairs ⁴⁰ 2) Diaspora Desk ⁴¹ , Kenya 3) Kenyan Embassies and High Commissions ⁴² <ul style="list-style-type: none"> • Kenya Overseas Business Alliance (KOBA), UK • Association of Kenyan Professionals in Atlanta (AKPA), USA⁴³ 	Connecting the Government of Kenya with the Kenyan Diaspora and recognizing their contribution to the development of the country
	Advising the Kenyan Diaspora on investment in Kenya and providing legal representation
	Other Activities Relating to Emigrant Communities
	Creating investment, political and economic awareness ongoing in Kenya through social and business events hosted and/or advertised by the Kenyan Missions Abroad
	Hosting annual Diaspora summits that keeps the Kenyan Diaspora aware of developments in Kenya e.g. Kenya Diaspora Summit, April 2012 in Boston ⁴⁴
NB: Kenyan Missions abroad provide lists of community organizations that connect Kenyans residing in the regions under their jurisdictions. Links for website or contacts are provided indicating that communities exist informally with inactive website links.	

2.2.2 Other Public Institutions involved with Emigrant Communities

2.2.2.1 Ministry of State for Immigration and Registration of Persons

It aims to ‘enhance national security and socio-economic development by maintaining a comprehensive population database, proper migration management and timely registration and issuance of secure identification documents’⁴⁵. It takes into account the views of the Kenyan diaspora on matters that concern them, such as dual citizenship which is shared with the Kenyan missions abroad.

³⁹ Ndede-Amadi, Atieno, ‘Mainstreaming Kenya’s Diaspora into National Development’. Presentation at the 15th Biennial Ambassadors/High Commissioners Conference, Mombasa; also GOK (n.d.) ‘Maximizing the Potential and input of the Kenyan Diaspora in the Political Process, Wealth Creation and Poverty Reduction’; Draft Sessional Paper prepared by the Technical Team (GOK, KEPSA and Diaspora representatives) as a contribution to the Diaspora Policy which the country is expected to adopt soon.

⁴⁰ http://www.mfa.go.ke/index.php?option=com_content&view=article&id=371&Itemid=116 [accessed 11.4. 2012]

⁴¹ Diaspora Desk, Kenya: <http://www.virtuallawkenya.co.ke/Diaspora-desk.html> [accessed 11.4.12]

⁴² List of Kenyan Missions Abroad: <http://www.statehousekenya.go.ke/missions/africa.htm> [accessed 11.4. 2012]

⁴³ <http://www.akpa-atlanta.org/index.php/topaboutakpa> [accessed 11.4. 2012]

⁴⁴ <http://kenyadiasporadev.org/summit/conference/kenya-Diaspora-summit-2012> [accessed 11.4. 2012]

⁴⁵ <http://www.mirp.go.ke/index.php> [accessed 11.04. 2012]

2.2.2.2 Ministry of Foreign Affairs

The Ministry of Foreign Affairs established a Diaspora Affairs section that handles the Kenyan emigrant population affairs. The Diaspora Affairs section executes its mandate as stipulated in section 2.1.1. Some Kenyan missions abroad have created a Diaspora Desk aimed to bring together Kenyans residing in the countries in which the missions serve. Through the Diaspora Desk, the Government of Kenya is able to reach out to its Kenyan emigrant community by creating awareness on investment and development initiatives through business exhibitions such as the Kenya Overseas Business Alliance (KOBA), Kenya Diaspora Investment⁴⁶ in London, United Kingdom. Through the diplomatic missions, the Government of Kenya is able to make the Kenyan Diaspora aware of community organisations in their regions of residence to help bring them together.

2.2.3 Inter-Institutional Coordination

The Ministry of Foreign Affairs has been tasked to handle Diaspora affairs. However, there are other institutions interacting with the government to assist with providing information about the Kenyan Diaspora that would contribute to developing relevant policies for the country and its Diaspora. These include:

- Office of the Prime Minister;
- Kenya National Bureau of Statistics (KNBS);
- Central Bank of Kenya (CBK);
- Ministry of Finance;
- Ministry of Planning and National Development and Vision 2030;
- Population Studies and Research Institute (PSRI), University of Nairobi; and
- Kenya Institute for Public Policy Research and Analysis (KIPPRA).

