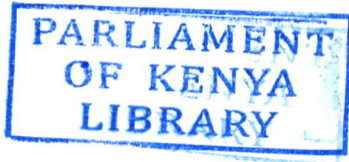


Approved for tabling

BAT  
SWA  
22/11/18

PARLIAMENT OF KENYA



THE NATIONAL ASSEMBLY

Labour


TWELFTH PARLIAMENT – FIRST SESSION 2018

REPORT ON THE CONFERENCE ON THE  
LABOUR MIGRATION CRISIS

VENUE: THE CHATHAM HOUSE, LONDON, UNITED  
KINGDOM

DATES: 15<sup>TH</sup> - 20<sup>TH</sup> OCTOBER, 2018.

Clerk's Chambers  
Directorate of Committee Services  
Parliament Buildings  
Nairobi

	
<b>THE NATIONAL ASSEMBLY PAPERS LAID</b>	
<b>DATE:</b> 22 NOV 2018	<b>DAY:</b> THURSDAY
<b>TABLED BY:</b>	Hon. Ali WARD, Labour and Social Welfare Chair, Committee on Labour Migration
<b>CLERK-AT THE-TABLE:</b>	Moses Lemura

November, 2018.



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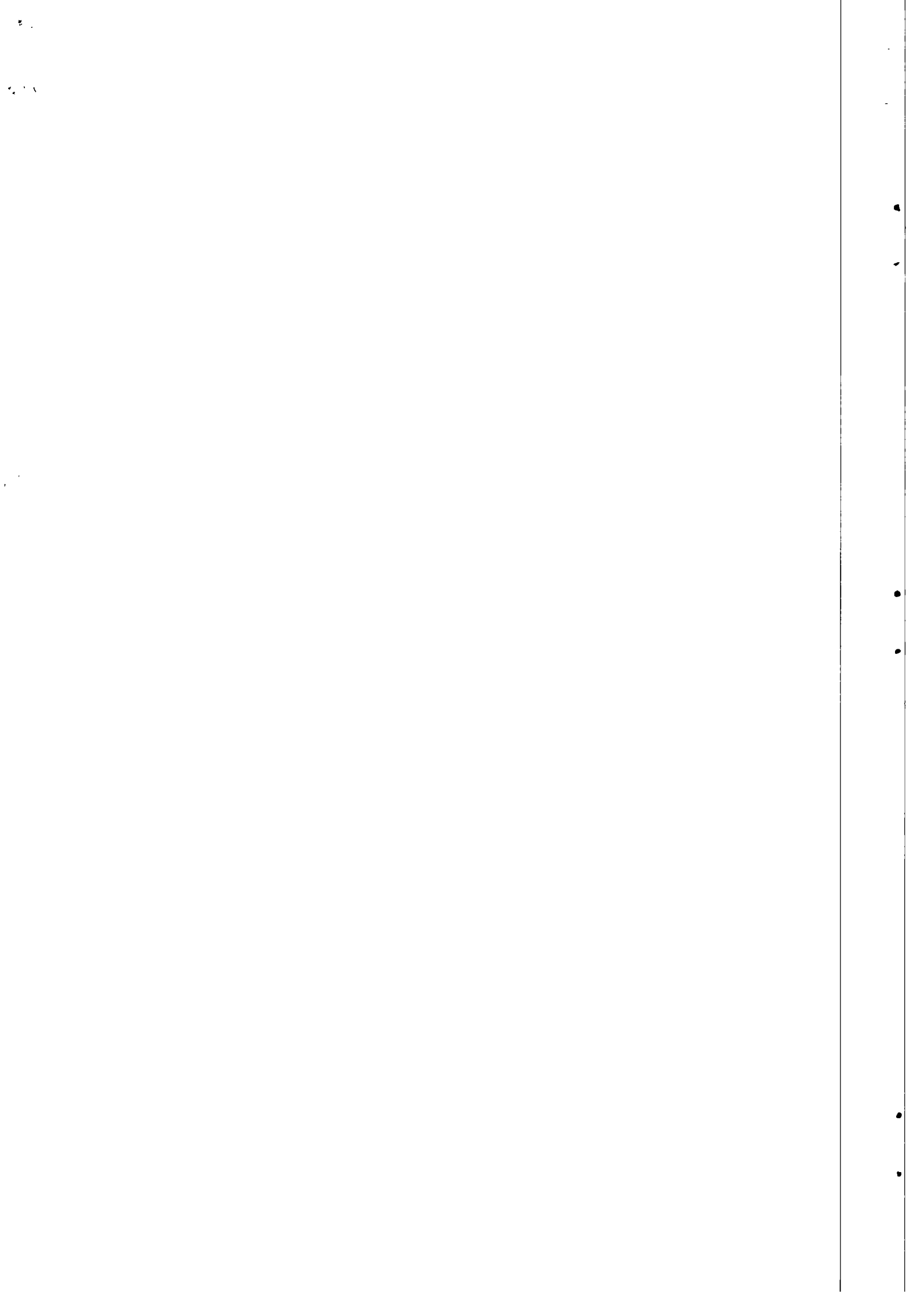
## **EXECUTIVE SUMMARY**

