

ANNEXURE 5

(Public memoranda on the Bill)



MEMORANDUM ON THE REFUGEES BILL 2019

Introduction

1. Relief, Reconstruction and Development Organization (RRDO) is a relief and development organization that was founded and registered in Kenya in 2008 under the NGO coordination act. The organization was formed by a group of local professionals from Northern Kenya. The sole purpose was to respond effectively to local humanitarian challenges and contribute to development efforts through addressing humanitarian needs in Northern Kenya, especially for the refugee hosting communities.
2. RRDO commends the tabling of The Refugee Bill 2019, since in the recent past Kenya's commitment to refugee protection has come to a sharp focus. A case in point (the Government's ordered in February 2019, for the closure of Dadaab refugee camp within six months citing "national security" concerns). Thus the tabling of The Refugee Bill 2019 is timely having in mind the long title thereof, that seeks to give effect to the 1951 United Nations Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.

Summary of Issues

Administrative Provisions

3. We propose that Clause 6 (b) be amended to replace the Refugee Advisory Committee with a Board (Refugee Advisory Board), whose membership shall largely be drawn from the private sector with representation from key ministries such as Interior and Coordination of National Government, Foreign Affairs, Devolution among others. The Cabinet Secretary in charge of Interior and Coordination of National Government shall appoint the board members, since the Refugee Affairs Secretariat (RAS) is currently under the said ministry. The

functions of the Board shall include but not limited to appointing the Commissioner for Refugee Affairs and other senior managers and offering oversight.

4. Clause 7(1) establishes a **Department of Refugee Services (DRS)** as an office in the public service. We propose that the DRS, should be an autonomous entity with powers to make decisions on determination of refugee status as regards to documentation and protection to safeguard the delicate balance of institutional decision independence.
5. Clause 10(c) provides the function of the RAC to "*make a recommendation for declaration and revocation of prima facie status*". We propose that the Clause be amended to retain the advisory role to the cabinet Secretary and not to make recommendations as to prima facie determination.
6. Clause 11(1) provides for the establishment of the **Refugee Status Appeals Committee**. We propose that be replaced with the **Refugee Status Appeals Tribunal** thus equally affecting Clause 6 (c). We are of the view that to entrench independence, having a tribunal in place under the supervision of the High Court, will go a long way to exercise judicial or quasi-judicial functions and supplement the ordinary courts in the administration of justice. Appeals wherefrom, should terminate at the High Court unless there exists extraneous factors to warrant a second appeal and third appeal.
7. Clause 11(2) provides for the composition of the RSAC, to which we raise concerns about. While the intention of the Bill is to have the Appeals Committee independent, the bill in its current form and design of the Appeals Committee grossly defeats this intention.
8. To ensure independence of the proposed Tribunal, we propose the chairperson be a person nominated from legal practitioners of seven (7) years standing as an Advocate of the High Court of Kenya in the private practice, to be appointed by the Cabinet Secretary in charge, who shall also possess experience in refugee affairs. In addition, we propose, four other members possessing knowledge and experience in refugee affairs and who are not in employment of the Government.

Expulsion

9. Clause 19 speaks to expulsion of refugees or members of their families. We propose that this be a reserve of the proposed Refugee Advisory Board to be established under Clause 9 as opposed to the Cabinet Secretary as envisaged in Clause 19 (1)

Delegated Authority

10. Part IX of the Bill empowers the Cabinet Secretary to come up with regulations generally to give effect to the Act. It is our view that the same should not be whimsical and as such the regulations must be tabled before Parliament before the same can take effect.

Freedom of Movement

11. We believe that any proposed limitation to this right must meet the criteria laid down under Article 24 of the Constitution; it must be clearly and concisely provided in law; **it must be necessary and proportionate in an open and democratic society and must pursue a legitimate aim.**

12. We note that there is urgent need to align the bill with court rulings on the aspect of freedom of movement of refugees. Clause 31 proposes the requirement to reside in a designated area made by the Commissioner. Clause 31(2) creates an offence of failing to reside in a designated area. Further, Article 31(1) provides that every person has the right to freedom of movement. Article 39 of the Constitution ought to be read together with Article 26 of the 1951 Refugee Convention in order to give effect the rights of refugees. Article 26 provides thus; "Each contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory subject to any regulations applicable to aliens generally in the same circumstances. (Emphasis Ours)

13. Article 39 of the Constitution makes a clear distinction between a person and a citizen. Freedom of movement under the Constitution relates to everyone, but the right to enter, remain and reside anywhere in Kenya is accorded only to citizens hence the State may impose reasonable condition upon the right to enter, remain in and reside anywhere in Kenya upon non-citizens. As such, refugees should be

allowed to settle freely in any part of the country save in special circumstances and only those with special needs or in need of essential services should be in camps.

Conclusion

14. In conclusion, we appreciate the initiative and spirit in ensuring that the general populace is involved in this noble cause to express their views and opinions on this Bill. We hope that the issues raised will be subjected to careful scrutiny and consideration.

Presented by



Ahmed M Abdi
Executive Director,
RRDO.

DEMAS KIPRONO - CAMPAIGN MANAGER - SAFETY & DIGNITY
AMNESTY INTERNATIONAL KENYA
17 October 2019



**MEMORANDUM ON REFUGEES BILL 2019 PRESENTED TO THE DEPARTMENTAL
COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY.**

17TH October 2019

Amnesty International welcomes the Refugees Bill 2019 to which we are pleased to submit this memorandum. We appreciate that the principal object of the Bill is to provide for the recognition, protection and management of refugees to give effect to the 1951 United Nations Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.


Amnesty International further appreciates the Government of Kenya on the generosity of hosting refugees and asylum seekers for more than 20 years within the country. We equally appreciate that the Government of Kenya has sponsored a Bill to review the legal framework for refugees. Amnesty International published in May 2016 the first Refugees Welcome Index¹, based on a global survey of more than 27,000 people from 27 countries conducted by the internationally renowned GlobeScan. The survey found that 65% of Kenyans would welcome people escaping war and persecution in Kenya.² 62% of Kenyans wanted the Kenyan government to do more to help refugees. 72% of Kenyans would personally accept people fleeing from war or persecution into their household, neighborhood, their city/town/village and Kenya. Amnesty believes that the Refugees Bill 2019 should be developed and enacted hand in hand with the aspirations of Kenyans to protect and welcome refugees.

In February 2019, the Government of Kenya ordered for the closure of Dadaab refugee camp within six months citing "national security" concerns. Amnesty International is deeply concerned by the constant threat of closure that Dadaab refugee camp faces and the disproportionate targeting of Somali asylum seekers in counter-terrorism response.

Amnesty International urges the National Assembly Departmental Committee on Administration and National Security to further develop the Refugees Bill 2019 to conform

¹ Refugees Welcome Survey 2016, Views of Citizens Across 27 Countries, May 2016 available at <https://www.amnesty.org/en/latest/news/2016/05/refugees-welcome-survey-results-2016/> (accessed 16 October 2019)

² In Kenya, the survey was conducted in seven out of the eight former administrative provinces targeting 45 per cent of the adult population in urban and mixed settlements. The survey sample included urban populations in 30 counties representing 64 percent of all counties. The counties in the sample were Bungoma, Busia, Kilifi, Kirinyaga, Kisii, Kisumu, Kitui, Kwale, Laikipia, Machakos, Marsabit, Meru, Migori, Mombasa, Nairobi, Nakuru, Narok, Nyamira, Nyandarua, Nyeri, Siaya, Trans Nzoia, Turkana, Uasin Gishu and Vihiga



with Kenya's international obligations and protect fundamental rights and freedoms as envisioned in the Constitution of Kenya.

SUBSTANTIVE COMMENTS ON THE REFUGEES BILL 2019

While Amnesty is in support of and has signed the joint memorandum from non-governmental organizations working in the refugee sector and further to the schedule of amendments attached, Amnesty International emphasizes on the following Clauses.

PRELIMINARY

Clause 4(1)(a) provides for the **Exclusion and disqualification from refugee status** where it proposes exclusion and disqualification on commission of a crime against peace, a war crime or a crime against humanity as defined in the International Crimes Act. We propose that reference of the International Crimes Act does not adequately cover other similar crimes not provided under the said Act but covered in the Geneva Conventions hence we propose the definition be expanded to any international instrument to which Kenya has ratified.

ADMINISTRATIVE INSTITUTIONS.

Clause 7(2)(c) provides for the functions of the **Department of Refugee Services**, where it provides that "*to handle all operational aspects of protection and assistance of refugees*". We propose that the clause be amended to include asylum seekers given the recommendation to remove asylum seekers from the definition of refugees. This recommendation also applies to the functions of the Commissioner for Refugee Affairs to include asylum seekers and refugees separately.

Clause 8(2) provides for the functions of the **Commissioner for Refugee Affairs**, Clause 8(2)(u) provides that the "*co-ordination of all services and activities provided to refugees and asylum seekers by implementing agencies*". We propose that the Commissioner for Refugees co-operate with County Governments for services that have been devolved to counties as per the Fourth Schedule of the Constitution of Kenya. Some of the services sought by refugees and asylum seekers are provided by counties and as such we propose that the Clause be amended to require the Commissioner, where applicable, to coordinate with county governments.

Clause 9(1) provides for the **Refugee Advisory Committee** and provides for the composition of the advisory committee. We propose an amendment to Clause 9(1) to have the Principal Secretary from the Ministry responsible for refugee affairs chair the Committee while the Commissioner provides secretariat services to the Committee. We propose that the Commissioner cannot stand in as chair and provide secretarial services to the Committee at the same time.



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We also propose a general amendment to Clause 9(1) to require that the designation of representatives from the members of the Committee be communicated in writing to ensure that officers representing are held accountable.

Clause 9(2) provides co-opting of persons to attend and advise the RAC in the performance of its functions. We strongly propose an amendment to the composition of the committee to include representation from each of the designated counties and equally a member from the civil society as it was the case in the Refugee Act of 2006.

Clause 10(c) provides the function of the RAC to "*make a recommendation for declaration and revocation of prima facie status*". We propose that the Clause be amended to retain the advisory role to the Cabinet Secretary and not make recommendations as to the prima facie determination.

Clause 11(1) provides for the establishment of the **Refugee Status Appeals Committee**. Clause 11(2) provides for the composition of the RSAC which Amnesty presents very deep concerns about. While the intention of the Bill is to have the Appeals Committee independent, the current architect and design of the Appeals Committee grossly defeats this intention.

Amnesty believes that this Bill should replace the Refugee Status Appeals Committee with a Refugee Status Appeals Tribunal. Tribunals in Kenya are bodies established by Acts of Parliament to exercise judicial or quasi-judicial functions and supplement the ordinary courts in the administration of justice. Tribunals are equally subject to the supervision of the High Court.

To ensure independence of the proposed Tribunal, we propose the chairperson be a person nominated by the Judicial Service Commission and appointed by the Cabinet Secretary, who shall be a person qualified for appointment as a judge of the High Court of Kenya who shall possess experience in refugee affairs. In addition, we propose, four other members possessing knowledge and experience in refugee affairs and who are not in employment of the Government, Commissioner for Refugees or the Department to join the Tribunal.

We call upon the Departmental Committee to look at the establishment and composition of other Tribunals established by other Acts of Parliament such as the Transport Licensing Appeals Board, Communication and Multimedia Appeals Tribunal, State Corporations Appeals Tribunal among others as a matter of practice.

Amnesty is greatly concerned about the omission of financial provisions for the established authorities in the Bill, the practice in other Acts of Parliament is that an Act expressly provides for the remuneration of the Commissioner and staff of the Department of Refugee Services and members of the Tribunal. We hence propose an amendment to provide that the financial provisions be included in the Bill. This guarantees the financial and functional independence of the Commissioner and the proposed Tribunal.

The omission of this key component of funding and staffing of the institutions proposed to be created is very detrimental to the implementation of the Act. The lack of this provisions



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hence means that it is vague as to how the institutions so established by the Act will get draw funds and how these funds are accounted for.

REFUGEE STATUS

Amnesty is also concerned by the vague wording of Clause 19 which deals with the expulsion of refugees or members of their family. We are deeply concerned by the vague and ambiguous terminologies used in the phrases '*national security*' '*public order*' and '*public morality*'. These terms if left undefined give the Cabinet Secretary wide discretion to apply them arbitrarily putting refugees and asylum seekers at risk. The blanket exclusion based on public order, public morality and national security will be prone to abuse by the State if left in the ambiguous wording it has currently. This ambiguity does not satisfy the principle of legality.

Article 238(2) of the Constitution requires that **national security shall be pursued in compliance with the law and with the utmost respect for the rule of law, democracy, human rights and fundamental freedoms**. Amnesty strongly recommends that this threshold be used guide the Cabinet Secretary.

Clause 19(3) requires the Cabinet Secretary to act in accordance with due process of the law before ordering the for the expulsion of any refugee. Amnesty is deeply concerned by the ambiguity of this '*due process of law*' as it is not clear what threshold will be used to determine due process of the law. This is further aggravated by the fact that the Cabinet Secretary will gazette regulations to provide for the procedure of expulsion of refugees. This therefore connotes that the Cabinet Secretary has been given leeway to decide the process the Ministry will use for expulsion.

RIGHTS AND OBLIGATIONS OF REFUGEES

We propose an amendment to Clause 28 which provides for the rights and obligations of refugees; we propose the inclusion of asylum seekers in these rights and obligations. In its current framing, the Clause does not expressly provide for benefits for holders of refugee documents. We therefore recommend that every refugee has the right to identification and civil registration documents and travel documents. We also propose the amendment to include the right to access education, healthcare as well as economic inclusion.

For Asylum seekers, we propose Clause 28 be amended to provide for the right to identification and civil registration of asylum seekers to enable them access essential services and social protection.

FREEDOM OF MOVEMENT

Amnesty notes that there is need to align the Bill with court rulings on the aspect of freedom of movement of refugees. Clause 31 proposes the requirement to reside in a designated area made by the Commissioner. Clause 31(2) creates an offence of failing to



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reside in a designated area. Article 31(1) provides that every person has the right to freedom of movement. Article 39 of the Constitution ought to be read together with Article 26 of the 1951 Refugee Convention in order to give effect the rights of refugees. Article 26 provides thus; "Each contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory subject to any regulations applicable to aliens generally in the same circumstances.

Article 39 of the Constitution makes a clear distinction between a person and a citizen. Freedom of movement under the Constitution relates to everyone, but the right to enter, remain and reside anywhere in Kenya is accorded only to citizens hence the State may impose reasonable condition upon the right to enter, remain in and reside anywhere in Kenya upon non-citizens. Amnesty draws two conclusions from Article 39 of the Constitution. First, although the right under Article 39(3) is limited to citizens, it does not expressly limit the right of refugees to move within Kenya guaranteed under Article 39(1). Second, it does not expressly recognize the right of refugees to reside anywhere Kenya but more important the Constitution does not prohibit refugees from residing anywhere in Kenya.

We believe that any proposed limitation to this right must meet the criteria laid down under Article 24 of the Constitution; **it must be clearly and concisely provided in law; I must be necessary and proportionate in an open and democratic society and it must pursue a legitimate aim.**

CONFIDENTIALITY AND DATA PROTECTION

Amnesty is deeply concerned that this Bill has dropped the confidentiality clause as was the case in Refugees Act 2006. Article 31 of the Constitution provides that every person has the right to privacy, which includes refugees. We propose that a Clause be inserted to provide for confidentiality and data protection.

Refugees and asylum seekers are persons at risk owing to the circumstances in their home countries and as such the protection of their data is of key importance to their safety and protection.

Amnesty proposes that the confidentiality and data protection clauses adhere to the internationally accepted principles of data protection. We further propose, in light of the Data Protection Bill, that the data collected, processed and stored by operation of this Act be in accordance with the provisions of the Kenyan data protection law. As to the penalties, we propose that the penalties in the data protection law in force be applied in the Act. The penalties in the Refugees Act 2006 are very minimal and do not serve the deterrent purpose for data breaches and hence we propose that the same is not replicated for the Refugees Act 2019.

End



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Department
for World Service
www.lwf.org

www.lwf-kenya.org

② CAZEMBA
Please check
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23/10/19

① OIC-1100,
23/10/19

REF: LWF/NAI/REP/040-2019

18th October 2019

Michael R. Sialai EBS,
Clerk of the National Assembly
P. O. Box 41842-00100
NAIROBI

Dear Sir,

RE: SUBMISSION ON REFUGEE BILL 2019

The Lutheran World Federation (LWF) appreciates the opportunity to submit our comments to engage with the Refugee Bill public consultation process (Kenya National Assembly No 62 of 2019).

The LWF is a global communion of 144 churches in the Lutheran tradition, founded in 1947 and representing over 72 million Christians in 79 countries. The LWF Kenya, Djibouti, Somalia Program is a country program of the LWF Department of World Service (WS) that has been working with refugees, asylum seekers and host communities in Kenya since 1975. The Program is an UNHCR implementing partner both in Kakuma and Dadaab Refugee camps and Kalobeyei Integrated settlement and the host communities surrounding these areas, working in the areas of provision of primary education, special needs education and early childhood development; reception centre services and child protection; youth protection and development; peacebuilding, community services and mobilization; and livelihoods interventions.

This legislative formulation process is of great import to LWF and we are willing to continue engaging in the dialogue to give more feedback as and when called upon.

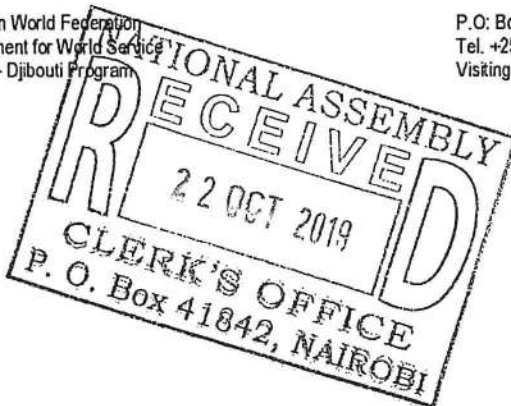
Sincerely,

Saara Vuorensola-Barnes
Country Representative
Lutheran World Federation – Kenya-Djibouti-Somalia

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**SUBMISSION ON THE REFUGEE BILL
(NATIONAL ASSEMBLY NO 62 OF 2019)**

TO:

**THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
NATIONAL SECURITY,
REPUBLIC OF KENYA,
NATIONAL ASSEMBLY**

BY:

**THE LUTHERAN WORLD FEDERATION (LWF) WORLD SERVICE:
KENYA DJIBOUTI SOMALI PROGRAM**

OCTOBER 18, 2019

Contact Person:

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The Lutheran World Federation World Service (LWF WS): Kenya

Djibouti Somali Program Submission on the Refugee Bill 2019

The Lutheran World Federation (LWF) is a global communion of 144 churches in the Lutheran tradition representing over 72 million Christians in 79 countries. The organisation was founded in 1947 to promote the collaboration among the Lutheran churches globally and to assist refugees and displaced people globally. LWF has a consultative status with ECOSOS since 1952 and is actively engaged with the United Nations' Universal Periodic Review mechanism.

LWF Kenya, Djibouti, Somalia Program is a country program of the LWF Department of World Service (WS) that has been working with refugees, asylum seekers and internally displaced persons (IDPs) since the 1975. The Programs' work is motivated by hope and resilience of the people we serve and seeing them improve their quality of life through meeting their basic needs, achieving their full potential in an environment that supports justice, peace, dignity, respect for diversity and the ability to claim for their universal human rights. In Kenya, LWF works as an UNHCR implementing partner both in Kakuma camps and Kalobeyei Integrated settlement and Dadaab camps working with refugees and host communities in the areas of provision of primary education, special needs education and early childhood development; reception center services and child protection; youth protection and development; community services and community mobilization; and livelihoods interventions.

The Refugee Bill 2019

The LWF considers national refugee legislation such as this one, as a significant framework for enabling the full enjoyment of human rights and freedoms not only refugees and asylum seekers but for the host community as well. In this regard, LWF recognizes the efforts the Government of Kenya is making towards the promotion and protection of rights and freedoms of refugees and asylum seekers through the establishment of a progressive refugee legal regime.

LWF recognizes some significantly progressive provision within this Refugee Bill 2019 aimed at the actualization of various relevant national, regional and international laws; the Comprehensive Refugee Response Framework (CRRF) as well as other relevant regional Declarations.

Noteworthy, the Bill proposes refugees to live in designated areas and places within specific counties, a positive change from the existing restrictive encampment policy model to a more dignified refugee settlement concept. The Bill also proposes a local integration model, which promotes expanded rights and freedoms enjoyment for refugees and asylum seekers while enabling them to live a dignified life, one of LWFs key values. This is a great effort to operationalize the Kampala and Djibouti declarations. Importantly also is the explicit provision for the inclusion and protection of the basic needs and rights of women, children and persons with disabilities (PWDs).

In order to enrich the proposed Bill once enacted into law, LWF would like to comment on a number of clauses within the bill, to be considered for review.

Clause	Comment	Recommendation
2: Interpretation	The inclusion of prisons, police stations and remand homes could be problematic and should only be consider if they are qualified as or for protection purpose. For instance, during a situation of Post Election Violence or related internal upheavals, where refugee and asylum seekers can seek refugee from the mentioned facilities. The same for Police stations, refugees should not share the same space with people caught by the police who are awaiting to resolve their legal situation because presumable have committed a crime.	<i>“Transit center” means areas designated by the Cabinet Secretary for the purpose of temporary, a period not exceeding 1 week, accommodation for persons covered under this Act for <u>protection reasons pending transfer to.....</u> such an arrangement should ensure that the asylum seekers or refugees are accommodated separately from persons who are in those facilities pending a judicial decision or are serving time.</i>
8 (1) Administrative provision	The functions of the Commissioner are concentrated on management and operational matters for refugees, and less on ensuring the fulfilment of the rights of the refugees.	Under section 8 (1) (e) add after protection <i>“paying special attention to the promotion, protection and fulfillment of all their rights and fundamental freedoms...in adherence to the relevant international, regional and national legal frameworks.</i>
8. (2) (j) Functions of the Commissioner for Refugee Affairs.	Sub clause 2 (j) proposes that the Commissioner for Refugee Affairs would in liaison with the police, make arrests.	The Commissioner should refer the case to the police or the Attorney General and they should conduct the arrest and proceed with the investigation.

