



Home Office

# Country Policy and Information Note

## Kenya: Internal relocation

Version 1.0

May 2020

# Preface

## Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

## Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- A person is reasonably likely to face a real risk of persecution or serious harm
- The general humanitarian situation is so severe as to breach Article 15(b) of European Council Directive 2004/83/EC (the Qualification Directive) / Article 3 of the European Convention on Human Rights as transposed in paragraph 339C and 339CA(iii) of the Immigration Rules
- The security situation presents a real risk to a civilian's life or person such that it would breach Article 15(c) of the Qualification Directive as transposed in paragraph 339C and 339CA(iv) of the Immigration Rules
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- A claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

## Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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London, SW1V 1PN

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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# Assessment

Section 1 updated: 18 March 2020

## 1. Introduction

### 1.1 Basis of claim

1.1.1 Whether, in general, it is reasonable/not unduly harsh for a person who has a well-founded fear of persecution or serious harm from a non-state actor to relocate within Kenya.

### 1.2 Points to note

1.2.1 Where a claim by a male is refused, it must be considered for certification under section 94 of the Nationality, Immigration and Asylum Act 2002, as Kenya is listed as a designated state for men only (see [Certification of protection and human rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#)).

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Section 2 updated: 18 March 2020

## 2. Consideration of issues

### 2.1 Credibility

2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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### 2.2 Exclusion

2.2.1 Decision makers must consider whether one (or more) of the exclusion clauses applies. If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection. Each case must be considered on its individual facts and merits.

2.2.2 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

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### 2.3 Internal relocation

2.3.1 Where the person fears persecution and/or serious harm at the hands of non-state actors (including 'rogue' state actors) in general they will be able to relocate to escape that risk. Decision makers must give careful consideration

to the relevance and reasonableness of internal relocation taking full account of the individual circumstances of the particular person.

- 2.3.2 The Court of Appeal in [SC \(Jamaica\) v Home Secretary \[2017\] EWCA Civ 2112](#) held that: ‘the evaluative exercise is intended to be holistic and...no burden or standard of proof arises in relation to the overall issue of whether it is reasonable to internally relocate’ (para 36).
- 2.3.3 Kenya has a total area of 580,367 sq km (more than twice the size of the UK) and is divided into 47 counties. The population is over 47 million with a population in the capital city, Nairobi, of over 4.75 million. Mombasa is the second largest city with a population of just under 1.3 million. Kenya comprises of a number of ethnic groups, with none being numerically dominant. Swahili and English are the official languages of Kenya but a large variety of languages are spoken (see [Country Background Note: Kenya](#)).
- 2.3.4 Disparity of living standards varies between rural and urban communities as does access to healthcare, education and employment. Poverty is more pronounced in rural areas and less so in multi-ethnic cities such as Nairobi. Women face discrimination in their economic and social rights, including in accessing inheritance and, owning land and property which may make relocation more difficult than for men (see [Country Background Note: Kenya](#) and [Key socio-economic indicators](#)).
- 2.3.5 The law provides for freedom of movement and grants citizens the right to enter and leave Kenya, remain in and reside anywhere in Kenya, and the government generally respects those rights. In practice, freedom of movement is generally possible although there have been security concerns and conflict in areas such as the north-eastern border regions and areas close to the Somali border, which may affect movement and access to services in those areas at times (see [Freedom of movement](#) and [Country Background Note: Kenya](#)).
- 2.3.6 In general, a person fearing non-state (including ‘rogue’ state) actors is likely to be able to internally relocate to another area of Kenya such as, but not restricted to Nairobi or Mombasa.
- 2.3.7 For further information on internal relocation for specific claim types see the Country Policy and Information Notes on [Kenya: female genital mutilation \(FGM\)](#) and [Kenya: Sexual orientation and gender identity and expression](#) and for women, the [Kenya: Country Background Note](#).
- 2.3.8 For further guidance on internal relocation see the instruction on [Assessing Credibility and Refugee Status](#).

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# Country information

Section 3 updated: 13 March 2020

## 3. Geography and demography

### 3.1 Overview

3.1.1 Kenya has a total area of 580,367 sq km<sup>1</sup> and includes the large cities of Nairobi and Mombassa<sup>2</sup>. It has a population of just over 47.5 million<sup>3</sup>.