Migration is certainly one of the biggest issues for the European Union block, Africa and Middle East today and most of those socio-economic migrants and on transit to Europe and North America. EU member states have not found any real structural long-term solution of how to manage this crisis. In fact Europe faces many challenges, but that of migration could become the make-or-break one for the EU. In the words of a leading EU Nation leader, the problem of migration is becoming more complex because EU Nations are turning inward, trying to find national solutions to problems that require European solutions.

There are now more refugees and displaced people around the world than at anytime since the Second World War. As the conflict in Syria forces record numbers to flee and the crisis on Europe's borders grows, as more migrant ships with economic refugees from North Africa sail across the Mediterranean Sea in search of better opportunities in Europe, it is about time the world examines the humanitarian and policy challenges facing the international community. Some of the challenges the crisis poses to the 'traditional' integration mechanisms and processes employed by countries arise from a host of particular factors namely:

- a) The unprecedented number of migrants and refugees that have recently entered Europe;
- b) The mostly unregulated and uncontrolled nature of this new immigration;
- c) The burden that this puts on host countries that have previously had very little experience with immigration and integration;
- d) The opportunities this crisis provides in terms of addressing the key social and economic challenges that Europe and the rest of the world will be facing in the next 30 years;
- e) The security concerns that have arisen in the aftermath of terrorist attacks by immigrant or associates in host countries.

The conference sought to explore the medium and long-term impact of these and other challenges on the debate and measurement of the success of immigrant integration and crisis occasioned. The delegation of the National Assembly Labour and Social Welfare Committee that attended the conference comprised of:-



1. Hon. Ali Wario, MP -Chairman/Leader of the Delegation
2. Hon. Fabian Muli, MP -Member
3. Mr. Said Osman -Committee Researcher/Delegation Secretary.





### **Establishment and Mandate of the Committee**

The Departmental Committee on Labour and Social Welfare is established in accordance with the provisions of Standing Order 216 of the National Assembly. Its mandate as provided for in S.O. 216(5) is to *inter-alia*:-

- i. *Oversight over the day to day running and administration of Ministries, Departments and Agencies under its purview;*
- ii. *Consider Estimates of the said Ministries, Departments and Agencies;*
- iii. *Consider relevant legislation and recommend enactment of laws; and,*
- iv. *Carry out vetting of State/Public Officers as required by law.*

The Committee is mandated to consider the following subjects:-

- i) Labour,
- ii) Labour relations,
- iii) Manpower or Human resource Planning,
- iv) Gender,
- v) Youth,
- vi) Social Welfare and Security,
- vii) Children`s Welfare,
- viii) And Persons Living With Disabilities.