8. (2) (q) Functions of the Commissioner for Refugee Affairs.		Add at the end of the paragraph: “... and pertinent international law”.
9 (1) Refugee Advisory Committee.	Promoting proactively refugees’ human rights should form a key component of the function of this Committee.	Consider inclusion to RAC membership the following: <ul style="list-style-type: none"> - Kenya National commission on Human Rights - National Gender and Equality Commission (NGEC) - The Ministry in charge of labor - Ministry in charge of social protection (children, women, youth, persons with disability)
10: Functions of RAC	The functions are heavy on management	Consider including: “Overall advising on the development of favorable and enabling policy, legal and institutional that would promote, protect and fulfil human rights and freedoms for refugees and asylum seekers”
12. (4) Application for Refugee Status.	There should be provision for legal aid for a refugee who does not afford yet requires legal support. This should also be the case of minors – separated or child headed families.	Add: “The department should liaise with the State Legal Aid System to provide representation for the refugee”
13 (3);		Consider use of the word Shall in place of May so as not to leave coopting of UNHCR or other agencies at the discretion of the eligibility panel through the Commissioner
14. (3) and (4) Appeals	At the end of each of these paragraphs says: “... in accordance with written law on immigration”.	Add at the end of the provisions: “... in accordance with written law on immigration and always under humanitarian consideration to their human dignity”.
16. Medical screening	The medical screening should not be used only for the purpose of <i>detecting and containing the spread of contagious diseases</i>	Include: ‘... but also should be done to see if the refugees need immediate medical support or initiate a treatment’
17. (6) and 18. (4) Cancellation or Revocation of refugee status	In these clauses, it is stated that those family members whose derivative status is affected by the decision of cancellation of refugee status of the	Consider rephrasing to ensure that the cancellation of refugee status of a person as provided for under clause 17 should not affect any member of his/her family

	<p>main applicant can apply to be considered as a refugee under Section 12, which means to start the process all over again.</p> <p>In the case of minors this could be problematic since they are always represented by the parent or representative, and in some cases could be problematic for women whose testimony or participation in the process might not be active and was not taken into account in it.</p> <p>In some cases, the main applicant is the man (for different reasons but there is a gender construction there too) so usually men are heard and have their version of the facts and the process is seen through the eyes of the man only.</p>	<p>with derivative status. Each member of the family should be treated individually after registration without losing the family unity in the process.</p>
26. (d) Duty of Reception Officers	<p>There is need to provide for an engendered approach to service provision</p>	<p>There must be a provision that states that male and female Reception Officers should be available so the refugee has the option to choose who to talk to.</p>
28 (2): Rights of and obligations of refugees	<p>The use of the word “may” provides a loophole for misinterpretation</p>	<p>Use the word SHALL</p>
28 (2):	<p>While this sounds great there is a possibility of restrictiveness as is suggested in section 8 where refugees require a movement pass to move within designated areas.</p>	<p>To align to the commitments made within the Kampala Declaration on jobs, livelihoods, and self-reliance for refugees, returnees and host community</p> <p><i>“The government shall develop policy and legislative frameworks to enable access to jobs, livelihoods and self-reliance options that includes expanded access to labor markets as well as freedom of movement”</i></p>
29: Non-refoulement	<p>The approximately 13,000 undocumented refugee/asylum seekers who returned from Somali to Dadaab refers</p>	<p>Add a provision that recognises that such refugees are a special category and should access all required services.</p> <p><i>....“A refugee who voluntarily avails himself or herself to return to his/her country of origin, but upon return to his/her country of origin encounters that</i></p>

		<i>the environment that circumstances in the country of origin have not changed or other factors create an uncondusive environment requiring her/him to seek asylum again, should be granted asylum with all basic services guaranteed”</i>
31. Requirement to reside in a designated area	In line with Kenya’s effort to have a more socio-economic model of refugee governance, controlled designated areas might hinder realization of that ambition. Further, it could be problematic for refugees in urban settings if a Designated Area is not in an urban area.	The law to make provisions and exception for refugees residing in urban areas.
33. Restriction of Persons Entering a Designated Area	There is a possibility of this clause being misinterpreted and consequently hindering essential service delivery and human rights protection for the refugees and asylum seekers. organizations mandated to operate in these areas.	It should be clarified that access to these designated areas is lifted for humanitarian organizations mandated to operate in these areas. As well it should be clarified that national/constitutional human rights organizations shall be granted unfettered access to these areas.
40. (1) (C) Offences and penalties		We would like to suggest to add to the paragraph a phrase that says: “after entering Kenya, fails to report ... <i>without justifiable cause...</i> ”.
40. (1) (m) Offences and penalties.		Consider providing for exceptions for refugees in Kenya at least for certain period of time.
General comment: For instance, in Clause 9. (2) and 11. (2) (e).	There Bill barely provides for refugees participation in the different instances and processes created in the proposed law to supervise the enactment of the Refugee Bill.	Add in clauses such as 9. (2) and 11. (2) (e). <i>“The government shall promote the participation of refugees, asylum seekers and host community in all decision making processes governing the refugee protection at all levels in Kenya and internationally”</i>

② CAZEMBA
Please clear
FA 23/10/19

MEMORADUM TO THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON
ADMINISTRATION AND NATIONAL SECURITY IN RELATION TO THE REFUGEES BILL,
(NATIONAL ASSEMBLY BILL NO. 62 OF 2019)

① D.C-11003
8/23/10/19

A. INTRODUCTION

We, the drafters of this memorandum, commend the National Assembly's efforts in drafting and legislating on this Refugees Bill No. 62 of 2019 aimed at streamlining the management of the institution of asylum and improve the welfare and treatment of refugees and asylum seekers in Kenya while conforming to international standards as set out in the different treaties that Kenya has ratified such as the Convention on the Status of Refugees, 1951.

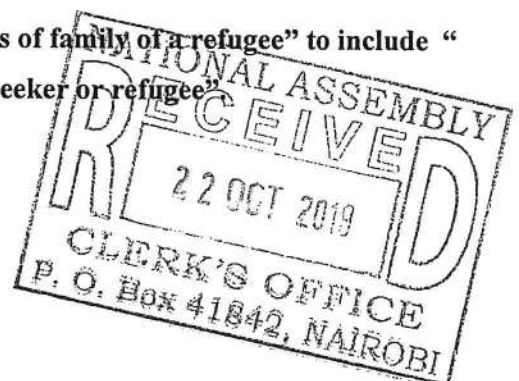
This memorandum, drafted by refugee and forced migration law practitioners Francis Njoroge and Allan Mukuki of Strathmore Law School as well as the East African Centre for Forced Migration & Displacement is jointly submitted to the Clerk of the National Assembly pursuant to Article 118 (1) (b) of the Constitution of Kenya 2010 as read together with National Assembly Standing Order 127 (3). It noted our common concerns regarding the draft provisions and summarizes our recommendation to the National Assembly with a focus on the Constitution of Kenya, 2010 and Kenya's obligations under international law as a result of all treaties Kenya has ratified in relation to the reception, treatment and management of refugees and asylum seekers more so under the 1951 Convention on the Status of Refugees

I. Definition of "members of family of a refugee" (S. 2)

"members of family of a refugee", in relation to a refugee means — (a) any spouse of the refugee; (b) any child of the refugee, including an adopted child under the age of eighteen; (c) a person who is related to the refugee by blood or marriage and who is dependent upon the refugee; and (d) any other dependent living in the same household as the refugee and who is dependent on the refugee.

The drafters note that members of the refugee's family have been defined to include the spouse as well as adopted children and any other dependents living in the same household, the definition excludes destitute, aged or infirm members of the asylum seeker or of the refugee who may not be living in the same household but are fully depended on the asylum seeker or refugee.

Recommendation 1: Amend the definition of the phrase "members of family of a refugee" to include "destitute, aged or infirm members of the family of the asylum seeker or refugee"



II. Definition of the phrase “refugee”

Section 3 (1) (a) defines a refugee as-

A person shall be a refugee for the purposes of this Act if such person — being outside of his or her country of nationality and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion *who is in Kenya* and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of his or country of nationality or the country of habitual residence

While a cursory glance of the definition of the definition of a refugee seems aligned with the internationally accepted definition in the Refugees Convention, the inclusion of the words “*who is in Kenya*” immediately after the phrase “political opinion”, operates to restrict the scope of who is a refugee by applying a narrow definition than that contained in Article 1 A (2) of the 1951 Refugee Convention. The latter, to which Kenya has bound itself to provide that:-

...the term “refugee” shall apply to any person who: ...owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, **is outside the country of his nationality** and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country...

In our opinion, the insertion of the phrase “who is in Kenya” operates to restrict the definition of a refugee, a well settled concept and excludes persons with a well-founded fear of persecution based on any of the convention grounds and are at the frontier or seeking asylum at any Kenyan mission.

Recommendation 2: We recommend that the definition of the phrase “refugee” in both Sections 3 (1) (a) & (b) be revised to reflect a verbatim the definition contained in Article 1A (2) of the 1951 Convention on the Status of Refugees.

III. Exclusion from being considered for refugee status on the basis of “seeking asylum in another country”. S. 4(1) (d)

Section 4(1) (d) of the draft bill seeks to exclude and disqualify persons who have previously sought asylum in another country by providing that

4. (1) A person shall be excluded from being considered for refugee status if there exists serious reason to believe that the person —
- (d) has sought asylum in another country.

The drafters of this memorandum, reiterating the UNHCR Standing Committee notes on exclusion clauses note that international refugee instruments governs refugee law lay out criteria for the recognition of refugees. They also establish criteria by which individuals may be excluded from international protection. The term "exclusion clauses" therefore refers to legal provisions designed to achieve this effect.

We note that under Article 1 F of the 1951 Refugees Convention "the idea of an individual "not deserving" protection as a refugee is related to the intrinsic links between ideas of humanity, equity, and the concept of refuge. The primary purposes of these exclusion clauses are to deprive the perpetrators of heinous acts and serious common crimes, of such protection, and to safeguard the receiving country from criminals who present a danger to that country's security."

It is our considered opinion that exclusion clauses are carefully [*and restrictively*] enumerated in the 1951 Convention, and describe those [*only permitted*] situations in which persons who fulfil the positive requirements of recognition as refugees are nonetheless constrained from being recognized as such. Use of these exclusion clauses is, therefore, an extreme measure of last resort. Exclusion clauses as enumerated under Section 4 of the Bill must be interpreted within narrow limits and in a manner which does not undermine the integrity of international protection.¹

In our view, seeking asylum in another country does not operate to exclude the Applicant from being considered a refugee if he or she has met the criteria set out under international law.

Recommendation 3: Section 4(1) (d) of the Bill ought to be deleted.

IV. Membership and functions of the Refugee Advisory Committee (S. 9)

Section 9 of the Bill provides for the establishment of a Refugee Advisory Committee. S. 9(1) provides for 11 permanent members while subsection 2 empowers the committee to co-opt any other member on an advisory capacity. While laudable, a cursory look at the functions of the committee as provided under Section 10 as:-

¹ UN High Commissioner for Refugees (UNHCR), *Background Paper on the Article 1 F Exclusion Clauses*, June 1998, available at: <https://www.refworld.org/docid/4410337f4.html> [accessed 17 October 2019]

“(a) advise the Cabinet secretary on formulation of national policies on matters relating to refugees in accordance with international standards; (b) **advise the Cabinet Secretary on matters relating to refugees**; (c) make a recommendation for declaration and revocation of prima facie status; and (d) ensure in liaison with other government authorities that adequate and appropriate facilities and services are provided for the reception and care of refugees during emergency situation.’

It is notable that the main function of the committee is the formulation of refugee policies as well as matters involving the application of Kenya’s obligations under international refugee law such as cessation, revocation and declaration of refugee status. However, save for the Attorney General under S. 9(1) (h) and the chairperson, all other nine members of the committee are more likely to have limited or no knowledge of international refugee law and therefore lack the expertise of such a specialized field to undertake their core functions (the application of international refugee law). Further, the quorum of 5 members excluding the co-opted members as provided under S. 9(3) creates a real risk of misapplication of refugee law and policies occasioning serious injury to refugees and asylum seekers’ rights

Recommendation 4: we recommend that the membership of the Refugee Affairs Committee be amended to include professionals with experience and knowledge of international refugee law as main members of the committee.

V. Refugee Status Determination Officers exercising delegated authority under S.12 (6)

Section 12 (6) of the Bill empowers the Commissioner of Refugees to delegate powers to conduct interviews and determine applications for refugee status to his or her own staff.

(6) The Commissioner may delegate the function of conducting interviews to his or her staff within the Department who shall, upon finalization of the interview, forward the interview files to the Status Eligibility Panel for further review.

While the delegation of such authority is key to the functioning of the asylum process, it is our considered view that such delegation may only be done to refugee status determination officers who are clearly identified and whose offices are established by the Bill. Delegation of such powers to any staff within the department may occasion the risk of misapplication of refugee law and denying the right to asylum to persons with a well-founded fear of persecution and deserving of international protection.

Recommendation 5: We recommend that S.12 (6) be amended to provide that such delegation may only be done to such officers who have qualifications, experience and knowledge of refugee matters as makes them capable of performing their functions.

..

VI. Expulsion on the grounds of public order or public morality S. 19(2)

Section 19 of the Bill empowers the Cabinet Secretary to expel any refugee or members of his or her family on the grounds of “public order or public morality” irrespective of whether such conduct is linked to his or her refugee claim.

However, the provision, as currently worded is too vague and grants the cabinet secretary broad powers to determine what actions warrants expulsion. Further, the provision does not provide for any due process rights for refugees and their family members before being expelled on grounds of national security or public order. Due to the country’s history on enforced disappearance, it would be prudent to ensure that there are mechanism to produce a person considered a danger to national security or public order before a court of law. This would prevent abuse of this discretionary powers and ensure that families of the refugee are notified before adverse action are taken action such a person.

Section 29 (2) of the Bill goes against the letter and the spirit of Article 25 and 51 of the Constitution of Kenya, 2010 as it fails to protect the constitutional rights of presumption of innocence until the contrary is proved. This is a violation of Article 25, which guarantees that a right to a fair trial cannot be limited. Section 29 (2) of the Bill exempts such persons from enjoying the right under principle of non-refoulment as follows:

“The benefit of the subsection 1 may not, however, be claimed by a refugee or asylum seeker whom there are reasonable grounds for him or her being regarded as a danger to the national security or public order of Kenya.”

Recommendation 6: We recommend that Section 19 and Section 29 (2) of the Bill be revised to include procedural and administrative safeguards enshrined in the Bill of rights prior to any expulsion. Further, we recommend that any criminal act committed by the refugee or any member of his family be subjected to the criminal procedure of Kenya and not be grounds for arbitrary expulsion.

We commend the Bill as we note the Bill gives effect to the Constitution of Kenya, 2019 especially Article 47 which gives any person affected by the decision of a public office or body right to a fair hearing and also right of appeal which is provided under the Fair Administrative Action Act, 2015. The Bill in sections 14, 16, 22 and 23.

MEMORANDUM OF OBJECTS AND REASON

The Bill, under section 43, delegates power to the Cabinet Secretary to make regulations. The Bill also seeks to limit rights and fundamental freedom of asylum seekers and refugees. The provision should be amended to reflect that position.

The Bill affects County Governments as follows:

- Refugees directly needs services offered by county governments including health, cultural activities and sports, trade development and regulations , transport, planning and development, pre-primary education and village polytechnics among others stipulated under Fourth Schedule of the Constitution.
- The Bill also requires the involvement of County Governments in different areas including conservation of the environment as highlighted in sections 28 (2), 30, 34 (3) and 35. It is also prudent to notice that one person representing the Council of Governors shall be appointed in the Refugee Advisory Committee under section 9 of the Bill.

Therefore, the Bill should be considered as one to be concerning County Governments under Article 110 of the Constitution of Kenya, 2010. This should include the involvement of the Senate.

The institutions the Bill seeks to create already exists in the Refugee Act No. 13 of 2006. It is therefore unclear how the implementation of this Bill will incur additional expenditure.

CONCLUSION

This Bill is a progressive step towards attaining the values and principles as stated under Article 10 of the Constitution of Kenya, 2010. It is important that the National Assembly reflects on the Bill and consider it a Bill that affects county Governments. It is also notable that County Governments are best placed to address the grievances of the host community and address conflicts that may address due to refugee hosting such

as Environment and Land. The Bill is forward looking and we hope that the National Assembly may consider our recommendation.

The drafters of this Memorandum remain committed to support and advice the National Assembly on modalities of incorporating these recommendations and may be contacted via Francis Njoroge at 0715682617 or francis.wanjiku@strathmore.edu.

Or

Allan Mukuki : amukuki@strathmore.edu

Or

Benjamin Ng'aru: ngaruben@gmail.com

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EQUITY BANK (KENYA) LIMITED

**MEMORANDUM ON THE DRAFT REFUGEE BILL 2019 (NATIONAL ASSEMBLY
 BILL NO. 62 OF 2019)**

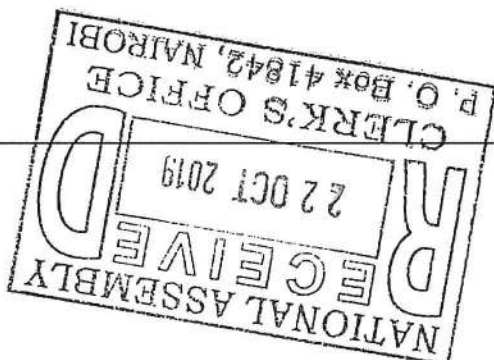
This memorandum is submitted in response to the invitation for comments from the National Assembly.

General Recommendations

1. PART V- Rights And Duties If Refugees And Asylum Seekers In Kenya: - explicit reference of certain rights of refugees such as allocation of funds for financial literacy and entrepreneurship to strengthen the status of the Refugees in the society and grow the Kenyan economy.
2. Powers of the Commissioner: the Commissioner to issue exemption to refugee in obtaining certain documentation from government agencies such as Kenya Revenue Authority.

Refugee Bill 2019 (National Assembly Bill No. 62 of 2019)

Provision	Comments
<p><u>PART II- ADMINISTRATIVE PROVISIONS</u></p> <p><u>Section 8 (2) (d) the function of the commissioner shall be to:-</u></p> <p><u>Issue Refugee Identification Documents and facilitate issuance of civil registration and other relevant documentation by other government agencies.</u></p>	<p>To enable the refugee access certain government services pursuant to the Constitution under Article 6 which provides that that a person has a right to access government services. This right would require the refugee to have a Personal Identification Number to access certain services such as incorporating a business or opening an account.</p> <p>We propose the commissioner is given powers to issue an exemption to refugees in obtaining a document from other government agencies e.g. Kenya Revenue Authority or explicitly assure the Refugee in obtaining Personal Identification Numbers to refugees among other relevant documentation from other government agencies.</p>
<p><u>PART V- RIGHTS AND DUTIES IF REFUGEES AND ASYKUM SEEKERS IN KENYA</u></p> <p><u>Section 28 (4) Subject to this Act, refugees shall be enabled to contribute to the economic and social development of Kenya by facilitating access to, and issuance of, the required documentation at both levels of Government.</u></p>	<p>Following the enactment of the Tax Procedure Act 2015 and Kenya Bankers Association circular letter No. 96/2018 dated 19.06.2018, it is now mandatory for customers to produce KRA personal identification number to open or activate bank accounts. This presents a challenge to refugees who do not have refugee Identification number.</p>



	<p>A significant number of refugees who already have accounts with the bank are yet to submit their Refugee Identification Cards to the bank for update and hence cannot apply for KRA personal identification number.</p>
<p><u>PART V- RIGHTS AND DUTIES IF REFUGEES AND ASYKUM SEEKERS IN KENYA</u> <u>Section 28 (1) (b) the refugee and every asylum seeker within Kenya shall be entitled to the rights and be subject to all the laws in force in Kenya.</u></p>	<p>It's a Constitutional right of an individual to access funds allocated by the government or the counties through project initiatives.</p> <p>We propose to have an explicit right that allows refugees due to their status to have special allocation of funds to be issued to refugee by the government. The allocation of funds should be for the following projects :-</p> <ol style="list-style-type: none"> 1. Financial literacy for refugees by the National government as well as county governments. 2. Allocation of funds for entrepreneurship education <p><u>Use Case:</u> Kakuma is said to be the biggest market place a study by IFC shows that Kakuma's total consumption to be \$56M with more than 2,000 businesses.</p>



UNHCR
 United Nations High Commissioner for Refugees
 Haut Commissariat des Nations Unies pour les réfugiés

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*1) Abdalla
 23/10/19*

Notre/Our code: **KEN/NBI/EXEC/19/198**

18 October 2019

Dear Sir,

RE: PUBLIC PARTICIPATION FORUM ON REFUGEES BILL, 2019


We thank you for accoding us the opportunity to present during the Public Participation Forum on the Refugees Bill 2019, held on 17 October 2019.

Enclosed herewith please find UNHCR's comments on the Bill, for further consideration.

Please do not hesitate to contact my Office if you have any questions or require additional information.

Yours sincerely

[Handwritten signature]
 Fathiaa Abdalla
 Representative

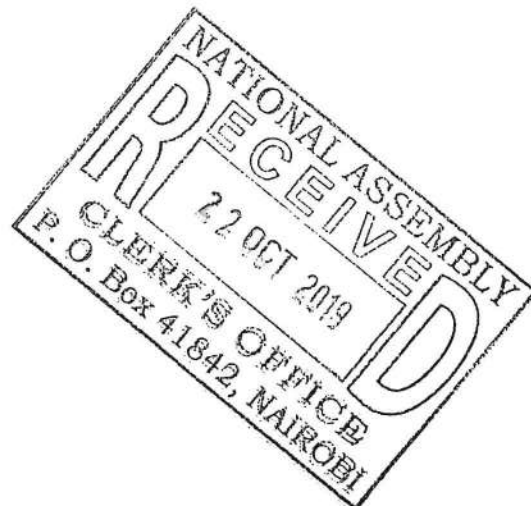


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Attn: Michael R. Sialai, EBS
 Clerk of the National Assembly
 P.O. Box 41842-00100
 Nairobi

CC:

Mr. Kodeck Makori
 Ag. Commissioner
 Refugee Affairs Secretariat
 Ministry of Interior and Co-ordination
 of National Government
 The Castle House, James Gichuru Rd
 Nairobi, Kenya



Encl.