For more detailed information, see [Country Background Note: Kenya](#)

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Section 4 updated: 7 April 2020

## 4. Freedom of movement

### 4.1 Legal rights

4.1.1 The Kenyan constitution states that Kenyan citizens have the right to freedom of movement, which includes the freedom to enter and leave Kenya, remain in and reside anywhere in Kenya<sup>4</sup>.

4.1.2 The United States State Department 2019 Country Report on Human Rights Practices (USSD report 2019) stated: 'The law provides for freedom of internal movement, foreign travel, emigration, and repatriation for citizens, and the government respected those rights, but it placed restrictions on movement for refugees.'<sup>5</sup>

4.1.3 The Freedom House Freedom in the World 2019 report stated: 'While the constitution provides protections for freedom of movement and related rights, they are impeded in practice by security concerns and ethnic tensions that lead many residents to avoid certain parts of the country. Hundreds of people fled their homes in Narok South in September 2018 as a result of communal clashes that continued through the end of the year.'<sup>6</sup>

The Constitution of Kenya is available [here](#).

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### 4.2 Internal migration

4.2.1 The International Organization for Migration (IOM) referring to the 2009 Kenya Population and Housing Census (KPHC) analytical report on migration noted that:

'The Rift Valley region remains one of the most favoured in-migration areas, after Nairobi, which recorded 93,033 in-migrants in 2009 compared to 192,110 in 1999. The attractiveness of Nairobi can be attributed to people moving in from all parts of Kenya in search of jobs, and educational

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<sup>1</sup> CIA, 'World Factbook, Kenya', 9 March 2020, [url](#).

<sup>2</sup> World Population Review, 'Population of Kenya in (2020)', 17 February 2020, [url](#).

<sup>3</sup> KNBS, '2019 Kenya Population and Housing Census Results', 4 November 2019, [url](#).

<sup>4</sup> Kenya Law Reform Commission, 'Constitution of Kenya', [url](#).

<sup>5</sup> USSD, USSD report 2019 (section 2d), 11 March 2020, [url](#).

<sup>6</sup> Freedom House, 'Freedom in the World 2019 - Kenya' (section G1), [url](#).

institutions; while the Rift Valley remains attractive due to the availability of large tracts of land for agricultural activities and settlement, plus the availability of jobs in urban centres.<sup>7</sup>

For more detailed information on migration within Kenya, see [IOM 'Migration in Kenya A Country Profile 2018'](#).

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#### 4.3 Internally Displaced Persons (IDPs)

##### 4.3.1 The USSD report 2019 stated:

'Water and pasture scarcity exacerbated communal conflict and left an unknown number of citizens internally displaced, especially in arid and semiarid areas. IDPs generally congregated in informal settlements and transit camps. Living conditions in such settlements and camps remained poor, with rudimentary housing and little public infrastructure or services. Grievances and violence between IDPs and host communities were generally resource based and occurred when IDPs attempted to graze livestock. In the north IDP settlements primarily consisted of displaced ethnic Somalis and were targets of clan violence or involved in clashes over resources.'<sup>8</sup>

##### 4.3.2 Freedom of movement for refugees is governed by Section 16 (2) of the Refugees Act, 2006, which restricts their ability to leave designated camps<sup>9</sup>.

For more information on the movement of refugees and asylum seekers within Kenya, see the [USSD report 2019](#)<sup>10</sup>.

For more information on IDPs in Kenya, see [IOM 'Migration in Kenya A Country Profile 2018'](#).

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#### 4.4 Transport links

##### 4.4.1 For information on air, rail and road links, see [Country Background Note: Kenya](#)

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#### 4.5 Entry and exit procedures

##### 4.5.1 For information on the law and process required to obtain a Kenyan passport, see [Country Background Note: Kenya](#).

##### 4.5.2 Foreign nationals need a passport to enter Kenya. The Kenyan government requires most foreign nationals to have a Kenyan visa and passport to enter Kenya. Certain foreign nationals are visa-exempt and only need a passport to enter Kenya<sup>11</sup>. All passengers terminating their journey in Nairobi or

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<sup>7</sup> IOM, 'Migration in Kenya A Country Profile 2018', (p 22), 2018, [url](#).