Kenya has a vibrant civil society, but no platform on migration. There is no Government/Civil Society Platform to spearhead emigration issues. However, the Government has been participating in the annual Global Forum on Migration and Development (GFMD) so far held in Brussels, Mexico, Athens. Nonetheless, emigration issues in the region/country are currently being facilitated by the Inter-Governmental Authority on Development- Regional Consultative Process on Migration (IGAD-RCP). There have been several networking activities with the Diaspora by the Kenyan Investment Agency (KIA), both in the UK and the USA, and others listed in Table 2.2. At present, there are discussions taking place concerning the development of Diaspora Policy with the Kenyan Diaspora, including that hosted by the Kenyan High Commission in the UK⁴⁷. The Government has also established the Labour Migration Unit at the Ministry of Labour and Human Resource Development and the creation of tools for the assessment of dynamics of labour migration in Kenya and the Kenyan diaspora.⁴⁸

⁴⁶<http://www.koba-uk.com/> [accessed 11.4. 2012]

⁴⁷Kenya London News Invitation for Kenya Diaspora in the UK:
http://www.kenyalondonnews.co.uk/index.php?option=com_content&view=article&id=10591:kenya-Diaspora-policy&catid=41:kenya-headlines&Itemid=44 [accessed 11.4. 2012]

⁴⁸The African Migration and Development and Policy Centre (AMADPOC) in Nairobi, Kenya is developing strong links with Kenya's public, private sector, NGO and civil societies as well as development partners in various activities pertaining to migration and development within and affecting the country in South-South relations.

In addition, Kenya is among 12 pilot countries participating in the Intra- ACP (African Caribbean Pacific) Migration Facility of the ACP Secretariat created for supporting the ACP countries to better understand and manage migratory flows in a development perspective. Within this framework, IOM is responsible for implementing the Observatory, an institution designed to produce data on South – South ACP migration for migrants, civil society and policy makers and enhance research capacities in ACP countries for the improvement of the migrants’ situation and the strengthening of the migration – development nexus. The observatory is made of a network of research centres and private researchers and provides policy makers the civil society and the public at large with reliable and harmonized data on ACP migration. AMAPDOC is among the network of research centres participating in this initiative and is currently undertaking a research entitled, ‘An assessment of the Kenyan Legal Policy Framework Concerning South – South Legal Migration’.

2.2.4 Main International Institutions involved with Emigrant Communities

The Government of Kenya is involved with the following international institutions on migration matters:

- International Organization for Migration (IOM) to help develop migration policies;
- International Labour Organisation (ILO) helping governments in the region through the EAC to implement the protocol on free movement of persons and especially the labour aspect, which might gather steam following the adoption of the EAC Common Market Protocol in November 2009;
- The East African Community (EAC) Common Market protocol which provides for five aspects of free movement of factor mobility in the EAC’s area of jurisdiction; and
- The IGAD Regional Migration Policy Framework for Migration (GAD-RMPF)

2.2.5 Main Non-Governmental Institutions involved with Emigrant Communities

Kenya has a number of non-governmental institutions that engage with the Kenyan emigrant community. These include:

- The Kenya Diaspora Network (KDN) that supports the Kenyan Government’s development efforts by aligning the resources and inherent knowledge of Kenyan organisations in the Diaspora with the Government's Economic Recovery Plan (ERP) and with the Development partners’ Country Assistance Plans;
- The Kenyan Community Abroad (KCA), a socio-political, non-partisan organisation, based in Washington, D.C., USA. It was founded in March 1997 to give Kenyan emigrants a platform for exchanging views and to help bring desired change in Kenya;
- Delaware Kenyan Association based in the United States, a professional non-profit organization started in 2001 to deal with issues of concern for Kenyans in the United States and in Kenya⁴⁹.
- Kenya London News (KLN), based in London, with the role of providing Kenyans living in the United Kingdom with up to date information on issues on Kenya.
- Uholanzi Kenyan Association (UKEA), a platform for Kenyans and their associates in the Netherlands that focuses on migration and development in Kenya.