UNHCR Comments on the Legislative Proposal: The Refugees Bill, 2019

I. Introduction

1. The Office of the United Nations High Commissioner for Refugees (hereafter “UNHCR”) welcomes the opportunity to provide comments on the Refugees Bill, 2019 (hereafter “the Bill”), an Act of Parliament to provide for the recognition, protection and management of refugees to give effect to the 1951 Refugee Convention, its 1967 Protocol and the 1969 OAU Convention.
2. UNHCR has a direct interest in law proposals in the field of asylum, as the agency entrusted by the United Nations General Assembly with the responsibility for providing international protection to refugees and other persons within its mandate, and, together with Governments, for seeking solutions to the problem of refugees.¹ Paragraph 8(a) of its Statute confers upon UNHCR the responsibility to supervise the application of international conventions for the protection of refugees, most notably the 1951 Refugee Convention to which Kenya is a State party.² In turn, Article 35(1) of the 1951 Refugee Convention obliges States Parties to cooperate with UNHCR in the exercise of its functions.³
3. UNHCR’s supervisory responsibility is exercised in part by the issuance of interpretative guidelines on the meaning of provisions and terms contained in international refugee instruments, in particular the 1951 Refugee Convention as well as by providing comments on legislative and policy proposals impacting on the protection and durable solutions of its persons of concern.
4. The following comments are based on international protection standards set out in the 1951 Convention, the 1969 OAU Convention, in international human rights law, on Conclusions on International Protection of the UNHCR Executive Committee (hereafter “ExCom”), and on UNHCR guidelines. In addition, comments also consider the latest developments on enhanced refugee management, protection and solutions as outlined in

¹ See Statute of the Office of the United Nations High Commissioner for Refugees, G.A. Res. 428(V), Annex, U.N. Doc. A/1775, para. 1 (1950) (“Statute”).

² According to Article 8(a) of the Statute, “The High Commissioner shall provide for the protection of refugees falling under the competence of his Office by: (a) Promoting the conclusion and ratification of international conventions for the protection of refugees, *supervising their application* and proposing amendments thereto” [emphasis added]. This responsibility is reiterated in the Preamble of the 1951 Convention relating to the Status of Refugees (hereinafter: “1951 Refugee Convention”) and Article II of the 1967 Protocol relating to the Status of Refugees (hereinafter: “1967 Protocol”).

³ According to Article 35(1) of the 1951 Refugee Convention “The Contracting States undertake to co-operate with the Office of the United Nations High Commissioner for Refugees ... in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention”.

the different Declarations (New York, Nairobi, Djibouti and Kampala) and the Global Compact on Refugees.

5. UNHCR hopes that the comments and recommendations hereby submitted will provide a valuable contribution to the enactment of the said legislation in compliance with international standards and practice, which will fully correspond to Kenya's long-standing international leading role in upholding refugee and human rights.

II. GENERAL OBSERVATIONS

6. UNHCR welcomes Kenya's efforts to align its Bill with the Constitution of Kenya, 2010, its various international obligations as applicable under national laws, and the regional and global developments in the area of refugee management.
7. It is recognized that the Bill addresses several issues which presented a challenge in the past. Examples include: double registration, security and medical screening, removal from the territory of asylum applicants whose applications have been rejected or of refugees whose status was cancelled or revoked. Further, compared to the Refugees Act, 2006, there are a number of positive provisions, including those which effectively ensure harmonious decision-making in the refugee status determination area (e.g. Refugee Status Eligibility Panel), references to coordination with county authorities; inclusion of refugees in national and county development plans; integration of refugees in communities; handover of facilities upon departure of refugees; etc.
8. Nevertheless, there are some areas where the Bill would benefit from further amendments in order to bring it in line with international refugee and human rights law and which are presented under Part III. UNHCR has also been part of the Inter-Agency Forum on the Review of the Refugees Act, 2006 where a memorandum together with a list of proposed amendments has been submitted. Since this submission captures only key issues; we would like to refer you to the afore-mentioned list for proposed minor amendments.

III. DETAILED OBSERVATIONS

- **Access to the territory and procedures**

UNHCR welcomes the clear reference that no asylum-seeker/refugee shall be refused entry into Kenya if her or his life, physical integrity or liberty would be threatened (Section 29), that they are to be properly informed of the process to apply for refugee status (Section 25) and that they should not be penalized for unlawful entry or presence (Section 15).

While it is fully understandable that transit centers may be needed for the initial reception of asylum-seekers, however, the current definition lists "prisons, immigration centers, police

stations and remand homes” as possible places. These are closed institutions where persons in conflict with the law are held and are not suitable for asylum-seekers. Seeking asylum is not a criminal act, and there is therefore a risk of blurring the distinction between suspects, convicts and civilians seeking asylum. Further, research conducted in different parts of the world highlighted the negative impact closed facilities have on asylum-seekers and therefore recommended that such facilities should only be used as a measure of last, rather than first resort.

UNHCR therefore recommends to amend Part I, Section 2 “transit centre” as follows:

“transit centre” means premises used for the purposes of temporarily accommodating refugees and asylum seekers in order to undertake health or security screening or for the purposes of repatriation or resettlement;

- **Refugee recognition and termination**

- **Refugee definition and grant of status on an individual or prima facie basis**

Definitions- UNHCR welcomes that Section 3(1) of the Bill incorporates overall the refugee definitions as set out in the 1951 Refugee Convention and the 1969 OAU Convention, and that the recognition of a refugee on a *prima facie* basis is applicable to all refugees, irrespective of whether they fall under Section 3(1)(a), (b) or (c). In contrast, prima facie recognition under the Refugees Act, 2006 was only applicable to refugees fulfilling the extended refugee definition under the 1969 OAU Convention.

Meaning of a “refugee”- While the determination of refugee status is only of a declaratory nature – meaning any person meeting the criteria of the refugee definition is a refugee whether s/he is formally recognized or not, in practice there is a difference between a refugee and an asylum-seeker. Further, recognized refugees and asylum-seekers may have at times different entitlements.

UNHCR therefore recommends to amend Part I, Section 2 “refugee” as follows (deletion of the words “and includes an asylum seeker”), in addition to reflecting the wording of the refugee definitions as contained in the 1951 Refugee Convention and the 1969 OAU Convention:

“refugee”, has the meaning assigned to it under section 3 of this Act;

Meaning of “prima facie refugee”- A *prima facie* approach is often used in situations of a large-scale influx where individual status determination is impractical, impossible or unnecessary. In certain situations, a *prima facie* approach may be applied within individual refugee status determination procedures. Later provisions of the Bill refer that the declaration of refugee status is made by the Cabinet Secretary and not by the Committee.

UNHCR therefore recommends to amend Part I, Section 2 "*prima facie* refugee status" as follows:

"prima facie refugee status" means a declaration of refugee status by the Cabinet Secretary as provided for under section 3(2) of this Act;

Declaration of prima facie refugees- Section 3(2) of the Bill stipulates that the Cabinet Secretary can make a declaration upon recommendation from the Committee, however, s/he can unilaterally amend and revoke such a declaration. To ensure the same consultative process, it is recommended to equally involve the Committee in decisions to amend or revoke the declaration to grant refugee status on a *prima facie* basis.

In defining who the *prima facie* refugees are, there is a circular logic in that Section 3(2) refers to Section 3(1)(d) which in turn refers to Section 3(2); further provision (ii) does not add further value.

UNHCR therefore recommends to amend Section 3(2) as follows:

The Cabinet Secretary, on recommendation from the Refugee Advisory Committee may, through the Gazette, declare any class of persons to be refugees on a prima facie basis if it is evident that these persons qualify to be refugees under subsection 3(1)(a), (b) or (c) and may at any time, upon recommendation from the Refugee Advisory Committee, amend or revoke such declaration.

Provided that no such amendment or revocation shall affect the right of any person who is a member of the class of persons concerned and who entered Kenya before the date of such amendment or revocation, to continue to be regarded as a refugee for the purposes of this Act.

Sur place claims- A person may become a refugee *sur place* due to circumstances arising in his/her country of origin during his/her absence or as a result of his/her own actions. The Refugees Act, 2006 under Section 11(2) provides a provision according to which such persons are able to apply for refugee status before the expiry of their lawful stay.

UNHCR therefore recommends to replicate this provision in the Bill in Part VI, Section 24 with some adjustments:

(2) In the case of a person who is in Kenya and is subsequently unable to return to her or his country of origin for any of the reasons specified in section 3 of this Act, she or he shall present her- or himself before an appointed officer and apply for recognition as a refugee in accordance with the provisions of this Act.

- **Exclusion / disqualification from refugee status**

The rationale for exclusion clauses is that certain acts are so grave rendering persons who meet the refugee definition undeserving of international protection. Given the serious implications of excluding a person from international protection as a refugee, the exclusion

clauses listed in the 1951 Refugee Convention/1969 OAU Convention **are exhaustive**. Section 4(1)(d) provides for exclusion where an asylum-seeker could have 'sought asylum in another country'.

In general, claims should be processed by the State where the asylum-seeker is present. Should a State determine that another State is responsible for either determining refugee status or providing protection, then adequate safeguards need to be in place such as:

- a. The other State must agree to admit the person;
- b. Protection from persecution and threats to physical safety and freedom in that State;
- c. The opportunity to re-avail him or herself of protection previously enjoyed in that State.
- d. If not previously recognized as in need of international protection, access to a fair and efficient asylum and appeals procedure;
- e. A right to remain lawfully in the territory for the duration of the asylum procedure, as well as a right lawfully to stay if found to be in need of international protection; and
- f. Standards of treatment commensurate with the 1951 Convention and international human rights standards including, but not limited to, protection from *refoulement*.

In general, onward movement does *not* mean that a person is not a refugee or in need of international protection. Seeking asylum in another country should not be a ground for exclusion but rather disqualification where it can be established that there is a right of admission and access to the asylum procedure in that country. Section 4(2)b provides cause for disqualification if a refugee who was granted status in another country can be readmitted and will benefit from effective protection in that country. The same safeguards should apply to asylum-seekers.

Further, Section 4(1) refers to excluding a person if there "exists serious reason to believe" that the person committed any of the acts listed. The standard in the 1951 Refugee Convention and 1969 OAU Convention is "serious reasons to consider". Though not clearly defined, "serious reasons to consider" can be interpreted as the existence of reliable, credible and convincing evidence, which does not require a determination of guilt in the criminal justice sense, but goes beyond a balance of probabilities. Further, the exclusion provision in the Bill should replicate the wording of the 1951 Refugee Convention exclusion clauses.

UNHCR therefore recommends to amend Section 4(1), Section 4(1)(a) and to remove the reference "could have sought asylum in another country" from Section 4(1)d and include it with "has been granted refugee status in another country" under Section 4(2)(b):

4.(1) A person shall be excluded from being granted refugee status if there exists serious reasons for considering that the person-

(a) has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

...

(2)(b) has sought asylum or has been granted refugee status in another country prior to entry in Kenya and can be re-admitted to that country and benefit currently and in the future in that country from effective protection; or

o **Termination of refugee status: Cessation, Cancellation or Revocation**

Cessation- Refugee status is in principle a transitory phenomenon which lasts only as long as the reasons for fearing persecution in the country of origin persist. Once these reasons disappear, refugee status may be legitimately terminated. Alternatively, refugee status ceases in cases where the refugee has acquired another nationality. Section 5 includes overall the cessation provisions as stipulated under Article 1C of the 1951 Refugee Convention. The last paragraph of Section 5 however limits the raising of compelling reasons to refugees recognized under the 1951 Refugee Convention and not under the 1969 OAU Convention. Yet, there could be situations where refugees who were granted status under the extended refugee definition might equally have compelling reasons to argue that the cessation clauses should not be applicable to them.

UNHCR therefore recommends to amend the last paragraph of Section 5 as follows:

Provided that paragraphs (e) and (f) shall not apply to a refugee as defined by this Act who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself or herself the protection of their country of nationality or former habitual residence.

Cancellation- While overall safeguards have been included in Section 17 as for the cancellation of refugee status, it is important to ensure that the cancellation decision shall only be applicable to the main applicant and her/his family members with derivative status after the exhaustion of all available appeal mechanisms. The current provision of Section 17(6) does not clearly provide this safeguard.

UNHCR therefore recommends to amend Section 17(6) as follows:

Where refugee status under this part has been cancelled, that person shall cease to be a refugee and any member of his or her family with derivative status shall cease to be recognized under this Act on the expiration of seven days after notification of cancellation of status by the Commissioner or upon the final determination on appeal.

Provided that the family members whose derivative status is affected by the cancellation shall have the right to apply to be considered as a refugee under section 12 of this Act.

Revocation- Given the grave consequences for a refugee in case his status is erroneously revoked, it is important to ensure that the revocation decision shall only be applicable to the main applicant and her/his family members with derivative status after the exhaustion of all available appeal mechanisms. Where relevant, it may be prudent to defer decisions on revocation until completion of any domestic criminal proceedings, as the latter may have

significant implications for the assessment of the applicability of the relevant asylum claim. In addition, it is recommended that Section 18(1) is brought into line with the criteria of Art 1F(a) and (c) of the 1951 Refugee Convention.

UNHCR therefore recommends to amend Section 18 as follows (reflecting also that section 18(3) is currently missing):

(1) The Commissioner may revoke the status of any refugee if there are serious reasons for considering that a refugee at any time after recognition as a refugee has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision for such crimes, or has been guilty of acts contrary to the purposes and principles of the United Nations and the African Union.

(2) Where refugee status under this part has been revoked and all appeal mechanisms have been exhausted, that person shall cease to be a refugee under this Act on the expiration of seven days after the date on having received the final decision that his or her recognition has been revoked.

(3) Where refugee status under this part has been revoked, every person who, immediately before such revocation, was within Kenya as a member of the family of such a refugee shall have the right to apply to be considered as a refugee under section 12 of this Act.

(4) Any person whose refugee status has been revoked and does not appeal or has exhausted the available appeal mechanisms, shall leave the country within thirty days of notification of the final order relating to the revocation, failing which the Cabinet Secretary shall remove such person immediately.

In addition, Section 11(4)(b) needs to be amended to include that one of the functions of the Appeals Committee is to hear and determine appeals against revocation and cessation decisions (deletion of the reference to termination which is an umbrella term covering all three types of termination).

The function of the Appeal Committee shall be to hear and determine appeals against any decision of the Commissioner with regard to —

- (a) the rejection of any individual application for refugee status; and***
(b) the cancellation, revocation and cessation of refugee status.

- **Institutions dealing with refugees and coordination of refugee affairs**

In order for a State to deal and manage effectively refugee affairs, there is a need for strong institutions with officers having the requisite expertise on refugee issues and adequate coordination structures.

- **Department of Refugee Services, Commissioner for Refugee Affairs and Eligibility Panel**

UNHCR welcomes the clear functions of the Department of Refugee Services and the broader functions of the Commissioner, compared to the Refugees Act, 2006. Further, the proposed establishment of the Eligibility Panel under Section 13 is a welcome development, thereby ensuring a consistent decision-making by RSD Eligibility Officers.

○ **Refugee Advisory Committee (RAC)**

Composition- Given the fact that refugee issues are cross-cutting, UNHCR welcomes the engagement of the different line Ministries in the Refugee Advisory Committee, as well as representatives from the Offices of the Attorney General, the Inspector General and the Council of Governors. Given the significant role counties play in hosting refugees and asylum-seekers and including them in services and development plans, as well as the support provided by civil society, it is recommended to include representatives from designated counties and civil society in the RAC.

UNHCR therefore recommends to amend Section 9(2) as follows:

The Committee shall include a representative from each of the designated counties and one member from the civil society and may co-opt any other person to attend the meeting of the Committee and advise it on performance of its duties.

Chair of RAC- Section 9(1) refers to the Commissioner as the Chairperson. Since the RAC foresees participations of Principal Secretaries from the different line Ministries, it is proposed to include the Principal Secretary from the Ministry responsible for refugee affairs as the chairperson and in his/her absence, the Commissioner (with deletion of current Section 9(1)(b)). Further, to ensure effectiveness and accountability of the RAC members, it is proposed that the designation of representatives of Ministries and other officers on the RAC will be in writing.

UNHCR therefore recommends to amend Section 9(1) as follows:

- (1) The Committee shall consist of—*
- (a) the Principal Secretary from the Ministry responsible for refugee affairs who shall be the chairperson or in his or her absence the Commissioner and who shall in the presence of the Principal Secretary be a member of the Committee and also provide secretariat services to the Committee;*
 - (b) the Principal Secretary or their representative in writing from the Ministry responsible for foreign affairs;*
 - (c) the Principal Secretary or their representative in writing from the Ministry responsible for devolution affairs;*
 - (d) the Principal Secretary or their representative in writing from the Ministry responsible for health;*
 - (e) the Principal Secretary or their representative in writing from the Ministry responsible for finance;*
 - (f) the Principal Secretary or their representative in writing from the Ministry responsible for education;*
 - (g) the Attorney-General or their representative in writing;*
 - (h) the Director of the Department of Immigration or their representative in writing;*
 - (i) the Inspector-General or their representative in writing; and*
 - (j) one person representing the Council of Governors.*

Functions of the RAC- It is recommended to include a reference to asylum-seekers under Section 10(a) and (b) as well as to revise 10(c) in order to be consistent with Section 3(2). The RAC advises the Cabinet Secretary not only on the declaration or revocation but also on a possible amendment. Further, it is recommended to refer to “prima facie determinations” instead of “prima facie status” since refugees recognized on a *prima facie* basis will remain refugees until their status is terminated. What is being brought to a stop is the practice of recognition of refugees on a prima facie basis; instead newly arriving asylum-seekers would go through individual refugee status determination.

UNHCR therefore recommends to amend Section 10 as follows:

The functions of the Committee shall be to-

- (a) advise the Cabinet Secretary on formulation of national policies on matters relating to refugees and asylum seekers in accordance with international standards;*
- (b) advise the Cabinet Secretary on matters relating to refugees and asylum seekers;*
- (c) advise the Cabinet Secretary in respect of declaration, amendment or revocation of prima facie determinations; and*
- (d) ensure in liaison with other government authorities that adequate and appropriate facilities and services are provided for the reception and care of refugees during an emergency situation.*

o **Refugee Status Appeals Committee**

Chair/independence of the Committee- Procedures in place in most States recognize that standards of due process require an appeal or review mechanism to ensure the fair functioning of asylum procedures, although the nature of the appeal or review can vary quite widely depending on administrative law standards applicable in the country. A key procedural safeguard deriving from general administrative law and essential to the concept of effective remedy, has become that the appeal be considered by an authority different from and independent of that making the initial decision.

As stipulated in the Bill, the first instance decision would be taken by the Commissioner, who directly reports to the Principal Secretary in the Ministry of Interior. The Chair of the second instance body is appointed by the Principal Secretary (the same person to whom the Commissioner reports). It is notable that the Refugees Act, 2006 provided for the appointment of a Chair “who is an advocate of not less than ten years’ standing”. Further, the Refugees Act, 2006 under Section 9(4) stipulated that the appeals body shall be independent in the exercise of its functions. The current draft provisions seemingly reduce the authority and independence of the Committee established under this section.

UNHCR therefore recommends to amend Section 11(2)(a) as follows, in addition to including a reference to the independence of the Appeals Committee under Section 11:

(2) The Cabinet secretary shall, by notice in the Gazette appoint the following persons to serve in the Appeals Committee—

- (a) a chairperson who is an advocate of not less than ten years standing appointed by the Cabinet Secretary;*

(x) The Appeals Committee shall be independent in the exercise of its functions under this Act.

Decision-making of the Committee- The current Bill foresees a quorum of three members. Given the grave implications of possible erroneous decisions, it is important to ensure that members with knowledge and experience in refugee matters are included in order to form a quorum.

UNHCR therefore recommends to amend Section 11(3) as follows:

The quorum for a meeting of the Appeal Committee shall be three members and shall include at least one member under section 11(2)(e).

Secretariat- To ensure that the Appeals Committee will be an effective second instance body, there is a need to create a Secretariat that will assist the Committee to execute its mandate. Members of the Secretariat will record appeal applications, arrange and conduct interviews and prepare the assessments, record decisions, etc. This part of the work cannot be done satisfactorily by Committee Members given that they have their own functions. However, considering cost implications resulting from the establishment of a Secretariat, this could be offset through reducing the number of Committee members.

UNHCR therefore recommends to add a provision at the end of Section 11:

The Government shall provide the Appeals Committee with a Secretariat for the purposes of discharging its mandate.

- **Expulsion of asylum-seekers or refugees, including removal from application process**

Expulsion- The implementation of the current Section 19(2) - expulsion of asylum-seekers or refugees engaged in conduct that “is in breach or likely to be in breach of public order or contrary to public morality” - would lead to a violation of the *non-refoulement* principle. Exceptions to the right to *non-refoulement* are exhaustively listed in Article 33(2) of the 1951 Refugee Convention as being: a refugee for “whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country”.⁴ Breach or likely breach of public order or public morality would be too extensive an interpretation of this provision. Further, while public order could be a ground for expulsion under Section 32 of the 1951 Refugee Convention, public morality is not. Besides, the forward-looking nature of the terminology “likely to be in breach” is not covered under the situations for expulsion.

⁴ Note, however, that the *non-refoulement* provision under CAT and ICCPR would fully apply without exception if the person would be subject to torture upon return.

UNHCR therefore recommends the deletion of this provision, bolstered by the fact that these offences are already regulated under the Penal Code.

Removal from application process- Section 23(5) which provides for removal of asylum-seekers from the application process if they do not abide by lawful orders issued by the mandated institutions. The expulsion provisions under Sections 19(1) and 29(2) of the Bill are enough to ensure that the State can expel persons who are regarded as a danger to the national security or public order in Kenya.

