



Unlocking refugee work authorisation in Kenya: a practical framework for economic inclusion, institutional alignment, and national growth

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Kenya coalition for refugee economic inclusion



1. Introduction

Kenya stands at a pivotal moment in its refugee policy. Following the enactment of the 2021 Refugee Act and 2024 Regulations and then the launch of the Shirika Plan, in March 2025, one year ago, the country has demonstrated a clear commitment to transitioning from humanitarian dependency toward sustainable refugee inclusion and economic participation. Concurrently, funding reductions in the humanitarian sector are accelerating the need for scalable, economically viable solutions that benefit both refugees and host communities.

Access to legal work authorisation remains one of the most critical barriers to refugee self-reliance and socio - economic inclusion. Kenya's 2021 Refugee Act allows refugees to apply for Class M work permits to engage in employment or business. Despite this, they face significant barriers, including complex, slow, and expensive application processes, due to a lot of hidden costs, but also the difficult requirement to have a job offer (when employers wait for a work permit), often resulting in "No merit" rejections. Furthermore, a strict encampment policy hinders movement, while employer demands for existing permits create a "vicious cycle".

The objective of this document, written by the "Kenya coalition for refugee economic inclusion", is to consolidate operational evidence, institutional observations, and labour market realities to clarify the current situation, identify implementation bottlenecks, and propose a structured pilot program to unlock access to legal employment pathways. It calls for coordinated dialogue between state and non-state actors, including the private sector and research institutions, to design practical, secure, and scalable mechanisms enabling refugee participation in Kenya's formal economy. The goal is not to alter Kenya's sovereign control over immigration and labour policy, but to strengthen implementation mechanisms and adopt new technologies in alignment with national economic priorities. If necessary, the "Kenya coalition for refugee economic inclusion" would be happy to contribute to the implementation of the proposed solutions.

2. Evolving policy context and emerging opportunity

Kenya has long played a significant role in refugee protection in the East Africa region. The Refugee Act¹ and the Shirika Plan² reflect a strategic shift toward integrated refugee management and economic inclusion, in addition to the numerous international commitments³ made over several years. These reforms recognize that enabling refugees to participate productively in the economy is essential for long-term sustainability. This shift is occurring within a broader context of structural pressures. Declining humanitarian funding,

¹ Refugee Act: <https://new.kenyalaw.org/akn/ke/act/2021/10/eng@2022-12-31>

² Shirika Plan: <https://refugee.go.ke/sites/default/files/2025-04/SHIRIKA%20PLAN%20FOR%20REFUGEES%20AND%20HOST%20COMMUNITIES.pdf>

³ Kenya ratified the Convention relating to the Status of Refugees and its Protocol in 1966 and 1981, respectively. Articles 17 and 18 of the Refugee Convention address the right to work for refugees in host countries, while Article 26 requires states to accord refugees the freedom of movement and choice of residence. Other international laws and protocols that Kenya has ratified, which directly or indirectly offer refugees the right to work and free movement include the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, and the African Charter on Human and People's Rights. At the regional level, Kenya is a signatory to the 2019 Kampala Declaration on jobs, livelihoods and self-reliance that commits to fostering economic inclusion for refugees, returnees and host communities. Per Emily Arnold-Fernández, an expert on refugee work rights: "The Economic Covenant (ICESCR) provides that refugees should have full work rights equal, in almost all cases, with nationals. This interpretation has been clarified in the Committee on Economic, Social and Cultural Rights General Comments 18, 20 and 23. General Comment 20: "The Covenant rights apply to everyone including non-nationals, such as refugees, asylum-seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation" (CESCR 2009). General Comment 18: "Every individual has the right to be able to work, allowing him/her to live in dignity" (ECOSOC 2006). States parties to the Economic Covenant may not discriminate against refugees in granting access to work. Specifically, a state cannot curtail the right to work on grounds of nationality or legal status (General Comment 18), meaning that it cannot put in place laws, policies, or practices that allow only nationals to work, or that keep people of particular nationalities or legal statuses from accessing work. This also means the state cannot place limitations on the types or sectors of work accessible to people who are not nationals, or who hold a particular legal status (e.g., refugee or stateless person). While a state does not have to ensure everyone obtains work, it must ensure that everyone can seek and engage in work, without discrimination (General Comment 20). Beyond this, the Covenant also requires the state to take steps to realize the right to work by implementing technical and vocational support, policies and techniques to improve economic and other development and full and productive employment (article 6). Among other implications, this means a state that is party to the Covenant has a legal obligation to enact policies that facilitate refugees' access to work."

particularly for refugees, with long-term impacts, is forcing institutions and partners to move beyond assistance-based models and toward government-led, economic participation and self-reliance.