⁴⁹<http://www.delka.org/> [accessed 11.4.2012]

2.3 Institutional Practices

2.3.1 Policy Issues

The Government of Kenya has recognized the need to develop a labour migration policy to regulate the movement of workers and provide them with protection from exploitation in the countries of destination. In addition, IOM has been working closely with the Ministry of Labour and Human Resource Development, particularly the Department of Human Resources Management and Employment to enhance the Ministry's capacity to facilitate labour migration.

In 2007, the Ministry of Youth Affairs was given the task of facilitating labour migration of 23,000 Kenyan youth to foreign countries as a means to creating employment and encouraging the regularized flow of remittances. In this regard, IOM is working closely with Kenya's Ministry of Youth Affairs on labour migration to seek new opportunities for youth employment abroad through the Youth Enterprise Development Fund Board (YEDFB). IOM Nairobi signed an agreement with YEDFB to provide pre-departure training to potential and identified young migrant workers as a means of reducing the risk of labour exploitation and trafficking.

The Ministry of Foreign Affairs has established a Diaspora Affairs division to deal with all issues concerning Kenyans abroad, including facilitating their employment in international organisations, among others.

2.3.2 National Institutions

Kenya's national institutions have taken up the task of dealing with specific issues related to the Diaspora. Table 2.3 outlines the different initiatives adopted by national institutions in Kenya that take into account the needs of the Kenyan Diaspora.

Table 2.3 - Kenya: Initiatives by National Institutions

National Institution	Initiative	Cooperation	Aim
Ministry of Labour	Recognizing the contribution of the Diaspora in the development of the country	Department of Human Resources Management and Employment.	Key objective: <ul style="list-style-type: none"> To develop a means to better enhance the Ministry's capacity to facilitate labour migration
Ministry of Youth Affairs		Youth Enterprise Development Fund Board (YEDFB)	Key objective: <ul style="list-style-type: none"> To facilitate the labour migration of 23,000 Kenyan youth to foreign countries as a means to creating employment and encouraging the regularized flow of remittances
Ministry of Foreign Affairs	Connecting the Government of Kenya with the Kenyan Diaspora Advising the Kenyan Diaspora on investment in Kenya and providing legal representation	Diaspora Affairs	Key objective: <ul style="list-style-type: none"> To harness and mobilize the skills of the Kenyan Diaspora for the country's development
Ministry of Immigration and Registration of Persons		Department of Immigration and Registration	Key Objective: <ul style="list-style-type: none"> Management of administrative documents (e.g. passport, identification documents), border control and regulation of residency of non-Kenyans; etc.
Ministry of Health		Department of Health	Key Objective: <ul style="list-style-type: none"> Provides guidelines on the rights of labourers. <p>* Has developed the following Poverty Reduction Strategy Papers (PRSPs):</p> <ul style="list-style-type: none"> (i) Joint Advisory Note of PRSP March 16, 2007; (ii) PRSP Progress report May, 2006; (iii) PRSP Progress Report July, 2005; (iv) PRSP Progress Report March 12, 2004;

Table lists

			(v) Preparation Status Report, January 8, 2004; (vi) PRSP Status Report September 12, 2003; and (vii) Interim PRSP July 12, 2000; and (viii) Interim PRSP July 12, 2000
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different investment services offered by public institutions to Kenyans in Diaspora.

Table 2.4 - Kenya: Initiatives by Public Institutions

National Institution	Initiative	Cooperation	Aim
Central Bank of Kenya (CBK) ⁵⁰	Central Depository System (CDS) Account for investing in Government securities		Key Objectives; <ul style="list-style-type: none"> Allows for Kenyans in Diaspora to open bank accounts in Kenya that would facilitate investment in Kenyan development
Kenya Commercial Bank (KCB)	Diaspora banking ⁵¹		Key Objectives: <ul style="list-style-type: none"> Provides Diaspora banking products (e.g. loans and mortgages) that gives the Kenyan Diaspora the opportunity to buy property while abroad
Diaspora Support Services (DSS) ⁵²	Real Estate Investment		Key Objectives: <ul style="list-style-type: none"> Provides formal and reliable investment platform for Kenyans abroad and linkages to investment opportunities in Kenya
Ministry of Foreign Affairs	Diaspora Desk	Kenyan Embassies	Key Objectives: <ul style="list-style-type: none"> To link the Diaspora to Kenya's diplomatic missions overseas as well as with the country itself.