### ***Oversight***

In executing its mandate, the Committee oversees the following government Ministries, departments and or agencies, namely:

- i. Ministry of Labour
- ii. The State Department for Social Security and services
- iii. The State Department for Gender
- iv. The State Department for Youth



## **COMMITTEE MEMBERSHIP**

1. The Hon. Ali Wario, MP - **Chairperson**
2. The Hon. Joyce Korir, MP - **Vice Chairperson**
3. The Hon. Gladys Wanga, MP
4. The Hon. Janet Marania Teyiaa, MP
5. The Hon. Janet Nangabo Wanyama, MP
6. The Hon. Ronald Kiprotich Tunoi, MP
7. The Hon. James Onyango Koyoo, MP
8. The Hon. Rose Museo, MP
9. The Hon. Alfred Kiptoo Keter, M.P
10. The Hon. Charles Kanyi Njagua, MP
11. The Hon. Catherine Wambilyanga, MP
12. The Hon. Fabian Kyule Muli, MP
13. The Hon. Ole Sankok David, MP
14. The Hon. Abdi Mude Ibrahim, MP
15. The Hon. Michael Mwangi Muchira, MP
16. The Hon. Safia Sheikh Adan, MP
17. The Hon. Tom Odege, MP
18. The Hon. Wilson Sossion, MP
19. The Hon. Omboko Milemba, MP

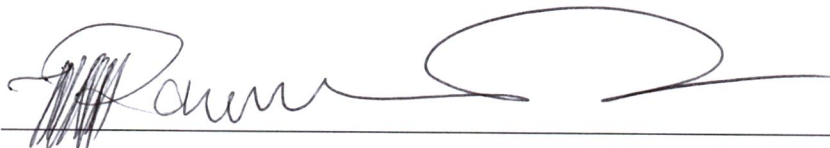
## **COMMITTEE SECRETARIAT**

- |                                   |                     |
|-----------------------------------|---------------------|
| <b>1. First Clerk Assistant</b>   | Mr. Adan Gindicha   |
| <b>2. Clerk Assistant</b>         | Mr. John Mugoma     |
| <b>3. Senior Legal Counsel</b>    | Ms. Marlene Ayiro   |
| <b>4. Research Officer</b>        | Mr. Said Osman      |
| <b>5. Fiscal Analyst</b>          | Ms. Amran Mursal    |
| <b>6. Media Relations Officer</b> | Ms. Noelle Chelagat |



On behalf of the Departmental Committee on Labour and Social Welfare and Pursuant to the provisions of Standing Order 200(1), it is my pleasant duty to present the Migration Crisis Symposium report of the Committee on Labour and Social Welfare, to the House.

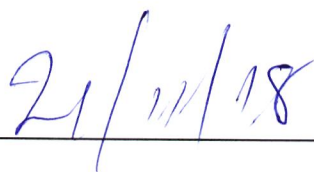
Signed

A handwritten signature in black ink, appearing to read 'Ali Wario', written over a horizontal line.

**Hon. Ali Wario, MP**

**Chairperson, Departmental Committee on Labour and Social Welfare**

Date

A handwritten date '21/11/18' in blue ink, written over a horizontal line.



## **1.0 BACKGROUND**

Even before the current refugees and Socio-economic migrant crisis, it is worth noting that population movements towards developed and developing countries had been steadily increasing over time. Since the year 2000 the immigrant population in the European Union had been on a steady rise. Although research shows that the rise in immigration does not have a negative effect on the success of integration, the specificity of the current crisis might pose altogether new challenges to 'traditional' integration mechanisms and processes.

There are many reasons for thinking that circumstances are different this time round. First, the number of refugees and migrants currently entering Europe and the rest of the world is unprecedented. In the year 2014, around 219,000 people crossed the Mediterranean while this number grew to around one million in the year 2015. Currently, there are almost 1.3 million asylum applications in the EU countries. The high number of refugees and migrants has already caused difficulties for both the transit and recipient countries, which are struggling to provide conditions for satisfying basic needs such as food, shelter and healthcare. But it is not only the numbers – the nature of immigration has also been transformed by becoming much less regulated and controlled, thus preventing the destination countries from predicting and planning the necessary resources to host immigrants.

