Integration without Identification?

ID System Challenges for Refugees and Migrants in Kenya

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HAKI NA SHERIA

Robert Bosch Stiftung

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Abstract

This report provides a comprehensive analysis of migration and refugee management in Kenya, focusing on the identification needs of refugees and migrants with irregular status. Looking at past and current processes of identification, it examines the evolving political and legislative landscape from the early years of independence (1963–1989), through periods of growing hostility (1989–2017), to recent efforts purportedly aimed at better integrating migrants and refugees (2017 to present). It also explores the impact of digitizing Kenya's identification infrastructure on refugee integration. It pinpoints the various challenges faced by refugees and migrants with irregular status, who often cannot obtain relevant paper and digital IDs. As a result, they face numerous barriers to accessing education, employment, freedom of mobility, and government and financial services.

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Robert Bosch Stiftung

Haki na Sheria Initiative is a non-governmental organisation based in Garissa, Kenya, dedicated to ending the discrimination and promoting the rights of marginalized communities in Northern Kenya.

HAKI NA SHERIA

Acessibility

This report has been designed using Adobe's PDF accessibility evaluation tool, a checklist of considerations to align to Web Content Accessibility Guidelines (WCAG) 2.1 Level AA.

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Recommendations

For practitioners in the digital identity sector

- Engage in good faith with migrant and displaced populations, and civil society groups that represent their diverse interests, by conducting regular consultations to understand their unique requirements for digital identification across various contexts.
- Where possible, design identification systems and technologies that strengthen migrants' and refugees' agency over technology and data, including governance and oversight mechanisms.
- Adopt protection-first approaches to identification by applying measures including data protection, data minimization, strong encryption, and user control and consent.
- Enable access to the technology and capacities required to adopt and use digital identification by developing user-friendly interfaces and providing digital literacy training alongside tech delivery.
- Develop and regularly deploy impact assessments for human rights to identify, mitigate, and prevent negative impacts on vulnerable groups.

For donors

- Enable organizations to adapt to changing needs and circumstances on the ground by offering funding that allows for flexibility in project implementation.
- Fund local training programs to enhance technical and operational know-how to manage digital identity systems.
- Promote inclusive design by funding initiatives that involve migrants and refugees in the design of identity systems. Consider specifying inclusive design processes in both funding and procurement requirements.
- Invest in research and development initiatives and monitoring and evaluation efforts to ensure that digital identity projects are continuously assessed and accountable to independent and academic review.
- Advocate for research-informed and progressive policy changes, for example, around migrants' priorities or data protection and privacy measures to be adopted in digital identification.

For the Kenyan government

- Ensure all provisions of the Refugees Act 2021 are fully enacted and enforced to end discrimination in comparison to foreign nationals and to improve access to documentation.
- Expedite the refugee status determination (RSD) process by ensuring it is concluded within a maximum period of three months in accordance with the Refugees Act 2021, and that applicants are informed of results in a timely manner.
- Provide clear and accessible information on appeal processes and timelines for applicants, in accordance with the Refugees Act 2021, and conclude them within a reasonable time period.
- Conduct training and awareness programs to sensitize private sector actors and government agencies, ensuring understanding about and compliance with the Refugees Act 2021.
- Establish independent oversight bodies and whistleblower protection mechanisms to comprehensively address allegations of corruption within the refugee registration and RSD processes.
- Increase transparency and accountability by publishing statistics on the number of refugee IDs and Class M work permits issued annually, as well the corresponding number of applicants.

- Simplify work permit processes for refugees and migrants by reducing bureaucratic barriers and decentralizing the application process, to ensure people are not compelled to travel to Nairobi.
- Improve transparency around the process for refugees to obtain Conventional Travel Documents (CTDs) to ease challenges by providing clear guidelines on the steps and expectations for applicants.

For the UNHCR

- Provide technical and financial assistance to support the Government of Kenya in fully implementing the Refugees Act 2021, especially on the twin issues of freedom of movement and the right to work, to help ensure that refugee IDs are treated as on par with foreign national certificates.
- Advocate for the Government of Kenya to reduce the barriers for refugees accessing Class M permits by ensuring they can apply from within Dadaab and Kakuma camps.
- Support the Government of Kenya in making critical travel and identification documents, such as CTDs, accessible to refugees.

For civil society groups

- Provide paralegal support to refugees applying for refugee IDs and Class M work permits in urban centers and the Dadaab and Kakuma refugee camps and vicinity.
- Research and document the implementation of the Refugees Act 2021, continuously monitoring the extent to which its components are being upheld to ensure the maximum realization of the rights of refugees.
- Based on this evidence base, advocate to the Kenyan government for the full implementation of the Refugees Act 2021.
- Advocate to donors and UNHCR to fund, deliver, and monitor initiatives aimed at fully realizing the rights of refugees in Kenya, in line with the Refugees Act 2021.
- Conduct awareness campaigns on the RSD process and other application procedures, such as those for CTDs, in languages refugees can understand.

Glossary

AFIS	Automated Fingerprint Identification System
Alien card/Foreign Nationals Certificate	An ID card issued by the Kenyan government to foreign nationals in Kenya
Asylum seeker	Someone who has applied for asylum and is waiting for a decision on their refugee status
Asylum seeker pass	A document issued by the Department of Refugee Services indicating that the government has recognized its holder as an asylum seeker
Class M work permit	The Kenyan work permit designated for refugees
CDD	Customer due diligence
CTD	Conventional Travel Document, used by refugees to travel internationally.
EAC	East African Community
e-FNS	Foreign National Services portal, an e-government portal for foreigners in Kenya
DRC	Democratic Republic of Congo
DRS	Department of Refugee Services, the government agency in Kenya in charge of refugee management
DPI	Digital public infrastructure
IPRS	Integrated Population Registration System, a population registration database widely used by the public and private sector in Kenya.
Mandate certificate	A document issued by the UNHCR to people recognized as refugees under their mandate, often known simply as a "mandate"
Manifest	A proof-of-registration document issued to asylum seekers
NHIF	National Health Insurance Fund
NRB	National Registration Bureau
KRA	Kenya Revenue Authority
KYC	Know Your Customer
ProGres	Profile Global Registration System, a case management IT system used by the UNHCR
Proxy ID	An ID of a friend or relative that one uses to access services
Recognition Letter	A letter issued by DRS stating that the holder has been recognized as a refugee; replaced the mandate certificate issued by the UNHCR
Refugee ID	An ID issued by the Kenyan government to those recognized as refugees, often referred to as "alien" by refugees (as the ID used to be known as an alien card)
RSD	Refugee Status Determination, the process by which the government and UNHCR determines whether an asylum seeker should be legally considered a refugee
SHIF	Social Health Insurance Fund
UNHCR	United Nations High Commissioner for Refugees

Introduction

Adior Ibrahim, a South Sudanese refugee and NGO worker living in Nairobi, recently recounted her story of becoming undocumented to the media outlet *The New Humanitarian*. As a child growing up in the Kakuma refugee camp in northwest Kenya, she developed a severe illness, which required her and her family to travel to Nairobi for medical treatment. Ibrahim's mother decided to stay in Nairobi, where there were far better economic and educational opportunities.

This decision set in motion a series of bureaucratic steps that would leave her children without IDs:

> *"'What we didn't foresee were the implications of her decision years later, when I turned 18. Because we hadn't returned to Kakuma, our refugee status became inactive, which meant we were undocumented. After I completed high school, I wanted to continue my studies, but I needed an ID card—which I didn't have—to be able to apply for university and for financial aid.'"*[1]

1 Ibrahim, "Flipping the Narrative: How an ID Card Shapes a Refugee's Life."

Ibrahim's story is sadly not unique. Kenya hosts more than one million foreign nationals, approximately half of whom are refugees.[2] Yet many migrants, asylum seekers, and refugees lack even the most basic "foundational IDs," typically considered government-issued and government-recognized forms of identification that establish legal status.[3] For decades, foreign nationals have struggled to obtain refugee IDs, foreign national certificates, work permits, travel documents, driver's licenses, and other credentials. Today, they also face difficulties accessing e-government platforms that require digital forms of identification. Without these paper and digital IDs, it is often impossible to conduct essential, everyday activities—from opening a bank account to registering a SIM card to entering government offices to traveling freely in the country.

Without access to these basic services, many foreign nationals who are undocumented or under-documented are left in limbo. As migration scholars and advocates have argued,[4] refugees and migrants with irregular status often find themselves in prolonged liminal positions, which are exacerbated by a lack of documentation. "Documents mark, periodize, and shape the life course of those subject to migration controls," Bridget Anderson notes.[5] Unable to travel or be resettled abroad, but denied the opportunity to fully integrate into the country, migrants and refugees in Kenya tend to feel stuck in situations of permanent precarity. Their ability to access identification documents is central, to *both* long-term residence and integration[6] within their host country *and* freedom of movement and mobility.

The digital identity sector globally is awash with new innovations that promise to enable cross-border transactions and services.[7] Digital wallets, for example, are gaining popularity in Europe and are "proliferating in humanitarian and cross-border contexts," where they are often celebrated as a means "to empower users with a secure, persistent, and self managed means of financial inclusion and identity recognition across borders."[8] In recent years, Kenya has also sought to introduce a digital ID system, which refugees and migrants, in addition to citizens, are supposed to have access to. Yet such innovations are often disconnected from the day-to-day realities of migrants, refugees, and asylum seekers, many of whom cannot even obtain conventional forms of identification.

2 IOM, *Kenya Annual Report, 2022*, 10–11; UNHCR, "Kenya Statistics Package."
3 ID4D, "Glossary."
4 See, for example, Tsoni, "'They Won't Let us Come, They Won't Let us Stay, They Won't Let us Leave'. Liminality in the Aegean Borderscape: The Case of Irregular Migrants, Volunteers and Locals on Lesvos."
5 Anderson, "And About Time Too…: Migration, Documentation, and Temporalities," 56.
6 For a problematization of the concept of "integration" with refugee and migration management, see Bucken-Knapp, Omanović, and Spehar, "Introduction: Conceptualizing Migrant and Refugee Integration."
7 See, for example, the European Digital Identity Wallet.
8 Cheesman, *Digital Wallets and Migration Policy*, 3.

This report provides a comprehensive analysis of migration and refugee management in Kenya, locating current efforts to digitize migrant identification in historical context. Identity innovation needs to be contextualized within the everyday legal and bureaucratic practices that shape social, economic, and political access.

This report is also part of a broader research and advocacy project that explores the identification needs of migrants and refugees to support efforts to make emerging identity innovations work better for migrants, whether considered "forced" and "voluntary," "irregular" or "regular."[9] It focuses on the specific identification challenges faced by migrants and refugees in Kenya; however, its findings have broader, global implications. Specifically, it contributes to two urgent global debates:

First, identification is central to questions of refugee and migrant integration, which are only becoming more pressing. Funding for humanitarian assistance globally has been dropping precipitously,[10] a problem only exacerbated by the Trump administration's recent announcement about a USAID funding freeze. Meanwhile, countries in the Global North are erecting ever-greater barriers to asylum seekers and migrants with irregular status. International humanitarian organizations and their donors increasingly regard local integration—the process of incorporating asylum seekers and refugees into their host countries—as the most viable "durable solution"[11] to protracted humanitarian crises. While the drive to incorporate refugees more fully into host countries is no doubt desirable, it also goes hand-in-hand with containment strategies by countries in the Global North and diminishing resettlement opportunities for refugees worldwide.[12] Pressures and incentives from international donors were major factors behind recent policy and legislative changes in Kenya (discussed in more detail below), which may pave the way for greater refugee integration if fully implemented.

Facing growing domestic and international pressure to include refugees in national systems, it is becoming increasingly important for host countries, like Kenya, to address the challenges associated with identification and documentation. Identification, after all, is key to long-term integration. Many refugees in Kenya have lived in the country for decades (some having been born there), and the Government of Kenya has legal obligations to integrate refugees in accordance with its own laws and constitution. In this respect, the case of Kenya has much to teach us about both the barriers and possibilities for refugee integration, the identification requirements that integration entails, and the global inequalities that so often structure such efforts.

9 Caribou. "Is Identity Innovation Inclusive? Making Digital Wallets Work for People on the Move and Wider Society."

10 NRC, "Alarming Drop in Global Funding to People in War and Crisis."

11 The three durable solutions are typically considered 1) voluntary return, 2) local integration, and 3) resettlement to another country.

12 Council on Foreign Relations, "No Refuge: A CFR InfoGuide"

Second, the needs and perspectives of migrants and refugees have been largely absent from discussions of digital public infrastructure (DPI). Gaining increased currency in the development sector, DPI has been described as "a set of digital systems that enable countries to safely and efficiently provide economic opportunities and deliver social services"[13] and is often compared to roads, electrical grids, and other physical infrastructure.[14] For some, DPI is also indicative of the geopolitical shift towards multipolarity, representing a new model of technological export and a means for countries like India and Brazil to project state power.[15]

In many respects, Kenya has a robust digital infrastructure, even if it does not always meet certain definitions of DPI (such as being publicly owned and "open source"). As the authors of a recent report on Kenya's experience with digital ID point out, much of the "country's digitalization efforts—like M-PESA, the Integrated Population Registration System (IPRS), the payment switch PesaLink, and the government services platform eCitizen—function like DPI, providing society-wide access to payments, digital ID authentication, and digitized government services, respectively."[16] Yet this infrastructure has been largely aimed at Kenyan citizens, with many migrants, asylum seekers, and refugees often treated as an afterthought. As this report highlights, migrants and refugees are often denied access to digital platforms and are rarely thought of as users of DPI, which in turn contributes to their exclusion from the formal economy and from key public services. At the same time, new digital systems for identification, payments, and welfare disbursement may pose novel risks for non-citizens. Digital infrastructures can be fruitfully used by migrants and refugees; but they can also be "leveraged for surveillance and control."[17]

A note on definitions

This report examines the experiences of migrant populations in Kenya in their diversity, although it focuses in particular on refugees, who often face the most profound challenges with identification and documentation, and to a lesser extent, migrants with irregular status. The Kenyan government has a legal obligation to integrate refugees and provide them with appropriate forms of identification. This legal obligation does not carry over to migrants with irregular status. However, this report considers both groups because the legal distinctions between them are often blurry and contested.

