



From Encampment to Conditional Inclusion: Legal Reform and the Administrative Limits of Refugee Integration in Kenya

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Abstract

Kenya's refugee regime is experiencing a significant shift from long-standing encampment toward inclusion, driven by the Refugees Act (2021), the Refugees (General) Regulations (2024), and the Shirika Plan (2025–2036). However, the transition remains uneven in practice. This article explores the legal and administrative challenges that continue to restrict refugee integration despite the formal expansion of rights. Using doctrinal legal analysis, policy review, and a comparative examination of three empirical contexts—Dadaab, Kakuma-Kalobeyi, and urban Nairobi—the study investigates how statutory guarantees related to movement, work, documentation, and access to services are influenced by securitization, bureaucratic delays, and fragmented multi-level governance. The article highlights six structural dilemmas: restricted mobility, incompatibility between refugee and labor regimes, security-vetting constraints, weak coordination under devolution, limited access to land and property, and the selective domestication of international norms. It further argues that these barriers have socio-economic and psychosocial impacts, as prolonged displacement, legal uncertainty, and exclusion deepen vulnerability and undermine self-reliance. The findings show that Kenya's framework reflects inclusion in theory but restriction in practice. By situating Kenya within refugee governance debates, the article demonstrates how legal reforms without administrative coherence perpetuate containment through inclusionary policies.

Keywords: *Refugee integration, Refugee Act 2021, Shirika Plan, legal dilemmas, encampment-to-inclusion, mental health*

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Introduction

The humanitarian-containment pattern, where refugees are massively encamped and controlled through a centralized government, has historically dictated the governance of refugees in Kenya. Developed in the early 1990s, after the mass displacement of refugees in Somalia and Sudan, this model saw the establishment of long-term refugee camps, including Dadaab (1991) and Kakuma (1992). The refugee camps offered security and humanitarian aid, allowing the state to track refugees and coordinate international organizations' work. Nevertheless, access to formal employment, the urban economy, and social services is constrained by the system of encampment, which has led to prolonged dependency and reduced socio-economic assimilation (Lochery, 2021). Over time, the sustainability of this model has been questioned due to structural and policy changes. The prolonged displacement has created multiple generations of refugees with limited opportunities to return home, while international frameworks like the Comprehensive Refugee Response Framework (CRRF) have focused on integrating refugees into national systems and development strategies (Manji and O'Mahony, 2020).

The 2010 Constitution, enacted within the country, increased the involvement of counties in service delivery and resource allocation, especially in areas hosting refugees. These changes have shifted refugee governance from a short-term humanitarian issue to a broader matter of legal responsibilities, development planning, and multi-level governance.

Kenya has responded by adopting a rights-based integration framework based on the Refugees Act (2021), the Refugees (General) Regulations (2024), and implementing it through the Shirika Plan (2025-2036). These measures officially recognize refugees' rights to movement, work, and access to services, aiming to promote integrated settlement models that unite refugees and host communities. Although legal and policy progress has been made, new findings from the implementation context reveal gaps between official provisions and actual practice. Administrative bottlenecks, security concerns, and coordination issues at both national and county levels continue to impact outcomes and often hinder the realization of legal rights in practice (Lochery, 2021; Betts et al., 2021; Manji and O'Mahony, 2020). This paper offers an empirical analysis of the Kenya refugee integration model, reviewing legal frameworks, policy documents, and case evidence from both camp and urban settings. It explores the gap between laws and actual practice, especially regarding access to livelihoods, services, and governance. The paper contributes to ongoing debates on refugee inclusion by evaluating how legal reforms have been implemented and situating the Kenyan experience within broader governance and development contexts.

Literature Review

The literature on refugee governance in Kenya has shifted from a narrow humanitarian focus on camp management to a broader analysis covering rights, livelihoods, mobility, governance, and wellbeing. Earlier scholarship mainly viewed Kenya's refugee policy through the lens of encampment, highlighting how camps like Dadaab and Kakuma served not only as protection sites but also as control mechanisms that limited movement, participation in the labor market, and long-term social integration. More recent research, however, points to a normative shift toward self-reliance, inclusion, and development-based refugee management, especially after Kenya adopted the Comprehensive Refugee Response Framework (CRRF), the Refugees Act (2021), the Refugees (General) Regulations (2024), and the Shirika Plan. Nonetheless, the literature also emphasizes that this transition remains uneven. A common theme across studies

is the ongoing tension: Kenya has made legal and policy moves toward inclusion, but restrictions often continue in practice. This body of work is especially relevant to the current study because it shows that the main challenge is no longer whether refugee inclusion is morally desirable, but whether it can actually be implemented in administrative, political, and territorial terms.