Second, demands as well as obstacles for burden-sharing between countries through redistributing refugees and forced migrants from overburdened countries to the other stable countries across the world was not factored to ease the migration crisis triggered by several factors across the globe. This has already triggered negative reactions and explicit hostility in many countries as result of the burden.

The lack of experience of such countries with hosting and integrating refugees, asylum seekers and economic immigrants, combined with the hostile attitude towards them, compounds the problems in countries that are currently overburdened and does not augur well for the integration of those in the most reluctant host countries.





## **2.0 THE KEY ISSUES ADDRESSED BY THE CONFERENCE**

The conference was divided into four thematic topics namely each of which focused on a different aspect of the migration crisis namely:

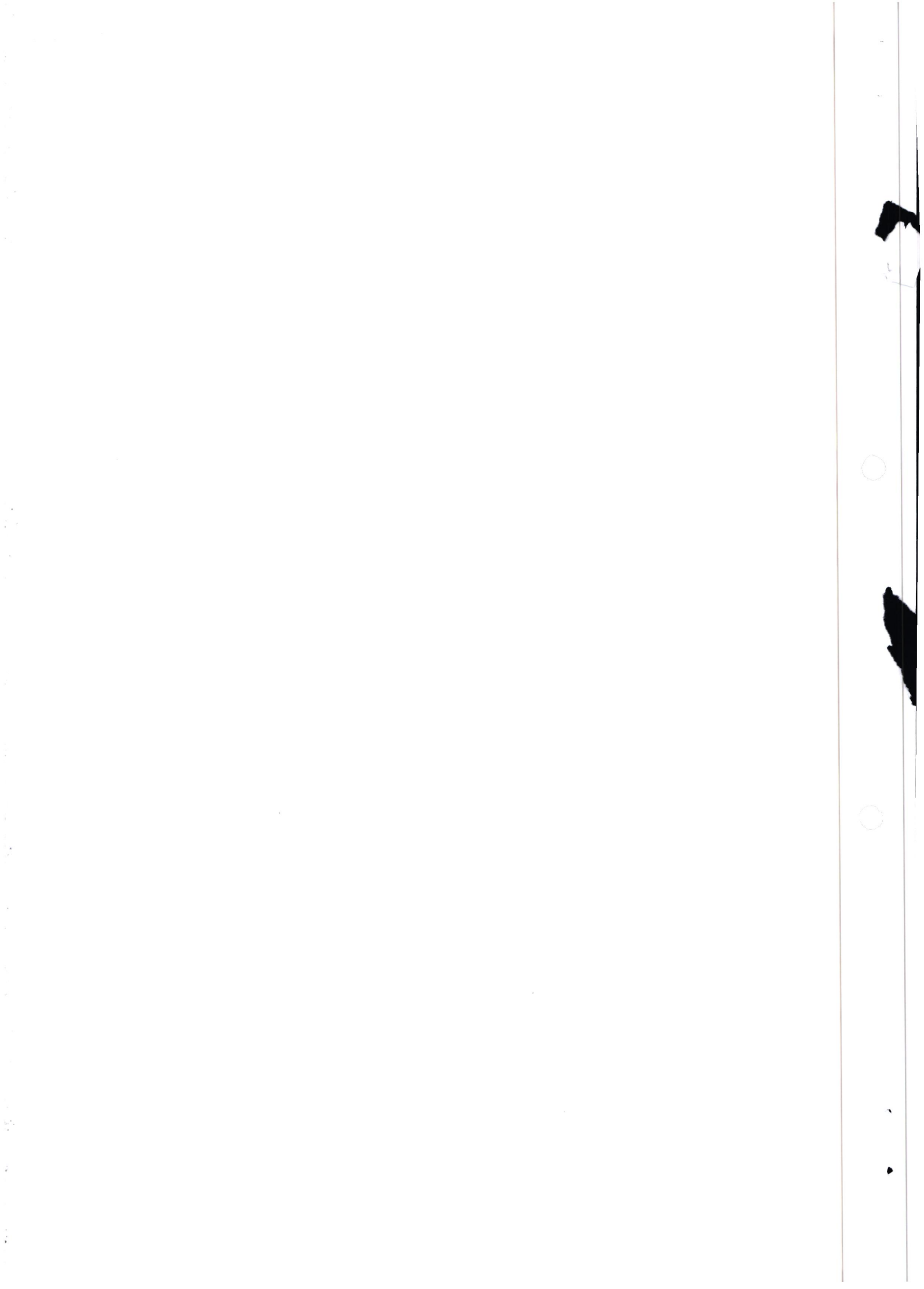
- a) Citizenship and Legal Status of the migrants
- b) Education for the migrants and refugees
- c) The integration of the migrants into the E.U Labor Market
- d) The Cultural Integration of Migrants and Refugees into the local E.U Host Nations.