13 Gates Foundation, "Digital Public Infrastructure."
14 Gates Foundation, "What is Digital Public Infrastructure?"
15 Kapur, "What's Driving the Spread of DPI?"
16 Zollman, Sambuli, and Wanjala, "Citizen Experiences with DPI: Kenya's Digital ID Transition," 2.
17 Latonero and Kift, "On Digital Passages and Borders: Refugees and the New Infrastructure for Movement and Control," 1.

It is important to note that, in Kenya as elsewhere, not all people who consider themselves refugees necessarily fit neatly into the definition of a refugee under international law.[18] Refugee scholar Roger Zetter argues that refugees do not always "conform to the convenient image (label) constructed of them by humanitarian agencies."[19] Moreover, the line between a refugee and a migrant in Kenya can be ambiguous. As one person from South Sudan explained in an interview for this report, it is not uncommon for certain migrants to register as refugees, partly due to the profound challenges they face acquiring work permits, foreign national certificates (also known as alien cards), dependent passes, and other authorized permits of residency. Migrants may seek refugee status to avoid police harassment and because obtaining necessary documentation as a regular migrant in Kenya is often prohibitively expensive and bureaucratically challenging,

> *"Because it's kind of cheaper for most of us. Because if you're a migrant, you have to continuously renew your visa. … And there is some advantage, being a refugee. Because the way the police will harass you is not the same way as when you are an immigrant."*[20]

As this report highlights, the identification challenges faced by refugees are also interrelated to those of marginalized citizens and migrants with irregular status. More than legal status alone, intersectional factors, including class, religion, and nationality, frequently determine whether getting an ID is a relatively smooth process or an uphill battle. Migrants in Kenya working in white-collar professions for the United Nations, international nongovernmental organizations, or multinational corporations, for example, can often access documentation relatively easily. Meanwhile, Kenyan citizens from marginalized ethnic and religious groups may struggle to obtain state-issued IDs. In many respects, Kenya exemplifies global inequalities in access to IDs and freedom of movement.[21]

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18 For the definition of a refugee under international law, see UNHCR UK, "What Is a Refugee?"

19 Zetter, "More Labels, Fewer Refugees: Remaking the Refugee Label in an Era of Globalization," 173.

20 Interview with Participant J by Keren Weitzberg and Saada Loo (Nairobi; August 11, 2024).

21 For example, while the Kenyan passport's global mobility ranking is higher than many neighboring countries, it is still comparatively difficult for Kenyan citizens to migrate outside Africa given visa restrictions and the expenses of international travel. *The EastAfrican*, "Kenya Passport Climbs Six Positions in Latest Global Ranking." See, for example, the case of Doseline Kiguru, a university lecturer in the UK. Fazackerley, "'Unthinkable Cruelty': Kenyan Expert Working at Bristol University Denied Visa for Six-Year-Old Daughter."

In 2020, according to IOM statistics, there were an estimated 280,598,000 international migrants worldwide, comprising 3.5 percent of the global population. Of these, 535,000 were from Kenya (from 2016 to 2020), an increase of 77,000 since 2015. In other words, only around 0.2 percent of the overall population of international migrants are from Kenya. IOM, "International Migration Snapshot (2016–2020): Kenya."

Methodology

Our findings are based on extensive desk research, semi-structured interviews, and focus group discussions. They also draw upon the combined knowledge of our research team, composed of Yussuf Bashir, Saada Loo, Khasida Abdul, and Barre Aden of the Haki na Sheria Initiative; Dr. Keren Weitzberg of Queen Mary University of London; journalist Asha Jaffar; and researcher and project manager Nora Naji. The team has in-depth knowledge and expertise in refugee and migrant rights issues as well as digital ID systems.

Over the course of several months, we conducted sixteen in-person and online interviews with key institutional stakeholders, including humanitarian workers, government officials, fintech experts, refugee paralegals, and human rights lawyers. Over two weeks in August 2024, we carried out four focus groups in Kenya's capital Nairobi and in the Dadaab Refugee Complex in Garissa County, which were complemented by more in-depth one-on-one and small group interviews with fifteen migrants, asylum seekers, and refugees.

Participants in this study came from varied origins, including Europe, Uganda, Burundi, Rwanda, the Democratic Republic of Congo (DRC), Somalia, and South Sudan. Focus groups ranged from ten to fourteen people and were roughly evenly divided between men and women. Two focus groups were held in the Nairobi neighborhood of Eastleigh; one in Donholm, a commercial and residential neighborhood in eastern Nairobi; and another in Dagahaley, a camp within the Dadaab Refugee Complex. Our aim was to speak to people with diverse legal statuses; different demographic, religious, and ethnic origins; and varied professional and class backgrounds. Although our research focused heavily on refugees, we also spoke to migrants with and without regular status. To build rapport and create an environment in which people felt comfortable speaking about sensitive issues, we worked closely with refugee and community leaders.[22] We also guaranteed anonymity and confidentiality for all participants and, because of this, rarely recorded interviews.

22 Special thanks to Ayan Mohamud Yusuf and Will Said for helping identify participants and facilitate focus group discussions.

Overview of migration and refugee flows into Kenya

Kenya is a major host country for refugees and migrants from across East Africa and the Horn of Africa. Given its relatively stable political system and its comparatively strong economy, Kenya has long attracted labor migrants and asylum seekers from across the region and, in more recent years, even as far away as Yemen and Syria.

According to the International Organization for Migration (IOM), there were around 1.05 million international migrants in Kenya in 2020, comprising 2 percent of the total Kenyan population. Of these, 47 percent were designated as refugees. Nevertheless, these figures may very well be underestimates, given the large number of people who live in Kenya irregularly, due in large part to the difficulty in acquiring official documents. As of 2024, Kenya is home to 774,370 officially registered refugees and asylum seekers, making it the fifth-largest refugee-hosting country in Africa.[23]

Kenya also has a diverse migrant population with demographics that largely reflect regional patterns of mobility. The top three countries of origin for migrants are Somalia, Uganda, and South Sudan. Kenya is also host to people from other East African nations, including the DRC, Tanzania, Ethiopia, and Burundi. Most migrants in Kenya are young or middle-aged, reflecting the significant role that labor demand plays in fueling migration,[24] as well as the relative youth of African populations. The ratio of men to women is roughly equal.[25]

23 UNHCR, "Kenya Statistics Package"; UNHCR, "Kenya: Refugee Policy Review Framework Country Summary as at 31 December 2021." One government official interviewed for this report estimated that there are around 800,000 asylum seekers and refugees now living in Kenya. Interview with government official by Keren Weitzberg and Asha Jaffar (Nairobi; August 13, 2024).

24 For more on labor demand and migration, see de Haas, *How Migration Really Works*.

25 According to IOM statistics, in 2020, 64 percent of migrants in Kenya were between the ages of 20 and 64, followed by 31 percent who were below 20 years old, with the elderly (those above 65 years) comprising only 5 percent. IOM, "International Migration Snapshot (2016-2020): Kenya."

In many ways, Kenya's migration profile reflects broader global trends. Despite outsized media attention on migrants and asylum seekers in the United States and Europe, at least one-third of international migration occurs between countries in the so-called "Global South."[26] Additionally, around 70 percent of refugees live in countries neighboring theirs, with low- and middle-income countries outside the Global North (including Kenya) hosting around 76 percent of all refugees worldwide.[27] Kenya itself is among the top twenty refugee host countries in the world.[28] This is in large part due to periods of political and economic instability that neighboring countries, such as Rwanda, Somalia, Ethiopia, and South Sudan, have experienced at various points over the last three decades.

Among the refugees and asylum seekers hosted by Kenya, the majority are from Somalia (composing around 50 percent of the total refugee population), followed by South Sudan (approximately one-quarter), and the DRC.[29] Kenya is host to a large population in protracted refugee situations. Many refugees from Somalia, for example, have been living in Kenya for over thirty years. In many cases, their children were born and raised in Kenya.[30] This raises fraught, politically sensitive questions about who is a "foreigner," a "refugee," and a "migrant" in Kenya. In the face of protracted displacement, civil society groups and refugee-led organizations have been pushing the Kenyan government to provide refugees with opportunities to naturalize as citizens,[31] pathways that are currently unavailable to them. Kenya's Refugees Act 2021 also promises greater opportunities for integration. Yet numerous barriers to implementation remain, as discussed in more detail below.

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26 Crawley and Teye, "How Global South Perspectives Challenge Thinking on Migration."
27 IRC, "Refugee Facts and Statistics."
28 UNHCR, "Kenya: Refugee Policy Review Framework Country Summary as at 31 December 2021."
29 IOM, *Kenya Annual Report, 2022*.
30 Lindley, "Between a Protracted and a Crisis Situation: Policy Responses to Somali Refugees in Kenya"; North, "'My Country Is the Republic of Refugee': An In-Depth Look at the Protracted Refugee Crisis in Kenya."
31 Majanga, "Refugees Married to Kenyan Citizens Seek Citizenship Rights."

Overview of identification for migrants and refugees in Kenya

One of the overwhelming findings of this report is that most migrants and refugees living in Kenya cannot easily access the forms of identification and documentation that they are entitled to and, in many cases, legally required to hold.

Across various interviews and focus groups, there was a clear differentiation in experience. Those who are well-connected and willing—and able to pay informal and formal fees—or who have the cultural capital to navigate (or circumvent) government bureaucracies are much more likely to obtain the forms of identification that guarantee them access to humanitarian aid, formal employment, healthcare, education, banking, and other critical services. However, without such connections or resources, people often struggle to live legally in Kenya or acquire the necessary documents that confirm their rights to residency and, in some cases, even refuge in the country.

Identification for migrants

Foreign workers and their families face a two-tiered system. All foreigners living in Kenya for more than 90 days are required to apply for an alien card (also known as a foreign national certificate), which serves as proof

of registration and legal residence and is typically valid for two years.[32] Foreigners living in Kenya for over a year are also required to apply for a longer-term permit, such as a dependent pass, student pass, or work permit,[33] through an online platform known as the electronic Foreign National Services portal (e-FNS).[34] The granting of work permits to foreign workers has been a source of tension in Kenya, particularly in sectors such as construction,[35] where Indian and Chinese laborers are often perceived to be competing with unemployed youth. Nevertheless, foreign investors and sponsored professionals from abroad have been able to access work permits and alien cards, if at a large sum, often through brokers or specialized agencies hired by their employers who can navigate Kenya's often-opaque bureaucracy.[36] In 2023, according to official statistics, the Directorate of Immigration renewed 12,800 work permits and issued another 9,179.[37] Yet such figures undoubtedly represent only a small proportion of the country's overall labor migrant population, reflecting the relatively privileged sectors of the formal economy.

Within the so-called "informal" economy, in contrast, many migrants remain undocumented. Young women from border towns in eastern Uganda, for example, swell the ranks of Nairobi's "house girls," the domestic help who provide much of the invisible (and invisibilized) labor in Kenya's households. The vast majority of these domestic laborers appear to lack alien cards and work permits and thus are living in Kenya irregularly.[38] Even though citizens from East African Community (EAC) partner states do not need visas to enter Kenya, and Rwandans and Ugandans are now exempt from work permit fees,[39] many people still lack work permits. Most of the migrants and refugees interviewed for this study worked irregularly in the informal sector—for example, as hawkers, hairdressers, and tailors.[40]

Without an alien card (provided to those with work permits or other forms of legal status), migrants with irregular status are vulnerable to police predation and blocked from accessing numerous services. As a result, they have adopted other survival strategies. In some cases, East and Northeast Africans have found ways of integrating into Kenya, often by intermarrying with Kenyans and ultimately acquiring Kenyan ID cards. In other cases, they have survived by: bribing police officers who demand identification; continually renewing their visas at border points, often through brokers; registering as refugees to avoid police scrutiny; or using "proxy" IDs (e.g., the IDs of Kenyan friends

32 Directorate of Immigration Services, "Issuance of Foreigner Certificate (Alien Card)."
33 Interview with senior government official by Keren Weitzberg (Nairobi; August 14, 2024).
34 Directorate of Immigration Services, "eFNS Application Information Portal."
35 Plummer, "Kenya and China's Labour Relations: Infrastructural Development for Whom, by Whom?"
36 Interview with Nairobi resident by Keren Weitzberg (Nairobi; August 12, 2024).
37 KNBS, *Facts & Figures 2024*.
38 BBC News, "The Hidden Lives of 'Housegirls' in Kenya."
39 Interview with senior government official by Keren Weitzberg (Nairobi; August 14, 2024).
40 Focus Group 2 (Nairobi; August 3, 2024); Focus Group 3 (Nairobi; August 4, 2024); Focus Group 4 (Dadaab Refugee Complex (Dagahaley Camp); August 15, 2024).

and relatives) to obtain essential services.[41] In fact, as discussed in more detail below, the everyday experience of migrants suggests that (outside of relatively elite and formal sectors) a set of informal, extrajudicial, and often unspoken rules govern the use and abuse of identification.