A primary area of scholarship focuses on the enduring nature of encampment and securitization in Kenya. Research on refugee governance has revealed that encampment was never just an emergency measure; it evolved into a lasting policy framework through which the Kenyan government controls mobility, visibility, and security. Omata (2021) shows that livelihoods in Kakuma and Nairobi are heavily influenced by policy-induced differences in mobility, documentation, and access to markets, while Betts et al. (2018) indicate that encampment limits refugees' economic potential even when informal businesses thrive. Brankamp and Glück (2022) expand this viewpoint by situating encampment within Kenya's counterterrorism policies, illustrating how security narratives have consistently justified restrictions on refugee presence and movement. This body of work is significant because it highlights why legal reforms alone might be inadequate: inclusion strategies must address an ingrained security mindset that has traditionally viewed refugees more as manageable administrative populations than as individuals with rights.

This scholarship has been particularly influential in challenging the idea that refugees are passive recipients of aid. Betts, Omata, and Sterck (2018) demonstrate that refugee economies in Kenya are shaped by social networks, market opportunities, and regulatory barriers, rather than aid alone. Further research on Kalobeyei refines this understanding. Betts, Omata, and Sterck (2020a) argue that although Kalobeyei was designed as a self-reliance model, its results remained limited because environmental challenges, weak asset ownership, and legal obstacles to employment and mobility continued to influence refugee opportunities. In a related study, Betts, Omata, and Sterck (2020b) show that many refugees hesitated to move from Kakuma to Kalobeyei because social networks, current market connections, and perceived risks were as influential as formal development promises. These studies together complicate optimistic narratives of integration by showing that self-reliance is not achieved through settlement redesign alone; it also depends on legal stability, access to labor, and institutional trust. This is especially important for the Shirika framework, which assumes that integrated settlements can provide both refugee independence and benefits for the host community.

Pavanello, Elhawary, and Pantuliano (2010) are key in illustrating that urban refugees in Nairobi are both hidden and exposed: hidden from formal protection systems but vulnerable to policing, unstable housing, informal labor, and social exclusion. Recent socioeconomic surveys support this view. UNHCR and the World Bank (2021) find that urban refugees experience significant vulnerabilities related to housing, marginalization, and limited access to services, while Pape et al. (2021) highlight notable differences between urban and camp-based refugees in areas like finance, education, housing, sanitation, and livelihoods. The importance of this literature is twofold. First, it indicates that "urban integration" is often overstated if issues like documentation, labor, and social protection are weak. Second, it implies that refugee governance in Kenya cannot be understood only through camp policies; urban spaces have become vital sites where the contradictions between formal rights and everyday enforcement are most apparent.

Kenya's Refugees Act (2021) and the Refugees (General) Regulations (2024) clearly mark a legal break from the older encampment system by formalizing documentation, access to

services, controlled mobility, and economic participation within a more rights-based framework. The Shirika Plan builds on this shift by proposing area-based inclusion, shared services, and greater integration of refugees into national systems by 2036. However, policy analysis warns that significant implementation gaps still exist. Halakhe and Omondi (2024) argue that while the law is progressive, it is limited by vague land policies, restricted movement, bureaucratic hurdles, and weak state capacity. Similarly, earlier work on CRRF rollout in Kenya found that although counties and technical committees are increasingly involved, local participation and coordination remain inconsistent and fragile. The literature suggests that the real test of Kenya's new refugee framework is not in its legal language but in whether administrative systems, intergovernmental coordination, and county-level delivery mechanisms can turn legal commitments into everyday practice.

Development-focused refugee policies in Kenya are often justified by the idea that shared infrastructure, local markets, and area-based investments can reduce tensions while benefiting both refugees and host communities. Some evidence supports this view. Studies on Kakuma and Kalobeyei indicate that refugee presence can boost trade, entrepreneurship, and local demand, and that integrated service models can improve perceptions of autonomy and foster community interaction. However, the literature warns against expecting automatic win-win results. Benefits for hosts are uneven, and perceptions of inequality, pressure on services, and land governance issues remain politically sensitive. This shows that inclusion is not solely a legal or economic issue but also a relational one. Any meaningful discussion of refugee integration in Kenya must therefore consider how development benefits are distributed, how host grievances are addressed, and how social cohesion is influenced by both material and symbolic inequalities.