<sup>8</sup> USSD, USSD report 2019 (section 2d), 11 March 2020, [url](#).

<sup>9</sup> UN OHCHR, 'Summary of Stakeholders' submissions on Kenya' (para 116), 5 November 2019, [url](#).

<sup>10</sup> USSD, USSD report 2019 (section 2d), 11 March 2020, [url](#).

<sup>11</sup> Government of Kenya, 'e-Visa', (n.d), [url](#).



making domestic connections are required to pass through passport control desks set up at both arrival terminals<sup>12</sup>.

4.5.3 A response to an information request published by the Canadian Immigration and Refugee Board (CIRB), based on a range of sources, of December 2014 stated:

‘1. Exit Procedures at Kenyan Airports

Section 17 of The Kenya Citizenship and Immigration Regulations, 2012 provides that, prior to an individual's departure,

Report of Departure

17 (1) Every person, other than an excluded person, shall immediately before his departure from Kenya -

personally report his intended departure to the immigration officer at the point of exit;

complete a departure declaration form in Form 20 set out in the First Schedule; and personally deliver the departure declaration form to that officer

‘(2) Where any ship or aircraft is about to depart from Kenya, the person in charge or his or her agent shall, before departure -

provide an immigration officer with a list in duplicate of the names of every person embarking thereon and leaving Kenya; and

prevent the embarkation of any person who intends to leave Kenya in that ship or aircraft until he or she has complied with paragraph (1)...

In correspondence with Canada's High Commission in Nairobi, an official stated that "Kenya has exit controls for all passengers leaving the country, except for those in transit...Exit controls are performed by the Kenyan Department of Immigration and its agents at airports" (Canada 22 Nov. 2014). The official also noted the following:

There are three points at which documentation is checked before travelers depart Kenya by air:

Airline staff, or agents of an airline at time of check-in;

Kenyan Immigration, with scanning of passports and exit controls, including verification whether traveler (if not Kenyan national or resident) had over-stayed authorized visit; and

Airline staff or agents at gate. Verifying [if] person seeking to board is the same one who presented documents at check-in, to counter activities such as boarding pass swaps in secure area of departures hall of airport. (ibid.)

‘The official further explained that:

Passports must be presented to Immigration authorities on departure... For those passengers going through exit controls, Kenyan Immigration Officers...scan every passport. We are not aware if this is linked to a

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<sup>12</sup> Kenya Airports Authority, ‘Arriving’, (n.d), [url](#).

database searching for criminal records for Kenya nationals or others. However, further to consultation with the RCMP Liaison Officer at mission, we do not believe this is linked to any list of individuals with wants or warrants outstanding. (ibid).'<sup>13</sup>

- 4.5.4 In sources consulted, CPIT could not find more recent detailed information on exit procedures ([see bibliography](#)).

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Section 5 updated: 1 May 2020

## 5. Key socio-economic conditions

### 5.1 Employment

- 5.1.1 The CIA World Factbook stated: 'Although reliable numbers are hard to find, unemployment and under-employment are extremely high, and could be near 40% of the population.'<sup>14</sup>

- 5.1.2 The CIA World Factbook stated:

'Agriculture remains the backbone of the Kenyan economy, contributing one-third of GDP. About 75% of Kenya's population of roughly 48.5 million work at least part-time in the agricultural sector, including livestock and pastoral activities. Over 75% of agricultural output is from small-scale, rain-fed farming or livestock production. Tourism also holds a significant place in Kenya's economy. In spite of political turmoil throughout the second half of 2017, tourism was up 20%, showcasing the strength of this sector.'<sup>15</sup>

- 5.1.3 The Bertelsmann Stiftung's Transformation Index (BTI) 2018 (which covers the period from 1 February 2015 to 31 January 2017) country report on Kenya, stated:

'Out of Kenya's estimated labor force of 19.67 million in 2015, only 2.601 million, or 11.5%, are waged employees in the formal sector (718,400 in the public sector and 1,882 million in the private sector). Women only account for 30% of employees in the modern private sector. About 12.6 million are working in the large informal sector according to the National Economic Survey 2016, with a greater number of women confined to non-paying occupations. The economy has created about an average of 800,000 jobs annually between 2006 and 2013 according to the World Bank.'<sup>16</sup>