UNHCR therefore recommends to amend Section 23(5) as follows:

(5) A person who has submitted an application for refugee status shall be under an obligation to abide by all the laws of Kenya including all the lawful orders given by the mandated institutions under this Act.

(6) A person that contravenes section 23(5) above commits an offence.

- **Rights and obligations of refugees and asylum-seekers**

Section 28(1) summarizes the rights and obligations of refugees and asylum-seekers referencing international instruments and national laws. A number of basic refugee rights are reflected in other parts of the Bill⁵ or can be inferred from other provisions in the Bill (e.g. access to health and education comes under “access to essential services”). Section 40(1) lists a number of offences, including “being a refugee, works or is engaged in gainful employment without the payment of tax”. At the same time, refugees face various obstacles in being granted a work permit, obtaining a KRA PIN or having access to financial services; hence, in the absence of an enabling environment for refugees to work, it is proposed to delete this provision.

While the Constitution of Kenya, 2010 provides for the automatic incorporation of international instruments into national law and the 1951 Refugee Convention, therefore, is directly applicable at the national level, not all provisions of the 1951 Refugee Convention are self-executing. Further, there are Articles like Article 18 of the 1951 Refugee Convention which provides the State with the option to provide ‘treatment as favourable as possible, and in any event, not less favourable than that accorded to aliens generally in the same circumstances ...’. In other words, States can grant refugees the same rights as citizens (treatment as favourable as possible) or treat them like ‘normal’ foreigners. The decision regarding the rights and treatment refugees will receive must be taken when adopting a

⁵ The Bill provides for some rights in other parts: Section 12 – right to file an application for refugee status, including access to appeals (Refugee Status Appeals Committee; High Court); Section 15 – right not to be penalized for unlawful presence; Section 22 - right to remain in Kenya during status determination; Section 29 – right not to be *refouled*; Section 37 – right to voluntary repatriation.

national law and cannot be left to the discretion of executing authorities. In addition, the listing of rights introduces certainty of the law, removes the element of discretionary powers, leaves little opportunity for arbitrary action and enable refugees to contribute more once their rights and investments are protected.

While it would be preferable to have the rights and obligations of asylum-seekers and refugees clearly listed in the Bill (see, for example, the refugee laws in Uganda or Ethiopia), it is recommended to have at least, at a minimum, a provision which makes reference to the relevant rights, also to address areas which significantly hinder the refugees' self-reliance (e.g. access to work permits and registration of businesses; access to KRA PIN, bank accounts, mobile money, etc.) and contributing to local economies, including through payment of taxes. This provision could be included after Section 28(1), in addition to clarifying that the identification for refugees and asylum-seekers shall be adequate to the rights provided by law:

(2) Without prejudice to the generality of section 28(1) above:

(a) The grant of refugee status shall constitute lawful presence in Kenya;

(b) Every refugee has the right to identification and civil registration documents, travel documents, social protection, access to education and health services, as well as right to gainful employment, including access to banking, financial and telecommunication services, and shall be under an obligation to contribute to the national and local economy through taxation; and

(c) Every asylum-seeker has the right to identification and civil registration documents and access to essential services, including food, shelter, education, health, water and sanitation services, and where relevant, social protection.

(x) The refugee and asylum-seeker identification shall be adequate to the rights provided by law.

- **Refugee management**

Research has shown that previous refugee models – care and maintenance of refugees in camps, parallel service structures – are not only responsible for the refugees' dependency on continued relief but do not adequately take into account the needs of host communities. In line with the Comprehensive Refugee Response Framework, the Global Compact on Refugees and the Sustainable Development Goals (including the principle of leaving no one behind), the protracted situations of the majority of refugees in Kenya can only be adequately addressed through expanded self-reliance of asylum-seekers and refugees (which also requires improved freedom of movement), their socio-economic inclusion in the existing and future services and infrastructures and the gradual transformation of the current camps in integrated settlements where both the refugee and host populations live together and access the same services. The current Bill has a number of provisions which reflect this direction in Parts V, VI and VII.

Designated counties/areas- Under Section 28(2), the Cabinet Secretary may designate specific counties for hosting refugees (instead of only referencing designated areas), thus providing more freedom of movement and allowing refugees to better contribute to the economic development of the areas where they are residing.

The Bill empowers the Commissioner to manage the movement of refugees and s/he may require any refugee to move to or reside in a designated area (Section 31(2)). Newly arriving asylum-seekers will not be self-sufficient and will require essential services to have their basic needs met. Therefore, it is proposed that refugees should only be required to reside in designated counties/areas if they are in need of essential services. Self-reliant refugees should not be required to live in designated areas/counties.

Therefore, UNHCR recommends to amend Section 33 as follows:

28. (2) The Cabinet Secretary may, by notice in the Gazette and in consultation with the relevant county governments, designate specific counties for the *purposes of accommodating asylum-seekers and refugees who require essential services.*

31. (1) *The Commissioner may require refugees and asylum-seekers in need of essential services to be within a designated area, to move to or reside in any other designated area.*

Facilitation of access to designated areas- While from a security point of view it is important to put in place arrangements which ensure that the Commissioner is aware of who is residing in a designated area, the current phrasing in the Bill is very restrictive and requires that a permission be sought preemptively before entering the designated area. In particular, this may negatively impact the ability and interest of private sector investment within the current "camps". In addition, the current punishment appears to be excessive.

Therefore, UNHCR recommends to amend Section 33 as follows:

33(1) *No person other than a person authorized by the Commissioner, a person employed by the Department, a refugee or asylum seeker shall enter a designated area except with the permission of the Commissioner.*

(2) *A person seeking to enter a designated area shall make an application to the Commissioner in writing stating the reasons and time for such an application.*

(3) *The Commissioner shall review such request as made under section 33(2) and issue a decision in writing without undue delay.*

(4) *The Commissioner may authorize entry, upon request, of the UNHCR, other UN agencies, public benefit organizations, other organisations and private sector that seek to offer services to refugees in these areas.*

(5) *A person who contravenes the provisions of this section commits an offence and shall upon conviction be liable to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding six months, to both.*

Keeping and maintaining a register- In order for the Commissioner to effectively manage the asylum-seeker and refugee population, it is vital that s/he is able to keep and maintain a register where the data of all refugees and asylum-seekers are kept. In order to avoid future double registration, it is proposed to reflect that the fingerprints of an asylum seeker and family members are checked against all national fingerprint databases.

Data protection/confidentiality- Further, there is a need to ensure that adequate data protection and confidentiality provisions are in place to ensure that the data of asylum-seekers and refugees are stored safely and no personal data shall be disclosed, directly or indirectly, to the authorities or agents of the country of origin, including foreign missions, unless in the context of voluntary repatriation. The Refugees Act, 2006 under its Section 24 provides for the confidentiality in handling asylum-seeker and refugee information.

In light of the above, UNHCR recommends to include Section 24 of the Refugees Act, 2006 in the current Bill, Part VIII with some adjustments, in addition to revising Section 8(2)(b):

Part VIII

(1) No member of the Committee, employee or agent of the Department of Refugee Services shall disclose information acquired under this Act except—

(a) in the course of his duties under this Act; or

(b) with the consent of the Commissioner.

(2) No person who receives information in contravention of sub (1) shall disclose or publish the information, particularly not to the authorities or agents of the country of origin.

(3) A person who contravenes any provision of this commits an offence and shall on conviction be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months or both such fine and imprisonment.

8.(2)(b) receive, register and maintain a register for all refugees and asylum seekers in Kenya and ensure that the fingerprints of an asylum seeker and family members are checked against all national fingerprint databases;

- **Protection of vulnerable refugee groups**

Section 43(k) of the Bill makes specific reference to women, children, unaccompanied minors, persons and other vulnerable groups who may require additional protection. Other Sections refer to different groups considered in need of special measures. To ensure a more inclusive approach of other vulnerable groups, it is recommended to amend Sections 21, 29(3)(b) and 36 accordingly.

21. The Commissioner shall ensure that appropriate measures are taken to ensure the safety of asylum seekers and refugees who suffer from disability, trauma or are of old age or otherwise require special protection at all times during admission into and stay in Kenya.

29(3)(b) provision of adequate and appropriate facilities and services necessary for the group of persons affected by the influx with particular reference to women, children and other vulnerable groups;

36. In the integration of refugees in the host communities, the Commissioner shall, in cooperation with the United Nations High Commissioner for Refugees, relevant County Governments and the other organizations involved in the assistance of refugees, ensure that special attention is given to women, children, persons with disabilities, elderly and other vulnerable groups.

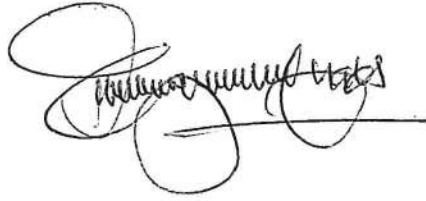
- **Regulations**

In order to implement the Bill, Section 43(1) foresees that the Cabinet Secretary will issue regulations. To ensure the timely issuance of regulations, there is a need for a time limit.

UNHCR recommends to amend Section 43(1) as follows:

*43. (1) The Cabinet Secretary shall make regulations generally for giving effect to this Act and for prescribing anything required or necessary to be prescribed by or under this Act **within six months of the commencement of this Act.***

UNHCR Kenya, 18 October 2019



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October 16th, 2019

Clerk of the National Assembly

P.O. BOX 41842-00100

Nairobi, Kenya

Attention: Departmental Committee on Administration and National Security

RE: The Refugees Bill, 2019: A Memorandum

Introduction

In keeping with the developments taking place globally, Kenya has instituted a review of its refugee legal and institutional framework so as to align it further with international norms and best practices. The Refugees Bill, 2019 is currently before the National Assembly of the Republic of Kenya as a Government sponsored Bill, tabled by Hon Aden Duale, the Member of Parliament for Garissa Township who also doubles up as the Leader of Majority Party in parliament. Pursuant to Article 118(1)(b) of the Constitution of Kenya, 2010, I do hereby wish to submit this memorandum to the committee detailing my observations and/or comments critical of a clause, provision or omissions in the Bill.

Key Provisions in the Bill

¹ Ekai Nabenyio is a holder of Bachelor of Laws (LLB) degree from the University of Nairobi and a Master of Laws (Migration and Refugee Law) degree from the University of Dar es Salaam (United Republic of Tanzania). His LLM Thesis was Titled: *Freeing Refugees from the Limbo of Donor-Dependency: An Analysis of Kenya's Refugees Bill, 2016.*

Local Host Communities (See Clause 34 of the Bill) →

The Bill has recognized as key stakeholders and has provided for the involvement of local host communities in refugee recognition, protection and management. Be that as it may, however, there is need to bolster the provisions on such host communities, who are increasingly becoming very key in refugee management as the Turkana and Garissa Counties experience may have indicated. In addition to the sensitization that has been provided for, this provision must also clearly indicate how host communities will **meaningfully benefit** from refugee presence in their midst. This will help reduce the tensions that are often witnessed between refugees and host communities over land use, natural resource management and cultural differences. Apart from a mention at Clause 34, the Bill has not adequately addressed itself to the critical issue of host communities that often face the brunt of refugee presence in their midst. Apart from sharing common social amenities, it is my proposal that this section be expanded to include **the sharing of economic and other benefits by refugees & the host communities** so as to meaningfully integrate refugees into the local communities. It is important to note that most of local communities evidently face the same challenges as refugees except that they have not crossed an international border. This may help tone down the acrimony that has often existed between Refugees and Hosts especially in a context like Turkana's. In the words of a refugee scholar, Dr. Ekuru Aukot, it shouldn't be better to be a refugee than a Turkana in Kakuma again.

Freedom of Movement for Refugees (See Clause 28 of the Bill) →

Progressively, refugee hosting countries that are enacting refugee legislations at this point in time, such as Republic of Uganda in 2006 and most recently Ethiopia, have recognized the need to allow refugees the freedom of movement. Refugee zero-grazing/warehousing in refugee camps/settlements has proven to be ineffective as it has concomitant negative repercussions on refugee livelihoods and self-reliance. Uganda for instance has a liberal refugee law/policy that allows refugees the freedom to move and earn a living. The UN Convention, 1951 also accords refugees this right. Notably, Kenya has signed to this convention and to the Protocol of 1967. While it was provided for under the 2016 Agostino

		<p>(9) The Appeals Committee may co-opt an officer of the United Nations High Commissioner for Refugees to advise the Committee in performance of its functions.</p> <p>(10) The Appeals Committee shall convene as and when appeals have been filed against decisions of the Commissioner and, save as expressly provided in this Act, regulate its own procedures.</p>	
9.	<p>Section 14(3): Appeals</p> <p>(3) Where the High Court upholds the decision of the Commissioner against which an applicant had unsuccessfully appealed to the Appeals Committee, the Commissioner shall within sixty days of the ruling of the High Court notify the Director of Immigration of the decision, who shall thereafter deal with the applicant in accordance with written law on immigration.</p>	<p>Amend section 14(3) by deleting 'within sixty days' and inserting 'within ninety days' therefor as follows:</p> <p>(3) Where the High Court upholds the decision of the Commissioner against which an applicant had unsuccessfully appealed to the Appeals Committee, the Commissioner shall <i>within ninety days</i> of the ruling of the High Court notify the Director of Immigration of the decision, who shall thereafter deal with the applicant in accordance with written law on immigration.</p>	<p>This change is proposed for the sake of consistency with section 22(1)(c) and section 22(2).</p>
10.	<p>Section 18: Revocation of refugee status</p> <p>18. (1) The Commissioner may revoke the status of any refugee if the refugee at any time after recognition as a refugee has committed a war crime or a crime against humanity, as defined in any international instrument to which Kenya is a party.</p> <p>(2) Where refugee status under this part has been revoked that person shall cease to be a refugee under this Act on the expiration of seven days after the date on which the Commissioner notifies the person concerned that his or her recognition has been revoked.</p>	<p>Amend as follows:</p> <p>18. (1) The Commissioner may revoke the status of any refugee if the refugee at any time after recognition as a refugee has committed a war crime or a crime against humanity, as defined in any international instrument to which Kenya is a party.</p> <p>(2) Where refugee status under this part has been revoked that person shall cease to be a refugee under this Act on the expiration of seven days after the date on which the Commissioner notifies the</p>	<p>The amendments were made because:</p> <ul style="list-style-type: none"> • There was a missing section 18(3); • Section 18(5) repeats a provision already made under section 17(5).

<p>(4) Where refugee status under this part has been revoked, every person who, immediately before such revocation, was within Kenya as a member of the family of such refugee shall have the right to apply to be considered as a refugee under section 12 of this Act.</p> <p>(5) Any person whose refugee status has been cancelled or revoked shall leave the country within thirty days of notification of the final order relating to the cancellation or revocation, failing which the Cabinet Secretary shall remove such person immediately.</p>	<p>person concerned that his or her recognition has been revoked.</p> <p><i>(3) Any person whose refugee status has been revoked and does not appeal or has exhausted the available appeal mechanisms, shall leave the country within thirty days of notification of the final order relating to the revocation, failing which the Cabinet Secretary shall remove such person immediately.</i></p>	<p>Section 19(2) is superfluous. An expulsion provision is granted under section 19(1) and section 29(2).</p>
<p>11. Section 19(2): Expulsion of refugees or members of their families</p> <p>19. (1) Subject to section 30, the Cabinet Secretary may order the expulsion from Kenya of any refugee or member of his family if the Cabinet Secretary considers the expulsion to be necessary on the grounds of national security or public order.</p> <p>(2) Subject to subsection 19(1) a refugee or an asylum seeker engaging in a conduct that is in breach or is likely to result in breach of public order or contrary to public morality irrespective of whether the conduct is linked to his claim for asylum or not, may be expelled from the Kenya by an order of the Cabinet Secretary.</p> <p>(3) Before ordering the expulsion from Kenya of any refugee or member of his family in terms of subsection (1) of this section, the Cabinet Secretary shall act in accordance with the due process of law.</p>	<p>Amend by deleting the section and renumbering as follows:</p> <p>19. (1) Subject to section 30, the Cabinet Secretary may order the expulsion from Kenya of any refugee or member of his family if the Cabinet Secretary considers the expulsion to be necessary on the grounds of national security or public order.</p> <p>(2) Before ordering the expulsion from Kenya of any refugee or member of his family in terms of subsection (1) of this section, the Cabinet Secretary shall act in accordance with the due process of law.</p>	<p>Section 19(2) is superfluous. An expulsion provision is granted under section 19(1) and section 29(2).</p>

12.	<p>Section 20(1): Refugee women and children</p> <p>20. (1) The Commissioner shall ensure that specific measures are taken to ensure the dignity and safety of women and children seeking asylum and women and children who have been granted refugee status at all times during their stay in designated areas.</p>	<p>Amend section 20(1) by deleting 'during their stay in designated areas' and replacing it with 'during admission into and stay in Kenya' as follows:</p> <p>20. (1) The Commissioner shall ensure that specific measures are taken to ensure the dignity and safety of women and children seeking asylum and women and children who have been granted refugee status at all times <i>during admission into and stay in Kenya</i>.</p>	<p>Section 20(1) ensures measures for the protection of women and children in designated areas but not if they reside outside. It is recommended that Section 20(1) be expanded to ensure protection for women and girls who are exempted from living in designated areas; this is then also consistent with wording of section (21).</p>
13.	<p>Section 21: Care for persons with disability and persons who have suffered trauma</p> <p>21. The Commissioner shall ensure that appropriate measures are taken to ensure the safety of asylum seekers and refugees who suffer from disability and persons or groups of persons who have been traumatized or otherwise require special protection at all times during admission into and stay in Kenya.</p>	<p>Amend the section by replacing the phrase 'suffer from disability and persons or groups of persons who have been traumatized' with '...suffer from disability, trauma and older persons' as follows:</p> <p>21. The Commissioner shall ensure that appropriate measures are taken to ensure the safety of asylum seekers and refugees who <i>suffer from disability, trauma or are of old age</i> or otherwise require special protection at all times during admission into and stay in Kenya.</p>	<p>Recommendation to include persons of old age and specify the support to be provided to all three groups in the Regulation.</p>
14.	<p>Section 22(1) (c) & 22(2): Right to remain in Kenya during status determination</p> <p>(c) where such person has appealed under section 14, and his or her appeal has been unsuccessful, until such person has been allowed a reasonable time, not exceeding sixty days to seek admission to a country of his or her choice.</p>	<p>Amend by deleting the phrase 'not exceeding sixty days.' as it appears on section 22(1)(c) and replacing it with 'not exceeding ninety days' as follows:</p> <p>(c) where such person has appealed under section 14, and his or her appeal has been unsuccessful, until such person has been allowed a reasonable time, <i>not exceeding ninety days</i> to seek</p>	<p>There is an inconsistency at the time allowed for an asylum seeker whose claim has been rejected to seek admission to another country of his/her choice. A 90 day period is recommended as provided in the current Refugees Act, 2006.</p>

	<p>(2) The Cabinet Secretary may, on application being made to him or her by the person concerned, extend the three-month period referred to in subsection (1)(c) if he or she is satisfied that there is a reasonable likelihood of the person being admitted to a country of his or her choice within such extended period.</p>	<p>admission to a country of his or her choice.</p>	
15.	<p>Section 23(5): Applicant to be issued with an asylum seeker's pass</p> <p>(5) A person who has submitted an application for refugee status shall be under obligation to abide by all the laws of Kenya including all the lawful orders given by the mandated institutions under this Act, failure to which the Commissioner shall have powers to strike them out of the asylum process and advice the Cabinet Secretary to remove them from Kenya subject to the applicable immigration laws.</p>	<p>Amend section 23 by section 23(5) and substituting it with two new subsections as follows:</p> <p><i>(5) A person who has submitted an application for refugee status shall be under obligation to abide by all the laws of Kenya including all the lawful orders given by the mandated institutions under this Act.</i></p> <p><i>(6) A person that contravenes section 23(5) above commits an offence.</i></p>	<p>The manner in which Section 23(5) has been framed opens an interpretation wherein a misdemeanour could be used to expel a refugee or asylum seeker. Moreover, expulsion provisions under section 19(1) and 29(2) are sufficient.</p>
16.	<p>Section 24: Entry into Kenya by refugees</p> <p>24. Any person entering Kenya to seek asylum shall make his or her intention known immediately upon entry or within thirty days by reporting to the nearest reception centre or the nearest government administrative office.</p>	<p>Amend section 24 as follows:</p> <p>24. (1) Any person entering Kenya to seek asylum shall make his or her intention known immediately upon entry or within thirty days by reporting to the nearest reception centre or the nearest government administrative office.</p> <p>(2) <i>In the case of a person who is lawfully in Kenya and is subsequently unable to return to his country of origin for any of the reasons specified in section 3 of this Act, he shall, prior to the expiration of his lawful stay, present himself before an appointed</i></p>	<ul style="list-style-type: none"> Section 11(2) of the Refugees Act, 2006 expressly provided for asylum seekers that are in Kenya legally and for reasons provided under the provisions that define refugees are unable or unwilling to return to their countries of origin. This allowed them to apply for the status before the expiry of their lawful stay. This is the justification for proposing a section 24(2)

		<p><i>officer and apply for recognition as a refugee in accordance with the provisions of this Act.</i></p> <p><i>(3) Where there is a large-scale influx of persons claiming to fall within the meaning of refugees under section 3, the Commissioner shall, in consultation with the representatives of the United Nations High Commissioner for Refugees advise the Cabinet Secretary on emergency measures to be taken including-</i></p> <p><i>(a) designation of areas for reception, transit and residence of refugees, having due regard to the security requirement for refugees to be settled at a reasonable distance from the frontier of their country of origin;</i></p> <p><i>(b) provision of adequate and appropriate facilities and services necessary for the group of persons affected by the influx with particular reference to women and children; and</i></p> <p><i>(c) ensuring the civilian and humanitarian character of areas designated for refugees and the sensitization of the local population for their reception.</i></p>	<ul style="list-style-type: none"> Proposed section 24(3) has been moved from 29(3); see justifications for section 24(3) in recommendation 46 below.
17.	<p>Section 25: Designation of refugee reception officers</p> <p>(3) Subject to subsection (2) asylum seekers may be temporarily accommodated at the reception holding areas as they await further processing by the Department.</p> <p>(4) Asylum seekers who enter the country through places, other than gazetted entry points, shall</p>	<p>Amend to include a new subsection (4) and renumber the current subsection (4) as follows:</p> <p>(3) Subject to subsection (2) asylum seekers may be temporarily accommodated at the reception holding areas as they await further processing by the Department.</p>	<p>Asylum seekers should not be held ad infinitum in transit centres.</p>