A final gap in the literature concerns psychosocial wellbeing. Although refugee studies in Kenya have long focused on law, protection, and livelihoods, mental health and psychosocial wellbeing have only recently become central analytical concerns. Tol et al. (2023) argue more broadly that humanitarian research must move beyond symptom-focused approaches and treat psychosocial support as an integral part of long-term refugee response. In the Kenyan context, Nieuwe Weme et al. (2025) show that the mental health of urban refugees in Nairobi is shaped by interconnected forms of disadvantage, especially legal precarity, livelihood exclusion, and exposure to gendered violence. Their work is especially important because it links wellbeing to structural injustice rather than to individual trauma alone. For the present study, this matters greatly: prolonged encampment, documentary insecurity, administrative delay, and restricted mobility are not just governance problems; they are also conditions that influence dignity, self-determination, and mental wellbeing. The literature therefore increasingly supports a broader understanding of integration—one that includes not only work and services but also psychosocial security and everyday predictability.

Taken together, the literature provides a strong foundation for analyzing Kenya's refugee transition, but it also leaves several unresolved questions. Much of the most influential work predates the 2024 Regulations and the formal launch of the 2025 Shirika Plan. Many studies focus on either camps or cities, but fewer systematically connect Dadaab, Kakuma-Kalobeyei, and Nairobi within a single legal-governance framework. Likewise, scholarship on self-reliance has often emphasized economic outcomes without fully integrating administrative discretion, county-level governance, and psychosocial consequences into the analysis. This is the space your article can fill. By examining the legal and administrative dilemmas that mediate movement, work, documentation, services, and well-being across multiple refugee settings, the study extends the literature from a general critique of encampment toward a sharper account of

why inclusion in principle continues to produce restriction in practice in Kenya's current reform moment.

Conceptualising Inclusion: The Established–Outsider Lens and the Politics of Belonging

This paper uses a grounded conceptual framework to distinguish between local integration, socio-economic inclusion, and assimilation/citizenship. It also references Norbert Elias's well-known theory of the excluded/outside (2000) to explain observed practices of exclusion. Elias's theory helps interpret how power dynamics between host societies (the established) and refugees (the outsiders) shape access to resources, services, and opportunities. The study explores how social hierarchies and group dynamics impact implementation results across different contexts, regardless of legal or policy outcomes, viewing integration as more than just legal or policy measures. Local integration describes the process by which refugees receive legal status and access to basic rights in the host country without needing to become citizens. In Kenya, this is demonstrated through regulations in the Refugees Act (2021) and other policies that facilitate documentation, movement, and service access. However, empirical data indicate that these rights and opportunities are uneven and often influenced by administrative procedures and local beliefs. This imbalance reflects how established groups exert control over institutional access, resulting in selective or delayed inclusion of refugee populations based on an outsider's perspective (Lochery, 2021).

Socio-economic inclusion describes how well refugees are integrated into economic systems through employment, entrepreneurship, and financial services. While Kenya has a policy framework that officially allows such participation, the reality reveals many obstacles, such as complicated work permit policies, documentation requirements, and overlapping regulations. These restrictions can be seen as ways in which outsider groups might be unofficially excluded from full participation, even when legal protections exist. As a result, refugees often depend on informal livelihoods and humanitarian aid (Manji and O'Mahony, 2020; Betts et al., 2021). Assimilation and citizenship require full legal and political integration, including the right to vote and long-term legal protections. In Kenya, this aspect remains limited, with current models such as the Shirika Plan (2025-2036) focusing on socio-economic integration without creating pathways to citizenship. Empirically, this results in a noticeable gap between recognized groups and outsiders, where refugees are only partially integrated and still barred from politics. Overall, in this framework, integration is a multifaceted and visible process influenced not only by legal provisions but also by the everyday practices of institutions and social dynamics. Using Elias' developed outsiders theory, the paper explains why discrepancies exist between formal and actual rights, especially in situations where host-refugee interactions are involved in accessing opportunities and services.

Methodology

The research adopted a qualitative approach based on documents to explore how refugees are integrated in Kenya. It is analyzed through a systematic review of primary legal and policy tools, such as the Refugees Act (2021), the Refugees (General) Regulations (2024), and the Shirika Plan (2025-2036), which together form the main framework governing refugee issues and their integration. These reports were evaluated alongside secondary sources, including academic articles, policy reports, and case-based evidence, to assess how legal provisions are implemented in practice. The purposeful selection of data related to relevant legal and policy

texts, as well as documented cases, was conducted based on camp-based locations (including Dadaab and Kakuma-Kalobeyei) and urban settings, particularly Nairobi. The research focused on key indicators of integration, such as the availability of documentation, employment, access to state services, and participation in local economies. Data analysis employed a thematic approach, identifying and examining recurring patterns in administrative processes, law implementation, and institutional coordination, comparing these aspects across different sources. To improve clarity in the presentation and discussion, the findings are organized into thematic sections that reflect the main aspects of integration and the related legal and operational challenges. It serves as a systematic examination of the gap between law in theory and practice, as well as providing empirical evidence for the overall governance and policy system.