NB: This list is not exhaustive

⁵¹ <http://www.centralbank.go.ke/securities/KenyansAbroad.aspx#> [accessed 9.7.2012]

⁵² <http://www.kcbbankgroup.com/Diaspora/> [accessed 9.7.2012]

⁵³ <http://www.Diasporasupport.co.ke/index.php/about-us/background> [accessed 9.7.2012]

2.3.3 International Institutions and Other Relevant Actors

There are other international institutions that engage in affairs that concern the Kenyan Diaspora which are outlined in Table 2.5.

Table 2.5 - Kenya: Initiatives by International Institutions

Agency	Initiative	Cooperation	Aim
International Organization for Migration (IOM)	Harnessing the Development Potential of Kenyans Living in the United Kingdom (2010)		<p>Key objectives:</p> <ul style="list-style-type: none"> • To understand the involvement of the Kenyans in Diaspora in development efforts in Kenya <p>Key findings:</p> <ul style="list-style-type: none"> • The reason for migrating to the UK for the respondents was related to improving their life situation with some indicating their move as temporary with the possibility of returning to Kenya; • Majority of the respondents in the study revealed that their sent remittances to support their family with some remitting up to £3000 per annum; • Four out of ten respondents had engaged in investment in Kenya in retail, property and agriculture. Almost half had indicated that their investments were unsuccessful due to their inability to access credit facilities and insufficient information as they managed their investments from while residing in the UK⁵³.
Intergovernmental Authority on Development (IGAD)			<p>Key objectives:</p> <ul style="list-style-type: none"> • Fostering greater understanding and policy coherence in migration; • Strengthening regional institutional and technical capacities to implement the Migration Policy Framework for Africa, the African Common Position on Migration and Development, the Joint Africa-EU Declaration on Migration and Development and, when approved, the IGAD Regional Migration Policy Framework (IGAD-RMPF); and

⁵³ IOM Report (2010), p. v

			<ul style="list-style-type: none"> Improving inter-state and intra-regional cooperation on migration management among countries of origin, transit and destination, for instance through the IGAD-RMPF.
Safaricom	M-Pesa ⁵⁴	in collaboration with Western Union	<p>Key Objective:</p> <ul style="list-style-type: none"> Allows for the quick transfer of money from one mobile phone to another; Payments for trading between businesses; Provision of deposit and withdrawal services from different locations; and <p>Used to purchase airtime to send to others as a form of informal remittance⁵⁵.</p>
Orange Money	Run by Orange company		<p>Key Objectives:</p> <ul style="list-style-type: none"> Mobile money transfer facilitated directly from a bank account; Access to financial services through Equity branches, Orange Shops and Orange money agents; and Access to Orange money debit card used to pay for goods and services at shopping outlets⁵⁶.

⁵⁴ <http://www.safaricom.co.ke/index.php?id=250> [accessed on 9.7.2012]

⁵⁵ Hughes, N. and Lonie, S. (2007). 'M-Pesa: Mobile Money for the 'Unbanked' Turning Cellphones into 24 hour Tellers in Kenya. *Innovations: Technology, Governance and Globalization. Vol.2 (1-2)*. p.76

⁵⁶ <http://money.orange.co.ke/> [accessed on 9.7.2012]

Main Challenges:

- Data on emigration are lacking and need to become part of routine work for the GoK ministries concerned: immigration & registration of persons, labour, foreign affairs and sectoral ministries.
- There is a lacuna between the GoK institutions and the country's diplomatic missions that prohibits comparison and contrasting of situations affecting emigrants as well as immigrants.
- Migration-based research and training institutions are lacking in Kenya, thus denying the country the much needed capacity to investigate migration matters across different stakeholders. AMADPOC has come to fill this void but, being a private institution, is slowly but surely fostering viable working relations with public as well as private sector institutions, NGOs and the civil society involved in migration activities.
- This inventory provides useful insights that should form the basis for more detailed work on migration from a variety of perspectives and to meet the needs of an eager audience of stakeholders. This is the sentiment that AMADPOC has gleaned from several interactions it has had with migration stakeholders.