	<p>immediately report to the nearest government administrative office for further assistance.</p>	<p><i>(4) Asylum seekers at transit centres shall be processed and released within reasonable time;</i></p> <p><i>(5) Asylum seekers who enter the country through places, other than gazetted entry points, shall immediately report to the nearest government administrative office for further assistance.</i></p>	
<p>18.</p>	<p>Section 28: Rights and obligations of refugees</p> <p>28. (1) Subject to this Act, every refugee and every asylum seeker within Kenya shall be entitled to the rights and be subject—</p> <p>(a) to the duties contained in the UN Convention, its Protocol and the OAU Convention; and</p> <p>(b) all the laws in force in Kenya.</p> <p>(2) The Cabinet Secretary may, by notice in the Gazette and in consultation with the relevant county governments, designate specific counties to host refugees.</p> <p>(3) The Cabinet Secretary may, by notice in the Gazette, designate places and areas in Kenya to be transit centres for purposes of temporarily accommodating refugees.</p> <p>(4) Subject to this Act, refugees shall be enabled to contribute to the economic and social development of Kenya by facilitating access to, and issuance of,</p>	<p>Amend section 28 as follows:</p> <p>28. (1) Subject to this Act, every refugee and every asylum seeker within Kenya shall be entitled to the rights and be subject—</p> <p>(a) to the duties contained in the UN Convention, its Protocol and the OAU Convention; and</p> <p>(b) all the laws in force in Kenya.</p> <p><i>(2) Without prejudice to the generality of section 28(1) above:</i></p> <p><i>(a) Every refugee has the right to identification documents, travel documents, social protection, access to education and health services, as well as engagement in livelihood activities and shall be under an obligation to contribute to the national and local economy through taxation; and</i></p> <p><i>(b) Every asylum-seeker has the right to documentation and access to essential services, including food, shelter, education, health, water and sanitation</i></p>	<p>The section as is currently framed does not offer a clear provision on the benefits of holding refugee documents. The proposed amendment is meant to address this gap. It also does not spell out the rights in a clear manner. Also section 40(1)(m) provides an offence but there is no corresponding duty that underpins the offence.</p>

	<p>the required documentation at both levels of Government.</p>	<p><i>services, and where relevant, social protection.</i></p> <p>(3) The Cabinet Secretary may, by notice in the Gazette and in consultation with the relevant county governments, designate specific counties to host refugees <i>purposes of accommodating of refugees who require essential services.</i></p> <p>(4) The Cabinet Secretary may, by notice in the Gazette, designate places and areas in Kenya to be transit centres for purposes of temporarily accommodating refugees for <i>security and medical screening.</i></p> <p>(5) Subject to this Act, refugees shall be enabled to contribute to the economic and social development of Kenya by facilitating access to, and issuance of, the required documentation at both levels of Government.</p> <p><i>(5) The refugee and asylum seeker identification shall be adequate to the rights provided by law.</i></p>	
19.	<p>Section 29(3): Non-refoulement</p> <p>(3) Where there is a large-scale influx of persons claiming to fall within the meaning of refugees under section 3, the Commissioner shall, in consultation with the representatives of the United Nations High Commissioner for Refugees advise the Cabinet Secretary on emergency measures to be taken including-</p> <p>(a) designation of areas for reception, transit and residence of refugees, having due regard to the security requirement for refugees to be</p>	<p>Amend section 29 by deleting subsection (3) and moving it to Section 24 as indicated in recommendation 16 above.</p>	<p>The affected subsection is misplaced in the current section.</p>

	<p>settled at a reasonable distance from the frontier of their country of origin;</p> <p>(b) provision of adequate and appropriate facilities and services necessary for the group of persons affected by the influx with particular reference to women and children; and</p> <p>(c) ensuring the civilian and humanitarian character of areas designated for refugees and the sensitization of the local population for their reception.</p>		
20.	<p>Section 31: Requirement to reside in a designated area</p> <p>31. The Commissioner may require any refugee is within a designated areas to move to or reside in any other designated area.</p>	<p>Amend the section as follows:</p> <p>31. (1) The Commissioner may require any refugee <i>who is in need of essential services and</i> is within a designated areas to move to or reside in any other designated area.</p>	<p>The revision is meant to make the section clearer.</p>
21.	<p>Section 34(1): Integration of refugees into communities</p> <p>34. (1) The Commissioner shall ensure that there is shared use of common social amenities between the refugees and the host communities.</p>	<p>Amend the section by replacing the words 'social amenities' and replacing therefor with "public institutions, facilities and spaces" as follows:</p> <p>34. (1) The Commissioner shall ensure that there is shared use of <i>public institutions, facilities and spaces</i> between the refugees and the host communities.</p>	<p>The term social amenities was ambiguous and thus the proposed rephrasing.</p>
22.	<p>Section 36: Affirmative action for women, children and persons with disabilities</p> <p>36. In the integration of refugees in the host communities, the Commissioner shall, in cooperation with the United Nations High Commissioner for Refugees and the other organizations involved in the assistance of refugees,</p>	<p>Amend the section as follows:</p> <p>36. In the integration of refugees in the host communities, the Commissioner shall, in cooperation with the United Nations High Commissioner for Refugees, <i>relevant County Governments</i> and the other organizations involved in the assistance of refugees, ensure that special attention is given to women, children</p>	<p>Proposal to include reference to County governments in light of devolved services and reference to older persons.</p>

23.	<p>ensure that special attention is given to women, children and persons with disabilities.</p> <p>Missing section: Confidentiality</p> <p>39. (1) The Department shall keep and maintain a register of all persons who have been granted refugee status and persons seeking asylum in Kenya.</p> <p>(2) The Department shall as soon as practicable after the coming into force of this Act update the register to take into account the matters provided for by this Act.</p> <p>(3) The Commissioner shall register and keep records of all asylum seekers and refugees present and the designated areas established in Kenya and for this purpose shall be deemed to be the Registrar of the asylum seekers and refugees provided that he or she may delegate this function in writing to a Settlement officer or refugee officer.</p>	<p>persons with disabilities, <i>older persons and other vulnerable groups</i>.</p> <p>Amend the Bill by inserting a new section 40 after the current section 39 and amend the later as follows as follows:</p> <p>39. (1) The <i>Commissioner</i> shall keep and maintain a register of all persons who have been granted refugee status and persons seeking asylum in Kenya.</p> <p>(2) The <i>Commissioner</i> shall as soon as practicable after the coming into force of this Act update the register to take into account the matters provided for by this Act.</p> <p>(3) The Commissioner shall register and keep records of all asylum seekers and refugees present and the designated areas established in Kenya and for this purpose shall be deemed to be the Registrar of the asylum seekers and refugees provided that he or she may delegate this function in writing to a Settlement officer or refugee officer.</p> <p>40. (1) <i>No member of the Committee, employee or agent of the Department of Refugees shall disclose information acquired under this Act except—</i></p> <p style="padding-left: 40px;">(a) <i>in the course of his duties under this Act; or</i></p> <p style="padding-left: 40px;">(b) <i>with the consent of the Commissioner.</i></p>	<p>Retain the confidentiality provisions under section 24 of the Refugees Act, 2006. The section provides for confidentiality in handling asylum seeker and refugee information. Noting that article 31 Constitution of Kenya 2010 provides for the right to privacy and data protection, it is not clear why the provision was dropped in the Bill.</p>
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MEMORANDUM

To: Hon. Paul Koinange, Chairman of the Departmental Committee on Administration and National Security of the National Assembly

From: Kakuma Host Community

Date: 8th November, 2019

Subject: Submission of Kakuma Host Community views on the Refugees Bill, 2019 (National Assembly Bill No. 62 of 2019)

Introduction

With regards to the call for public participation advertised by the National Assembly Departmental Committee on Administration and National Security, on Refugees Bill, 2019 Kakuma Host Community writes to you with our views/suggestions on some of the provisions of the Bill and for your consideration as we have been living alongside the refugees and asylum seekers from the year 1992. Our concerns and suggestions are as indicated below-

LIST OF AMENDMENTS TO THE REFUGEES BILL, 2019 AS PROPOSED BY THE KAKUMA HOST COMMUNITY

No.	Clause	Proposal	Justification
1.	Preliminaries	<ul style="list-style-type: none">• Provide a clear definition of the term host	The local population is a broad term

		<p>community.</p> <ul style="list-style-type: none"> • Use the term host community in place of local population. • Provide a clear definition of the term local integration and the consequences of local integration to the host community. 	<p>which includes persons from other areas residing in the area for purposes of employment or business.</p>
2.	<p>Clause 28: Rights and Obligations of Refugees</p> <p>2) The Cabinet Secretary shall in consultation with the relevant county governments designate specific counties to host refugees.</p>	<p>The designated areas that is, the refugee camps should remain as they are in the Refugee Act of 2006 as follows-</p> <p>2) The Cabinet Secretary shall in consultation with the relevant county governments designate specific areas to be refugee camps.</p>	<p>Challenges that could arise from this clause are as follows;</p> <ul style="list-style-type: none"> • Insecurity • Land disputes • Interference with host community culture and values because of practises among some of the refugees such as homosexuality.
3.	<p>Clause 29 (3) Non Refoulement</p> <p>(c) Ensuring civilian and humanitarian character of areas designated for refugees and the sensitization of the local population for their reception.</p>	<p>Replace local population with host population in the clause as follows-</p> <p>c) Ensuring civilian and humanitarian character of areas designated for refugees and the sensitization of the host community for their reception.</p>	<p>The local population is a broad term which includes persons from other areas residing in the area for purposes of employment or business.</p>
4.	<p>Clause 30: Designated areas</p> <p>The Commissioner shall work with the national and county Government authorities within and around the designated areas to ensure the protection of the environment and the</p>	<p>Inclusion of UNHCR and agencies in protection of the environment and the rehabilitation of designated areas.</p>	<p>Agency personnel together with the host community and the refugees have better capacity to protect the environment and rehabilitate</p>

	rehabilitation of areas that had been used as designated areas.		designated areas together.
5.	<p>Clause 33: Restriction of persons entering a designated area</p> <p>2) A person seeking to enter a designated area shall make an application to the Commissioner in writing stating the reason and time for such an application.</p>	<p>Amend the clause to be clear on persons who need to make an application to the Commissioner in writing for them to enter designated areas.</p>	<p>Some members of the host community live in or around the designated areas with the refugees so it is not clear whether these persons also need to make a written application to the Commissioner for them to enter the designated area</p>
6.	<p>Clause 34: Integration of Refugees into Communities</p> <p>1) The Commissioner shall ensure that there is shared use of common social amenities between the refugees and the host communities</p>	<p>Amend the clause to include social amenities for refugees and those of the host community separately and not shared</p> <p>Inclusion of a clause allowing the host community to benefit from agency services for example food from UNHCR.</p>	<p>We propose that houses be built for the host community in Kalobeyei also because the current structures have been built for refugees while the host have no houses. We suggest a 50/50 ratio benefit.</p> <p>On food distribution, that refugees receive food distribution from UNHCR while the host community sometimes lack food so we propose that a clause be included allowing the host community to benefit from agency services,</p>
7.	Clause 34: Integration of Refugees into Communities	Amend this clause to include the involvement of local leadership to ensure peaceful coexistence	Involvement of local leadership is important especially in matters of

	<p>2) The Commissioner shall sensitize the host community about the presence of refugees and any other matter relating to their co existence with each other.</p>	<p>between refugees and the host community.</p>	<p>peaceful coexistence.</p>
<p>8.</p>	<p>Clause 34: Integration of Refugees into Communities</p> <p>3) The Commissioner shall in Consultation with the Cabinet Secretary, establish measures for the handing over of amenities set up for the use of asylum seekers and refugees to national and county government authorities upon departure of refugees from the place where the amenities had been set up for their use.</p>	<p>Amend this clause to state that resources to be handed over to the host community as follows-</p> <p>The Commissioner shall in Consultation with the Cabinet Secretary and County government authorities, establish measures for the handing over of amenities set up for the use of asylum seekers and refugees to the host community upon departure of refugees from the place where the amenities had been set up for their use.</p> <p>Include a clause concerning the disposal of current assets to the host community.</p>	<p>The resources should benefit the host community living within the areas designated for hosting refugees.</p>

Conclusion

Thank you for giving us an opportunity to raise our views on the Refugee Bill 2019. We hope that our concerns will be taken into consideration.

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9. Duties of the commissioner should include awareness creation on refugee matters and documents amongst various national and county governmental authorities.

The refugee community of Kakuma and Kalobeyei appreciate the opportunity to share their views on the Bill. We submit the memorandum pursuant to call for public participation as required by the Constitution of Kenya 2010. We hope that these suggestions will be considered and be taken into account in the final Act.

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Hon. Paul Koinange, Chairman of the Departmental Committee on Administration and National Security of the National Assembly
8th November, 2019
The Clerk,
National Assembly,
P.O. Box 41842-00100, Parliament Building,
Nairobi

RE: REFUGEE VIEWS ON THE REFUGEES BILL, 2019










Dear Sir,

Receive greetings from the refugees living in Kakuma. We write as refugee leaders and members community to share our views on the Refugee Bill 2019. Kindly find below issues for your kind consideration and action:

1. We recommend that refugees or their representatives be involved in the development of rules referred to under Section 32 of the subject Bill. The rules apply to the refugee population and thus should be involved in the formulation process.
2. We recommend that refugee identification cards issued by the national government, give refugees the powers to contribute to the social and economic development of Kenya as provided under section 28(4) by accessing services such as KRA pin, telecommunication services, banking and mobile banking services, e-citizen and EFNS.
3. We further recommend a more simplified process for the acquisition of a work permit.
4. We recommend that Refugee Identity cards should not have an expiry but should be surrender to the Department of Refugee Services upon attaining a durable solution.
5. A refugee identity card issued by the national government should be deemed as sufficient for purposes of traveling outside designated areas as the same applies to citizens and aliens traveling within the country.
6. Refugees or their representative humanitarian organisations to be considered as a member of the Refugee Advisory Committee.
7. Refugees should not only be involved in the initiation and formulation of sustainable development and environmental plans according to section 35, we recommend that the refugees should be involved in the implementation of such as it gives them an active role and participation in the social and economic development of Kenya.
8. We recommend the replacement of the word appropriate as provided under section 21 and replace it with the word proper as it shows that it is not optional but have made a commitment.

	<p>(2) <i>No person who receives information in contravention of sub (1) shall disclose or publish the information.</i></p> <p>(3) <i>A person who contravenes any provision of this commits an offence and shall on conviction be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months or both such fine and imprisonment.</i></p>	
<p>24. Section 43(1): Regulations</p> <p>43. (1) The Cabinet Secretary shall, make regulations generally for giving effect to this Act, and for prescribing anything required or necessary to be prescribed by or under this Act.</p>	<p>Amend the section as follows:</p> <p>43. (1) The Cabinet Secretary shall, make regulations generally for giving effect to his Act, and for prescribing anything required or necessary to be prescribed by or under this Act <i>within 6 months of the commencement of this Act.</i></p>	<p>We recommend that a time limit to set for the enactment of the regulations for the proper administration of the law.</p>

(4)

No.	Name	Signature
1.	SILALE EDUPUS CALISTUS	
2.	PROT KALUAS LUCAS	
3.	SILVIA EKATAN	
4.	JOHN PHALIA IRIKI	
5.	EDUNG LOWEET GABRIEL	
6.	CEMATS EKAL JULIUS	 Kp. 21
7.	SELINA KIYONGA	
8.	EWESIT ETIIR	
9.	FURRI JOSEPH MUNOI	
10.	ERAI MATHEW EWAT	
11.		
12.		

COUNTY GOVERNMENT OF GARISSA

MEMORANDUM OF VIEWS ON THE REFUGEES BILL, 2019 (NATIONAL ASSEMBLY BILL NO.62 OF 2019) SUBMITTED TO THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY OF THE NATIONAL ASSEMBLY

Introduction

This is a memorandum of views on the Refugees Bill, 2019 (National Assembly Bill No.62 of 2019) submitted by the County Government of Garissa. The County Government takes note of the Constitutional mandate of the National Assembly to make legislation and lauds the Departmental Committee on Administration and National Security (DCANS) for organising for public input as requires by article 118(1)(b) of the Constitution of Kenya, 2010.

Summary of Issues

✕ County government exclusion

County governments are the levels of government that directly engage with refugees and asylum seekers as they are hosted in the counties. For instance, the County Government of Garissa has been hosting refugees in the Dadaab refugee camp complex for close to three decades. The refugees have lived side by side with the residents of the county and shared the local resources. Since the Constitution of Kenya, 2010 has devolved certain functions such as provision of water and health care which are among the shared resources between the two populations, it is important that hosting county governments are involved in the decision making process that would affect the sharing of such resources.

We however note that this is not reflected in the Refugees Bill, 2019. Clause 9 creates the Refugee Advisory Committee (RAC).. The Committee is meant to advise the Cabinet Secretary on policy decisions such as setting up designated areas among other decisions. We view the provision for a representative from the Ministry of Devolution and a representative from the Council of Governors as inadequate representation. He who wears the shoe know where it pinches. We recommend that hosting county governments, that

have first-hand experience with refugees, are represented in the proposed Refugee Advisory Committee.

Additionally, clause 34 calls for the sharing of resources between the refugees and host community. It puts the responsibility to ensure this sharing on the Commissioner for Refugee Affairs. It further provides that the responsibility of raising awareness among the host community on co-existence with refugees lies with the Commissioner. Whereas this provision is necessary for the social and economic integration of refugees, we take issue with the fact that the Commissioner need not engage the County Governments hosting these refugees. We wonder how the Commissioner of Refugee Affairs can ensure shared use of resources that is provided by the County Governments without the involvement of the County Governments that host refugees. We further urge the Departmental Committee on Administration and National Security (DCANS) to review this provision and include a clear provision that will compel the Commissioner to engage the hosting County Governments on such decisions.

Non-retroactivity of penalty on double registration

The County Government of Garissa has noted that clause 40 (3) creates the offence of double registration. That is to say that where a Kenyan knowingly registers as a refugee then he/she commits an offence. Whereas there is need to regulate this matter for the effective implementation of the Bill, if it becomes law as is, we are concerned about the fate of the current stock of Kenyans registered as refugees.

✕ There are a number of Kenyans that are registered as refugees in the United Nations High Commissioner for Refugees (UNHCR) database. Some of these Kenyans were registered while they were minors by their adult parents and relatives. Others registered as adults. They registered as refugees in order to receive food and other type of assistance provided to refugees during drought period when other sources of assistance failed them. As such, they did this for their very survival.

They are currently living with the consequences of this decision. Kenyan children registered as refugees that have reached the age of majority cannot get a national identification card as their names are still in the refugee register. Without the national identification card, they cannot get jobs or get access to higher education financing from institutions such as the Higher Education Loans Board (HELB) that requires the document. Some have been passed over for scholarships overseas because they cannot be

able to travel abroad without a passport that requires the national identification card. Our fear is that the provisions of clause 40(3) may be applied retrogressively thereby adding hardship to these people.

Therefore the County Government of Garissa recommends that the clause expressly states that it will not apply retrogressively. This will ensure that the law will not be used to punish past indiscretions. We further call upon (DCANS), using its constitutional authority of oversight, to inquire from the Ministry of Interior and Coordination of National Government about the progress of re-registration of those affected as Kenyans as ordered by His Excellency the President Hon. Uhuru Kenyatta in 2017 at a public function in Garissa.

X Control of designated areas

Clause 33 of the Refugees Bill provides for the control of designated areas. It forbids the entrance of any person not authorized by the Commissioner or that is not a refugee or an employee of the Department of Refugee Services (DRS) in to the area. Moreover, it makes it an offence to enter the designated area without the authority of the Commissioner.

We understand that this provision is necessary to ensure that the civilian and humanitarian character of the designated area is maintained. However, we are concerned that the implementation of this provision may hinder the effective execution of refugee hosting county governments' mandate. Clause 2 lists settlements among designated areas. It is our understanding that trade activities are envisioned in such settlements to enhance integration between refugees and the host community as it currently the case with the Kalobeyei Settlement in Turkana County. If our understanding is accurate, how would county governments be able to access these areas for the sake of revenue collection and enforcement of other county laws? Additionally, where an emergency occurs which would fall under the jurisdiction of county governments to address, the hosting county governments would have to seek permission from the Commissioner of Refugee Affairs to effect their constitutional mandate.

This provision needs to be better phrased to facilitate the county governments to execute their constitutional mandate in the designated areas. A proviso needs to be provided that in cases that fall under the jurisdiction of the county government, then nothing in the

provisions under clause 33 shall be deemed to limit the hosting county government to act in accordance with its constitutional mandate.

Reception centres

Garissa County Government welcomes the provisions on the creation of reception centres. We view these centres as essential to maintaining a civilian and humanitarian character of refugee management in Kenya. Reception centres will be places where asylum seekers will be screened for security and medical issues thereby ensuring that hosting refugees and asylum seekers do not affect the security and public safety of Kenyans.

Be that as it may, we view that this provision will be fraught with a significant challenge. The border between Kenya and Somalia, the biggest contributor of refugees in Kenya, remains closed ostensibly to improve national security. This decision has had the opposite effect to what was intended. The closure has meant the withdrawal of government presence at border points which means no security or medical screening. Those plying the routes between the two countries for the purposes of trade have fallen victims to bandits that charge them unofficial taxes.

In light of this concern, we propose that the law provides that these transit areas be constructed as soon as possible. We also propose that the centres be constructed at a reasonable distance from the country of origin to ensure the protection of asylum seekers. Finally, we request that DCANS follow-up with the Ministry of Interior and Coordination of National Government to understand whether the decision to close the border between Kenya and Somalia still serves the purpose for which it was intended.