Analysis of Findings

Kenya's Reform Turn: From Encampment to a Rights-Based Integration Framework

Kenya's integration framework relies on a combination of international legal commitments, local laws, and policy tools that collectively determine both refugee rights and state obligations. Internationally, Kenya commits to refugee protection systems that uphold principles like non-refoulement and the right to fundamental rights, which influence national laws and policies (Manji and O'Mahony, 2020). These international obligations emphasize inclusion within national frameworks rather than long-term encampment and have led to domestic reforms over time. The primary legal framework at the national level that provides refugee protection is the Refugees Act (2021), which signifies a shift toward a rights-based approach to integration. The Act officially acknowledges refugees' rights to obtain documents, have controlled freedom of movement, access employment, and receive government services such as healthcare and education. These provisions indicate a significant change from earlier restrictive policies related to encampment, as they introduce the idea of socio-economic inclusion into the law (Lochery, 2021; Manji and O'Mahony, 2020).

These rights are enforced through The Refugees (General) Regulations (2024), which establish procedures for registration, documentation, and permits. Consequently, legal protections have been put into practice through administrative procedures that operate at both the national and county levels.

Implementation also relies on policy tools. The Shirika Plan (2025-2036) outlines a systematic approach to shifting humanitarian aid toward integration and development strategies. It encourages settlement patterns, shared infrastructure, and coordinated service delivery between refugees and host communities. The Plan also aligns with broader development plans and international financing mechanisms, as refugee integration involves county-based planning and resource allocation (Betts et al., 2021; Manji and O'Mahony, 2020). This makes integration a legal obligation, as well as a governance and development strategy.

Although these legal and policy frameworks are in place, evidence indicates that their implementation remains inconsistent. Limitations in institutional capacity, administrative procedures, and security measures continue to hinder access to rights. Variations in enforcement across counties, delays in documentation, and overlapping regulations—especially among the immigration, labor, and financial systems—create gaps between law and practice (Lochery, 2021; Betts et al., 2021). These trends imply that legal recognition alone is not enough for successful integration; it also requires coherent administrative systems and

coordinated governance. This section outlines the legal and institutional framework supporting refugee integration in Kenya, highlighting both the expansion of formal rights and the gaps in their enforcement. It provides the basis for the next section, which examines how these frameworks, such as the Shirika Plan and other integration models, are implemented.

Operationalizing Inclusion: The Promise and Limits of the Shirika Plan

Kenya's move towards refugee integration is guided by the Shirika Plan (2025-2036), which shifts the focus from solely humanitarian aid to a more targeted, government-led approach. The plan encourages integration based on socio-economic and settlement factors, ensuring coexistence between refugees and host communities through infrastructure, services, and livelihood opportunities. This system underscores the inclusion of national and county systems and differs from previous encampment models, without altering legal or political borders, particularly regarding citizenship (Manji and O'Mahony, 2020). The Shirika Plan is structured in three stages, each with its own administrative and legal effects. The Transition Phase (2025-2028) focuses on aligning state and local governance systems, boosting institutional capacity, and testing integrated settlements.

Legal frameworks, such as the Refugees Act (2021) and the Refugees (General) Regulations (2024), are put in place at this stage to simplify access to documentation, work permits, and public services. Evidence suggests that this phased approach will support gradual institutional development and coordination across all levels of government, reducing implementation gaps (Betts et al., 2021). The Stage of Stabilization (2029-2032) extends integrated settlement models and incorporates refugee integration into the County Integrated Development Plans (CIDPs). The counties are key players in service provision, infrastructure development, and local economic planning, while national agencies provide regulatory oversight and ensure integration. This phase highlights the growing importance of devolved governance in shaping integration outcomes and emphasizes the need for uniform legal practices across jurisdictions to minimize administrative disparities (Lochery, 2021; Manji and O'Mahony, 2020).