Identification for refugees

The discrepancy between the law and everyday practices of identification is also evident in the refugee sector. Refugee registration and refugee status determination (RSD)—the process of assessing whether an asylum seeker is or is not a refugee—have changed significantly over the years as a result of shifting national and geopolitical winds. Among the most important changes has been the Kenyan state's growing involvement in the provision of documents and IDs for refugees. This is partly due to a broader policy shift by international humanitarian organizations and their donors to make host countries responsible for refugee management, which some critics have described as a containment strategy.[42]

As a consequence, the UN Refugee Agency (UNHCR) has gradually transferred responsibility for refugee registration and RSD to the Kenyan government. Today, Kenya's Department of Refugee Services (DRS)[43] is formally in charge of both processes, although the UNHCR continues to provide technical, financial, and staff support to the department.[44] In addition, the DRS uses the UNHCR's IT case management system ProGres (Profile Global Registration System).[45] Several civil society and humanitarian workers we spoke to felt this history of joint operation had created its own problems, leading to bureaucratic duplication and a parallel system for refugees that has not been well-integrated into the government's own digital identification infrastructure. One refugee and migrant rights lawyer told us that he would like to see a shift to "*where the government owns the process, right from the process of registration*" and uses its own IT systems.[46]

41 A number of strategies for navigating the Kenyan economy without formal or up-to-date identification were discussed during our four focus groups conducted in Dadaab Refugee Complex and Nairobi. For more on proxy IDs, see Cheesman and Hackl, "The Identity Issue: Digital Risks of Proxy IDs in Kenya's Online Economy."

42 Betts, *Survival Migration: Failed Governance and the Crisis of Displacement*, 151.

43 The DRS was formerly known as the Refugee Affairs Secretariat, which was formerly known as the Department of Refugee Affairs.

44 NRC, "Recognizing Nairobi's Refugees." As researchers Caroline Nalule and Derya Ozkul explain, since 2014, the "UNHCR has been funding most of the operations … including paying and training staff, installing necessary infrastructure, and transferring the RSD database." "Exploring RSD Handover from UNHCR to States."

45 UNHCR, "Registration Tools."

46 Interview with Amnesty International refugee and migrant rights lawyer by Keren Weitzberg (online; August 21, 2024).

In theory, the registration/RSD process is meant to occur quickly, with asylum seekers/refugees receiving vital documentation at every stage. Asylum seekers, who are expected to register with the government within two weeks of arrival, should receive a proof of registration (also known as manifest) and an asylum seeker pass, which has a relatively short expiration period. Once the RSD process, which includes a series of interviews, has been completed and an asylum seeker is officially recognized as a refugee, they should be given a recognition letter (previously known as a UNHCR mandate), after which they can register for a refugee ID[47] if they have reached the age of 18. The refugee identity card is valid for five years and can be renewed.[48] For those who are considered *prima facie* refugees, the registration/RSD process is typically merged, and asylum seekers are usually given a waiting slip while they await their ID.[49]

In reality, as discussed in more detail below, this process rarely occurs smoothly. Refugees face various delays and barriers in acquiring refugee recognition letters and up-to-date and error-free refugee IDs, without which they cannot access vital services. Section 12 of the Refugees Act 2021[50] states that the RSD process should ideally take place within 90 days, but many interviewees spoke of waiting years and being left with expired, error-ridden, or inadequate documents. In one particularly extreme case, a woman who had first registered in 2012 only had a manifest, having received no further documentation or ID.[51] According to the Future of Wakimbizi project, it takes much longer for refugees in Kenya to receive their government-issued IDs compared to neighboring Uganda, where they are usually issued within a few months.[52] In refugee camps, such delays can prevent asylum seekers from being able to obtain aid and shelter.[53]

Refugees noted that the RSD process almost always exceeds 90 days. One refugee paralegal and community worker mentioned that it can sometimes take up to four years. *"Some people have had a manifest and asylum seeker pass since 2019 and didn't get anything else."*[54]

Across interviews and focus groups, asylum seekers and refugees also complained of rampant corruption, bureaucratic delays, obstacles to registering in Nairobi, and barriers to accessing essential travel documents, such as Conventional Travel Documents (CTDs) (for international transit)

47 Refugees often colloquially refer to this card as an "alien," as it was once known as an alien card.
48 Refugee Consortium of Kenya, Information Booklet: Refugee Documents; interview with refugee paralegal and community worker by Keren Weitzberg, Saada Loo, and Asha Jaffar (Nairobi; August 7, 2024).
49 Walkey, "Registration and Refugee Status Determination: A Missing Link."
50 Republic of Kenya, Refugee Act 2021.
51 Interview with Participant F by Keren Weitzberg, Ayan Mohamud Yusuf, and Yussuf Bashir (Nairobi, August 10, 2024).
52 Future of Wakimbizi, "Data & Recommendations."
53 Focus Group 4 (Dadaab Refugee Complex (Dagahaley Camp); August 15, 2024).
54 Interview with refugee paralegal and community worker by Keren Weitzberg, Saada Loo, and Asha Jaffar (Nairobi; August 7, 2024).

and movement passes (for internal travel). Movement passes enable refugees to travel freely between Nairobi and the Kakuma and Dadaab refugee camps in northern Kenya. Many felt that these hurdles were intended to prevent them from working and restrict their freedom of movement, thus enabling the government to enforce a policy of encampment. Although the government does not publish statistics on the number of refugee documents issued, one UNHCR official estimated that, among those eligible for refugee identity cards (e.g., those above the age of 18 who have been recognized as refugees), only 30 percent had refugee IDs.[55] Another humanitarian worker in Dadaab suspected this figure could be even lower, particularly for those residing in refugee camps.[56] Refugees also spoke of the near impossibility of accessing Class M work permits, which are designed to allow them to work legally in the country.[57] Again, the government does not share figures on the number of refugees who have obtained Class M work permits.

Many refugees spoke of rampant corruption in the UNHCR's country offices and in the DRS in relation to resettlement, among other processes, for which there were few avenues of redress. "*Resettlement is* haki *[a right]; if it's not a right, then stop processing refugees. They need to be fair. Even if you have evidence of corruption, there is nothing you can do to a Kenyan as a foreigner.*"[58]

Much like migrants who lack alien cards, adults seeking asylum are blocked from accessing numerous public and private services without a refugee ID. And, like many migrants, refugees are frequently forced into working irregularly and using proxy IDs to survive. Not having a government-issued ID has also made both migrants and refugees more vulnerable to police harassment.[59]

In general, non-citizens in Kenya face the greatest obstacles to obtaining the kinds of identification required to participate in the formal economy as adults.[60] Take, for example, the case of Doris (pseudonym), a relatively well-documented refugee. Born in the DRC and raised in Kenya, Doris attended primary and secondary school in Nairobi and took her school exams (all of which today require a birth certificate[61]). Although it was quite challenging to secure a place in university, she ultimately enrolled using her refugee ID. Now, as a young adult, however, Doris is struggling to find work without a national ID or work permit: "*They are prioritizing the Kenyans … So when I sit*

55 Interview with UNHCR official by Keren Weitzberg and Saada Loo (online; July 31, 2024).
56 Interview with program manager of humanitarian organization in Dadaab by Keren Weitzberg (online; August 16, 2024).
57 For more on the barriers refugees face in accessing work permits and business licenses, see Vuni and Iragi, "Refugees' Access to Work Permits and Business Licenses in Kenya."
58 Focus Group 3 (Nairobi; August 4, 2024).
59 Future of Wakimbizi, "Data & Recommendations."
60 By contrast, obtaining birth certificates for children is comparatively straightforward, though not without difficulties. This is possibly due to international campaigns to provide civil registration for children. See Plan International's work in this domain: Cody, "Count Every Child: The Right to Birth Registration."
61 Heidorn, "How Birth Certificate Access Changes Lives."

for an interview, I am doing well, but I won't be called. Once you just show you are a refugee, once I show my ID, I am a threat … I am treated like a suspect."[62]

With sufficient support from humanitarian agencies, the Kenyan state has the capacity and infrastructure to provide meaningful forms of paper and digital identification to migrants and refugees living in its borders. Compared to many neighboring countries, Kenya has a relatively robust civil registration system and relatively high rates of national registration. Many of the people interviewed for this report arrived in Kenya with little formal documentation from their countries of origin; some only obtained passports at their local embassy in Nairobi.[63] Considered a hub of digital innovation, Kenya also has an e-government platform (known as eCitizen) and is currently rolling out a digital ID system and digitizing thousands of government services (more on that below).[64] Kenyan IDs that meet regulatory requirements give foreigners and citizens access to Safaricom's M-PESA platform, which offers mobile money and digital credit and savings services. Political will not withstanding, Kenya has the physical and digital infrastructure to provide migrants and refugees with what many would consider meaningful financial and political inclusion.

62 Focus Group 3 (Nairobi; August 4, 2024).

63 Focus Group 3 (Nairobi; August 4, 2024).

64 Caribou Digital, "Kenya's Identity Ecosystem"; Gelb, Anandan, and Cannata, *Identification for Development (ID4D) Country Diagnostic: Kenya*.

The shifting political and legislative landscape of migration and refugee management in Kenya

While the picture painted above may seem bleak, there have been some positive legislative and political changes in recent years. The landscape of migration and refugee management in Kenya has undergone significant transformations, particularly between the enactment of the Refugees Act 2006 and the passage of the Refugees Act 2021.

Recent years have also seen a shift in both domestic and regional approaches to refugees and migrants, marked by increased integration within the East Africa Community and a more favorable legislative environment within Kenya. This section analyzes the political and legislative frameworks governing refugee and migration management in Kenya, evaluating their evolution over time and their tangible effects on refugee identification. It also critically interrogates recent public promises about refugee integration, placing them in historical context.

Freedom of movement and the early years of Kenya's independence (1963–1989)

In the years after Kenya's independence in 1963, many migrants and refugees enjoyed relative freedom of movement. This is with the exception of those living in northern Kenya, where the newly independent government imposed movement restrictions and brutally suppressed an irredentist/separatist movement that sought union with Somalia.[65] Kenya nevertheless provided refuge to people from such countries as Uganda, Rwanda, and Sudan, with the state taking a fairly "laissez faire" approach to refugees in the early years after independence.[66] At the time, there were no domestic laws or specific regulations addressing refugee management.[67] Authority for refugees, including determination of their status, fell under the responsibility of the Kenyan government through the Refugee Secretariat within the Ministry of Home Affairs.

This relative freedom of mobility began to diminish in 1977 with the collapse of the East Africa Community (EAC),[68] a regional economic bloc that facilitated the free movement of people, goods, and capital among its original partner states: Uganda, Tanzania, and Kenya. (The EAC would be revived in 2000 and expanded to include new East African nations.) The dissolution of the EAC at that time reshaped the identification landscape in Kenya, encouraging the government to use IDs for citizenship determination. In 1978, President Moi introduced the first postcolonial national ID, made mandatory for both women and men. "The use of the national identity card as evidence of citizenship," as scholar Karuti Kayinga explains, "is a practice that began in the late 1970s after the collapse of the East African Community" after which "the government increasingly used the identity card to differentiate between Kenyans and non-Kenyans" rather than exclusively for "labour market purposes."[69] These patterns of exclusion would only worsen as the region began to experience more profound humanitarian crises and refugee flows.

65 Weitzberg, *We Do Not Have Borders: Greater Somalia and the Predicaments of Belonging in Kenya*.

66 Shadle, "The "Problem" of the Urban Refugee." See also Skari and Girardet, "Urban Refugees: Out of the Public Eye"; Kagwanja, "Unwanted in the 'White Highlands': The Politics of Civil Society and the Making of a Refugee in Kenya"; Verdirame, "Human Rights and Refugees: The Case of Kenya."

67 Victor and Ndwiga, "Pragmatics of Access to Work Rights for Refugees in Kenya," 115; Moochi, "State's Response to Refugee Crisis: The Case of Kenya's Refugee Law," 8. According to Simon Konzolo, there were "no specific references to refugees until the Miscellaneous Amendment Act No. 6 of 1972 amended the Immigration Act to introduce refugee protection and refugees as a category of permits an alien could obtain." "An Overview of Refugee Status Determination and the Rights of Refugees in Kenya," 2.

68 Bakewell and de Haas, "African Migrations: Continuities, Discontinuities and Recent Transformations," 100.

69 Kanyinga, "Kenya: Democracy and Political Participation," 75.

Growing hostility towards migrants and refugees (1989–2017)

Freedom of movement deteriorated further after the introduction of an encampment policy for refugees. Kenya experienced a significant rise in refugees in the early 1990s due to conflicts in Somalia, Sudan, Ethiopia, Uganda, and Rwanda. This led to two notable changes: the growing involvement of the UNHCR on Kenyan soil and a *de jure* policy of encampment.