### **A. Citizenship and Legal Status of the Migrants**

The first major issue addressed during the Conference was on Integration during asylum procedures (this entailed restriction and the issue of access to permanent residence and citizenship for the migrants and refugees. Regarding the acquisition of status, in European migration-receiving countries the integration of migrants and especially refugees has been traditionally based on the assumption that their stay is temporary rather than permanent: as a result, integration policies have been ad hoc at best and lacked a focus on their comprehensive immersion into the host societies.

It's worth mentioning that one of the best ways to become a full and equal member of any society is by securing a route towards citizenship through naturalization. Citizenship is an important measurement of integration because it extends rights to unconditional residence and political participation and because naturalization represents a deliberate choice by immigrants to link their future with that of the host country. Yet, citizenship acquisition rates in Europe remain relatively low with significant variation between countries and between migrant groups— and policies outlining comprehensive pathways towards citizenship are the exception, rather than the rule.

The facilitators were able to demonstrate to the delegates that recent comparative research on citizenship for immigrants has focused on issues such as; the conditions for acquiring citizenship of the host country, how they differ between countries, how they change over time and how they distinguish various classes of would-be citizens. The facilitators also extensively examined the overall effect of citizenship policies and naturalization on various integration indicators with the



end result that the available evidence on the 'citizenship premium' for integration provides a mixed picture, both across domains, across migrant groups and across countries.

It was concluded that permanent residence and ultimately citizenship are seen as crucial opportunities especially for those migrants who are most in need of a secure legal status and those who face the greatest hurdles towards building a new life in the host society. However, as a deterrent, the facilitators were able to demonstrate that in the absence of European Union-wide coordination, destination countries have envisaged reducing migration incentives by introducing temporary asylum also to those recognized as genuine refugees, by denying or delaying for a long time family reunification, by restricting access to labor markets and by lowering welfare benefits.