The Resilience Phase (2033-2036) aims at long-term sustainability and self-reliance by improving livelihoods, education systems, healthcare access, and infrastructure. Its goal is to decrease dependence on humanitarian aid and ensure full inclusion of refugees and host communities in the economy. This phase aligns integration efforts with wider development goals, strengthening the connection between legal rights and economic participation (Betts et al., 2021). The Shirika Plan is also based on models of area-based development and is carried out in stages. The Kakuma-Kalobeyei Integrated Settlement offers real-world evidence of how collective infrastructure, service delivery, and livelihood programs can benefit both refugees and host communities. Other supportive frameworks, like the Kenya Integrated Socio-Economic Development Plan (KISED), also incorporate refugee-specific efforts into county development plans, such as land use, water access, and local economic initiatives (Lochery, 2021; Betts et al., 2021).

The process of operationalizing integration is driven by financing mechanisms. The Kenya Development Response to Displacement Impacts Project (KDRDIP) and the Development Response to Displacement Impacts Project (DRDIP), sponsored by the World Bank, finance infrastructure, environmental management, and livelihood programs in refugee host regions. These efforts create a link between legal rights and the practical availability of services and economic opportunities. Other initiatives, such as labor market programs and skills recognition systems, are also used to support refugee involvement in local economies (Betts et al., 2021;

Manji and O'Mahony, 2020). These systematic strategies, however, still face implementation challenges. Variations in institutional capacity, the lack of coordination between the national and county governments, and other administrative complexities continue to affect the outcomes. The Shirika Plan provides a comprehensive integration framework, but successful implementation depends on the consistency of the legal framework, development planning, and financing processes (Lochery, 2021; Betts et al., 2021).

Inclusion in Principle, Restriction in Practice: The Structural Dilemmas of Refugee Integration

Despite Kenya's extensive legal provisions for refugees, empirical findings reveal a structural dilemma that hampers their successful integration. The rights to education, healthcare, employment, and freedom of movement are officially granted to refugees under the Refugees Act (2021) and the subsequent Refugees (General) Regulations. However, studies indicate that bureaucratic bottlenecks often prevent refugees from fully exercising their rights. Delays in obtaining work permits and identity documents in Kakuma and Dadaab restrict access to formal labor markets and force most refugees into informal, insecure economic activities (Betts et al., 2021; Abuya, 2020). The main contradiction in the Kenyan legal system is a dilemma between national security and humanitarian concerns.

Laws that restrict refugees from leaving camps, even though they are meant to ensure security and control, prevent refugees from properly integrating into the host society economically and socially. The example of Nairobi, where urban refugees are legally present but enforcement is lax, combined with harassment and limited access to formal employment, highlights the gap between legal rights and actual practice (Manji and O'Mahony, 2020). The Shirika Plan (2025-2036) aims to address these structural challenges by promoting area-based development and community sharing among both refugee and host populations. Evidence from the Kalobeyei settlement shows that having integrated infrastructure like schools, clinics, and community centers enhances interaction and interdependence. However, there are still obstacles, particularly in land tenure and participation in the labor market. Refugees are often limited in land ownership or long-term leases, which restricts their agricultural livelihoods, and work permits continue to limit formal employment (Reddy, 2025).

A different structural issue arises from the overlap of jurisdiction among national authorities, county governments, and international organizations, including UNHCR. A lack of coordination often leads to conflicting orders, duplicated efforts, or failure to deliver services. In Kakuma, it has been documented that refugees who must navigate several administrative structures—national, county, and UNHCR—face conflicting needs regarding documentation and access to resources, which increases systemic uncertainty and dependence on humanitarian aid (Forsyth and McCrystal, 2025). Taken together, these empirical facts suggest that Kenya's legal and policy systems for refugees are structurally limited, even though they appear comprehensive on paper. There are legal measures in place, but these have been hampered by administrative inefficiencies, security issues, overlapping jurisdictions, and limited access to economic opportunities. The solution to these challenges lies not only in legislative reforms but also in operational changes that would improve coordination among agencies and enable refugees to access formal livelihoods.

To summarize, the refugee integration model in Kenya is somewhat ironic. It grants rights and policy intentions, but the structural obstacles continue to restrict refugees' ability to exercise those rights. The legal framework sets the conditions for integration, yet real reforms are necessary to bridge the gap between laws and actual practice. A research paper titled,

Variegated Realities of Inclusion: Evidence from Dadaab, Kakuma-Kalobeyei, and Nairobi presents empirical findings on the integration of refugees in Kenya, focusing on Dadaab, Kakuma-Kalobeyei, and Nairobi. The analysis is based on legal and policy frameworks such as the Refugees Act (2021), the Refugees (General) Regulations (2024), and the Shirika Plan (2025-2036), as well as field studies and reports.