In the early 1990s, Kenya experienced a rapid and significant influx of refugees fleeing conflict in the region. UNHCR figures suggest that, in 1990, Kenya hosted 14,400 refugees; by 1992, that number had risen to over 400,000.[70] This overwhelmed the Kenyan government, prompting them to transfer refugee management responsibilities to the UNHCR. In 1991, the UNHCR set up Kenya's first refugee camp, which would later become part of the sprawling Dadaab Refugee Complex. The Kenyan government also began to enforce a policy of encampment with support from the UNHCR (which would later reverse its stance on this issue), seeking to contain refugees in the remote, marginalized areas of the north.[71] These policies have had lasting effects. By 2021, roughly 84 percent of the half million recognized refugees living in Kenya resided in one of two refugee camps in the north: the Dadaab Refugee Complex in Garissa County, and the Kakuma camp and Kalobeyei integrated settlement in Turkana County.[72]

Many of the systemic problems with identification, for refugees and citizens alike, can be traced to this period. While the Kenyan government occasionally and sporadically issued refugee cards (previously known as alien cards), refugee documentation fell almost entirely under the purview of the UNHCR. It was not until 2011 that the government began to gradually take responsibility for refugee registration.[73] This led to the bureaucratic and digital siloing of refugee identification while also generating uncertainty around ownership and responsibility for refugee data management. The challenges faced by refugees in accessing identification also became increasingly indissociable from those experienced by minoritized citizens in Kenya. Following accusations that refugees from the Somali civil war were slipping into the country and obtaining Kenyan national ID cards via corrupt civil servants, in 1989 the Kenyan government instituted a highly

70 UNHCR, *The State of the World's Refugees 2000*, 311–13.

71 Brankamp and Glück, "Camps and Counterterrorism: Security and the Remaking of Refuge in Kenya"; Jaji, "Social Technology and Refugee Encampment in Kenya"; Hynes, "The Issue of 'Trust' or 'Mistrust' in Research with Refugees."

72 UNHCR, "Kenya: Refugee Policy Review Framework Country Summary as at 31 December 2021."

73 NRC, "Recognizing Nairobi's Refugees," 11; Kenya Anti-Corruption Commission Directorate of Preventive Services, "Report of the Examination into the Systems, Policies, Procedures and Practices of the National Registration Bureau." See also Walkey, "Building a Bureaucracy: The Transfer of Responsibility for Refugee Affairs from United Nations Refugee Agency to Government of Kenya."

discriminatory screening procedure for Somalis. By the 1990s, the state had institutionalized vetting procedures, which required many Muslims, "border communities," and those from ostensibly "non-indigenous" ethnic groups to prove their Kenyanness before a committee when registering for a national ID. Vetting procedures, which have been widely condemned as unconstitutional, have blocked many Kenyan citizens from obtaining national ID cards.[74]

Gradually, the Kenyan government put in place a legislative framework for refugees. After over a decade of revisions and redrafting, a refugee bill was finally enacted in 2006, resulting in the appointment of the first Commissioner for Refugee Affairs in 2007. The Refugees Act 2006 laid the foundation for refugee management in Kenya, establishing a legal framework for the protection and regulation of refugees within the country's borders. However, the act also faced criticism for its inadequacies in addressing the growing complexities of refugee management, particularly in the face of Kenya's own constitutional transformations.[75] As Kituo Cha Sheria notes, the law "was inconsistent with the Constitution of Kenya 2010" and "legislated the encampment policy," leading refugee protection organizations to advocate for its revision.[76]

After Kenya's invasion of Somalia in 2011 and a string of audacious retaliatory attacks on civilian targets by Somali militant group al-Shabaab, conditions for refugees worsened. The attacks heightened security concerns and increased the scrutiny of refugees, leading to draconian and unconstitutional state practices. Kenyan police carried out forceful repatriations of Somali refugees during this period.[77] In 2016, the government announced its intention to close Dadaab, a directive later blocked by the High Court of Kenya.[78] A government directive mandating all refugees reside in camps and amendments to the Refugee Act aimed at capping the number of refugees were also declared unconstitutional in separate rulings.[79]

Heightened securitization and a climate of xenophobia limited refugees' access to documentation and identification. In August 2015, the Kenyan government "effectively suspended registration of new refugees at Dadaab camp"—already sporadic since 2011—"and halted refugee status determination," placing new arrivals in a highly precarious situation and creating a backlog for years to come.[80] Urban refugee registration was also

74 For more on the 1989 screening of Somalis, see Lochery, "Rendering Difference Visible: The Kenyan State and Its Somali Citizens." For more on Kenya's vetting procedure, see Kenya National Commission on Human Rights, "An Identity Crisis? A Study on the Issuance of National Identity Cards in Kenya."

75 Moochi, "State's Response to Refugee Crisis: The Case of Kenya's Refugee Law, 1991–2016."

76 Kituo Cha Sheria, "The Refugees Act, 2021: A Summarized and Simplified Version," 5.

77 Wandera and Wario, "Framing the Swoop: A Comparative Analysis of Usalama Watch in Muslim and Secular Print Media in Kenya."

78 Amnesty International, "Not Time to Go Home: Unsustainable Returns of Refugees to Somalia."

79 Frelick, "Reversal of Last Year's Court Ruling on Urban Refugees in Kenya Is Quite Stunning"; IRRI, "High Court Strikes Down Cap on the Number of Refugees in Kenya; Other Damaging Provisions Remain."

80 Amnesty International, "Not Time to Go Home: Unsustainable Returns of Refugees to Somalia," 6.

periodically suspended during this period.[81] A year later, the state revoked *prima facie* status for Somali refugees.[82] In addition, the government and telecommunications giant Safaricom began to enforce mobile phone and SIM-card registration regulations, shutting down refugee mobile and M-PESA accounts.[83]

The promise of refugee integration (2017 to the present)

Much has changed since this period of heightened securitization. In recent years, under donor pressures and incentives, there has been a notable shift in Kenya's approach to refugee management. A key turning point was the country's adoption of the Comprehensive Refugee Response Framework (CRRF) in 2017, "pledging to incorporate refugee assistance into its national development plans."[84] The Kenyan state has since taken a less explicitly hostile approach to refugees, although promises of reform have not always realized in practice. Under both the Uhuru regime (2013–2022) and the current Ruto regime, the government has nevertheless expressed a rhetorical commitment to refugee integration.

Most notably, the enactment of the Refugees Act 2021[85] marked a significant—and more progressive—change in Kenya's approach to refugee management. This legislation aimed to address the shortcomings of the 2006 Act by providing a more comprehensive framework that aligned with international standards and reflected the current realities of refugee management.[86] The 2021 Act introduced new provisions that emphasize the integration of refugees into Kenyan society, focusing on self-reliance, access to education, and economic opportunities. For example, the new act provides refugees with the right to "gainful employment."[87] This has led to some early, if cautious, enthusiasm from refugee rights advocates. "If fully implemented," note Abdullahi Boru Halakhe, Allan Mukuki, and David Kitenge, the act could be a "game changer" that could offer "refugees freedom of movement, the right to work, and access to financial services."[88] Not all sections of the act have been equally embraced by civil society,

81 NRC, "Recognizing Nairobi's Refugees," 11.
82 Amnesty International, "Not Time to Go Home: Unsustainable Returns of Refugees to Somalia," 6.
83 Pogialli, "Regulating Refugees: Technologies, Bodies, and Belonging in Kenya," 216.
84 Owiso, "Incoherent Policies and Contradictory Priorities in Kenya."
85 Republic of Kenya, Refugee Act 2021.
86 Kituo Cha Sheria, "The Refugees Act, 2021: A Summarized and Simplified Version."
87 Leghtas and Kitenge, "What Does Kenya's New Refugee Act Mean for Economic Inclusion?"
88 Halakhe, Mukuki, and Kitenge, "The New Refugee Act in Kenya and What it Means for Refugees."

however. For example, the act is ambiguous on questions of encampment and freedom of movement for refugees.[89]

The Refugees Act 2021 also has the potential to profoundly affect identification. Most significantly, it elevates the refugee ID card to the status of an alien card, thus (if fully enacted) giving refugees the same access to services as foreign nationals. In addition, it gives those from the EAC the option of giving up their refugee status and living in Kenya under their status as EAC citizens instead.[90]

Three years after its introduction, however, the Kenyan government has yet to fully implement the act and refugee ID cards are yet to be fully elevated to the status of alien cards. Some positive, if piecemeal, changes have been made, although they have been applied highly unevenly. For example, the Department for Refugee Services (DRS) recently amended the refugee ID number from six to eight digits to make it align with Kenya's national identity system and compatible with customer verification processes, such as KYC (Know Your Customer) checks. The DRS has also held discussions with the Communication Authority of Kenya about revising its SIM-card regulations to include refugees. As a result, refugees can now access Kenya's eCitizen platform, telecommunications, and mobile banking.[91] However, these changes were not widely known among those we interviewed, and many telecommunications agents themselves seemed unaware of this policy change.[92] In addition, many refugees continue to hold old or expired IDs. While the government recently resumed refugee registration in Dadaab (which was put on hold in 2016),[93] there is still a large backlog of cases. Urban refugee registration also remains ad hoc.

In another positive step, in September 2023, the government gazetted refugee documents, declaring a range of documents—such as asylum seeker passes and letters of recognition—usable for accessing government services.[94] But this too does not appear to have been implemented or even widely publicized among government departments.[95]

Additionally, it is not evident how East Africans can exercise their right to opt out of refugee status and live freely in Kenya, as specified in the Refugees Act 2021. This is particularly unclear while access to government-issued IDs and work permits remains a challenge. As one government official explained, there are many unanswered questions: What forms of identification will

89 Interview with Kituo Cha Sheria refugee advocate and lawyer by Keren Weitzberg (online; August 23, 2024).
90 Dhala, "Could Kenya Be the Next Refugee Rights Champion?"
91 Interview with government official by Keren Weitzberg and Asha Jaffar (Nairobi; August 13, 2024); interview with refugee paralegal and community worker by Keren Weitzberg, Saada Loo, and Asha Jaffar (Nairobi; August 7, 2024). See also Department of Refugees Services, 'The CRA held consultations with the Director Consumer & Public Affairs."
92 Interview with Kituo Cha Sheria refugee advocate and lawyer by Keren Weitzberg (online; August 23, 2024).
93 Directorate-General for European Civil Protection and Humanitarian Aid Operations, "Kenya."
94 Refugees Act (No. 10 of 2021) and The Kenya Citizenship and Immigration Act (No. 12 of 2011): Refugee Identification Documents.
95 Interview with program manager of humanitarian organization in Dadaab by Keren Weitzberg (online; August 16, 2024).

East Africans use? Will East African refugees born in Kenya be issued new documents? This issue, he explained, is still a matter of ongoing discussion between the Directorate of Immigration Services and the Ministry of the EAC, and the government is likely to qualify this section of the act by, for example, restricting it to certain professions (such as doctors and lawyers).[96]

Many refugees and refugee advocates felt the Refugees Act 2021 advanced the rights of refugees, including their ability to access to identification, but lamented its lack of enforcement. "*It's a beautiful act on paper. On the ground, things are different.*"[97]

Alongside the Refugees Act 2021, a pivotal development in Kenya's refugee management has been the introduction of the Shirika Plan, a multi-year project spearheaded by the UNHCR and Kenyan government aimed at promoting socioeconomic inclusion for refugees, advancing self-reliance for both refugee and host communities, reducing dependence on international aid, and fostering a more sustainable and inclusive approach to refugee management. Among the core aims of the Shirika Plan (which means "coming together" in Swahili) is to transform the Kakuma and Dadaab refugee camps into "integrated settlements."[98]

While promising on paper, many of the refugee leaders and advocates we spoke to questioned the government's intentions and commitment to the Shirika Plan.[99] Importantly, the government has received donor funding to support the enactment of the Shirika Plan, prompting many to distrust their motivations. Experts also cite the "lack of consultation with camp residents and local communities" as fueling skepticism among refugee leaders.[100] Many humanitarian staff members were ambivalent about the Shirika Plan, with one saying, "*we don't know how that will unfold*."[101] Others saw the plan as a potentially positive development, with another suggesting it may even do away with the encampment policy.[102]

As such testimonials suggest, there is still a great deal of uncertainty as to whether the Shirika Plan will be meaningfully implemented. There are also conflicting opinions as to the government's degree of commitment to the plan. A senior government official noted that the Shirika Plan "*was not homegrown*," although the Ruto regime had "*bought into it*."[103] A program manager of a major humanitarian organization said starkly that:

96 Interview with government official by Keren Weitzberg and Asha Jaffar (Nairobi; August 13, 2024).
97 Interview with refugee paralegal and community worker by Keren Weitzberg, Saada Loo, and Asha Jaffar (Nairobi; August 7, 2024).
98 Department of Refugee Services, "Kenya Shirika Plan: Overview and Action Plan"; "Department of Refugee Services"; Miller and Kitenge, "Context News: Kenya's Bold New Shirika Refugee Plan is Model for Future"; Dhala, "Could Kenya Be the Next Refugee Rights Champion?"
99 Focus Group 1 (Nairobi; August 3, 2024); Focus Group 2 (Nairobi; August 3, 2024); Focus Group 3 (Nairobi, August 4, 2024).
100 Nyamori, Anyadike, and Latifi, "Kenya's New Integration Plan for Refugees: Hope or Hype?"
101 Interview with staff member at Kenya-based international humanitarian organization by Keren Weitzberg and Yussuf Bashir (online; August 9, 2024).
102 Interview with Norwegian Refugee Council program manager by Keren Weitzberg (online; August 16, 2024).
103 Interview with senior government official by Keren Weitzberg (Nairobi; August 14, 2024).