Qualifications of the Commissioner for Refugee Affairs

Clause 8 creates the office of the Commissioner for Refugee Affairs. This is an important office as the Commissioner is the overall manager of refugee affairs in Kenya. We therefore believe that this position requires clearly spelt out requirements of the office holder. Furthermore, the appointment of the Commissioner needs to be competitive and the appointment made through a Gazette Notice.

Freedom of movement

Freedom of movement is a human right. Refugees and asylum seekers, like other human beings, also have this right. The same has been affirmed by our courts in the case of *Attorney General v. Kituo Cha Sheria & 7 others [2017] eKLR*. In that case the Court of Appeal affirmed the reasoning of High Court delivered by Justice Majanja in *Kituo Cha Sheria & 8 Others v. Attorney General [2013] eKLR*. He found that article 26 of the 1951 United Nations Convention on the Status of Relating to Refugees was recognized by and should be read into the Constitution of Kenya, 2010. Article 26 of the Convention provides for freedom of movement for refugees.

We note that Kenya is located in a conflict prone geopolitical location. Therefore we understand the need to strike a balance between national security and refugee protection. However we view that warehousing refugees causes more damage to national security than it promotes it. Warehousing refugees creates a population that is destitute in the camps and cannot seek opportunities for their economic wellbeing. Noting that most of those in the camps have lived there for close to 30 years, this state of affairs leads to idleness which is more likely to lead to criminality and insecurity. We recommend that the proposed refugee database under clause 39 of the Bill be used to map out the details of refugees including where they reside. This will be an effective tool of tracking the movement of refugees in Kenya while at the same time protecting their right to movement as provided by the Constitution of Kenya, 2010.

Local integration

The Refugee Bill, 2019 improves on the Refugees Act, 2006 in many respects. One of the improvements is the definition of local integration and the provisions on how the same is to be implemented under Part VII of the Bill. However, we note that the provision does not go far enough to cover deserving cases especially for those living in Dadaab refugee camp.

Local integration has been defined in a way that leaves out a path for any other alternative status such as permanent residency. This despite the fact that some Kenyans has intermarried with the refugee population and such marriages have produced children. Article 53 of our Constitution provides that such children, being Kenyans as they are born by a Kenyan parent, have the right to the protection and care from both parents. One parent being a refugee subject to the process of repatriation to their country of origin may

fly in the face of this right. We recommend that alternative immigration status pathways be considered for such individuals for their sake and that of their children.

Due process

The rule of law is an integral part of a civil society. Due process is a necessary condition for the rule of law. Therefore, the County Government of Garissa is concerned about the provision under clause 19(2) of the Bill. This clause empowers the Cabinet Secretary to expel a refugee or asylum seeker without access to due process on the part of the later. This limits the right to a fair trial for affected refugees and asylum seekers. We therefore recommend that this provision be removed as it is unnecessary in light of a similar provision under clause 19(1).

Refugee documentation

Clause 28(4) of the Refugees Bill, 2019 speaks of facilitation to access and issuance of documents for refugees. These documents are meant to encourage the participation of refugees in the economic and social life of Kenya. As much as this provision is a slight improvement of the wording in section 16(4) of the Refugees At, 2006, it is very vague as to the rights that these documents will entitle the holder. We therefore recommend that the clause clearly spell out rights such as employment (including self-employment), social security, health, education among other rights.

Conclusion

The County Government of Garissa would like to reiterate its appreciation to DCANS for this opportunity to be heard on this important Bill. We do hope that the issues that we have raised in this memorandum will be carefully considered and suggested amendments be input in the final version of the Bill. We are available to this Committee should there be any issues that require clarification.

Section 40 3

x What happens to those youths who are already registered with refugees to greener parties but are Kenzans?

- Inter Marriage

x Many Kenzans married refugee & vice versa, what happens to the children born out of that marriage?

- Compensation

x This region has hosted refugees for more than 20 yrs, how will these bill address the issue of compensation in terms of:-

- i) roads - The road from DDB to USA
- ii) Environment

IDRIS G. NOOR

DA MP DADNATS
Date 24/10/2019



MEMORANDUM ON THE REFUGEES BILL, 2019

Introduction

1. The Inter-agency Ad Hoc Committee on the Review of the Refugees Act, 2006 (hereinafter referred to as the Committee) is a committee made up of eight refugee non-governmental agencies working in Kenya. These organizations have been formally engaging the Refugee Affairs Secretariat (RAS) to support the review of the Refugees Act being undertaken by RAS. The eight organizations include the United Nations High Commissioner for Refugees (UNHCR), Kituo cha Sheria, RefuShe, Danish Refugee Council (DRC), International Rescue Committee (IRC), HIAS, Amnesty International and the Refugee Consortium of Kenya (RCK).
2. The purpose of the Committee was to consolidate the view of organizations and agencies working on refugee issues in Kenya. To this end, the Committee gathered views from the organizations headquartered and/or working in Nairobi. These views have been consolidated into a List of Proposed Amendments annexed to this memorandum. What follows is a summary of the proposed issues to be amended in the Bill as were raised by the refugee agency that were consulted in the making of this memorandum.

Summary of Issues

Expulsion

3. Two of the provisions in the Bill on expulsion of refugees are too harsh and surpass what is necessary and allowable under the Constitution of Kenya, 2010 and other applicable laws. Clause 19(2) could possibly lead to refoulement¹ contrary to the safeguards provided in the 1951 Convention. Section 19(2) empowers the Cabinet Secretary to remove a refugee or an asylum seeker if their conduct ‘...is in breach or is likely to result in breach of...or contrary to public morality...’ which means that offences against the order of nature that are punishable under the Penal Code would now become offences that would cause a refugee or an asylum seeker to be expelled. The addition

¹¹¹ Refoulement is a term used to describe forceful return of a refugee to a country where they are likely to face persecution or where their lives or wellbeing are threatened. Generally, the law prohibits Kenya from doing such an act. This is a principle that is recognized under general principles of international law as well as by article 2(5) of the Constitution of Kenya, 2010. It is also recognized under article 32 of the United Nations Convention relating to the Status of Refugees, done at Geneva on 28th July, 1951 and acceded to by Kenya on 16th May, 1966 and article 3 of the Convention against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly of the United Nations on 10th December 1984 and acceded to by Kenya on 21st February, 1997. These two conventions are recognised as Kenyan law through article 2(6) of the Constitution of Kenya.

of 'public morality' goes beyond the confines of article 32 of the 1951 UN Refugee Convention which binds Kenya which provides for the removal of a refugee or asylum seeker that poses a threat to national security and public order.

4. It is our considered opinion that clause 18, 19 (1), 19 (3) and 29 sufficiently provide for the expulsion of a refugee that is found to be guilty of offences that breach or are likely to breach national security and public order. Should refugees and asylum seekers commit offences that do not rise to the level of threatening national security and public order, then they should be handled by the criminal justice system that is in place in Kenya.

Data Management and Confidentiality

5. The Committee lauds the Government of Kenya's proposal to establish and maintain a refuge and asylum seeker register. To maintain the civilian and humanitarian character of refugee protection in Kenya, the Government needs to know how many refugees and asylum seekers there are in Kenya and where they reside. The Bill provides for a refugee register in clause 39 and provides under clause 31 that refugees and asylum seekers must notify the Commissioner every time they move. The Refugees Act, 2006 only provides for the movement passes but does not provide for a register for refugees and therefore this provision is good as it will improve the management of refugees.
6. Be that as it may, we are concerned by the lack of data protection and confidentiality provisions in the law. Section 24 of the Refugees Act, 2006 does make provisions on how refugee information should be handled. Taking into consideration that some of these refugees have fled brutal regimes that might seek to take their lives, handling of data concerning them must be clearly spelt out to avoid the same falling into the wrong hands. Moreover, article 31 Constitution of Kenya 2010 provides for the right to privacy and data protection, it is not clear why the provision was dropped in the Bill.

Refugee rights and obligations

7. The provisions on the refugee and asylum seeker rights under clause 28(4) of the Bill need be elaborated. Section 16(4) of the Refugees Act, 2006 currently limits access to the labour market to 'wage-earning employment.' However, refugees can and very often do engage in employment creation businesses. This creates a challenge for refugees that are seeking work permits as entrepreneurs and complicates their ability to

abide to Kenya's tax laws as they cannot access Kenya Revenue Authority (KRA) personal identification numbers (PINs).

8. According to a recent study conducted in Kakuma,² refugees own and run about 1000 businesses in the camp with an estimated household consumption of Kes.4.1 billion in Kakuma Town and Kes.1.7 billion in Kakuma camp itself.³ These businesses have hired the local Turkana population thereby contributing to the reduction of unemployment in Kenya and the improvement of welfare among the Kenyans living there. Additionally, a study conducted in 2015⁴ found that half of those employed in refugee owned businesses in Nairobi were Kenyan nationals.
9. There needs to have a clear reference to refugee rights and duties to support refugee contribution to Kenya's economy. Refugee businesses are currently being conducted outside the ambit of tax laws thereby making refugees – who want to contribute to the economy – outlaws. The provisions of this clause need to clarify what rights accrue to refugees and what the limitations, if any, are as provided by article 24 of the Constitution of Kenya.

Fair administrative action

10. Article of 47 of the Constitution of Kenya provides for the right to fair administrative action. The Committee notes that some positive changes have been made in the Bill that would allow asylum seekers to access fair administrative action. The Bill establishes the Eligibility Panel (clause 13) and the Refugee Status Appeals Committee (clause 11) to ensure that asylum seekers have the right to heard and their case fairly determined.
11. However we are concerned by the lack of independence of the Refugee Status Appeals Committee and that it lacks a secretariat to assist in the discharge of its functions. Section 9 (4) of the Refugees Act, 2006 provides for the independence of the Refugee Appeals Board, the predecessor to the Appeals Committee should the Bill be enacted into law. We therefore do not see why this provision should be removed from the current Bill under consideration by DCANS. The independence of this Committee is necessary for the realization of fair administrative action.

² International Finance Corporation (2018). *Kakuma as a Market Place*. IFC: Washington DC, USA.

³ Ibid

⁴ Refugee Consortium of Kenya (2015). *Myths and Truths*. RCK: Nairobi, Kenya

12. Moreover, the Bill doesn't not elaborate how decisions are to be made by the Appeals Committee. Section 9(6) as read with provision 7 of the Fifth Schedule to the Refugees Act, 2006 provide a clear manner on how decisions are to be made by the Refugee Appeals Board. The decisions of the Board are to be made by voting. This is similar to what the Bill proposes as the decision making system for the Refugee Advisory Committee under clause 9(4) of the Bill. We propose this be included in the Bill.

Conclusion

13. In conclusion, we appreciate the invitation from DCANS to express our opinion on this Bill. We hope that the weighty issues that we have raised would be carefully considered. Attached to this memorandum is a list of proposed amendments that provide detail of the changes that the Inter-Agency Ad Hoc Committee on the Review

0711952677
Kuit Maken Duk
damazimpele@gmail.com



MEMORANDUM

RECOMMENDATIONS ON THE REFUGEES BILL, 2019

To: Departmental Committee on Administration and National Security of the National Assembly

From: Refugee Leaders in Nakuru County

Date: 23rd October, 2019

Introduction

1. This memorandum is submitted by Refugees Leader in Nakuru County on the Refugees Bill, 2019. Names of the leaders are provided at the end of the memorandum.
2. This memorandum provides recommendation on the Refugees Bill, 2019 that is currently before the National Assembly for discussion. The recommendations were agreed on by the refugee leaders and it is our prayer that they inform the development of the refugee law.

Summary of Issues

1) Restrictions against entering designated areas – Section 33

- The restrictions against entering designated areas without permission from the Commissioner are unnecessary for refugees and members of the host community because they are the residents of those areas. Penalty for not seeking permission is a fine of not more than Kshs. 200,000 or imprisonment of not more than 5 years or both. It is our view that the penalty for not seeking permission is too harsh.
- It is recommended that refugees and the members of the host community be exempt from the provision of seeking permission. It is further recommended that the penalty for not seeking permission to enter a designated area be reduced.

2) Additional grounds for expulsion- Section 23 (5)

- The requirement for refugees to abide by all the laws of Kenya or be expelled from the country is unfair and discriminatory as given in Section 23 (5).

- Asylum seekers and refugees in Kenya who break the Kenyan law should be punished just like any other Kenyan as provided in the law. A refugee should only be removed from Kenya if they are a threat to national security or public order as stated in Section 19.
- It is recommended that asylum seekers should be taken through the same justice system that Kenyans go through when they commit crimes and not be expelled from Kenya
- It is also recommended that additional grounds to expel a refugee from Kenya to be removed from the law.

3) Transit centres- Section 2

- It is provided that prisons and police stations may be used as transit centres for temporarily accommodating asylum seekers. It is not proper that prisons and police stations be used as transit centres because such institutions may re-traumatize asylum seekers who are already experiencing trauma from the reasons that caused them to flee their countries.
- Secondly, no specific provision is given on how long asylum seekers are to be accommodated at the transit centres.
- It is recommended that humanitarian organisations and religious institutions such as churches be used as transit centres instead.
- It is recommended that asylum seekers be held at transit centres for no more than one week.

4) Special measures for refugee women and children- Section 20

- The provision for special measures to be taken to protect refugee women and children living in designated areas is good.
- There are other people in the community who require help such as elderly, widowers, mentally challenged persons and persons living with HIV.
- It is recommended that the provision be expanded to include the elderly, widowers, mentally challenged persons and persons living with HIV.
- It is further recommended that the provision be expanded to protect all vulnerable persons living not just in the designated areas but also in urban areas.

5) Security Screening- Section 27

- Taking asylum seekers through security screening at the entry points is a good provision. However, there is the risk of security officers planting contraband or illegal things on asylum seekers to jeopardize their application for refugee status.
- It is recommended that the security screenings be done in the presence of a humanitarian officer in order to prevent such cases from happening.

6) The requirement to live in designated areas- Section 31

- The provision that refugees and asylum seekers are to reside in designated areas is good but some exceptions could be made.
- There are refugees who have businesses or have been employed outside the camps and are able to provide for themselves.
- It is recommended that refugees who have the ability to be self-sufficient should be allowed to reside in urban areas.

7) Time allowance for an asylum seeker to stay in the country after his application for refugee status has been declined- Section 22

- The provision that asylum seekers whose refugee status applications have been declined are given 60 days to seek admission into another country is not adequate time.
- Also, Section 22(3) states that time period will be 90 days. It is not clear if the time will be 60 days or 90 days.
- It is recommended that the time period be extended to 90 days to allow sufficient time to be admitted into another country.

Report of the Refugee Bill Sensitization Workshop Held on 14th & 15th October 2019 at

Dadaab

30 Refugee representatives from Ifo, Hagadera and Dagahaley attended a two day sensitization workshop conducted by RCK on the Refugee Bill 2019. The Participants comprised of representatives from the Somali, Sudanese, Congolese, Ethiopian and Host community members. The objective of the workshop was to:

- Sensitize the participants on the provisions of the current Refugees Act 2006
- Sensitize the participants on the provisions of the proposed Refugee Bill 2019
- Deliberate on emerging concerns emanating from the provisions of the Refugee Bill.

The representatives found the sessions very informative and raised the following concerns that they hoped would be addressed through inclusion in the contents of the Bill.

The major concern raised was how some of the provisions of the Bill would be implemented, for instance how integration would be effected and eventually enjoyed by both the Host communities and the Refugees as proposed under **clause 28(4)** of the RB19.

The following were the proposals made by the representatives:

- Alien Cards to be used for more purposes other than identification e.g to be used as travel documents within Kenya, in the same way that Kenyans use ID Cards to move within Kenya. *- to do business & the integration will create co-existence & harmony*
- Validity of Alien Cards to be more than 5 years and expire only when a durable solution is attained. The process of renewal is tedious and marred with technicalities from RAS, where renewed Alien Cards are issued way after they have already expired.
- Regulations to be developed to facilitate local integration. There needs to be specific regulations on sharing of natural resources such as firewood, land, water points, to avoid conflict with the host community and other authorities for instance the Kenya Police Reservists (KPR) and the National Police Service.
- Regulations on equal access to jobs for both refugees and Kenyans. There is need for affirmative action for refugees to have certain quotas of jobs and access to similar employment opportunities.

- Have a refugee representative in the Refugee Advisory Committee (**Clause 9(1)(K) RB19**).
- Abolishment of the encampment policy and refugees to be allowed to settle anywhere in the country.
- Rephrasing of **Clause 4(1) (d)** as it amounts to violation of the right to seek asylum. There are circumstances under which a POC may seek asylum in more than one country due to safety concerns in the first country of asylum.

WAY FORWARD

The participants stated that the contents of the Bill looked promising especially the provisions on local integration. They expressed hope in the Bill being enacted into law and expected that RCK to lobby the government to implement the contents of the Bill when it becomes Law. They asked for more forums to be held within the community in order to sensitize the whole camp of the ongoing process.

Mr. Michael Sialai, EBS,
The Clerk,
National Assembly,
P.O. Box 41842- 00100,
Parliament Building,
Nairobi

23rd October, 2019

Dear Sir,

RE: REFUGEE VIEWS ON THE REFUGEES BILL, 2019

Greetings from the refugees living in Dadaab. We write as refugee chairpersons to share our views on the Refugee Bill 2019.


We humbly raise the below issues for your kind consideration:


1. We recommend that refugee ID cards to be used for more purposes other than identification e.g to be used as travel documents within Kenya, in the same way that Kenyans use ID Cards to move within Kenya.
2. We further recommend that the validity of refugee ID cards be more than 5 years and expire only when a durable solution is attained. The process of renewal is tedious and marred with technicalities from RAS, where renewed refugee ID cards are issued way after they have already expired.
3. We recommend that regulations be developed to facilitate local integration. There needs to be specific regulations on sharing of natural resources such as firewood, land, water points, to avoid conflict with the host community and other authorities for instance the Kenya Police Reservists (KPR) and the National Police Service.
4. We propose the formulation of regulations on equal access to jobs for both refugees and Kenyans. There is need for affirmative action for refugees to have certain quotas of jobs and access to similar employment opportunities.
5. We recommend the inclusion of a refugee representative in the Refugee Advisory Committee (**Clause 9(1)(K) RB19**).
6. We recommend the abolishment of the encampment policy and refugees to be allowed to settle anywhere in the country.

7. We recommend the rephrasing of **Clause 4(1) (d)** as it amounts to violation of the right to seek asylum. There are circumstances under which a POC may seek asylum in more than one country due to safety concerns in the first country of asylum.
8. We further recommend that the time period in Clause 17 regarding cancellation be extended beyond the 30 days provided for vulnerable persons, persons with disabilities and children.

We hope that these suggestions will be considered and be taken into account in the final Act to ensure better protection of refugees in the country.

Yours sincerely,

Name	<i>Abdullahi Ali</i>	ID No.	<i>794534</i>	Signature	
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<i>Nyasijin Tiger</i>	<i>A43423993</i>	
<i>Panyuan</i>		

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International Rescue Committee

Kenya Program
Tel: +254 (0)733-344443 or +254 (0)20-2717730
E-mail: irckenya@rescue.org

② CAZOM RA

Please deal

FA @ 31/10/19

October 30, 2019

Mr. Michael R Sialai, EBS
Clerk of the National Assembly,
Office of Clerk, Main Parliament Building,
P.O. Box 41842-00100,
Nairobi

① DLcoms
Please deal.
31/09/19

Dear Mr. Sialai,

Greetings from the International Rescue Committee,

The International Rescue Committee (IRC) is a humanitarian organization, founded in 1933, that responds to the worst humanitarian crises and helps people whose lives and livelihoods are shattered by conflict and disaster to survive, recover and gain control of their future. The IRC operates in more than 40 countries around the world. Since 1992, in Kenya we have been providing health care, nutrition, women's protection and empowerment, livelihood support, protection and governance interventions to hundreds of thousands of refugees and Kenyan communities in Garissa, Turkana and Nairobi counties.

The IRC submits this memorandum pursuant to the call for submission of memorandum in the matter of consideration by the National Assembly:- The Refugees Bill (National Assembly Bill No. 62 of 2019)

Section	Proposal	Justification
<p>Section 2: Definition of a transit centre</p> <p>"transit centre" means areas designated by the Cabinet Secretary for the purposes of temporarily accommodating persons covered under this Act pending transfer to either the designated areas, reception centres, settlement centres or pending health or security screening, and may include prisons, immigration detention centres, police stations, remand homes or any other areas designed as such;</p>	<p>Amend the section ad follows:</p> <p><i>"Transit centre means premises used for the purposes of temporarily accommodating refugees and asylum seekers in order to undertake health or security screening or for the purposes of repatriation or resettlement"</i></p>	<p>The Bill introduces immigration detention. Section 2 of the Bill defines transit centres to include prisons, immigration detention centres and police stations. These are areas in which individuals in conflict with the law are held. Therefore such facilities are not suitable for asylum seekers because seeking asylum is not a crime. Moreover, there are no timelines in which a person is required to stay at a transit centre. This therefore could mean an indeterminate stay at these facilities that often do not have enough monetary resources to house even the individuals that are in conflict with the law.</p>
<p>Section 2: Definition of "Local Integration"</p> <p>"local integration" means the gradual process through which refugees are incorporated into the society through a process that ensures that refugees attain border rights, have improved standards of living and positively contribute to the social life of the host country;"</p>	<p>Amend the section to include the word "economic"</p> <p>"local integration" means the gradual process through which refugees are incorporated into the society through a process that ensures that refugees attain border rights, have improved standards of living and positively</p>	<p>The definition should include "economic" life, so that it refers to both economic and social rights.</p>

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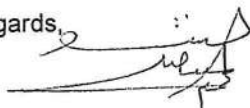


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	contribute to the <i>economic and social life of the host country;</i> "	
Section 19(2): Expulsion of refugees or members of their families	Amend by deleting "or contrary to public morality"	
19. (2) Subject to subsection 19(1) a refugee or an asylum seeker engaging in a conduct that is in breach or is likely to result in breach of public order or contrary to public morality irrespective of whether the conduct is linked to his claim for asylum or not, may be expelled from the Kenya by an order of the Cabinet Secretary.	Subject to subsection 19(1) a refugee or an asylum seeker engaging in a conduct that is in breach or is likely to result in breach of public order irrespective of whether the conduct is linked to his claim for asylum or not, may be expelled from the Kenya by an order of the Cabinet Secretary.	Section 19(2) may amount to refoulement contrary to the 1951 Refugee Convention because it sets a lower threshold for expulsion than what is defined in article 32 of the 1951 UN Refugee Convention. The conventions provides for expulsion for threat to national security and public order.
Section 28: Rights and obligations of refugees	Amend section 28 as follows:	
28. (4) Subject to this Act, refugees shall be enabled to contribute to the economic and social development of Kenya by facilitating access to, and issuance of, the required documentation at both levels of Government.	28. (4) Subject to this Act, the government shall issue required documentation at both levels of government to facilitate local integration of refugees to enable them to contribute to the economic and social development of Kenya	"Local Integration" as defined in the preliminary section (Part 1, Section 2) is not applied anywhere in the bill. Section 28(4) refers to local integration and should be adjusted to make express reference by including the term "local integration".