In Dadaab, where Somali refugees have been the majority since 1991, they are significantly isolated within the camp, with high mobility restrictions that prevent access to livelihoods and broader social networks. Although UNHCR and other organizations offer educational and skills-training courses, reports indicate that graduates have limited prospects for using their skills in formal employment due to work permit restrictions and the lack of recognition of their qualifications in the local labor market (Abuya, 2020; Manji and O'Mahony, 2020). These structural barriers reinforce dependence on humanitarian aid, creating a situation where refugees, even after decades of residence, do not experience meaningful socio-economic integration (Betts et al., 2021). Therefore, Dadaab limits the potential for meaningful integration through long-term camp-based settlement, despite residents' statutory rights.

Kakuma, which hosts asylum seekers from South Sudan, the Democratic Republic of Congo, and Somalia, as well as the nearby Kalobeyei settlement established in 2015, serves as a different example. Kalobeyei was designed based on the area-based development model of the Shirika Plan, intended to promote integration of refugees and host communities through shared infrastructure and facilities. Empirical observations indicate that despite the development of housing, schools, and health facilities, the formalization of land rights and zoning approval have not yet resulted in successful implementation (Lochery, 2021). Refugees participate in vocational and livelihood programs, but administrative obstacles, especially delays in issuing labor permits, limit their involvement in the local economy (Manji and O'Mahony, 2020). Social cohesion programs do increase interaction with the host communities, but limited resources and occasional government subsidies have led to strained community relations (Reddy, 2025). Kalobeyei demonstrates that structural barriers can be reduced through well-planned integration frameworks, although their success depends on clear operational procedures, available labor markets, and sustained coordination among stakeholders.

The dynamics of integration that urban refugees in Nairobi experience are different because the negotiation of survival occurs between host communities rather than within camps. About 120,000 refugees and asylum seekers from the DRC, Somalia, and Ethiopia reside in the city (UNHCR, 2023). Although urban refugees are more autonomous, they face limitations due to delays in the documentation process, lack of information about their rights, and the inability to take formal jobs, despite the legislation stipulated in the Refugees Act (2021) (Lochery, 2021). Many rely on informal forms of labor, where they depend on ethnic or diaspora networks to find shelter, earnings, and social services. However, these networks also expose them to vulnerabilities such as exploitation within the informal economy and occasional xenophobic tensions (Forsyth & McCrystal, 2025). The case of urban settings shows that legal status alone does not guarantee functional integration; access to services, protection from discrimination, and sustainable livelihoods are equally important.

In all three of these scenarios, one clearly sees a trend: while legal frameworks are necessary, they are not sufficient to achieve integration. Dadaab highlights the impact of restrictive camp policies, Kakuma-Kalobeyei illustrates the possibilities and limitations of planned settlements, and Nairobi demonstrates the potential and challenges of self-reliance in urban areas. The empirical evidence shows that the outcomes of integration depend not only on statutory rights

but also on operational accessibility, local governance frameworks, labor market opportunities, and the practical capacity of refugees to assert their rights in host societies (Lochery, 2021; Betts et al., 2021; Abuya, 2020). These case studies highlight the importance of considering context-specific approaches, integrating legal frameworks, and applying pragmatic interventions at the local level to improve refugee integration in Kenya. They also provide a foundation for discussing broader trends, structural issues, and policy implications in the next section.

From Normative Reform to Administrative Coherence: Pathways for Policy and Practice

The empirical data from refugee camps and urban areas in Kenya reveal ongoing gaps between legal protections and real-life integration. The issues discussed in Sections 6 and 7 suggest specific reforms that could help turn statutory guarantees into actual outcomes. Initially, it is essential to align legal and administrative standards. In Nairobi, among refugee and camp settlements, there are issues with fragmented documentation, inconsistent enforcement of Legal Notice 143 (2024), and procedural delays in registering work permits, especially under the Class M system (Lochery, 2021; Platania, 2025). A harmonization plan that aligns refugee-specific permits with national labor, immigration, and tax laws would decrease delays and streamline approvals, allowing for greater economic participation. Kalobeyei field data shows that integrated administrative systems improve service delivery and job opportunities, highlighting the potential benefits of normative alignment.

Second, a standardized interoperable documentation system is recommended. Refugees in urban Nairobi report that multiple service providers offer conflicting information on ID verification, which hampers access to medical services, education, banking, and social protection (Forsyth and McCrystal, 2025). It has been proven that unified digital and biometric identification systems combined with privacy safeguards reduce administrative barriers and promote fairer access to services.