At the same time, Kenya is experiencing rapid growth in different sectors, which require a skilled and adaptable workforce (such as digital services and technology-enabled employment), and refugees, with relevant skills, could actively contribute to meeting this demand.

Refugees represent indeed an underutilised talent pool within Kenya's economic transformation agenda. Many refugees living in Kenya have spent years in the country. A high number have completed their education within the Kenyan system and have obtained degrees, technical training, and professional experience. A growing number have acquired skills aligned with emerging sectors and are prepared to contribute through formal employment. Refugees can also bring language skills through their mother tongue, such as French for those from the Democratic Republic of Congo or Burundi, and Arabic for those from Sudan or South Sudan.

Today, as the 2024 Longitudinal Socioeconomic Study of Refugees and Host Communities in Kenya undertaken by the World Bank⁴ demonstrated, refugees are quite limited in terms of labor force participation and the businesses they can operate. They are often employed as "incentive workers" for humanitarian organizations and receive lower wages than Kenyans for equivalent work⁵.

Nevertheless, employers are increasingly recognising the value of hiring refugees, both from a social impact perspective and as a response to real labour market needs. Companies report strong performance, high motivation, and valuable multilingual and technical capabilities among refugee workers, especially from the Business Process Outsourcing (BPO) sector.

However, administrative uncertainties and procedural barriers often prevent employers from formalising these employment relationships. This creates a paradox in which Kenya possesses both the talent and the economic demand, but lacks sufficiently accessible implementation pathways to connect them within the formal legal frameworks. The situation is significantly worse for refugee women, with a total of 64% remaining outside the labor force⁶.

Ultimately, when refugees are unable to access legal work authorisation, many are forced to work informally despite having valuable skills and qualifications⁷. This informal employment means their earnings go undeclared, leading to a loss of income tax collection, social security contributions, or other fiscal revenues for the Government of Kenya. As a result, the state loses potential domestic revenue that could support national development priorities and public services. Informality also limits transparency and weakens labour market regulation, creating inefficiencies for both institutions and employers. Enabling legal work pathways⁸ would allow refugees to contribute fully and transparently to Kenya's tax base while strengthening economic governance.

⁴ World Bank report: <https://documents1.worldbank.org/curated/en/099082024140542629/pdf/P176078145c2a50f11b2dc1a6cbb98218f4.pdf>

⁵ Vuni and Iragi 2023; Omata 2021, Refugee-Led Research Hub (RLRH) - Refugees' access to work permits and business licences in Kenya report: <https://refugeeledresearch.org/wp-content/uploads/2023/07/WUISC-full-report-July-2023.pdf>

⁶ 2024 Longitudinal Socioeconomic Study of Refugees and Host Communities in Kenya

⁷ World Bank-UNHCR Joint Data Center on Forced Displacement - JDC - Refugee livelihoods: a comparative analysis of Nairobi and Kakuma Camp in Kenya: https://www.jointdatacenter.org/literature_review/refugee-livelihoods-a-comparative-analysis-of-nairobi-and-kakuma-camp-in-kenya/#:-:text=Nairobi%20features%20the%20presence%20of,at%20lower%20than%20ordinary%20rates.as

⁸ Per Emily Arnold-Fernández, an expert on refugee work rights: "A provision in the Covenant allows states to "progressively" implement some economic rights (article 2). Access to work, however, is not one of the rights whose implementation can be delayed. A state's responsibility to guarantee access to work is an immediate obligation, because the cost of allowing refugees to access the labor market is minimal. States can implement "most strategies and programmes designed to eliminate employment-related discrimination...with minimum resource implications," and therefore have an immediate responsibility to implement work rights for refugees (CESCR 2016). A provision that so-called "developing countries" may decide not to guarantee economic rights to non-nationals (article 2.3) also does not apply to refugees' work rights (Scholar Penelope Mathew (2013) offers a detailed analysis of why this is the case, too long to add here), and in any case Kenya is not a low-income country per the World Bank, so this provision also does not apply to Kenya."

