

The GLOCEPS

Weekly Influential Brief

Research and Analysis in Transnational Organised Crimes Pillar

Gaps in Refugee Management Exposing Kenya to Transnational Organized Crimes

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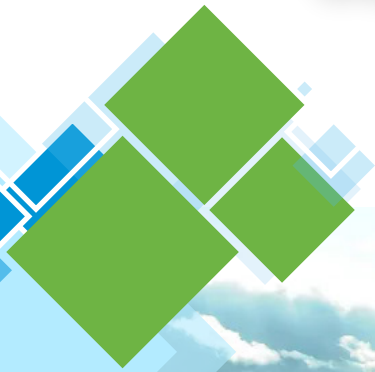


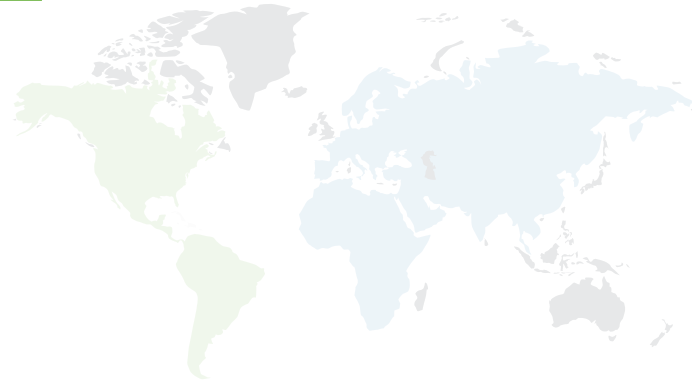
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Executive Summary

This paper examines the loopholes in refugee management in Kenya subjecting the country to transnational organized crimes. It explores effects of corruption amongst immigration officials, socio-economic exclusion of refugees and policy/regulatory gaps hindering the

effective management of refugees. The brief recommends sensitization of border officials against corruption, amendments to existing refugee-based policies, and the provision of sustainable socio-economic opportunities for refugees.





Context

The presence of criminal networks in refugee flows and settlements in Kenya has resulted in the upsurge of transnational organized crimes, particularly terrorism, arms smuggling, and human trafficking. Poor policing along Kenya's borders and lack of transparency amongst border officials have contributed to the trafficking of nearly 20,000 Somali and Ethiopian nationals annually into the country. Consequently, Kenya has been classified under tier 2 of the United States Department of State

Trafficking in Persons Report (TIPR) 2021. This means that Kenya is not fully compliant, but making seemingly significant efforts to be in line with the minimum standards for human trafficking. As such, the existence of illicit networks disguised as refugees, orchestrated the 2013 Westgate and 2015 Garissa terror attacks in which a combined total of 216 people were killed. The identified perpetrators were later identified as foreign Somali nationals holding refugee status and with links to the Al Shabaab.



Photo Credit: The Guardian

Key Issues

This brief addresses challenges in the management of refugees in Kenya and their contributions to transnational organized crimes.

Corruption amongst immigration officials

There is a direct link between corruption amongst immigration officials and insecurity stemming from illegal migrants and asylum seekers in Kenya. While effective registration and documentation is expected to sufficiently provide biometric data on the background of refugees', lack of proper documentation at intake centers in Kenya

facilitated by corruption amongst key officials continue to expose the country to transnational organized crimes. Refugee inflows from neighboring states facilitated by bribery along the Kenya – Somalia and Kenya - Ethiopia borders continue to fuel the likelihood of trafficking of arms and the spread of extremist





ideologies within refugee camps.

Additionally, the purchase of weapons and recruitment activities within the Daadab camp is reportedly facilitated by finances obtained from illicit trade conducted along the Kenya- Somalia border. Acts such as negligence and forgery of immigration documents with the assistance of

some immigration officials have made such documents easily accessible, consequently, providing safe havens for the existence and operations of organized criminal groups disguised as refugees. This in turn has aided the free movement of foreign criminal elements beyond the confines of refugee camps into other parts of the country.