### **B. Education of Migrants and Refugees**

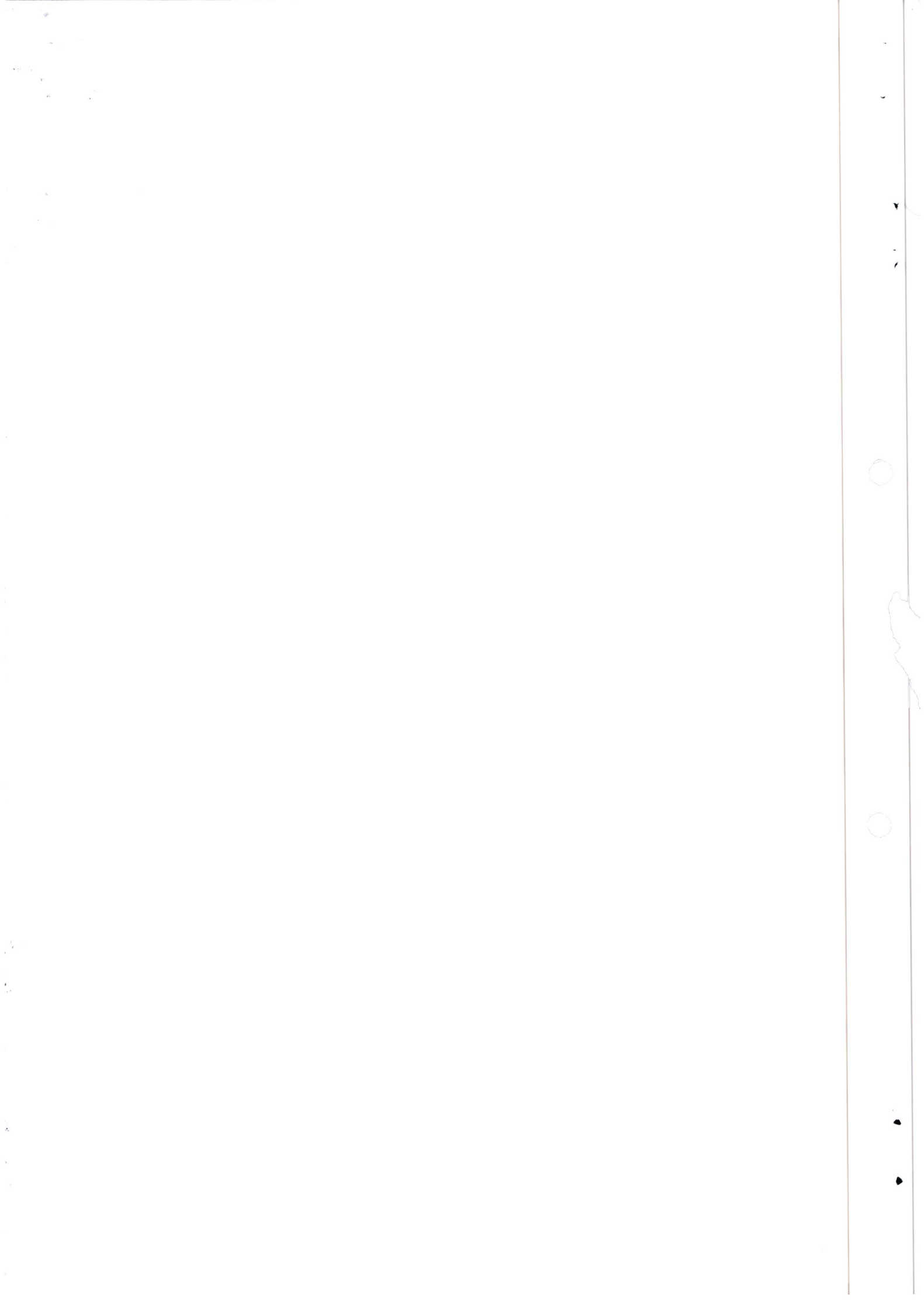
The second major issue addressed during the Conference was with regard to Education for the migrant and refugee populations crossing into the European Union nations and across the world with the Key issues picked for discussion being:

- Immersion of migrant and refugee children into the School system or whether host nations should have separate school classes or early tracking for newly arrived migrant and refugee children.
- What explains the lack of educational achievement of immigrant origin children?
- Access to pre-school and post-compulsory education for refugee children.

Education is considered as one of the key tools for the integration of immigrants. Securing equal educational opportunities creates more equal access to job opportunities which, in turn, determines their socio-economic status.