3. Current reality: limited access to work permits

While refugees are legally eligible to apply for Class M work permits, access in practice remains highly constrained. The number of permits issued to refugees each year appears to be quite small relative to the size of the refugee population and the number of qualified candidates (unfortunately, we lack clear data today⁹).

Operational examples illustrate both the possibility and the difficulty of obtaining work permits¹⁰. Some organisations successfully secured a few work permits, demonstrating that work permits are not impossible to obtain, but that the process is complex, uncertain, expensive and difficult to navigate. The timelines can be very long, ranging from 3 to 24 months, and involve a lot of back-and-forth, bureaucratic delays such as applications being “lost” or “not received” in the system, resulting in high hidden costs (many travels to obtain and bring new documents required - from camps to Nairobi, loss of revenue, missed opportunities, etc.). Technological advances here could significantly streamline processes.

Outcomes are often unpredictable, timelines can extend to many months or longer (during which time the employment status of an applicant can even change: noting that a Class M permit is tied to a particular employer / role), and applicants and employers frequently lack clarity regarding requirements and decision criteria. Responses to applications may be communicated without detailed justification, limiting the ability of applicants to improve future submissions. Renewal processes also create uncertainty regarding long-term employment continuity. The result is that many qualified refugees remain excluded from formal employment, while employers face administrative risks and operational constraints.

More concretely, the current work permit application system presents several operational challenges. Firstly, refugee registration systems and Kenya’s national identification system do not have data interoperability. While refugee registration data is managed by the Department of Refugee Services (DRS) and the UN Refugee Agency (UNHCR), the Kenya National Registration Bureau (NRB) handles national identity records. Because refugees’ information is not integrated into the NRB system, they are invisible to the government and unable to access essential services. Consequently, even though refugees may qualify for a Class M work permit, to apply, they must provide a Tax Compliance Certificate and a passport, both of which require NRB registration. Since most refugees are not in the NRB system, they cannot obtain these documents¹¹. Secondly, the application process, including use of the Electronic Foreign Nationals Services platform, can be complex / difficult to navigate without specialized guidance¹². Documentation requirements, procedural steps, and evaluation criteria are not always clearly understood by applicants or employers.

Employers may be required to demonstrate that positions cannot be filled by Kenyan nationals, a requirement that can be very difficult to interpret or substantiate, especially in emerging sectors where roles are new or rapidly evolving. Companies may also be hesitant to initiate applications due to uncertainty regarding timelines, approval likelihood, and administrative complexity. Ultimately, employers may be discouraged from offering a job to a refugee.

Access to supporting documentation, including identity documents, Convention Travel Documents (CTD), and refugee-specific administrative credentials, also plays a critical enabling role. Gaps in documentation can delay or prevent applications. More generally on the issues surrounding identity documents, the Kenya Refugee Act 2021 and its Regulations allow refugees to open bank accounts, own SIM cards, apply for work

⁹ Refugees International qualitative report, 2025 found the number to be less than 2% refugees, which would equate to 8,000 in Kenya; this figure seems higher than the reality. From our observations of different data, it suggests that Class M work permits are issued more at a rate of almost 100 per year. This data should be available from the Kenya National Bureau of Statistics, which stated in February 2026 that it did not have accurate data

¹⁰ Capital FM news - Opinion Refugees are ready to work: Kenya's private sector can drive inclusive growth: <https://www.capitalfm.co.ke/business/2026/02/refugees-are-ready-to-work-kenyas-private-sector-can-drive-inclusive-growth>

¹¹ Removing Red Tape to Get Kenya's Refugee Act Right; Refugee International (2025): <https://reliefweb.int/report/kenya/removing-red-tape-get-kenyas-refugee-act-right>

¹² For example, the Form 25 of the citizenship and immigration act treats all foreigners the same and thus a need to review the form to consider refugees' interests/situations.

permits, and register businesses. However, a key practical barrier is access to Refugee IDs. Without these IDs, refugees face significant challenges in accessing employment opportunities, including the ability to apply for work permits. Addressing the issuance and accessibility of Refugee IDs is therefore critical and needs to be spotlighted in this write-up. Actually, from a broader, longer-term perspective, another option could be to examine, from an administrative and practical standpoint, simply decreeing that refugees can work with any form of identification issued by the host government.