We laud the by the Departmental Committee on Administration and National Security for extending this invitation to interested members of the public to submit representations on the said bill.

Regards,



Mohamed ELMontassir Hussein
Country Director
International Rescue Committee



Name: HON. MOHAMMED ABDI FARAH
Designation: MCA DADAAB
Date: 24/10/2019
COUNTY GOVERNMENT OF GARISSA

MEMORANDUM OF VIEWS ON THE REFUGEES BILL, 2019 (NATIONAL ASSEMBLY BILL NO.62 OF 2019) SUBMITTED TO THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY OF THE NATIONAL ASSEMBLY

Introduction

This is a memorandum of views on the Refugees Bill, 2019 (National Assembly Bill No.62 of 2019) submitted by the County Government of Garissa. The County Government takes note of the Constitutional mandate of the National Assembly to make legislation and lauds the Departmental Committee on Administration and National Security (DCANS) for organising for public input as requires by article 118(1)(b) of the Constitution of Kenya, 2010.

Summary of Issues

County government exclusion

County governments are the levels of government that directly engage with refugees and asylum seekers as they are hosted in the counties. For instance, the County Government of Garissa has been hosting refugees in the Dadaab refugee camp complex for close to three decades. The refugees have lived side by side with the residents of the county and shared the local resources. Since the Constitution of Kenya, 2010 has devolved certain functions such as provision of water and health care which are among the shared resources between the two populations, it is important that hosting county governments are involved in the decision making process that would affect the sharing of such resources.

We however note that this is not reflected in the Refugees Bill, 2019. Clause 9 creates the Refugee Advisory Committee (RAC). The Committee is meant to advise the Cabinet Secretary on policy decisions such as setting up designated areas among other decisions. We view the provision for a representative from the Ministry of Devolution and a representative from the Council of Governors as inadequate representation. He who wears the shoe know where it pinches. We recommend that hosting county governments, that

have first-hand experience with refugees, are represented in the proposed Refugee Advisory Committee.

Additionally, clause 34 calls for the sharing of resources between the refugees and host community. It puts the responsibility to ensure this sharing on the Commissioner for Refugee Affairs. It further provides that the responsibility of raising awareness among the host community on co-existence with refugees lies with the Commissioner. Whereas this provision is necessary for the social and economic integration of refugees, we take issue with the fact that the Commissioner need not engage the County Governments hosting these refugees. We wonder how the Commissioner of Refugee Affairs can ensure shared use of resources that is provided by the County Governments without the involvement of the County Governments that host refugees. We further urge the Departmental Committee on Administration and National Security (DCANS) to review this provision and include a clear provision that will compel the Commissioner to engage the hosting County Governments on such decisions.

Non-retroactivity of penalty on double registration

The County Government of Garissa has noted that clause 40 (3) creates the offence of double registration. That is to say that where a Kenyan knowingly registers as a refugee then he/she commits an offence. Whereas there is need to regulate this matter for the effective implementation of the Bill, if it becomes law as is, we are concerned about the fate of the current stock of Kenyans registered as refugees.

There are a number of Kenyans that are registered as refugees in the United Nations High Commissioner for Refugees (UNHCR) database. Some of these Kenyans were registered while they were minors by their adult parents and relatives. Others registered as adults. They registered as refugees in order to receive food and other type of assistance provided to refugees during drought period when other sources of assistance failed them. As such, they did this for their very survival.

They are currently living with the consequences of this decision. Kenyan children registered as refugees that have reached the age of majority cannot get a national identification card as their names are still in the refugee register. Without the national identification card, they cannot get jobs or get access to higher education financing from institutions such as the Higher Education Loans Board (HELB) that requires the document. Some have been passed over for scholarships overseas because they cannot be

able to travel abroad without a passport that requires the national identification card. Our fear is that the provisions of clause 40(3) may be applied retrogressively thereby adding hardship to these people.

Therefore the County Government of Garissa recommends that the clause expressly states that it will not apply retrogressively. This will ensure that the law will not be used to punish past indiscretions. We further call upon (DCANS), using its constitutional authority of oversight, to inquire from the Ministry of Interior and Coordination of National Government about the progress of re-registration of those affected as Kenyans as ordered by His Excellency the President Hon. Uhuru Kenyatta in 2017 at a public function in Garissa.

Control of designated areas

Clause 33 of the Refugees Bill provides for the control of designated areas. It forbids the entrance of any person not authorized by the Commissioner or that is not a refugee or an employee of the Department of Refugee Services (DRS) in to the area. Moreover, it makes it an offence to enter the designated area without the authority of the Commissioner.

We understand that this provision is necessary to ensure that the civilian and humanitarian character of the designated area is maintained. However, we are concerned that the implementation of this provision may hinder the effective execution of refugee hosting county governments' mandate. Clause 2 lists settlements among designated areas. It is our understanding that trade activities are envisioned in such settlements to enhance integration between refugees and the host community as it currently the case with the Kalobeyei Settlement in Turkana County. If our understanding is accurate, how would county governments be able to access these areas for the sake of revenue collection and enforcement of other county laws? Additionally, where an emergency occurs which would fall under the jurisdiction of county governments to address, the hosting county governments would have to seek permission from the Commissioner of Refugee Affairs to effect their constitutional mandate.

This provision needs to be better phrased to facilitate the county governments to execute their constitutional mandate in the designated areas. A proviso needs to be provided that in cases that fall under the jurisdiction of the county government, then nothing in the

provisions under clause 33 shall be deemed to limit the hosting county government to act in accordance with its constitutional mandate.

Reception centres

Garissa County Government welcomes the provisions on the creation of reception centres. We view these centres as essential to maintaining a civilian and humanitarian character of refugee management in Kenya. Reception centres will be places where asylum seekers will be screened for security and medical issues thereby ensuring that hosting refugees and asylum seekers do not affect the security and public safety of Kenyans.

Be that as it may, we view that this provision will be fraught with a significant challenge. The border between Kenya and Somalia, the biggest contributor of refugees in Kenya, remains closed ostensibly to improve national security. This decision has had the opposite effect to what was intended. The closure has meant the withdrawal of government presence at border points which means no security or medical screening. Those plying the routes between the two countries for the purposes of trade have fallen victims to bandits that charge them unofficial taxes.

In light of this concern, we propose that the law provides that these transit areas be constructed as soon as possible. We also propose that the centres be constructed at a reasonable distance from the country of origin to ensure the protection of asylum seekers. Finally, we request that DCANS follow-up with the Ministry of Interior and Coordination of National Government to understand whether the decision to close the border between Kenya and Somalia still serves the purpose for which it was intended.

Qualifications of the Commissioner for Refugee Affairs

Clause 8 creates the office of the Commissioner for Refugee Affairs. This is an important office as the Commissioner is the overall manager of refugee affairs in Kenya. We therefore believe that this position requires clearly spelt out requirements of the office holder. Furthermore, the appointment of the Commissioner needs to be competitive and the appointment made through a Gazette Notice.

Freedom of movement

Freedom of movement is a human right. Refugees and asylum seekers, like other human beings, also have this right. The same has been affirmed by our courts in the case of *Attorney General v. Kituo Cha Sheria & 7 others [2017] eKLR*. In that case the Court of Appeal affirmed the reasoning of High Court delivered by Justice Majanja in *Kituo Cha Sheria & 8 Others v. Attorney General [2013] eKLR*. He found that article 26 of the 1951 United Nations Convention on the Status of Relating to Refugees was recognized by and should be read into the Constitution of Kenya, 2010. Article 26 of the Convention provides for freedom of movement for refugees.

We note that Kenya is located in a conflict prone geopolitical location. Therefore we understand the need to strike a balance between national security and refugee protection. However we view that warehousing refugees causes more damage to national security than it promotes it. Warehousing refugees creates a population that is destitute in the camps and cannot seek opportunities for their economic wellbeing. Noting that most of those in the camps have lived there for close to 30 years, this state of affairs leads to idleness which is more likely to lead to criminality and insecurity. We recommend that the proposed refugee database under clause 39 of the Bill be used to map out the details of refugees including where they reside. This will be an effective tool of tracking the movement of refugees in Kenya while at the same time protecting their right to movement as provided by the Constitution of Kenya, 2010.

Local integration

The Refugee Bill, 2019 improves on the Refugees Act, 2006 in many respects. One of the improvements is the definition of local integration and the provisions on how the same is to be implemented under Part VII of the Bill. However, we note that the provision does not go far enough to cover deserving cases especially for those living in Dadaab refugee camp.

Local integration has been defined in a way that leaves out a path for any other alternative status such as permanent residency. This despite the fact that some Kenyans has intermarried with the refugee population and such marriages have produced children. Article 53 of our Constitution provides that such children, being Kenyans as they are born by a Kenyan parent, have the right to the protection and care from both parents. One parent being a refugee subject to the process of repatriation to their country of origin may

fly in the face of this right. We recommend that alternative immigration status pathways be considered for such individuals for their sake and that of their children.

Due process

The rule of law is an integral part of a civil society. Due process is a necessary condition for the rule of law. Therefore, the County Government of Garissa is concerned about the provision under clause 19(2) of the Bill. This clause empowers the Cabinet Secretary to expel a refugee or asylum seeker without access to due process on the part of the later. This limits the right to a fair trial for affected refugees and asylum seekers. We therefore recommend that this provision be removed as it is unnecessary in light of a similar provision under clause 19(1).

Refugee documentation

Clause 28(4) of the Refugees Bill, 2019 speaks of facilitation to access and issuance of documents for refugees. These documents are meant to encourage the participation of refugees in the economic and social life of Kenya. As much as this provision is a slight improvement of the wording in section 16(4) of the Refugees Act, 2006, it is very vague as to the rights that these documents will entitle the holder. We therefore recommend that the clause clearly spell out rights such as employment (including self-employment), social security, health, education among other rights.

Conclusion

The County Government of Garissa would like to reiterate its appreciation to DCANS for this opportunity to be heard on this important Bill. We do hope that the issues that we have raised in this memorandum will be carefully considered and suggested amendments be input in the final version of the Bill. We are available to this Committee should there be any issues that require clarification.

ANNEXURE 6

(Signed list of public hearing
participants)







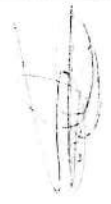

PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY
DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
NATIONAL SECURITY

PUBLIC PARTICIPATION ON THE REFUGEES BILL, 2019
PUBLIC ATTENDANCE REGISTER

Date..... 17/10/19 Time..... 10:00AM
 Venue..... MINI ADMINISTRATION COUNTY HALL

	NAMES IN FULL	ORGANIZATION	DESIGNATION	PHONE NO	SIGN
1.	EUNICE NBOANGA	Refugees COORDINATOR OF KENYA (CRK)	Executive Director	0721736028	
2.	OSCAR MURIKI	DANISH REFUGEE COUNCIL - KENYA	PROGRAMME COORDINATOR	0723386570	

3.	JOY NYAMUYEJI	Refugee		0705108293	Refugee
4.	ZANINKA Alice Desange	Refugee		0798290845	Refugee
5.	Joseph Agutu Dunga	Community Partners Chair		07221403326	Refugee
6.	Narscent Okele Ojeye	Community Representative		0726454901	Refugee
7.	ANTHONY MACHARIA	DCC STARHE		0723336910	Refugee
8.	AMMAN SPIEM	SCOPE V/CHAN KIBRA SUB COUNTY	VICE CHAIRMAN	0729652965 0794652	Refugee
9.	OWINO KOTENDO	CLADA		0722966171	Refugee
10.	NTWAN RUBERA ADEODAT	REFUGEE		0729930125	Refugee
11.	IBRAHIM ADIPO	MAHARA SUB CAUC	CHAIRMAN	0720729769	Refugee

12.	DORCAS NJOKI GACHEGE	MATHARE	CHAIRLADY BC	072481792	
13.	PETER MAMBUGU	MATHARE	ELDER	0723500295	
14.	ALIB MOHAMED	KIBERA	KNCE	0721245869	
16.	ZAHRA KHALID	KIBIRA SUB- COUNTY WOODLEY DIVISION	MEMBER	07254408 99	
17.	Naima Ibrahim	Kibera Subcounty Woodley division	Member	0725449429	
18.	AZIZA HAMISI	KIBIRA	MEMBER	0717531535	
19.	Said Abukar	EASTLEIGH	KADUNA REFUGEE ASSOCIATION	0791733P	
20.	Ahmed M. Abek	LRDO	ED	0721206348	

21.	DOROTHY. APOWDI. OZOD	ESTATE ADMINISTRATOR NGEI PHASE LAWRENCE	ESTATE ADMINISTRATOR	0724305770 0734099804	Signature
22.	Stephen Sikoba	RAS-MICNG	Professor Officer	0711517030	Signature
23.	Kotol T. Beyene			07255912	Signature
24.	IRENE. NATHENGIE	O.P.		0700-329852	Signature
25.	NGERI WA WAWERU			0727107966	Signature
26.					
27.					
28.					

PARLIAMENT OF KENYA



THE NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
NATIONAL SECURITY

PUBLIC PARTICIPATION ON THE REFUGEES BILL, 2019








PUBLIC ATTENDANCE REGISTER

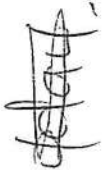




Date: 17/10/19..... Time: 10.00 A-M
Venue: MINI COUNCILS, COUNTY HALL.....

	NAMES IN FULL	ORGANIZATION	DESIGNATION	PHONE NO	SIGN
1.	DORCAS NJOKI GIACHEGIE	MATHARE	3C CHAIRMAN	072481792	
2.	JACIONE OTIENO MARIENKA	LANGATA MUGUNDINI A	CHAIRMAN	0722590472	

3.	ROMANUS ONUTO AJUMU	MUWINDI MU-B LAWANDA	CHAIRMAN	079888557	
4.	ABDI ABDULLAH MOHAMED	Agency of Peace	Member	0705617051	MPA 
5.	Mohamed Aswadi	Agency of Peace	Executive Director	0772234228	
6.	NUR YUSUF MOHAMED	AGENCY OF PEACE	Member	0722591685	
7.	ABDIQADIR ABDULLAH SHEKIN	EAST AFRICAN YOUTH CBO	CEO	072780730	
8.	GEORGINA AMIE	Refugees Consultation	Member	0721349244	
9.	FLORENCE WANJIRU THURI	Refugees Consultation	Member	0714343631	
10.	YES NDIRUMUKYI ZA	Youth leaders, KASABANYI	Youth leader	0727223999	
11.	GILBERT WATIUMA	SUB-COMMITTEE PEACE COMMITTEE CHINA-KAYOLE	CHAIRMAN	0710778216	

Handwritten signature or mark.

12.	Eunice Ndunge Githungo	RCH	Executive Director	0721736038	
13.	Andrew Maina	ROK	Programme Officers	0725750001	
14.	Oscar Muriuki	Danish Refugee Council - Kenya	Programme Coordinator	0723 356570	
16.	EMMANUEL W. AMBROSE	UNHCR & RAS Youth Representatives	Youth Representatives	0724522080	
17.	Nafisa Abdalla Angelo	UNHCR/RAS	MONITOR HIAS REPRESENTATION	0713635802	
18.	BAHUKYE KAFIKA JEAN PAUL	KITWO CHA SHERIA	Para legal / Interpreter	0726594856	
19.	Fardous Ahmed Salah	KANO CHA SHERIA	Refugee rep	0705495727	
20.	Jummi Jide OChalla	Kutus chor Sheria	Refugee rep	0720797438	

21.	DIANA ODARI	REFUGEE AFFAIRS SECRETARY	ASSISTANT SECRETARY	0727310224	
22.	LEONARD NYAMARI	REFUGEE KIBKO	CHAIRMAN	0721380764	Leonard
23.	DAPHIL OROG	UWAZI Consultancy - Kenya	Program Executive	0710225967	
24.	CLARA BARASA	KITUO CHA OMERIK	PROGRAM MANAGER - FORCED MIGRATION PROGRAM	0720854595	
25.	CHARITY WANGUI	KITUO CHA OMERIA	LEGAL OFFICER / PROGRAM OFFICER	0721152618	
26.	LEILA MURUTHIA SIMIYU	REFUGEE CONSORTIUM OF KENYA	SENIOR PROGRAMME OFFICER	0722 636045	Leila
27.	NANG'OR MULLICENT LOKALE	TURKANA COUNTY	STUDENT KSL	0708157210	
28.					

PARLIAMENT OF KENYA



THE NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
NATIONAL SECURITY

PUBLIC PARTICIPATION ON THE REFUGEES BILL, 2019

PUBLIC ATTENDANCE REGISTER

Date.....17/10/19..... Time.....10:00 AM.
Venue.....MUNI CHAMBER, COUNTY ASSEMBLY.....

	NAMES IN FULL	ORGANIZATION	DESIGNATION	PHONE NO	SIGN
1.	VICTOR NDEDE	AMNESTY KENYA	POLICY RESEARCHER	0740719 519	
2.	Dennis Kiprono	Amnesty Kenya	Campaign Manager Safety & Dignity	"	

3.	EKAN NABUYO	URUGANDA COUNTY GOVT	CITIZEN OFFICE ADMISSIONS	0715248355	
4.	JAMIS N. KUSUNIA	INTERNATIONAL RESCUE GROUP	PROTECTION OFFICE	0710700869	
5.	ANAK NDIWANI	UNHCR	ASST. PROTECT OFFICER		
6.	LILIAN ODIPO	UNHCR	ASSOCIATE PROTECTION OFFICER	0715575617	
7.	Walpurga ENGELBRECHT	UNHCR	Deputy Representative	0742 974 805	
8.	KEVIN DIALE	Youth leader	Langata Sub-County	0711355008	
9.	MESHAEK ONYANJO	PEACE BUILDER LANGATA	LANGATA	0727524647	
10.	ALFRICK BIEGON	REFUGEE AFFAIRS SECRETARIAT	NAIROBI	0726038557	
11.	Fr. Samson Oluo	Priest	Langata	0723774727	

PARLIAMENT OF KENYA


THE NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
NATIONAL SECURITY










PUBLIC PARTICIPATION ON THE REFUGEES BILL, 2019








PUBLIC ATTENDANCE REGISTER

Date: 19th OCT 2019 Time: 10.00 A.M
Venue: Kaji, NLOMBASA KENYA SCHOOL OF GOVERNMENT

1.	NAMES IN FULL	ORGANIZATION	DESIGNATION	PHONE NO	SIGN
	AURELIE K. MARIKA	BALOZI	TURBO	0720887031	
2.	CHARLES O. OKOYA	V/LEADER	TUTOR	071279472	








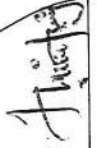
~~TA NO~~

3.	LINET OTIENO	BALOZI	TUDOR	0723363230	
4.	Fairuzogman	Sum	Saman, OFZAFMS		
5.	Ebed Salim ali	Refugee	SABANI	0716320111	
6.	VANDY H. MABANA	BALOZI	TUDOR	0729473881	
7.	Abuhaziz Ali Abulkadir	REFUGEE	KIBIKOMI	070103717	
8.	SUSAN F. LUGANJE	BALOZI	BBURUKENGE	0724728605	
9.	ZOO ALAIN MUNDUTI	REFUGEE	BAMBURI	0702301594	
10.	MOSEKA SHINDANO	REFUGEE	MADGOGO	072369992	
11.	REGINA MARINA	BALOZI	TUDOR	072338750	

12.	Amette Ndura	Balozzi	Tudor	0722713677	
13.	Josephine Kariaka	Refusee	MURIMI	0705657975	
14.	MART MWIKALI	BALDZI	TUDOR	0723651193	
16.	Issa Kazungu Kanda	Welder	Tudor	0722439571	
17.	Sadiya Madiim		Tudor	0729775143	
18.	FATMA MOHAMMED	WELDER	TUDOR	0716193085	
19.	SHARIF ABDIRAHMAN		OLD TOWN	0701392228	SHARIF
20.	PHILIP ABONGO	WELDER	Tudor	0722-723106	

21.	FATHA KHAMMA	USURER	MASJENO	0722557766	0722557766
22.	SOPHIA SULEIMAN VICGO	ASS / ELDER	MASJENO	0729337538	A.
23.	AYAN AHMED	REFUGIES	MASJENO	0715496462	0715496462
24.	FAMA MOHAMED		MASJENO	0715496462	0715496462
25.	DISHANI FAZANI	BALOZI	TUDOR	0712419872	0712419872
26.	Philiz Mubanna	Kibwa Cha Sheria	Bimbumi	0717629395	0717629395
27.	ALFRED BSWACEY	RIFUGEE	Maphite	0721666207	ADU
28.	HASSAN AHMED AB	ITADIP	LIBB/AN	075123793	075123793

29.	JOHN MUTHEE	BALOSI	SPAKI	072847346	TEL
30.	ABDULLA A. AZI	V/ELDER	M/SMBOS TUOR	0720312018	ALMAY
31.	Muhammad Bilal	BALAZI CHIMTUOR	SPAKI	0705116792	STB
32.	SARDIYA MOH'D	V/ELDER	SYR ZAKI B	072392240	STB
33.	CHARLES OUNDO	BALAZI	9/RAILWAYS	0725970601	Club
34.	RUKIYA HUSSEIN	BALAZI	MAJENGO	0725112531	STB
35.	YUSRA MOHAMMAD	REFUGEE	MAJENGO	0724182468	STB
36.	PHILWIS KEIZA	BALAZI	TUOR	0727631257	STB

37.	MUSINFA SALIM	ELDER	MASENGO	0720-030002	
38.	MADINA DODAR HASSAN'	BARDI	NARENKO	0118-713543	
39.	SAID OMAR SALIMI	BALDI	MATJENGO	0720659248	
40.	JEAN SARAFU		CHAANI	0722414854	
41.	ELYSE FURUTA	REFUGEE	BARUBAI	0702082746	
42.	PARVES HANSHI HUSSEN	REFUGEE	BAMBURI	0729448569	
43.	SHUKURU MATEMUTTA		RIKONI	0740403919	
44.	SHUKURU - KASWIKI	REFUGEE	RIKONI	0783747873	

PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
NATIONAL SECURITY

PUBLIC PARTICIPATION ON THE REFUGEES BILL, 2019

PUBLIC ATTENDANCE REGISTER

Date.....19/10/19..... Time.....10.00A.M.....