### **C. Labor Market Integration for Migrants and Refugees**

With regard to the issue of the labor migrants, all the facilitators opined that for both immigrants and native citizens, employment and upward social mobility in the labor market is the strongest indicator for a successful integration of newcomers. The facilitators however highlighted some of the issues that arise in the current context of massive inflows namely:



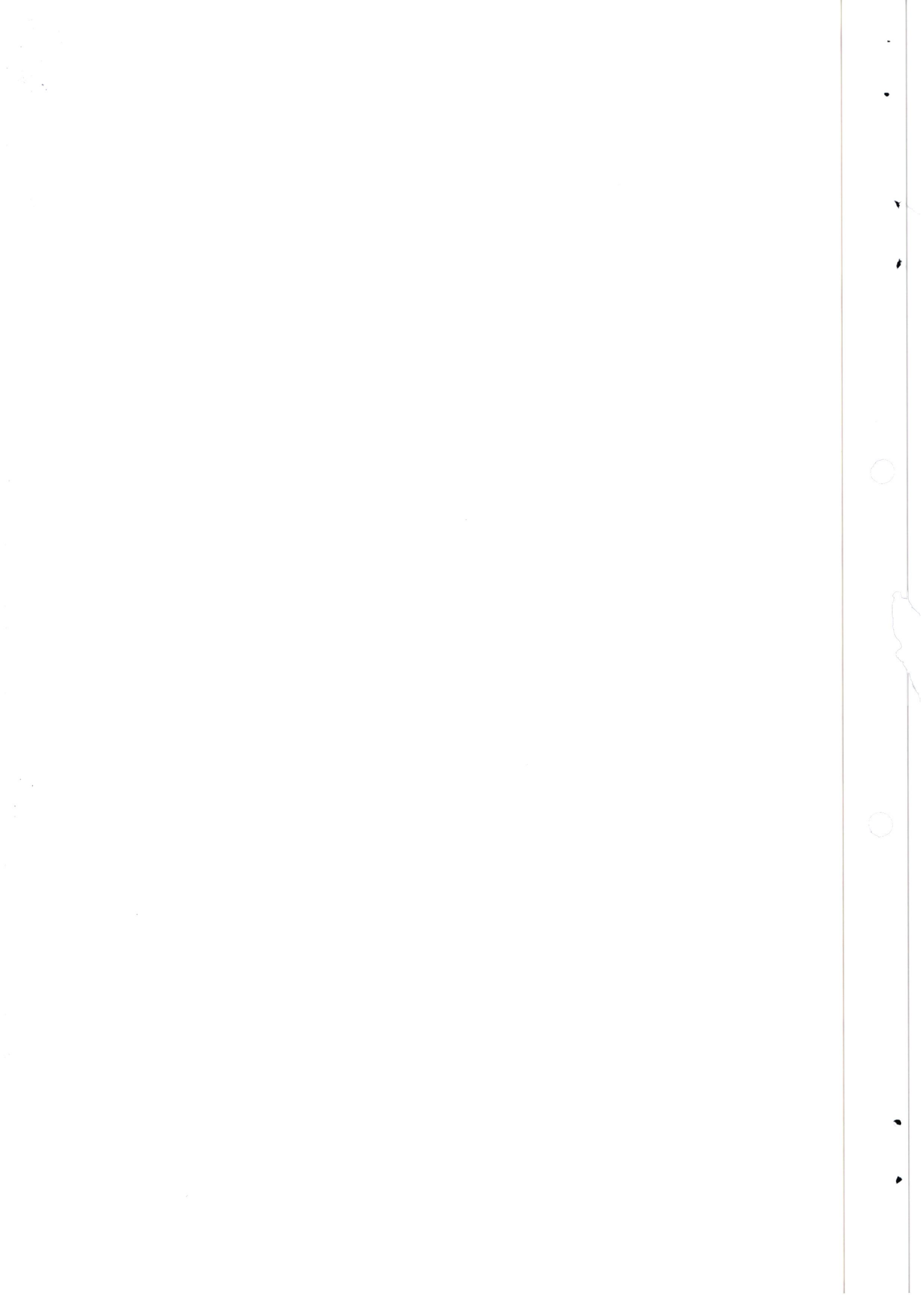
- The rigidity or flexibility of countries national labor markets and under which conditions can they expand and absorb large numbers of newcomers without condemning either the latter to structural unemployment or pushing out low-skilled natives and previous immigrant cohorts?
- Secondly, whether prospects for employment play a role in selecting refugees for resettlement from crisis areas or for internal redistribution between member states from European Union countries of first arrival or across the territory within hosting countries?
- Thirdly, how policies that aim at restricting secondary migrations of asylum seekers and refugees within and between European Union member states that upset burden-sharing and redistribution schemes be reconciled with mobility that is needed to match supply and demand in labor markets?
- Lastly whether the reason why most of the new arrivals end up in low paying and precarious jobs is due to their high numbers, a skills mismatch, or language and cultural barriers and what public policies are most successful in overcoming skills and cultural barriers for employment?