"*If the World Bank and IMF want it implemented, it will be implemented.*"[104] According to one government consultant, the success of the Shirika Plan hinges on many factors: the "political goodwill" of both the executive branch and Parliament; commitment by donor countries to long-term funding; effective coordination between the World Bank, the UNHCR, and different government agencies; and the de-securitization of refugee affairs. Refugee integration, as he suggested, also has the potential to shape the demographics of Kenya's electorate, exacerbating already contentious electoral contests. This creates yet another political barrier for the plan.[105]

> *"The main problem of why we are struggling with the Shirika Plan is because matters of refugees, matters of migration have been securitized."*[106]

Additionally, the push for integration occurs against the backdrop of international moves to contain refugee movements, limit resettlement opportunities, and slash humanitarian aid budgets. Even before the recent USAID funding freeze, there was a considerable shortfall in the UNHCR's financial requirements and appeals for funding for host countries like Kenya.[107] Insufficient donor funding on top of diminished prospects for resettlement have placed pressure on Kenya to find long-term solutions for refugees within its borders,[108] particularly as it pursues a policy of East African integration.

> *"We cannot achieve the Shirika Plan without addressing identification and [rights to] movement."*[109]

Importantly, the Shirika Plan's major aims—integration and self-reliance for refugees—cannot be accomplished without remedying the systemic problems with identification outlined in this report. Yet surprisingly little has been said on this matter. At this year's Annual General Meeting for ID4Africa—a multi-stakeholder body that promotes the development of digital identity systems on the continent—Immigration and Citizenship Services Principal Secretary Julius Bitok promoted the Shirika Plan during a roundtable with the UNHCR. Bitok also mentioned that refugees would be incorporated into Kenya's newly launched (and contentious) digital identity project, Maisha Namba ("Life Number" in Swahili), discussed in more detail below.[110] Yet, thus far, the rollout of Maisha Namba, which has been mired in controversies, has been focused on citizens.

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104 Interview with program manager at humanitarian organization by Keren Weitzberg and Asha Jaffar (Nairobi; August 13, 2024).

105 Interview with government consultant by Keren Weitzberg (online; November 8, 2024). As Arjun Appadurai has argued, "Numerical majorities can become predatory and ethnocidal with regard to small numbers precisely when some minorities remind these majorities of the small gap which lies between their condition as majorities." *Fear of Small Numbers*, 8. See also Geschiere and Nyamnjoh, "Capitalism and Autochthony: The Seesaw of Mobility and Belonging."

106 Interview with government consultant by Keren Weitzberg (online; November 8, 2024).

107 See, for example, UNHCR, "Kenya Funding Update–2024."

108 Owino, "Pledges Aren't Enough to Protect East Africa's Refugees."

109 Interview with government consultant by Keren Weitzberg (online; November 8, 2024).

110 Fieldwork observation by Keren Weitzberg at ID4Africa annual general meeting (Cape Town; May 24, 2024).

Although the Shirika Plan is promising on paper, a recurring theme across our interviews and focus groups was refugees' lack of involvement in its development. As one refugee community leader complained: "*The Shirika Plan: it is show, show, show.*"[111] Many felt that the Shirika Plan was a means for the government to extract financial support from the international community without meaningfully incorporating the views of refugee and host communities. One stakeholder described the Shirika Plan as a way "*just to get political mileage and to get donor funds from the international community.*"[112]

Finally, the changing landscape of refugee management in Kenya cannot be viewed in isolation from the broader context of EAC integration. As Kenya deepens its ties with neighboring countries through the EAC—which was revived in 2000 and has now expanded to include South Sudan, Burundi, Rwanda, and, more recently, the DRC and Somalia—there has been a push for greater regional cooperation in managing migration and refugee flows. The EAC's pledges to harmonize refugee policies and promote the free movement of people within the region align with Kenya's shift toward integration and self-reliance for refugees, as well as its ostensible promise to enable those from the bloc to opt out of refugee status and live as East Africans in Kenya. Nevertheless, the EAC (much like its earlier iteration) has also been beset by internal tensions and geopolitical frictions, and much of its policies are yet to be realized.

The EAC is an important vehicle for promoting freedom of mobility, but it does not always guarantee long-term legal residency in Kenya, in part due to the challenges migrants face in acquiring work permits and alien cards. Citizens of Kenya, Rwanda, and Uganda can, in theory, travel freely among the three countries using either an EAC passport or a national identity card,[113] and citizens of all six partner states enjoy visa-free travel within the bloc.[114] Citizens of partner states within the EAC also have expanded right-to-work as part of the EAC Common Market Protocol, although this does not exempt them from acquiring work permits.[115] In addition, through bilateral agreements, Rwandans and Ugandans working in Kenya are exempt from paying work permit fees.[116]

While the revitalization of the bloc does harken back to the early years of Kenyan independence, when Ugandans and Tanzanians in the country enjoyed relative freedom of movement, many of the people interviewed for this report felt that practice diverged greatly from policy. According to one interlocutor, EAC protocols only enable a privileged group of migrants and travelers, who are considered "high-skilled," to move freely: "*The East*

111 Interview with Participant S by Keren Weitzberg, Ayan Mohamud Yusuf, and Yussuf Bashir (Nairobi; August 10, 2024).
112 Interview with investment officer of nonprofit social entrepreneurship organization by Keren Weitzberg (online; August 6, 2024.
113 Hirsch, "Free Movement of People across Africa: Regions Show How It Can Work."
114 EAC, "Frequently Asked Questions."
115 EAC, "Working in East Africa."
116 Interview with senior government official by Keren Weitzberg (Nairobi; August 14, 2024).

African Community envisaged one East Africa, free movement. But this free movement … it's actually done for a category of people … people who've got skills; they move very easily, but someone who is non-skilled, you find there's a barrier."[117] Many refugees and migrants from the Great Lakes region complained of having to pay informal bribes at border points to travel between Kenya and neighboring countries.[118] Many also felt that the ethos and legal provisions behind the EAC were not always respected, particularly when it came to the forms of ID they held. As one East African migrant described: "*If you give the Kenyan police a Rwandan ID, it brings problems; they start asking for a passport*."[119] Nevertheless, many of those from the Great Lakes region also mentioned that police harassment had diminished under the Uhuru regime, which they attributed to the former president's promotion of East African integration.

As our interviews and focus groups revealed, changes in the political environment in Kenya, especially new presidencies, can have a sizeable impact on the perception and treatment of refugees. Specifically, many refugees and migrants from the Great Lakes region noted they their treatment improved under President Uhuru Kenyatta's administration, leading to a decrease in police harassment. Overall, recent policy and legislative changes affecting refugee management and East African integration do spell a more positive development for migrants and refugees in Kenya. Together, these policy and legislative shifts increase the prospects of migrants and refugees acquiring critical forms of legal identification. Nevertheless, implementation remains a challenge, and it is still unclear whether the Kenyan government's promises of integration are more rhetorical than real.

117 Interview with government consultant by Keren Weitzberg (online; November 8, 2024).
118 Focus Group 3 (Nairobi; August 4, 2024).
119 Focus Group 3 (Nairobi; August 4, 2024).

The digitization of Kenya's identification infrastructure and its impact on refugee integration

For refugees in particular, such proposed integration can only occur if greater efforts are made to incorporate them into Kenya's digital systems. This section explores the digitization of Kenya's identification infrastructure. Kenya (whose technology sector has been branded "Silicon Savannah") has been celebrated as a hub of private- and public-sector digital innovation. The country also has a long (and fraught) history of trying to digitize its public services. Today, many of the country's digital systems can be meaningfully thought of as "DPI, providing society-wide access to payments, digital ID authentication, and digitized government services."[120] Yet refugees and, to a much lesser extent, formal migrants have not been meaningfully thought of as users of digital public services. On the contrary, digitization efforts have largely been used to surveil and restrict their movements and prevent them from slipping into national systems.

Since the early 2000s, Kenya has slowly digitized its paper-based identification systems, integrated previously siloed population registries, and created new digital identity infrastructures. In the early 2000s, the National Registration Bureau (NRB) began scanning and digitizing its ink fingerprint registry of Kenyan nationals and foreigners, which is now incorporated into its Automated Fingerprint Identification System (AFIS).[121] In 2009, the government began the development of the Integrated Population Registration System (IPRS), which combines "data from different sources including birth and civil registration, alien and refugee registration and the national population register."[122] Among many things, the IPRS has facilitated the financialization of the "unbanked," accelerating the spread of new forms of digital credit, by allowing private companies to run KYC and credit checks remotely, "pinging" the system for a small fee.[123] After developing these back-end systems, the government was able to digitize much of its front-end services. In 2013, to great fanfare, the government opened the country's first Huduma Centre, a self-styled "one-stop shop" and "e-centre" for government services.[124] The then-ruling coalition also launched its eCitizen platform, an online portal for accessing and paying for government services. Today, Kenyans can apply for and renew many of their IDs either online through the eCitizen portal or in person at a Huduma Centre.

120 Zollman, Sambuli, and Wanjala, "Citizen Experiences with DPI: Kenya's Digital ID Transition," 2.
121 Gelb, Anandan, and Cannata, *Identification for Development (ID4D) Country Diagnostic: Kenya*, 5.
122 Gelb, Anandan, and Cannata, *Identification for Development (ID4D) Country Diagnostic: Kenya*, 1.
123 Breckenridge, "The Failure of the 'Single Source of Truth about Kenyans': The NDRS, Collateral Mysteries and the Safaricom Monopoly," 99–100. See also EDAPS, "Integrated Population Register: a key pillar in a holistic approach to identification," PowerPoint presentation (2014).
124 BBC News, "Kenya Launches Huduma E-centre to Cut Bureaucracy."

Despite successfully rolling out these systems, the Kenyan state has struggled to develop an e-ID and a digital ID system—efforts that have been beset by mismanagement, tender controversies, and pushback from the public and civil society. In 2019, the Ministry of Interior announced the launch of Huduma Namba, a short-lived digital ID scheme that wasted significant government resources and garnered considerable national and international controversy.[125] In 2023, the Ruto regime began to roll out yet another digital ID project, also beleaguered by delays and challenges from civil society. The Maisha Namba system includes a unique personal identity number that will eventually be given to all people resident in Kenya from birth, including foreigners, and an upgraded "third-generation" national ID card with a chip and enhanced security features. The system is based upon a central population database, now branded the Maisha Integrated Database.[126] Despite ongoing skepticism about its value and utility,[127] in Maisha Namba, the Kenyan government may finally realize its goal to create a digital ID and a centralized, born-digital biometric database.

To a certain extent, refugees have been incorporated into these digitization processes, though in ways that have largely been punitive and restrictive of their informal strategies of survival. In the past, it was not uncommon for marginalized Kenyan citizens (particularly Somalis with Kenyan citizenship living in the vicinity of Dadaab) to slip into the refugee system in order to acquire food aid, education, and health care, services often denied to them.[128] By the same token, refugees would sometimes find illicit ways to obtain Kenyan ID cards in order to avoid the harsh conditions of the camps and instead live as "Kenyans" in the country. After taking over refugee registration from the UNHCR, however, the Kenyan government became increasingly empowered to collect refugee biometric data. With time, the Kenyan government also built a "unified database that includes the prints of all persons registered in Kenya, citizens, refugees and other aliens," enabling the NRB "to search across all registrations made in Kenya when issuing ID cards."[129] Now, those flagged as being in the refugee system have found themselves blocked from obtaining Kenyan national ID cards.[130] The push for biometric interoperability has thus foreclosed a key survival strategy—one that enabled many asylum seekers to informally integrate into the country. "Biometric identification was a tool the Kenyan state could use to systematically track Somalis and make it more difficult for them to 'become Kenyan,'" as Lisa Poggiali notes. "It enabled the Kenyan government to fix Somali identities in place, forcing them to choose whether to be Kenyan or Somali, but not both."[131]

125 Macdonald, "Activists Urge Kenya Not to Repeat Mistakes of Huduma Namba in New Digital ID Plan."
126 Walubengo, "Understanding Maisha Namba: Kenya's New Digital Identity System."
127 Zollman, Sambuli, and Wanjala, "Citizen Experiences with DPI: Kenya's Digital ID Transition."
128 Weitzberg, "Machine-Readable Refugees."
129 Gelb, Anandan, and Cannata, *Identification for Development (ID4D) Country Diagnostic: Kenya*, 11, 9.
130 As a result, some Kenyan citizens, who registered as refugees to access needed aid, have also been blocked from obtaining national IDs. For more on the case of the "double registered" in Kenya, see Weitzberg, "Gateway Or Barrier? The Contested Politics of Humanitarian Biometrics"; Weitzberg, "Neither Citizens nor Refugees: Biometrics, Sovereignty, and Border-Making within Humanitarian Spaces,"
131 Pogialli, "Regulating Refugees: Technologies, Bodies, and Belonging in Kenya," 214.