4. Benefits of expanding work authorisations

Enabling structured access to work authorisation for qualified refugees, allowing employers to proceed with employment of qualified refugees provided they are taking steps to obtain a Class M permit, would generate clear and measurable benefits for Kenya. Refugees employed formally contribute to national tax revenue, participate in social protection systems, and increase economic activity through consumption and investment. KRA, NSSF, SHA.... could clearly benefit from developments in the work permit system.

In addition, formal employment reduces vulnerability, strengthens self-reliance, and decreases long-term dependency on humanitarian assistance. It also supports stability and integration within host communities.

From a labour market perspective, refugee inclusion helps address workforce shortages in growing sectors. Rather than displacing Kenyan workers, refugee employment can complement national employment strategies by enabling business growth, attracting international investment, and creating additional jobs for Kenyan nationals.

Furthermore, refugees who have lived in Kenya for extended periods are already part of the country's economic and social fabric. Enabling them to work legally strengthens institutional oversight, transparency, and economic contribution.

5. Proposed solution: a two-pronged approach

A multi-stakeholder dialogue

The complexity of work authorisation for refugees requires coordinated engagement across institutions. Effective solutions must align immigration regulation, refugee management, labour market needs, and economic development priorities.

The establishment of a structured dialogue involving relevant government institutions, including those responsible for refugee management, immigration, labour, and economic development, as well as private sector actors, refugee-led organisations, and international partners, would help to align all stakeholders on the same understanding of the situation. Such dialogue would enable institutions to clarify procedures, align incentives, and develop practical solutions grounded in operational realities. It will especially support the reform proposals aimed at addressing the above-mentioned barriers (documentation and sensitisation, interoperability of data/systems, policy reforms and process reviews...), alongside the roll-out of the Shirika plan. Ideally, clear leadership and governance will be established to bring the parties together, align them on a coherent strategy, and drive execution.

International partners and development institutions have already expressed strong interest in supporting refugee economic inclusion and could provide technical and financial support to pilot initiatives aligned with Kenya's national priorities.

A structured pilot program

To address implementation barriers while maintaining institutional control and policy integrity, the proposition is to establish a structured pilot program enabling a limited number (500 in 2026 - enough to achieve a significant result, but not so large as to have a systemic impact for the time being) of qualified refugees to obtain work authorisation through coordinated institutional mechanisms.

If necessary, it would be interesting to identify what additional resources and organisations would be required within the Department of Refugee Services (DRS) and the Department for Immigration and Citizenship Services to process refugee work permit applications. Some departments would probably need to develop specific processes, adopt new technologies, and create dedicated units for handling work permits for refugees.

The pilot would operate within Kenya's existing legal and administrative framework and would involve close coordination between relevant government institutions (DRS, Immigration, etc.), participating employers, and accredited partner organisations. Candidates would be pre-identified based on qualifications (by preselected key implementation partners), verified employment opportunities, and full compliance with documentation requirements¹³. The pilot would prioritise sectors aligned with national economic growth (as the ones mentioned in Kenya's strategic priorities like Vision 2030), while considering geographical balance. Participating employers would commit to full compliance with Kenyan labour and tax regulations. Approval of work permits will always remain in the hands of the government.

A monitoring and evaluation framework would be developed, using existing systems available if possible, to track outcomes, including employment retention, decent remuneration, entrepreneurship sustainability, tax contribution, administrative efficiency, institutional feasibility, and finally, how refugee employees complement (rather than compete with) Kenyan employment in terms of net new job creation and skills transfer. It will also help to document the full process to identify barriers, enabling factors, streamline procedures and create a replicable model that benefits Kenya.

This evidence-based approach would allow Kenyan authorities to assess operational effectiveness and inform future policy decisions. The pilot would serve as a controlled proof of concept, allowing institutions to test and refine implementation mechanisms while maintaining full regulatory oversight.

¹³ The case of refugees from Burundi, the Democratic Republic of Congo, Rwanda, South Sudan, Tanzania and Uganda will be examined in greater detail. Indeed, in accordance with section 28(8) of the Refugees Act 2021, a person from an East African Community partner state who has been recognised as a refugee under this Act may choose to voluntarily renounce their refugee status in order to benefit from the advantages granted to them under the Treaty establishing the East African Community and the Protocol establishing the Common Market of the East African Community.