To address the above issues the facilitators did propose a string of measures which included:

- a) Making the immigrant and refugee labor relevant through human capital programs that aim at certification and retraining of qualifications for the migrant and refugee labor population.
- b) Labor policy makers should consider the creation and adoption of policies that help to prevent labor market segregation and discrimination in employment across.
- c) Countries should also formulate policies that help to link social benefits for refugees and unemployed migrants with access to the job market.

#### **D. Cultural Integration**

During the Conference the facilitators convincingly firmed up the notion that European democracies that have received immigrants for a long time have at least officially abandoned the idea that immigrants whose cultural and religious background is distant to native traditions cannot belong and successfully integrate. Official cultural integration requirements have been reduced to learning a new language, becoming familiar with informal social norms and embracing the values officially supported by a country's institutions. However, it was noted that



this is still not the case in the more recently democratized member states of the European Union with little or no experience of non-European immigration and where ethnic nationalism is often articulated also in public policy reactions to the current refugee inflows. The result has been unnecessary obstacles for integration through the targeting of specific immigrant groups who are regarded as more foreign than others.

Sadly, also the facilitators noted that since most of the new arrivals hail from predominantly Muslim countries, the response to the current massive inflows is strongly shaped by a widely perceived failure to integrate previous waves of Muslim background immigrants and by the recent escalation of terrorist attacks in Europe. As a remedy to address the above raised issues the facilitators made the following proposals for adoption by the relevant stakeholders:

- a) Countries should consider introducing the use of Immigrant languages in public services.
- b) Countries should formulate policies that accommodate religious diversity and its limits.
- c) Countries should work at policies that encourage the transformation of national identities through immigrant integration. This is because for the native populations, cultural matters are often at the core of what they understand as immigrant integration.

### **3.0 BENEFITS OF ATTENDING THE CONFERENCE**

Some of the key benefits and take away for the team from the Labour and Social Welfare Committee that attended the Conference includes:

- The conference informed the participants there is need to have a forum to address how public and private actors can work together in managing migration flows.
- The Conference extensively addressed the issue of the social consequences of immigrant flows in the host societies in terms of labour exploitation, media representation and the role that local social media of host nations plays to facilitate migration.
- The Conference was able to give the delegation a better grasp of the issue of the tension between human rights on one hand and Concerns about State Security of the host nations on the other which explains the rise of anti-immigration personalities shaping policies in their countries.





#### **4.0 OBSERVATION MADE BY THE DELEGATION**

The delegation made the following observations;

- i. There is growing anti-immigrants far-right parties and personalities in Europe.
- ii. Economic immigrants have preference destinations such as Germany and Sweden within the European block.

#### **5.0 RECOMMENDATIONS AND WAY FORWARD FOR KENYAN DELEGATION**

The Conference provided an in-depth review on the current migrant crisis in the European Union and generally a better perspective on the issues of refugees. The conference successfully addressed pertinent issues in regard to the issue of asylum seekers, economic migrants and refugees.

The delegation made the following recommendation;

**Kenya being host to many categories of immigrant from neighbouring countries the Government should put in place a policy that protects the host communities' interest.**