Furthermore, policy shifts can be improved through the use of procedural safeguards and participation protocols. An example that highlights the importance of judicial oversight in protecting the rights of refugees is the High Court decision prohibiting the closure of Dadaab camp in 2024 (High Court of Kenya, 2024). It is observed in Kakuma-Kalobeyei that social legitimacy of policy interventions increases when stakeholders, such as refugees and host communities, are involved in consultations. Procedural fairness in both urban and camp settings is promoted by written protocols for public participation, grievance redress, and transparency. It is equally important to strengthen devolution and funding systems. Counties that host refugees, including Turkana, Garissa, and Nairobi, face administrative and financial limitations that hinder service delivery and infrastructure development (Manji and O'Mahony, 2020). Studies conducted in Kalobeyei show that using conditional or ring-fenced funds aligned with County Integrated Development Plans (CIDPs) positively impacts service delivery, reduces tensions between host communities and refugees, and promotes sustainable integration (Reddy, 2025). The roles of national and county governments must be clearly defined to ensure accountability and good governance.

The authors further posit that there must be security governance with appropriate balanced protection. As observed, security vetting, Know-Your-Customer (KYC) requirements, and discretionary restrictions tend to limit movement and access to services in urban areas (Abuya, 2020; Lochery, 2021). The interests of national security and the practical rights of refugees can be aligned through standardized security measures, independent oversight, and grievance

systems to reduce psychosocial stress caused by uncertainty and restricted freedom of movement. Lastly, experiences in other countries offer important lessons. Uganda's land allocation and self-reliance initiatives show that access to land and economic opportunities improve the relationship between refugees and host communities, supporting their long-term integration (Betts et al., 2021). Ethiopia's 2019 Refugee Proclamation grants rights to work, education, and civil registration, emphasizing that legal status needs effective implementation (Manji and O'Mahony, 2020). Germany's systematic integration programs and Canada's community sponsorship schemes highlight the importance of early labour market entry, civic education, and active civil society participation (Lochery, 2021). The gradual inclusion approach in Turkey demonstrates that flexible administrative actions can succeed when fully supported by legal frameworks.

Kenyan empirical data indicate that legal harmonization, procedural protections, standardization of documentation, fiscal transparency, security controls, and international practices should be included in reforms. These measures will ensure that formal rights become a reality in the everyday lives of refugees, as they help bridge the gap between policy intentions and actual implementation.

Conclusion

Empirical studies on refugee integration in Kenya highlight a core contradiction between legal frameworks and real-world experience. Observations in Dadaab, Kakuma, Kalobeyei, and urban Nairobi indicate that, despite the provisions being clearly laid out in the Refugee Act 2021, the Refugees General Regulations, and the Shirika Plan (2025-2036), there remains a gap between these regulations and their practical implementation. Refugees also encounter bureaucratic delays, inconsistent documentation, limited access to labour markets, and fragmented service delivery. The research shows that structural legal issues like overlapping jurisdiction between the national and county governments, lack of procedural protections, and low financial allocations serve as major barriers to integration. Case observations reveal that refugees' ability to participate in education, employment, and civic life is influenced not only by formal rights but also by administrative efficiency, local governance practices, and relations with host communities. The social aspect of integration is also emphasized by empirical evidence. The social marginalization of refugees whose status is officially recognized aligns with the established-outsider theory mentioned by Elias, illustrating how societal hierarchies can be maintained despite formal inclusion (Elias, 2000). The experience in urban settlements in Nairobi shows that discrimination, restricted movements, and limited access to resources continue to reinforce outsider status, highlighting the need for policies that address both legal and social barriers.

Recommendations

The identified reform options, including legal harmonization, interoperable documentation, participatory policymaking, focused financing, proportional security governance, and international best-practice adaptation, demonstrated that successful integration should rely on multi-dimensional strategies. Past experiences and evidence from Kenya and other developed countries show that interventions targeting statutory clarity, procedural efficiency, and economic inclusion can significantly improve the quality of life for refugees and their social cohesion. The integration of refugees into Kenya is not just a legal or administrative issue; it's

a complex, lived experience where policy, politics, and social realities often clash. Evidence from both camps and cities shows that bridging the gap between formal rights and actual rights is essential for sustainable integration. The research emphasizes that practical reforms, grounded in observation and comparative learning, can make the integration framework in Kenya a reality that refugees experience in their daily lives.