Venue.....KENYA SCHOOL OF GOVERNMENT NJOI BOSA.....

	NAMES IN FULL	ORGANIZATION	DESIGNATION	PHONE NO	SIGN
1.	ALEX M LEUSA	TUDOR	WELDER	0724280597	
2.	MICHAEL M. KAMAU	TUDOR	BALDZ	0729513483	

3.	Simo Ncube Frederick	Tutor	BAZOZI	0708514371	Provas.
4.	JACINTH MASHANGU	Tutor	Balozzi	0726619371	Effaule
5.	SAUNNE MUSAU	TUTOR	BAZOZI	0701791643	Effaule
6.	PATIA WONGE	Tutor	V. ELLNER	0715222677	Juni
7.	KAZUNGO GIMO	TUTOR	N. ELLNER	072332231	ALG
8.	SHEILLA IZUNGU	Tutor	BAZOZI	0722291817	S
9.	CLEMENCE MURIKAMBIZI	Tutor	BAZOZI	0721693717	BLC
10.	BETTY MASHAND	TUTOR	BAZOZI	0726219428	Balozzi
11.	KAMENIE MUSILO	Tutor	BAZOZI	0727117397	B

12.	EMILY MWADIME	TUDOR	BALOGI	0729470639	EMILY
13.					
14.					
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PARLIAMENT OF KENYA

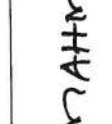
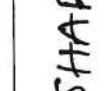
THE NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
NATIONAL SECURITY

PUBLIC PARTICIPATION ON THE REFUGEES BILL, 2019

PUBLIC ATTENDANCE REGISTER

Date 19/10/15 Time 10.00 A.M.
Venue KENYA SCHOOL OF GOVERNMENT, NOMBOSA

	NAMES IN FULL	ORGANIZATION	DESIGNATION	PHONE NO	SIGN
1.	LEILA SHARIF MAHMUD		KIBOKONI	0725365566	
2.	FATUMA SIDA ALI		KiBakoni	0707848854	






3.	FUEBE-MOLALO	V/ELDER	MUWIAPA	0725376171	Albany
4.	LEONARD HARRISON BUIRE	BHLOZI	TUDON BANDU	0725292018	Harrison
5.	BOMBOLE MUWAVITA	V/ELDER	T. BANSAHWA	0700838317	BOMBOLE
6.	STEPHANE KILUNDA	V-ELDER	T. BANDAMINI	0720625082	B
7.	Lilian Obige	Refugee Consortium of Kenya	-	0718813386	A
8.					
9.					
10.					
11.					










PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY
DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
NATIONAL SECURITY

PUBLIC PARTICIPATION ON THE REFUGEES BILL, 2019

PUBLIC ATTENDANCE REGISTER

Date..... 19/10/20 Time..... 10:50 A.M
 Venue..... KENYA SCHOOL OF GOVERNMENT, MOMBASA

	NAMES IN FULL	ORGANIZATION	DESIGNATION	PHONE NO	SIGN
1.	OSMAN ADAN	N/ELDER	TUOH	0702095511	
	MUKATAMA N. KATSI		BALOGI TUBU	0718 203829	
2.	SHABAN M. MALEMBA	N/ELDER	TUOH	0719359774	

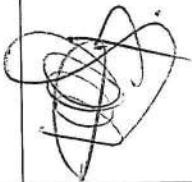
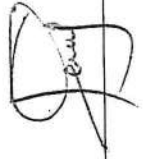





3.	SUMA LENA A	BALUZI	TUDOR	0758614600	
4.	PATRICK SHARAN	BALUZI	TUDOR	0728656919	
5.	SAID LAJAB SAID	BALUZI	SPALICA	0722905001	
6.	JUSTIN OPANGO LIKOSI	BALUZI	MAHINDI	0792142627	
7.	LUNDA-RITHA-LUDA		MTWAPA	0723624735	
8.	FLIMMA KAWIRIA	BALUZI	TUDOR	0710955426	
9.	REGINA MBITHE	BALUZI	TUDOR	0710395507	
10.	MAURICE M. LUMU	BALUZI	TUDOR	0721908944	
11.	MUNDU - RAJAB SAID	BALUZI	TUDOR	0712055252	



12.	SALIM MENZA	BALOZI	TUDOR	0712575318	2019
13.	MARY K. NDSUNDA	BALOZI	TUDOR	0711487812	2019
14.	REGINA S. MWAMJEUJE	BALOZI	TUDOR	0729043573	2019
16.	MARY DAMA	BALOZI	TUDOR	071763903	2019
17.	AMINA KIEMA	VILLAGE ELDER	TUDOR	0722681158	2019
18.	JACQUELINE OTIENO	BALOZI	TUDOR	0722678230	2019
19.	SERA NGUGI	BALOZI	TUDOR	0726883431	2019
20.	Joanne MUSAU	BALOZI	TUDOR	0701791643	2019

21.	JACINTA NWANKI	SABOZI	TUBOR	0726619371	Spicito
22.	MARGARET-A. OKWON	C/POHICY	TUDOR	0722929795	NA
23.	ROSARIA WAMPUNA	VLEADER	TUBOR	0726128205	Luft
24.	Ahmed Musa Ahmed		Kobokom	072247490	Albun
25.	KOMBE. M. TURJE	BALAZI	TUBOR	0727475041	MB can.
26.	KENGA KATANA	BALAZI	TUBOR	0723032021	Albun
27.	PETTY K. KARISA	V/ELDER	TUDOR	0727524197	petty
28.	DAVID LYMANZI	BALAZI	TUDOR	0715438237	Albun

3.	ANNE NDUNGU	UNITAR				<u>ANNE</u>
4.	Swaleh Mohamed	Leader				<u>Swaleh</u>
5.	TONY AMBUNGA	REFUGEE LEADER				<u>TONY</u>
6.	Said Abdurrahman	REFUGEE				<u>Said</u>
7.	AMULI MARI FOMBO	REFUGEE				<u>FOMBO</u>
8.	KAZUNGU NUSSIA	Refugee			0729492088	<u>KAZUNGU</u>
9.	MAMPENZI WAMIBWA	BALAZI	TUDOR		0725677604	<u>MAMPENZI</u>
10.	MARTIN MABINDA	BALAZI	TUDOR		0723267471	<u>MABINDA</u>
11.	ABDULLAH M. KARORI	BALAZI	TUDOR		0704229880	<u>KARORI</u>

12.	PAUL	Refugee	LIKONI	016075066	
13.	ANANIA MUCINDA	Refugee	LIKONI	074510117	
14.	CHANCE HABIMANA	Refugee	LIKONI	078650747	
16.	HAMULI WOKO CALVIN	R	LIKONI	078233744	
17.	AIME - KAMUYETE	R	LIKONI	074900182	
18.	OSMAN ABDULKADIR ISMAIL	R	Kibokoni	0716964415	
19.	AHMED HUSEIN	R	Bondeni	0706754425	
20.					

NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY
PUBLIC HEARING ON REFUGEES BILL, 2019 IN TURKANA COUNTY

DATE: 09/11/2019

VENUE: KAKUMA

TIME: 10.00AM

NO.	NAME	DESIGNATION	CONTACT	SIGNATURE
1.	MOHAMED SHOMAN	UNHCR	shoman@unhcr.org	<i>[Signature]</i>
2.	KASHI MUTAMBO	RAS MANAGER	kenia.mutambo@gmail.com	<i>[Signature]</i>
3.	MOSES PORWA	LOCAL RES.	esekon7@gmail.com	<i>[Signature]</i>
4.	DAVID LOCHAN	LOCAL RES.	david.lochan@unhcr.org	<i>[Signature]</i>
5.	IKAI MATHEN ENAAT	LOCAL RES.	mathewenaat@hoo.com	<i>[Signature]</i>
6.	Ewan Joseph Munoi	LOCAL RES.	ewan.joseph.munoi@gmail.com	<i>[Signature]</i>

NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY





PUBLIC HEARING ON REFUGEES BILL, 2019 IN TURKANA COUNTY

DATE: 09/11/2019

VENUE: KAKUMA

TIME: 10.00AM

NO.	NAME	DESIGNATION	CONTACT	SIGNATURE
1.	COSMAS NAKAYAA'E	Chief	077600094	
2.	JUSSUF J. SIKAT	Acci	0727464500	
3.	Hyakshi Nwangi	APD - Ass. Programme Officer	0725976098	
4.	Garang Ajiang	Block leader	0715888284	
5.	Kamerino Ochang	Leader - KV, N34	0743769565	
6.	ODHIENG AKWAY	Village leader	0725935621	

NAME	Designation	Phone No.	Signature.
1. MARY LONORS	Moral Women Reader	0727 37 3305	
2. Noel Mathias Noel	Refugee	0700439222	
3. Mark Atmak War	Refugee	0741253889	
4. BIGHAIMANA DAVID	Refugee PWD	0713352533	
5.			
6.			
7.			
8.			

NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

PUBLIC HEARING ON REFUGEES BILL, 2019 IN TURKANA COUNTY

DATE: 09/11/2019

VENUE: KAKUMA

TIME: 10.00AM

NO.	NAME	DESIGNATION	CONTACT	SIGNATURE
1.	SIMALE EDUPO CAUSTUS	JOURNELIST	0717414309	
2.	Rebecca gom malile	REFUGEE	0713798235	
3.	Makelina Paul	REFUGEE ^{Kakuma} Youth Parliament clerk	0743730931	
4.	JACOB DENG BIAB	REFUGEE LEADER	0714591413	
5.	COSMAS EKAL JULIUS	HOST LEADER	0741251042	
6.	JACKLINE ACTUA PAUL	REFUGEE LEADER	0999797933	

NATIONAL ASSEMBLY



County Commissioner Courtesy Call

DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

PUBLIC HEARING ON REFUGEES BILL, 2019 IN UASIN GISHU COUNTY

DATE: 08/11/2019

VENUE: ELDORET

TIME: 10:00AM - 11:00AM

NO.	NAME	DESIGNATION	CONTACT	SIGNATURE
1.	ABORNOK JAZEBWA	County Commissioner UG	0728952519	
2.	KEFA MAMUNDI	CIC	0720929595	
3.	JOHANSON O. HARRA	CPC-KRS	0715843900	
4.	FILANUS WABU	OCPS KAPSABET	0722784365	
5.	JOHN KANUBIA	CIPU AFS	072462085	
6.	ISAAC J. ONYANGO	CCIO UASIN GISHU	072211165	

NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY
PUBLIC HEARING ON REFUGEES BILL, 2019 IN UASIN GISHU COUNTY

DATE: 08/11/2019

VENUE: ELDORET

TIME: 10.00AM

NO.	NAME	DESIGNATION	CONTACT	SIGNATURE
1.	Eileen X. Imbosa	Advocate	0716884060	
2.	Lilian Obiero	Advocate	0718573355	
3.	Astone Atundu	UNDP	0725228003	
4.	AROP KONDOK RINGI	Pioneer	0716552432	
5.	PHILIP MUKER LUAL	KAPSAYA	0725702543	
6.	GABRIEL MUKUR NABTOR	KAPSAYA	0714186794	

NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY
 PUBLIC HEARING ON REFUGEES BILL, 2019 IN UASIN GISHU COUNTY

DATE: 08/11/2019

VENUE: ELDORET

TIME: 10.00AM

NO.	NAME	DESIGNATION	CONTACT	SIGNATURE
1.	SHADRACH CHOL MARIAS	UASIN GISHU COUNTY Eldoret East	0726744292	
2.	REFREKA ADONG	UASIN GISHU COUNTY SID 2011	0715529080	
3.	MARI MARI	UASIN GISHU COUNTY SID 2011	0703719792	
4.	FAITHFULA NRESI RABIA	UASIN GISHU COUNTY (COUNTRY. ELD)	6225709110	
5.	AGENDA KUMANA ELIS	UASIN GISHU COUNTY (E)	0705672653	
6.	JUSTINA MALONG	UASIN GISHU COUNTY (E)	0794087634	

NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY
 PUBLIC HEARING ON REFUGEES BILL, 2019 IN UASIN GISHU COUNTY

DATE: 08/11/2019

VENUE: ELDORET

TIME: 10.00AM

NO.	NAME	DESIGNATION	CONTACT	SIGNATURE
1.	NAMUOR KONG YATCH	Students - Refugees	0700182529	
2.	Ayeon Kir Alwino	Students - Refugees	0728223020	
3.	Nyonyira William Gwai	Students - Refugees	0798181331	
4.	DAU AJANGA CHUOL	Students - Refugees	0713314090	
5.				
6.				

NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

PUBLIC HEARING ON REFUGEES BILL, 2019 ON 23RD OCTOBER, 2019 IN NAKURU

NO.	NAME	DESIGNATION	CONTACT	SIGNATURE
1.	FLORENCE WATHERA	COMMUNITY PARTICIPING	0708328164	
2.	FRSY CHERUIYOT	RAS	0722416512	
3.	JONATHAN KANTARIS	RAS	0729028953	
4.	Okata Jackson	Media	0718615035	
5.	Phyllis Musalia	Nation Media Group	0703358809	
6.	Faith Mwangi		0720999723	

NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

PUBLIC HEARING ON REFUGEES BILL, 2019 ON 23RD OCTOBER, 2019 IN NAKURU

NO.	NAME	DESIGNATION	CONTACT	SIGNATURE
1.	JENTEUCHAH NJOKI	—	0712221003	<i>[Signature]</i>
2.	LUCH NJERI	—	0727740822	<i>[Signature]</i>
3.	MARGARET NJAMBI	—	0725732287	M61
4.	JANE WANGARI		0728118398	<i>[Signature]</i>
5.	Joseph Kiragu	N.C.D.A	0728993808	<i>[Signature]</i>
6.	JANE WAKIKY	—	0700478265	<i>[Signature]</i>

NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

PUBLIC HEARING ON REFUGEES BILL, 2019 ON 23RD OCTOBER, 2019 IN NAKURU

NO.	NAME	DESIGNATION	CONTACT	SIGNATURE
1.	ELIZABETH WANJIRU	-	0721325993	
2.	NANCY WAIRIMU	-	0706595003	
3.	George Njirũgũ	Senior ASST CHIEF	0722341618	
4.	Timothy Mwangi Kitema	ASST CHIEF	072382723	
5.	MARCY KICWOTO	SNR ASST CHIEF	0726791839	
6.	PATRICK CHEGE	CHIEF	0721-217443	

NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

PUBLIC HEARING ON REFUGEES BILL, 2019 ON 23RD OCTOBER, 2019 IN NAKURU

NO.	NAME	DESIGNATION	CONTACT	SIGNATURE
1.	Mohammed ABNI	C.P.C	0722357656	
2.	Dickson MAYAKA	C.P.C.	0798267217	
3.	Culbert Ngunjiri	MEDIA	0728699600	
4.	Elijah Cheutiel	MEDIA	0720697551	
5.	Sarah Njoroge	MEDIA	0702949850	
6.	Cleopas Siano	CoTu.K. Nakuru Branch	0725764330	

NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

PUBLIC HEARING ON REFUGEES BILL, 2019 ON 23RD OCTOBER, 2019 IN NAKURU

NO.	NAME	DESIGNATION	CONTACT	SIGNATURE
1.	Kamba Michael		0792015937	<i>[Signature]</i>
2.	SIPITA MURRAY		0722418189	<i>[Signature]</i>
3.	Rokhaya Kenani Charles Kambo	MEDIA	0795017543	<i>[Signature]</i>
4.	PETER KAKAT	YOUTH IN ACTION	0707181777	<i>[Signature]</i>
5.	Pier. Ernesto Ngeot	CHAIRMAN	0722464682	<i>[Signature]</i>
6.	Wilhelm Bross	AFS/CHIEF	0723600405	<i>[Signature]</i>
			0725606149	<i>[Signature]</i>

NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

PUBLIC HEARING ON REFUGEES BILL, 2019 ON 23RD OCTOBER, 2019 IN NAKURU

NO.	NAME	DESIGNATION	CONTACT	SIGNATURE
1.	Simon M. Wagaathi	Elders Council	0711746253	
2.	Peter N. Samia	Biasmara Ward	0721105220	
3.	Paul Muiyoki	Nakuru Ward	0713703046	
4.	Elizabeth Mokeira	Nakuru Ward	0713703046	
5.				
6.				

NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

PUBLIC HEARING ON REFUGEES BILL, 2019 ON 23RD OCTOBER, 2019 IN NAKURU

NO.	NAME	DESIGNATION / ORGANISATION	CONTACT	SIGNATURE
1.	MARY W. MWANGI	AOI NAKURU COUNTY	0724361393	
2.	AZINOR HASSAN	CHIEF - NCAO	0728470561	
3.	DR. THURUGU	NAKURU PS	0720988086	
4.	FRANCIS MURERD	HAWKES P	0727400915	
5.	ALICE MWANGI	NAKURU	074401517	
6.	ANJOLINA ATieno	NAKURU TOWN	072177505	

NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

PUBLIC HEARING ON REFUGEES BILL, 2019 ON 23RD OCTOBER, 2019 IN NAKURU

NO.	NAME	DESIGNATION	CONTACT	SIGNATURE
1.	David Kangethe	County Director	0714402879	
2.	Sauqmo Taiwa	Rec. Intern.	0703795069	
3.	Anguti Manjara	UNHCR	0798499887	
4.	Machoka Ikem	Lawyer	0702478114	
5.	Gerald Chege	NGO	07104789490	
6.	Wilson Kimani	CPC	0712276328	

NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY
PUBLIC HEARING ON REFUGEES BILL, 2019 ON 23RD OCTOBER, 2019 IN NAKURU

NO.	NAME	DESIGNATION	CONTACT	SIGNATURE
1.	LYNETTE NYAMBURA	C.P.C	0713 614 005	
2.	MAURICE OTIENO	CHAIRMAN BAHARINI COMMUNITY FORAM BRESINT ASSOCIATION	0713733203	
3.	STEPHEN M. MUYAMA	SANITIA CHIEF. FINCA AREA LOCATION	0720 482508	
4.	ELISABETH NUTEMI	ACC-LANET DIV Coordinator of Community	0724067380	
5.	KUT MAKETH DUK	NAKURU REFUGEE LEADER	0702 467714	
6.	WACHLIFFE A. OLUWA	MR. SPEAKERS DEPTORU CHAIRMAN	0722965408	

NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

PUBLIC HEARING ON REFUGEES BILL, 2019 ON 23RD OCTOBER, 2019 IN NAKURU

NO.	NAME	DESIGNATION	CONTACT	SIGNATURE
1.	KUMI SMER PLAMIN	YOUTH LEADER SHATABS - NAKURU - WEST.	0701650864 0706841166	
2.	Mahual Alier Ayiei	Disability representative	0714452922	
3.	Chol Garang Anjiti	Youth leader Kiti	0762099764	
4.	Rachel Apet	Elder	8792072092	
5.	Tobite Mbatia	e Leader of urban refugees	0726614194	
6.	Mathiang Dub Mjajak	Chairman of Nakuru West	0799945340	

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NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

PUBLIC HEARING ON REFUGEES BILL, 2019 ON 23RD OCTOBER, 2019 IN NAKURU

NO.	NAME	DESIGNATION	CONTACT	SIGNATURE
1.	Mabech Makot	Refugee	0727622123	<i>[Signature]</i>
2.	Abuk Jock	Chairlady in community	0704792006	<i>[Signature]</i>
3.	SUSAN CHEKORIP		0723319029	<i>[Signature]</i>
4.	MONICA WANJIRU		0712643590	<i>[Signature]</i>
5.	JANE NJERI	COMMUNITY POLICING	0724893600	<i>[Signature]</i>
6.	STACEY MUTISO	O.V.C RAS	0712037277	<i>[Signature]</i>
7.	Rafisif Nagoma	NAKURU RESIDENTS ASS. CHAIR LADY	0729367337	<i>[Signature]</i>

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NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY
 PUBLIC HEARING ON REFUGEES BILL, 2019 ON 24TH OCTOBER, 2019 IN GARISSA COUNTY

NO.	NAME	DESIGNATION	CONTACT	SIGNATURE
1.	HON ^{BLE} MURTAZA HASAN FARUK	MCA - DADARA	0722 114960	
2.	DUBAI A. AMEY	Chief Kibice Gism	0721 699616	
3.	Hassan Dahir Nor	Chairman - Garissa Watchdog	0727172740	
4.	OSMAN ISAHAM	Chairman PRCMOU	0726847844	
5.	Dns G. Joor	PA MPDadas	0724178711	
6.	Nyassijiin Tiger Farjuwan	Refugee Re.P	0743906003	

NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

PUBLIC HEARING ON REFUGEES BILL, 2019 ON 24TH OCTOBER, 2019 IN GARISSA COUNTY

NO.	NAME	DESIGNATION	CONTACT	SIGNATURE
1.	Abdullshu Ali	DAG Camp chairman	0721820097	
2.	Col (Retd) J K Ngũgĩ	RAS - DDB Camp Manager	0702081497	
3.	Aicha Ngomae	UNHCR - Protection	0717968219	
4.	ABDULLAH HASSAN BULLE	DODDAYS YOUTH	0726219008	
5.				
6.				