By and large, digitization efforts have increased the government's access to data on non-citizens and strengthened its ability to surveil migrants, refugees, and asylum seekers. Today, Kenyan officials have access to proGres, the UNHCR's IT case management tool.[132] The recent installation of live fingerprint scanners in Kenya's Huduma Centres has facilitated "inter-connectivity between proGres v4 and the national registration system."[133] While the Kenyan government does not currently have data on asylum seekers, whose information is stored on UNHCR systems and not synchronized with NRB platforms,[134] this is also likely to change. According to one senior government official, the government is in "*an advanced stage*" of *"building its own system"* and is *"making arrangements to have that data"* so *"that they become the owner of those records*."[135] Moreover, the government also claims that the Maisha Integrated Database will allow it to better "monitor the data of all immigrants [and] refugees because their data will be integrated to the government."[136]

As this short overview suggests, the digitization of migrant and refugee data has largely been oriented around surveillance and control, aimed at furthering the securitization of Kenya's borders and strengthening the citizenship determination process. Meanwhile, refugees remain largely excluded from Kenya's digital public infrastructure and from the services that digitization enables. Until recently, refugees could not access Kenya's eCitizen platform, a problem that has only begun to be remedied.[137] Until 2022, when the DRS amended the refugee ID number to eight digits to conform to Kenya's national ID system, refugee IDs were not compatible with the IPRS, cutting refugees off from basic KYC and CDD (Customer Due Diligence) processes and thus excluding them from many banking and financial services. Even this change, while positive, has brought its own problems: some of the new refugee ID numbers were identical to the national ID numbers of Kenyan citizens, causing citizens' names to pop up when their numbers were input into the IPRS.[138] Such problems reflect the siloed history of refugee registration, which had long been under the remit of the UNHCR, whose systems were initially not interoperable with those of the Kenyan government.[139]

132 Walkey, "Building a Bureaucracy: The Transfer of Responsibility for Refugee Affairs from United Nations Refugee Agency to Government of Kenya," 165–67.
133 Opile, "UNHCR Upgrades its Data Management System to Improve Efficiency."
134 Interview with staff member at international humanitarian organization by Keren Weitzberg and Yussuf Bashir (online; August 9, 2024).
135 Interview with senior government official by Keren Weitzberg (Nairobi; August14, 2024).
136 Kenya News Agency, "State Revs Up Maisha Namba Digital ID Awareness Drive." See also Bitok, "Kenya's Digital Identity Ecosystem."
137 Focus Group 1 (Nairobi; August 3, 2024).
138 Interview with government official by Keren Weitzberg and Asha Jaffar (Nairobi; August 13, 2024).
139 Interview with Amnesty International refugee and migrant rights lawyer by Keren Weitzberg (online; August 21, 2024); interview with government consultant by Keren Weitzberg (online; November 8, 2024).

In Kenya, refugees' exclusion from digital services is partly the result of a history of siloing registration under the aegis of the UNHCR, whose systems have not always been compatible with those of the Kenyan government. Although the Kenyan state is now technically in charge of refugee management, it continues to rely on UNHCR IT systems, personnel, funding, and expertise. As one refugee and migrant rights lawyer explained, he would like to see a shift to "*where the government owns the process, right from the process of registration.*"[140] As the case of Kenya suggests, legacy systems can impact how well refugees are integrated into a host country's digital platforms. The department/ministry in charge of refugee affairs can also affect their level of incorporation into national systems.

Many aspects of refugee management also remain mired in clunky, poorly integrated, semi-digitized processes. Perhaps the most glaring example is the much-maligned toll-free hotline that refugees must call to secure an appointment with the DRS. Refugees recounted Kafkaesque stories of waiting hours on the phone to speak to someone, and then waiting months to receive a text message with appointment details.[141] As one person we spoke to said sarcastically: "*They don't help. Ni maneno tu [It's only words]. 1517 [the hotline number] is useless*."[142]

Many aspects of refugee management are not well-integrated into Kenya's digital identity infrastructure, remaining mired in clunky, poorly integrated, semi-digitized processes. As one refugee paralegal complained, "*Kenya brands itself as digital, but it's just a word.*"[143]

In a country that prides itself on being a hub of digital innovation, refugee services remain analog and behind the times. Refugees and migrants often seem to be an afterthought within digitization projects.[144] The recent transition from the National Health Insurance Fund (NHIF) to the Social Health Insurance Fund (SHIF) provides a salient example of mismanaged digitization and design failures. The rollout of the new health insurance system has been marred by problems and systematic disruption, affecting thousands of Kenyan citizens.[145] But refugees may be uniquely vulnerable due to the kinds of documentation they hold. According to refugee community leader Ayan Mahamoud:

140 Interview with Amnesty International refugee and migrant rights lawyer by Keren Weitzberg (online; August 21, 2024).
141 Focus Group 1 (Nairobi; August 3, 2024); Focus Group 2 (Nairobi; August 3, 2024); Focus Group 3 (Nairobi; August 4, 2024).
142 Focus Group 3 (Nairobi; August 4, 2024).
143 Focus Group 1 (Nairobi; August 3, 2024).
144 To remedy this gap, one person interviewed for this report suggested that the Kenyan state should develop an e-refugee platform akin to eCitizen.
145 Abuso, "Kenya: Patients Suffer as New Healthcare System Failures Cause Chaos."

> *"[The new Social Health Authority] requires individuals to register online to access health coverage. However, many refugees face difficulties during this process because their refugee IDs are often not integrated into the system used for online registration … The system may not fully recognize refugee documentation, causing delays or outright exclusion for those trying to sign up."*[146]

The few digital identity innovations specifically designed for migrants and refugees have mostly occurred in the humanitarian sector. A notable, if short-lived, digital identity project was the DIGID (Dignified Identity in Cash Assistance) project. Launched in 2019 by a consortium led by the IFRC (International Federation of Red Cross and Red Crescent Societies), which worked with the fintech firm Gravity, DIGID consisted of a digital wallet that stores user credentials on the blockchain. Those without a smartphone were issued with a printed QR code.[147] The Kenya Red Cross first piloted DIGID to help humanitarian recipients in Nairobi and Dadaab who lacked IDs receive cash assistance. It was later expanded into a medical wallet, which was piloted in Turkana County and the Kalobeyei Integrated Settlement, a refugee camp. These initial pilots aimed to help those without IDs access Kenya's mobile money infrastructure, through which humanitarian cash payments are typically distributed. The second phase aimed to help mobile people safely store their health data to facilitate better diagnoses and treatments across different medical facilities.[148]

However, DIGID was only usable within the humanitarian ecosystem. Without buy-in from larger humanitarian players, it was never scaled beyond its initial pilots. As one person involved in the rollout of DIGID lamented, "*You pilot to pilot, and not in order to build a sustainable digital infrastructure*."[149] He attributed DIGID's lack of scalability to a number of factors, including the absence of a suitable government regulatory framework; the lack of sustainable funding outside the donor cycle, which often chases the latest trends in the tech sector; and the dominance of Safaricom in Kenya's fintech and digital identity space. He also felt that DIGID was inhibited by lack of smartphone access (without which printed QR codes were needed) and competition between different humanitarian organizations, whose data infrastructures are often siloed and disconnected.[150]

Digital identity innovations piloted in the humanitarian sector are often detached from end users' everyday needs and understandings of technology. They are frequently driven by the desire to "pilot" rather than build scalable systems. As one tech worker noted, "*You pilot to pilot, and not in order to build a sustainable digital infrastructure.*"[151]

146 Correspondence between Ayan Mahamoud and Keren Weitzberg (October 20, 2024).
147 For more on DIGID, see IFRC, "Dignified Identities in Humanitarian Action: Journey and Reflection."
148 Interview with Kenya Red Cross innovation officer by Keren Weitzberg (online; August 16, 2024).
149 Interview with tech worker by Nora Naji (Nairobi; October 3, 2024).
150 Interview with tech worker by Nora Naji (Nairobi; October 3, 2024).
151 Interview with tech worker by Nora Naji (Nairobi; October 3, 2024).

In addition, though designed to be "dignified," user friendly, and privacy preserving, DIGID users did not always understand its purpose or the opaque blockchain system on which it was run. According to an innovation officer at the Red Cross, participants in the Turkana pilot sometimes confused the printed QR codes for UNHCR mandates, while others worried about their medical data falling into the wrong hands—concerns and misconceptions that those running the pilot had to address.[152] Writing about another blockchain-based humanitarian innovation in Jordan, Margie Cheesman argues that "having a digital wallet to manage money cannot solve the root problems of abject poverty and oppression."[153] Moreover, digital identity innovations piloted in the humanitarian sector are often detached from end users' everyday needs and their vernacular understandings of technology:

> Responsible, just, and mindful innovation is a matter of understanding people's concerns, subjectivities, resources, relationships, and choices. Humanitarian agencies and their corporate and government partners promote big data technologies, high-tech infrastructures, and the insights, targeting, and optimization they facilitate. But refugee women workers' perspectives show that sometimes the optimum technology is a humble envelope or a folded up receipt.[154]

The case of DIGID indicates the limitations of even well-meaning humanitarian pilots that remained confined to closed humanitarian "laboratories" and never integrated into broader national frameworks.[155] At best, technocratic pilots tend to enhance cost effectiveness and bring in reputational advantages and donations for aid organizations. At worst, they enable corporate "aid washing," where tech companies gain undue influence and profit in humanitarian spaces, while migrants and refugees bear the costs of disruption to everyday lives.[156] For proponents of DPI, who seek to create new digital ecosystems, such pilots also provide important lessons: Can migrants and refugees be meaningfully incorporated into such digital initiatives, in ways that are not simply tokenistic?

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152 Interview with Kenya Red Cross innovation officer by Keren Weitzberg (online; August 16, 2024).
153 Cheesman, "Blockchain for Refugees."
154 Cheesman, "Blockchain for Refugees."
155 Interview with tech worker by Nora Naji (Nairobi; October 3, 2024).
156 Martin, "Aidwashing Surveillance: Critiquing the Corporate Exploitation of Humanitarian Crises"; Cheesman, "Conjuring a Blockchain Pilot: Ignorance and Innovation in Humanitarian Aid."

Challenges

This section addresses the obstacles faced by migrants, asylum seekers, and refugees as a result of lack of identification—from police harassment to denial of financial services to lack of access to medical care. As a consequence, many refugees and migrants feel stuck in legal limbo, as they are unable to travel or be resettled abroad but are also denied the opportunity to fully integrate into Kenya.

Below, we discuss some of these major obstacles to political, economic, and financial inclusion. This is by no means a comprehensive list, but rather a deep dive into a few core issues. It is important to note that individuals experience these challenges differently depending on their ethnic group, nationality, religion, legal status, profession, cultural capital, and class background. Those who cannot speak English or Swahili, for example, may have an especially difficult time, while those with cultural and financial capital who are able to blend into Kenya (or even illicitly acquire a Kenyan ID), may be able to circumvent these barriers altogether.

Many of the refugees we spoke to described feeling stuck in limbo, waiting for the slim prospect of resettlement while struggling to integrate into Kenya: "*The resettlement process takes decades, even twenty years. You are born here in Kenya and you go to university but you keep hoping [to be resettled].*"[157]

157 Interview with Participant I by Keren Weitzberg and Saada Loo (Nairobi; August 11, 2024).

Access to government services

This section focuses on access to public services, without which obtaining financial services and enjoying freedom of movement is often impossible.

Education, exams, and birth certificates

"Giving every child an education is simple in theory, but in practice, 'the challenges are many', especially among refugee populations."[158] Among the core challenges is access to birth certificates. Birth certificates are often required for enrollment in school.[159] While "proper documentation does not necessarily guarantee access to education by urban refugee children," as Lucy Karanja explains, it is often a prerequisite for admission.[160] Additionally, without a birth certificate, pupils across the country cannot register for the two major national school exams: the KCPE (Kenya Certificate of Primary Education, taken upon finishing primary school) and the KCSE (Kenya Certificate of Secondary Education, taken upon finishing secondary school). The UNHCR also often requires birth certificates for family resettlement.[161]

Refugees living in camps typically have birth certificates, with birth registration largely conducted by the UNHCR and its implementing partners, rather than the government's civil registration authorities.[162] However, outside the camp setting, challenges in registering births remain, not only for refugees but for the entire population of the country.

This is not a problem confined to the refugee sector. Kenyan citizens also struggle to obtain birth certificates, particularly in cases where children are born outside hospitals. According to accounts from Kenyan media outlets, corrupt syndicates within the Department of Civil Registration have extorted millions from Kenyans attempting to access birth certificates.[163] Members of Kenya's marginalized Nubian community have also lobbied the government to make accessing birth certificates easier.

Nevertheless, refugees and migrants face unique problems, particularly in the case of mixed marriages. As one humanitarian worker described, civil registration authorities are sometimes reluctant to issue birth certificates to refugees married to Kenyan citizens, believing that doing so would then entitle their children to Kenyan citizenship.[164] The denial of Kenyan citizenship to

158 Markham, "Quality vs Quantity: The Challenges of Providing Education to Refugees in Kenya."
159 Interview with J. S., humanitarian worker in Dadaab by Keren Weitzberg (online; August 9, 2024).
160 Karanja, "The Educational Pursuits and Obstacles for Urban Refugee Students in Kenya," 148.
161 Interview with program manager at humanitarian organization by Keren Weitzberg and Asha Jaffar (Nairobi; August 13, 2024).
162 Focus Group 4 (Dadaab Refugee Complex (Dagahaley Camp); August 15, 2024).
163 Interview with Kibra resident by Keren Weitzberg and Asha Jaffar (Nairobi; December 23, 2020); Munaita, "Birth Registration: The First Step in Ending Statelessness"; Mwinzi, "Total Takeover at Births Registry as Syndicate Crushed in Operation."
164 Interview with program manager at humanitarian organization by Keren Weitzberg and Asha Jaffar (Nairobi; August 13, 2024).

children born to a Kenyan parent and refugee parent is now the subject of an ongoing legal case spearheaded by the Haki na Sheria Initiative.[165]

Work permits, business licenses, and KRA PINs

Several essential documents and unique identity numbers are required to legally work, pay taxes, and conduct business in Kenya. Foreigners need work permits, issued by Immigration Services, in order to take up formal employment in the country.[166] KRA (Kenya Revenue Authority) PINs, meanwhile, are used to pay taxes in Kenya, but also serve a number of other functions. The government, in an effort to expand its tax base, has increasingly tied the KRA PIN to private and public services and transactions.[167] Without a KRA PIN, one cannot obtain a work permit, apply for a loan, gain formal employment, register a formal business, open up a bank account, or get a driver's license. Legally operating a business also requires various permits and licenses, including a business license, which is issued by county authorities.