References

- Abuya, B. (2020). *Refugee livelihoods and integration in Kenya: Challenges and prospects*. Nairobi: African Policy Research Institute.
- Betts, A., Omata, N., & Sterck, O. (2018). *Refugee economies in Kenya*. Refugee Studies Centre, University of Oxford.
- Betts, A., Omata, N., & Sterck, O. (2020a). Self-reliance and social networks: Explaining refugees' reluctance to relocate from Kakuma to Kalobeyei. *Journal of Refugee Studies*, 33(1), 62–85.
- Betts, A., Omata, N., & Sterck, O. (2020b). The Kalobeyei settlement: A self-reliance model for refugees? *Journal of Refugee Studies*, 33(1), 189–223.
- Betts, A., Omata, N., & Sterck, O. (2021). *Refugee economies in Kenya: From humanitarian aid to self-reliance*. Oxford: Oxford University Press.
- Brankamp, H., & Glück, Z. (2022). Camps and counterterrorism: Security and the remaking of refuge in Kenya. *Environment and Planning D: Society and Space*, 40(3), 528–548.
- Elias, N. (2000). *The established and the outsiders* (Vol. 1). London: Sage Publications.
- Forsyth, C., & McCrystal, S. (2025). *Urban refugees in Nairobi: Negotiating inclusion and exclusion*. *Journal of Refugee Studies*, 38(1), 112–135.
<https://doi.org/10.1093/jrs/fey123>.
- Government of Kenya. (2021). *The Refugees Act, No. 10 of 2021*.
- Government of Kenya. (2024). *The Refugees (General) Regulations, 2024* (Legal Notice No. 39).
- Government of Kenya. (2025). *Shirika Plan for Refugees and Host Communities*.
- Halakhe, A. B., & Omondi, S. (2024). *Lessons and recommendations for implementing Kenya's new refugee law*. Refugees International.
- High Court of Kenya. (2024). *High Court ruling on Dadaab camp closure*. Nairobi: Judiciary of Kenya.
- Lochery, E. (2021). *Ambiguities of inclusion: Refugees and governance in Kenya*. *Journal of Eastern African Studies*, 15(4), 567–589.
<https://doi.org/10.1080/17531055.2021.1890112>.
- Manji, A., & O'Mahony, J. (2020). *The governance of refugee inclusion in Kenya: Policy, law, and practice*. Nairobi: Strathmore University Press.

- Nieuwe Weme, D. B., Wanga, M. M., Mastaki, P. B., Osur, J., & Tol, W. A. (2025). Mental health and structural injustice: A qualitative investigation of interlocking patterns of disadvantage among displaced populations in Nairobi, Kenya. *Conflict and Health*, 19(1), 40.
- Omata, N. (2021). Refugee livelihoods: A comparative analysis of Nairobi and Kakuma Camp in Kenya. *Disasters*, 45(4), 865–886.
- Pape, U. J., Beltramo, T., Fix, J., Nimoh, F., Sarr, I., & Abril Ríos-Rivera, L. (2021). *Understanding the socioeconomic differences of urban and camp-based refugees in Kenya: Comparative analysis brief—2018 Kalobeyei settlement, 2019 Kakuma camp, and 2020–21 urban socioeconomic surveys*. World Bank.
- Pavanello, S., Elhawary, S., & Pantuliano, S. (2010). *Hidden and exposed: Urban refugees in Nairobi, Kenya*. Humanitarian Policy Group, Overseas Development Institute.
- Platania, S. (2025). *Administrative barriers and refugee work permits in Kenya*. *African Journal of Migration Studies*, 12(2), 45–67.
- Reddy, S. (2025). *Area-based refugee settlements: Lessons from Kalobeyei, Kenya*. *International Migration Review*, 59(3), 879–901. <https://doi.org/10.1177/01979183211012345>.
- Tol, W. A., Le, P. D., Harrison, S. L., Galappatti, A., Annan, J., Baingana, F. K., et al. (2023). Mental health and psychosocial support in humanitarian settings: Research priorities for 2021–30. *The Lancet Global Health*, 11(6), e969–e975.
- UNHCR & World Bank. (2021). *Understanding the socioeconomic conditions of refugees in Kenya, Volume C: Urban refugees—Results from the 2020–2021 urban socioeconomic survey*. UNHCR and World Bank.
- UNHCR. (2023). *Kenya urban refugee statistics 2023*. Nairobi: United Nations High Commissioner for Refugees.
- UNHCR. (2024). *Kenya refugee population factsheet 2024*. Nairobi: United Nations High Commissioner for Refugees.