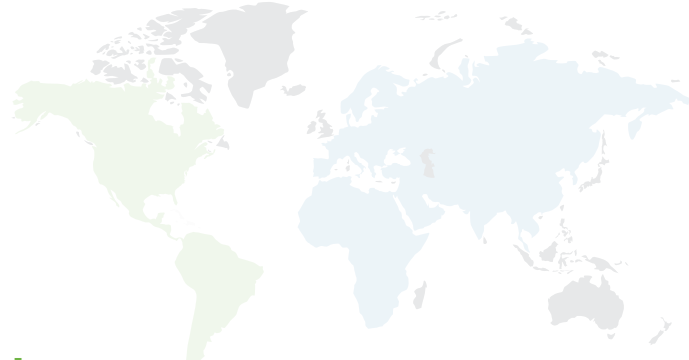
Photo Credit: Mali & Guardian

Socio-economic exclusion

A relationship between inadequate sustainable socio-economic opportunities for refugees and terrorist recruitment activities in the Dadaab refugee camp remains evident. This is despite the introduction of the Refugee Act, 2021 which seeks to promote the rights of refugees, including the right to gainful employment or enterprise. Challenges in obtaining essential documentation including, work permits, driving licenses, and registration on financial platforms obstruct the full participation of refugees in Kenya's economic space. As a result, refugee populations through remittances from abroad, have set up informal, highly lucrative businesses within and outside the camps.

The use of the Hawala as a money transfer system has contributed to the availability of unregulated funds within camp confines, used as conduits to finance terrorism and organized criminal activities. Factors related to poverty, unemployment, real and or perceived exclusion amongst refugee communities have played a vital role in radicalization into terror groups. Permissiveness of family and social networks, correspondingly, provide avenues for potential enrollment into organized crime groups. A case in point is the existence of weak family structures within the Daadab camp that have enabled the recruitment of youthful individuals into the Al Shabaab, as a way of seeking economic prosperity.





Policy and regulatory gaps

Despite efforts to align the 2021 Refugee Act with international conventions on refugees, inadequacies still exist. For instance, the right to acquire work permits for gainful employment or business startups, and move freely outside camps is still highly restricted. Consequently, such restrictions provide ripe grounds for radicalization due to a lack of access to social-based opportunities. Additionally, the Act lacks clear guidelines to address mental health illnesses prevalent amongst refugee populations such as Post Traumatic Stress Disorder (PTSD), stress, depression, and anxiety. Yet such conditions need rapid response as they

could lead to behavioral problems linked to criminality.

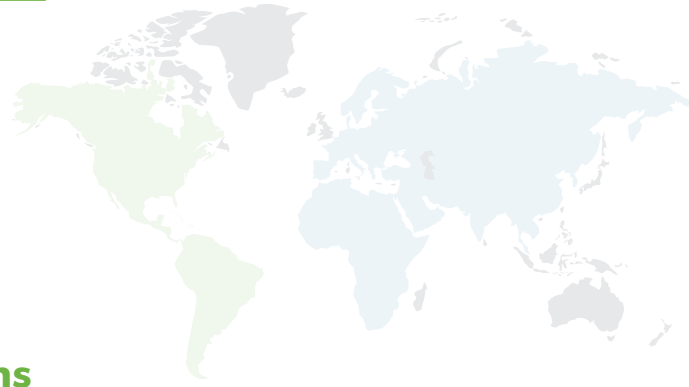
Without being explicit, Section 36 of the Act generally provides for special attention to be given to victims of trauma. The provision remains unclear on intervention strategies for addressing potential mental health disorders. Similarly, a lack of specificity in Section 2.3.10 of Kenya's Mental Health Policy (2015-2030), fails to acknowledge the needs of refugees, thus downplaying efforts toward improving mental health services amongst affected individuals within camps.



Conclusion

In boosting Kenya's response to transnational organized crimes emerging from gaps in refugee management, there is a need to speedily address; corruption amongst immigration officials, socio-economic exclusion of refugees; and gaps in the Refugee Act of 2021 and Kenya's Mental Health Policy (2015-2030).