In accordance with Kenyan law, regularized migrants, refugees, and their spouses can, in theory, apply for work permits, business permits, and KRA PINs. But, as our interviews with legal actors, refugees, and institutional players made clear, applying for these essential requirements is an uphill battle for most. This is particularly true for Class M work permits—which not a single person in any of our focus groups had ever acquired.[168] Work permits are especially challenging to obtain for those living in refugee camps. While business licenses are issued at the county level, work permits are only issued in Nairobi,[169] a barrier for those in Dadaab and Kakuma, whose movement is highly restricted.

While the barriers to engaging in small business are relatively low, refugees and migrants are often perceived as competing with Kenyans for coveted formal sector jobs. According to a recent study by Foni Joyce Vuni and Buhendwa Iragi of the Refugee-led Research Hub, refugees face far greater obstacles to obtaining work permits than business licenses[170]—a finding that resonated with our interviews and focus groups. A work permit is generally more desirable for refugees than a business license because it facilitates integration and stability and offers stable employment opportunities, fewer

165 Haki na Sheria Initiative, "Court Must Uphold Constitutional Right of Refugees Married to Kenyan Citizens to Register for Kenyan Citizenship."

166 There do seem to be rare exceptions to this rule. For example, we spoke to one paralegal and refugee leader who, by advocating for herself, had managed to obtain employment with only a refugee ID and KRA PIN. Focus Group 1, (Nairobi; August 3, 2024).

167 For example, the controversial Finance Bill 2024, which sparked a wave of protests in Kenya, proposed increasing the number of transactions that require a KRA PIN. Mito, "Finance Bill 2024 Lists 16 Transactions Kenyans Will Be Required to Provide KRA PINs."

168 For example, during our focus group in the Dadaab Refugee Complex, we learned that none of the fourteen participants had work permits or driver's licenses. A small number, however, had managed to acquire KRA PINs and business licenses. Focus Group 4 (Dadaab Refugee Complex (Dagahaley Camp); August 15, 2024).

169 Vuni and Iragi, "Refugees' Access to Work Permits and Business Licenses in Kenya," 5.

170 Vuni and Iragi, "Refugees' Access to Work Permits and Business Licenses in Kenya."

financial and administrative burdens, better access to resources, and legal and social protections. Our focus group with refugee entrepreneurs in Eastleigh, for example, included many people who worked in the relatively unlicensed "informal" economy. Still, a few had obtained business licenses; one participant used to have a license for his tailoring business. None, however, had even attempted to obtain a Class M work permit. In fact, many were not even aware that such a document existed.[171]

Those who do apply for work permits tend to come from relatively elite, highly educated backgrounds. Even these relatively privileged applicants face challenges "at every step of the process—from getting information, to gathering documents, to applying, to awaiting feedback," and experience "a lack of support, inconvenient online systems, and frequent delays in feedback," as surveys from the Refugee-led Research Hub indicate. The few applicants who are successful "must relaunch the process every two years (or sooner if they change employers)" and are never given feedback as to why they are rejected.[172] According to one highly paid professional who lives and works in Nairobi, the application process is a confusing hybrid of older analog and newer digital processes, which requires submitting an application on the eCitizen portal and then following up in-person on multiple occasions at Nyayo House, the daunting high-rise in downtown Nairobi that houses the Directorate of Immigration Services. This is how she described the process:

> *"The implementation of eCitizen to deal with these applications is an excellent case study in the pitfalls of digitalisation for government services. A previously broken system was simply translated … by architects with no clarity. It thus became as clunky as its offline version, with various steps being unclear, overlapping, contradictory, or simply hidden within the portal/system. This is further compounded by the need for offline steps to move the process. For instance, the final step of endorsing a work permit in one's passport requires the presentation of a hard copy of the e-permit which is housed on eCitizen, even though officials can obviously access it. When applying for an alien ID, one must present two hard copies of passport photographs even though biometric data is taken on the spot, and used for the actual ID."*[173]

171 Focus Group 4 (Dadaab Refugee Complex (Dagahaley Camp); August 15, 2024).
172 Vuni and Iragi, "Refugees' Access to Work Permits and Business Licenses in Kenya."
173 Interview and correspondence with Nairobi resident by Keren Weitzberg (August 14, 2024).

In light of these often-insurmountable barriers to accessing work permits, many refugees and migrants lose employment opportunities. Employers are often unwilling to hire non-citizens due to the uncertainty and processing time involved with work permit applications.[174] Alien and refugee ID cards are necessary, but they are not sufficient documents for obtaining formal employment.[175] One young man from the DRC told us: "*I got work in a hotel as a waiter. I had the alien card but was asked by the manager for a work permit first before I could get the job*."[176]

As such stories indicate, greater efforts should be made to ensure that migrants and refugees not only acquire the basic documents to prove legal residency, but can also access forms of identification that enable them to participate fully in the economy. Many refugees still struggle, for example, to access KRA PINs, which are essential for obtaining many financial services. Although the government is increasingly eager to expand its tax base, political, technical, and bureaucratic barriers inhibit refugees from acquiring this critical number. This is often because they possess old IDs that are not integrated into the government's digital infrastructure and do not give them access to the eCitizen platform.[177]

What would you like to see change with identification in Kenya?

> *"I would like...you know, using this alien card, you don't have to struggle to get your KRA PIN ... because I am already in the system, let my work be easier. I don't have to go to the [Huduma Centre] office every day, so I can register to open a KRA PIN. It should be easier, because I am already in the system."*[178]

174 Focus Group 3 (Nairobi; August 4, 2024).

175 A recent article detailed the travails of a Congolese migrant in Nairobi who only had an alien card: "In DRC, I had worked with four NGOs, and I was being paid well, averagely $1,000 a month. But here, I couldn't find a matching job. I could only find menial jobs that were too hard for me, I could barely survive." Owino, "Financial Exclusion, Lack of Identity Documents: The Nightmare of Kenyan Refugees."

176 Interview with Participant K by Keren Weitzberg and Saada Loo (Nairobi; August 11, 2024).

177 Interview with refugee paralegal and community worker by Keren Weitzberg, Saada Loo, and Asha Jaffar (Nairobi; August 7, 2024); interview with investment officer of nonprofit social entrepreneurship organization by Keren Weitzberg (online; August 6, 2024).

178 Interview with Participant I by Keren Weitzberg and Saada Loo (Nairobi; August 11, 2024).

Access to financial services

In Kenya, both traditional bank accounts and Safaricom's mobile money service, known as M-PESA, are widely used. With around 30 million active customers in Kenya alone,[179] M-PESA (which has been praised for increasing financial inclusion[180]) is now increasingly branded a central component of Kenya's digital public infrastructure.[181]

"Financial inclusion" has also become "the cause du jour" within the development, aid, and humanitarian sectors.[182] Pursuant to the Shirika Plan, refugees in Kenya have been urged to become self-reliant, with financial inclusion one of the initiative's core aims. Yet such lofty goals are often inaccessible to refugees and migrants. Compelled to engage in informal and unstable employment, many people find that financial services offer little support for their livelihoods.

Bank accounts

Refugees and migrants need access to bank accounts to receive wages, safeguard savings, securely send and receive money, and access credit for starting businesses—all of which are essential for their economic survival and integration. However, accessing a bank account can prove challenging for both migrants and refugees, especially if they lack government-issued identification. In the Dadaab and Kakuma refugee camps, efforts have been made to provide refugees and asylum seekers with banking opportunities. Thanks to UNHCR's agreements with Equity Bank and KCB Bank, many refugees residing in camps can now open up accounts. But the same is not true in the rest of the country, where both refugees and migrants are often refused accounts due to a lack of necessary credentials (such as government-issued IDs and KRA PINs).[183] Only about a quarter of focus group participants had bank accounts. Even those with bank accounts typically cannot access credit or finance.[184]

One refugee community leader, who successfully opened an account with Equity Bank after much ordeal, described how her initial application was quickly rejected. She had to meet with the bank manager to be reconsidered, as she was deemed "high risk." She recalled how one employee had referred to her as *kichwa ngumu*, meaning stubborn or "hard-headed."[185]

179 Safaricom, "Safaricom Crosses 30 Million Monthly Active M-PESA Customers."
180 FSD Kenya, "FinAccess Deep-Dives: Measuring Kenya's Financial Inclusion Journey," 6.
181 See, for example, Kiprono, "Digital Public Infrastructure: Address These Issues for Optimization."
182 Dhawan and Zollmann, "Financial Inclusion or Encampment? Rethinking Digital Finance for Refugees," 31.
183 Interview with program manager at humanitarian organization by Keren Weitzberg and Asha Jaffar (Nairobi; August 13, 2024).
184 Interview with investment officer of nonprofit social entrepreneurship organization by Keren Weitzberg (online; August 6, 2024).
185 Interview with refugee paralegal and community worker by Keren Weitzberg, Saada Loo, and Asha Jaffar (Nairobi; August 7, 2024).

Mobile money

Until recently, refugees and, in many cases, migrants were excluded from using Kenya's well-established mobile money network. As discussed above, it is now easier for refugees to access telecommunications and financial services, including SIM cards and M-PESA. This is thanks to the introduction of an eight-digit identification number on the refugee ID and an outcome of discussions between the DRS, the Central Bank of Kenya (CBK), and the Communication Authority of Kenya (CAK), which have loosened the regulations around SIM card and M-PESA registration.[186] As one refugee paralegal explained: "*Government at least have made some steps with that; nowadays you can register for M-PESA with a refugee ID*."[187] Until recently, many migrants were also excluded from accessing SIM cards and mobile money services unless they had a passport, which can be expensive and sometimes inaccessible.[188] Now, however, foreign nationals can use alien cards to register a phone line.[189]

Still, many of the people who could most benefit from these promising regulatory and technical reforms are unaware of them. Many of our interlocutors did not know or were unsure of whether refugees could access M-PESA. In many cases, refugees in Nairobi can only register for M-PESA in a small number of designated Safaricom shops in the city, where agents have been sensitized to the specific identification needs of refugees.[190] In addition, many migrants and refugees lack government-issued IDs and many refugees continue to hold old six-digit IDs, which are incompatible with Kenya's digital identity infrastructure.

Refugees face particular challenges due to errors and discrepancies on their IDs, including incorrect biodata and inconsistent ID numbers, which can change upon renewal. These errors and inconsistencies impede their ability to obtain SIM cards and fulfill KYC/CDD processes and, consequently, restrict their access to the financial system. One man complained that his refugee ID listed him as a woman,[191] while another noted that his name was "upside down" (e.g., the first and last name were reversed on his ID).[192] Such errors do not appear to occur with the same frequency in the issuance of national IDs, where more efforts are likely made to ensure accuracy for citizens. Attempts to fix or update refugee IDs are often stymied by recalcitrant and intimidating bureaucracies. When one interviewee learned that refugees could update their IDs to an eight-digit number or register on the eCitizen platform by going to Nyayo House, she exclaimed: "*People can't go to Nyayo!! Eh!* Wanaogopa *[They are scared].*"[193] Even Kenyan citizens

186 At the time of writing, it was unclear, however, whether all the relevant regulations have been updated to ensure that refugees can now access banking, telecommunications, and financial services with their refugee ID cards. Interview with government consultant by Keren Weitzberg (online; November 8, 2024).
187 Focus Group 1 (Nairobi; August 3, 2024).
188 Verjee and Wanjala, "Cash and Voucher Assistance in Migration Contexts: Voices of Migrants in Kenya," 7.
189 Safaricom, "M-PESA Customer Terms and Conditions," 3.
190 Focus Group 3 (Nairobi; August 4, 2024).
191 Focus Group 3 (Nairobi; August 4, 2024).
192 Focus Group 1 (Nairobi; August 3, 2024).
193 Interview with Participant A by Keren Weitzberg, Ayan Mohamud Yusuf, and Yussuf Bashir (Nairobi; August 10, 2024).

experience the bureaucracy in Nyayo House as an intimidating instantiation of state power.

It is also worth noting that those refugees who are able to register for M-PESA do not typically have access to its full suite of services. Digital credit products such as M-Shwari—a form of microcredit offered by NCBA Bank and Safaricom—have become hugely popular among Kenyan consumers.[194] Yet, as our interviews suggest, those who have registered for M-PESA with a refugee ID do not have access to credit products.[195]

Against this backdrop, proxy IDs are still widely used by both refugees and migrants. Yet the use of family and friends' IDs comes with interlocking risks. For example, during Safaricom's verification exercise in 2021—in which customers were asked to update their SIM card registration details—many refugees and migrants lost access to their lines and mobile accounts.[196] The next section expands on some of these risks.

A Burundian refugee selling secondhand clothes in Kenya reported that she had to rely on her neighbor to register her line for M-PESA, as it was the most commonly used payment system among her customers.[197]

E-commerce and online work

Faced with barriers and discrimination in the labor market, refugees "are increasingly turning to online work," as anthropologists Margie Cheesman and Andreas Hackl explain. Alongside the UNHCR Innovation Service, Cheesman and Hackl conducted a series of workshops with refugees working in the online economy and engaging in microwork, in fields such as language transcription and image and data annotation.[198] They found that, due to a lack of recognized identity credentials, refugees often work under the names of Kenyan friends and relatives using proxy IDs, or purchase other people's verified accounts. These workarounds open them up to particular risks. These include losing money, getting kicked off their proxy platform accounts, and facing suspension due to information discrepancies. Cheesman and Hackl argue that these problems "could be avoided" through political and regulatory change, such as "reforming restrictive regulations: equipping refugees with universally recognized IDs, giving them full access to SIM cards and financial services such as mobile money, while also revising stringent ID verification rules for online platform accounts."[199] But such reforms require political will.

194 Gwer, Odero, and Totolo, "Digital Credit Audit Report: Evaluating the Conduct and Practice of Digital Lending in Kenya."
195 Thanks to Ayan Mohamud Yusuf for surveying people.
196 Focus Group 2 (Nairobi; August 3, 2024).
197 Focus Group 3; (Nairobi; August 4, 2024).
198 Cheesman and Hackl, "The Identity Issue: Digital Risks of Proxy IDs in Kenya's Online Economy."
199 Cheesman and Hackl, "The Identity Issue: Digital Risks of Proxy IDs in Kenya's Online Economy."

Access to mobility

For many foreign nationals across the world, freedom of movement is impossible without government-issued identification. The same is true for migrants and refugees living in Kenya, who not only face challenges moving across international borders, but, in many cases, also struggle to move internally within Kenya's borders.

Harassment and extortion by police officers were common themes across interviews and focus groups. Sudanese and Somali migrants and refugees, in particular, complained of being treated as "human ATMs" by police officers, who would demand identification in order to solicit bribes. As one focus group member joked wryly: "*When police are transferred to Eastleigh [a predominately Somali neighborhood in Nairobi], they are very happy. They see refugees as an 'ATM.' They leave with their pockets full of money.*"[200]

> *"But it depends. Even if you have your valid passport, your valid visa, if [the police] want to harass you, they will really harass you. They just harass you and you have to pay them, for your own safety."*[201]

Police are empowered to extract bribes partly because the Kenyan government has never fully abandoned its policy of encampment. In order to leave the Kakuma and Dadaab refugee camps through regular routes, refugees are required to apply for movement passes, a frustrating bureaucratic process that proves difficult without sponsorship from an organization. In extreme cases, as focus group participants in Dagahaley Camp recounted, refugees who needed urgent medical treatment in Nairobi have died because of a lack of access to such documentation.[202]

The DRS has also consistently limited opportunities for refugees to register in urban areas. New arrivals, those seeking to renew their documents, or those who need to reactivate their cases are often told a common refrain: go back to Kakuma or Dadaab. Only under exceptional circumstances are cases transferred to Nairobi, enabling refugees to live more freely outside the camps. One man from South Sudan, who was living and studying in Nairobi, recounted these travails:

200 Focus Group 1 (Nairobi; August 3, 2024).
201 Interview with Participant I by Keren Weitzberg and Saada Loo (Nairobi; August 11, 2024).
202 Focus Group 4 (Dadaab Refugee Complex (Dagahaley Camp); August 15, 2024).

"I registered in Kakuma … I was in Kakuma for almost six or seven years. I am still registered in Kakuma. You cannot say you want to transfer in Nairobi; it is impossible. You need to go back to Kakuma to renew your details … For South Sudan refugees, they are also required to go to Kakuma … My ID is expired but I went to [the office in] Westlands [Nairobi] twice, but they asked me to go back to Kakuma. Some refugees are registered here in Nairobi but when they renew they are asked to go to Kakuma."[203]

Bribery and extortion are especially rife during the application processes for coveted international travel documents. Much like work permits, CTDs are often accessible only to well-connected elites or those willing to pay exorbitant bribes. The barriers to accessing CTDs have led to lost opportunities for those with international scholarships or invitations to travel abroad.[204] One focus group participant, for example, had been invited to Geneva for a humanitarian forum but was unable to attend because he was denied a CTD.[205] Due to such barriers, many of our interlocutors held passports from their origin countries, a fact that they hid, often fearing that it would invalidate their refugee status.[206] Frequently, refugees also complained about rampant corruption during resettlement procedures, a highly selective and difficult process that can take years to complete and requires myriad types of identification and documentation. According to many of our interlocutors, officials within both the UNHCR and DRS saw the resettlement process as a particularly lucrative opportunity to extort money from refugees.[207]

As migrant and refugee rights advocates have long lamented, such barriers often force people seeking to travel to resort to more dangerous and less regulated journeys. Unable to travel safely and legally, many Kenyan residents turn to human traffickers to travel internationally. Within the region, many people rely on illicit *panya* routes (*panya* being Swahili for "rat"). This restricts their agency and, to a large extent, their human rights. Meanwhile, refugee-hosting countries like Kenya are increasingly serving as a zone of "containment" to prevent onward travel to Europe.

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203 Interview with Participant H by Keren Weitzberg and Saada Loo (Nairobi; August 11, 2024).

204 Focus Group 4 (Dadaab Refugee Complex (Dagahaley Camp); August 15, 2024).

205 Interview with Participant S by Keren Weitzberg, Ayan Mohamud Yusuf, and Yussuf Bashir (Nairobi; August 10, 2024).

206 Having a passport should not technically annul one's refugee status. However, many people believed that holding a passport from their country of origin would be used as evidence by UNHCR or DRS to invalidate their claims to refugee status or lessen their chances of resettlement.

207 Focus Group 3 (Nairobi; August 4, 2024); Focus Group 4 (Dadaab Refugee Complex (Dagahaley Camp); August 15, 2024).

Conclusion

Identification regimes are deeply political, shaped by shifting national and geopolitical developments. They are also a means of expanding and contracting the boundaries of political membership within the nation.

A decade ago, amid heightened securitization following a string of al-Shabaab attacks, the Kenyan government weaponized identification systems against the refugee population by suspending refugee registration and enforcing SIM-card registration policies. As a result, many refugees lost access to their phone lines and M-PESA accounts, and many asylum seekers could no longer access government-issued identification. This effectively marginalized and controlled the refugee population, stripping them of essential communication and financial services, thereby exacerbating their vulnerability and limiting their ability to integrate and access basic rights.

Now, under renewed pressures and incentives from donor countries and international agencies, the Kenyan government is taking a different rhetorical stance, promising to integrate refugees into the country by, among other things, giving greater recognition to refugee documentation. But how meaningful are these recent changes? And to what extent can refugee-led organizations, civil society groups, and advocates of Sustainable Development Goal 16.9 (to provide a legal identity to all) leverage this political and legislative moment to help meet refugee needs?

Moreover, is long-term integration within host countries simply part of broader global strategies of containment? Providing refugees and migrants with more robust forms of identification is a necessary step in their long-term integration into host countries like Kenya. Yet such efforts, when initiated by international donors rather than host governments, as Maissaa Almustafa argues, are often connected to "frameworks of governance that

mainly aim to contain refugees in their own regions and to deter them from accessing the territories of the Global North."[208] According to Swati Mehta Dhawan and Julie Zollmann, talk of "inclusion" for refugees often goes hand-in-hand with policies of encampment and exclusion.[209]

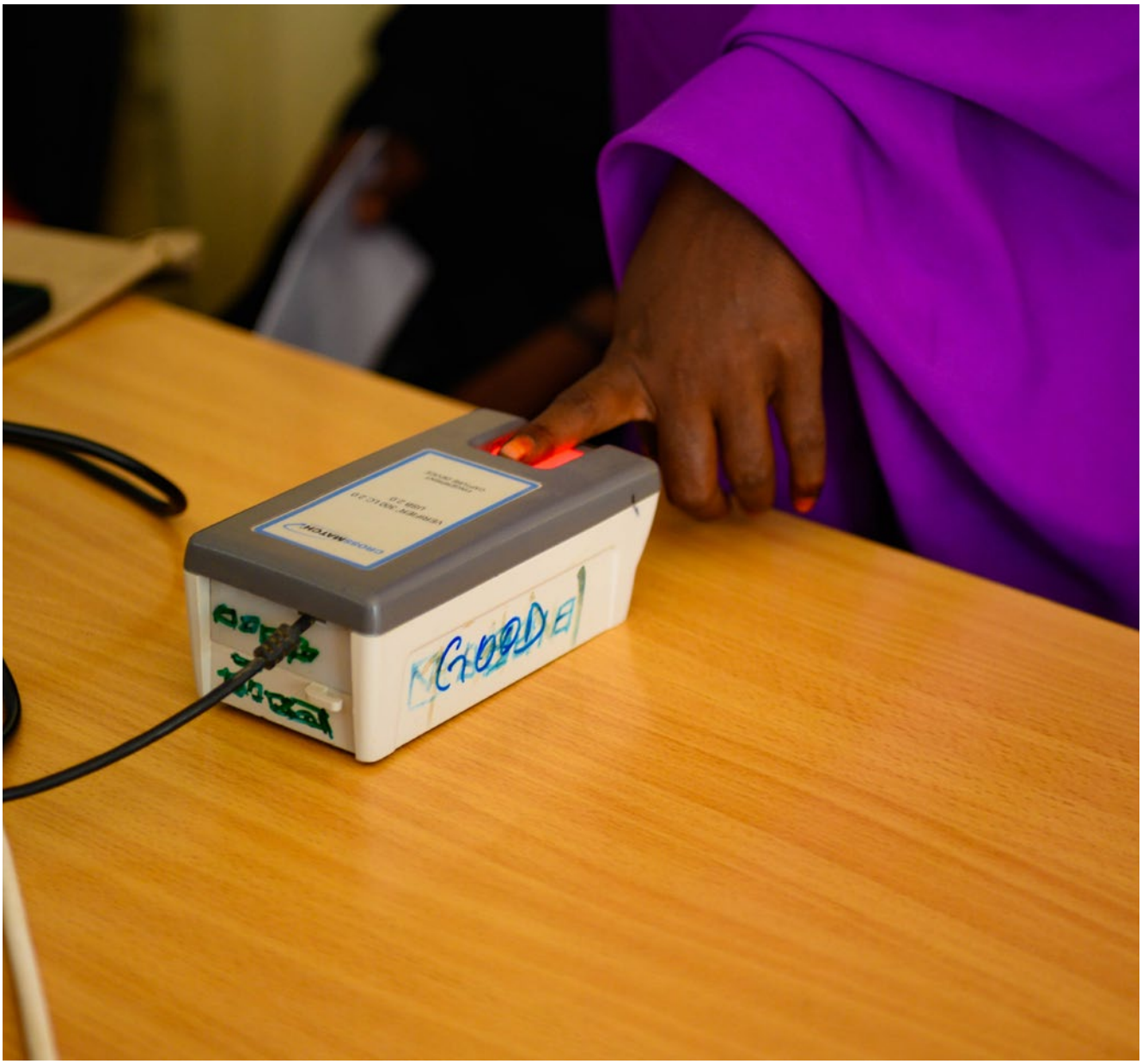
Similar tensions surround the recent push for DPI; with payments and data exchange, digital identity is often seen as one of DPI's central pillars. Among donor countries and international agencies, there is growing interest in DPI.[210] Yet, by and large, migrants and refugees have been neglected within such discussions, which largely envision DPI users as citizens. This provokes concerns about whether new digital identity innovations—and indeed DPI broadly—will simply exacerbate the divides between citizens and non-citizens, raising the stakes of exclusion.

Ongoing debates around DPI also raise questions about the materiality and design of identification systems. While this report has argued that the historic and political contexts of identification deeply shape migrants' and refugees' experiences, technology *does* matter and different technological designs have differing implications. The digital transformation of identification systems, as part of the wider "modernization" of state infrastructure, represents a moment of significant change. The nature of this change is deeply contested. Different actors, from both the public and private sectors, offer different approaches to the integration and adoption of digital technologies. Digital identification systems can be publicly or privately owned, open-source or proprietary, centralized or decentralized. Those with influence, through funding and politics, should prioritize and support policies and technologies that reflect and protect migrant and refugee interests, and that privilege the agency and protection of all individuals—whether citizen, migrant, or refugee.

Given this report's analysis of historical and present realities in Kenya, the promises of digital inclusion and integration for refugees and migrants may seem doubtful in practice. But, in light of the changed political, technical, and legislative landscape around refugee management, East African integration, and digitization in Kenya, this may also be an opportune moment for refugee- and migrant-led organizations to make political and legal claims on government and humanitarian agencies. Moreover, local integration into host countries may be among the few meaningful options available to refugees in Kenya (as elsewhere). Globally, we are experiencing a shift towards tightening borders and reducing the number of refugees admitted for resettlement. Simultaneously, there has been a significant drop in funding for humanitarian aid worldwide, a trend likely only to continue in the wake of the Trump administration's announcement of a funding freeze on USAID. Trump's edict has also reignited moral panic about "fraud," which may further legitimate the use of biometrics and digital identification systems in

208 Almustafa, "Reframing Refugee Crisis: A 'European Crisis of Migration' or a 'Crisis of Protection'?," 1070.
209 Dhawan and Zollmann, "Financial Inclusion or Encampment? Rethinking Digital Finance for Refugees," 31.
210 Opiah, "Reflections on the Global Digital Public Infrastructure Summit 2024."

the refugee sector. Amidst this volatility and uncertainty about the future of international aid, it is critical that the needs and perspectives of refugees and other marginalized groups not be ignored. The broad enthusiasm (however rhetorical) for "safe and inclusive" digital transformation reflects a moment of change—and thus risk and opportunity. Meanwhile, "integration" remains a powerful political idiom—one that civil society organizations are mobilizing around in their push to provide foreign nationals with meaningful forms of identification that confer both rights and recognition.



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