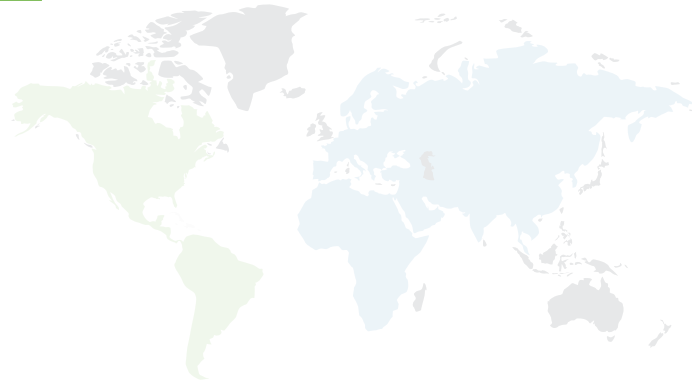
Recommendations

1. The Ministry of Interior and Coordination of the National Government should:
 - a) intensify the supervision of border control officials to eliminate opportunities for corruption and bribery;
 - b) enhance engagements with the Ministry of Finance to facilitate economic inclusion and participation of refugees, through effectively registering and ensuring refugees have access to services such as KRA pin and M-PESA;
 - c) collaborate with the Ministry of Labor and Social Protection in the effective implementation of the Refugee Act, 2021 specifically on refugees' rights to social and economic inclusion.
2. The Parliament of Kenya should amend the Refugee Act, 2021 to provide for promotion of the mental well-being of refugees and asylum-seeking populations.
3. The Ministry of Health should amend the Mental Health Policy 2015-2030 to enhance the acknowledgement of mental health needs of refugee populations, thus providing structured, sustainable mental health interventions for such groups.
4. Kenya's refugee based civil societies should intensify public awareness on the rights of refugees to help reduce their profiling and excessive securitization.

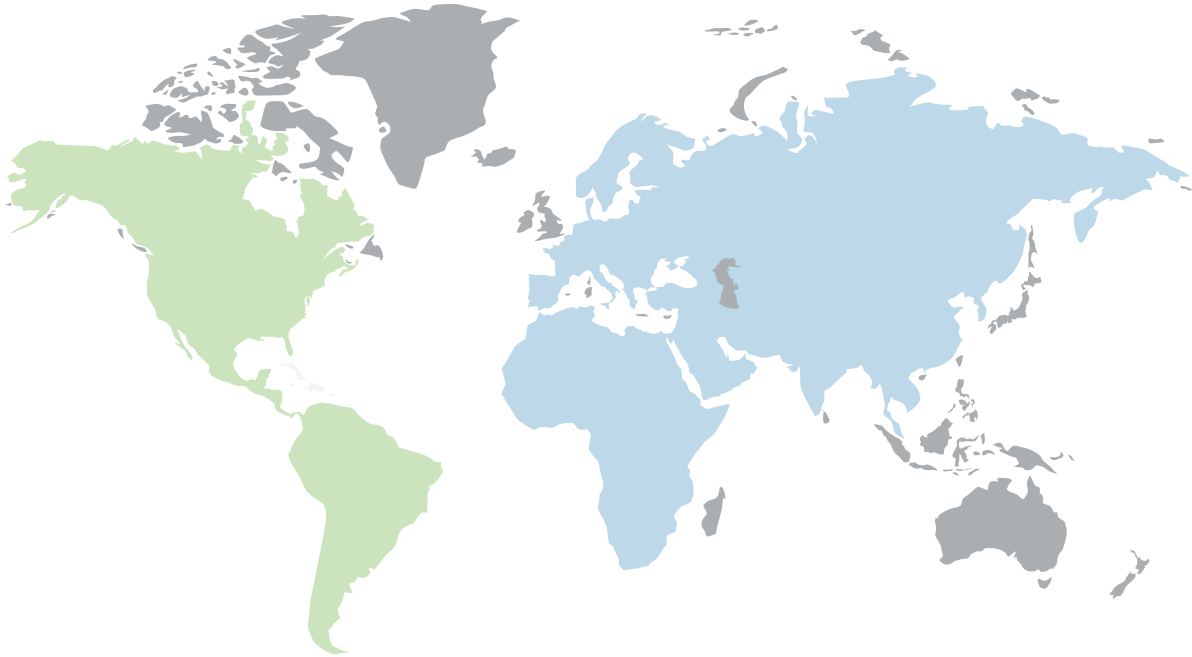


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