- 5.1.4 The 'Summary of Stakeholders' submission on Kenya' compiled by the UN High Commissioner for Human Rights for the 35<sup>th</sup> session of the Human Rights Council to be heard in January 2020 noted:

'AU-ACHPR was concerned about unemployment and underemployment... JS12 stated that the lack of a diverse economy posed a challenge for the unemployed to find work... KCS stated that the right to work under favourable conditions was not respected, especially in the extractive industries... JS5

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<sup>13</sup> CIRB, 'Kenya: Exit controls at airports...', 15 December 2014, [url](#).

<sup>14</sup> CIA World Factbook, Kenya, 9 March 2020, [url](#).

<sup>15</sup> CIA World Factbook, Kenya, 9 March 2020, [url](#).

<sup>16</sup> BTI 2018, Country Report - Kenya, 2018, [url](#).

stated that the Government was yet to meet the 5 percent quota for employment of persons with disabilities in the public sector, pursuant to Article 54 (2) of the Constitution.’<sup>17</sup>

For a full list of the stakeholders who contributed to the submission, see UN OHCHR, [‘Summary of Stakeholders’ submissions on Kenya’](#) (p 11-15).

- 5.1.5 The African Development Bank Group (ADBG) noted: ‘Informality and unemployment remain high. Four-fifths of workers are in the informal economy, and 9.3% of the workforce are unemployed. Investment has been low in sectors with greater capacity to absorb labor. Given the youth bulge, the supply of labor is large, but skills and entrepreneurial activity are limited.’<sup>18</sup>

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## 5.2 Poverty

- 5.2.1 The BTI 2018 country report on Kenya stated:

‘Poverty is more pronounced in rural areas, in 2005/6 (the last official breakdown data) with a rate of 50.5%, as compared to an urban rate of 33.7%. According to a calculation by the Kenyan Chapter of the Society for International Development (SID) 25 counties (out of 47) and 148 constituencies (out of 290) were below the national average poverty line of 45.2% in 2013.

‘Poverty is particularly prevalent in counties of the former northeastern, Western, Coastal and Nyanza Provinces. The Kikuyu dominated Central Province is comparatively better off as is the multiethnic Nairobi (21.8%). Youth (aged between 15 and 35 years) constitute 35.4% of the population (according to the latest census from 2009) and are most affected by inequalities in access to education and the failure of the economy to provide sufficient jobs.’<sup>19</sup>

- 5.2.2 The same report noted: ‘The current [welfare] system does not provide for the working poor.’<sup>20</sup>

- 5.2.3 The Business Daily Africa article, Kenya 8th on extreme poverty list, dated 28 June 2018, stated:

‘Kenya has been ranked eighth globally and sixth in Africa among countries with the largest number of people living in extreme poverty, according to the World Poverty Clock report [which said]...29 per cent (14.7 million) of the 49,684,304 people are very poor as they consume less than \$1.90 (Sh197) [approximately £1.57<sup>21</sup>] per day or Sh5,910 monthly...

‘The Vienna-based World Poverty Clock last year said that about 11 million Kenyans were living in poverty. It means that the number of poor people in the country increased by over three million from last year when the economy grew by 4.9 per cent from 5.9 per cent in 2016 in the face of electoral

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<sup>17</sup> UN OHCHR, ‘Summary of Stakeholders’ submissions...’, (paras 73-75), 5 November 2019, [url](#).

<sup>18</sup> ADBG, ‘African Economic Outlook 2020’, (page 175), 30 January 2020, [url](#)

<sup>19</sup> BTI 2018, ‘Country Report – Kenya’, (section 6), 2018, [url](#).

<sup>20</sup> BTI 2018, ‘Country Report – Kenya’, (section 10), 2018, [url](#).

<sup>21</sup> XE Corporation, ‘Conversion KES-GBP’, 24 March 2020, [url](#).

uncertainty and drought, which hit the farming and manufacturing sectors hard.

‘Official data shows that the proportion of Kenyans living in poverty has fallen by 10.5 percentage points in a decade to 36.1 per cent.

‘The Kenya National Bureau of Statistics (KNBS) attributes the drop to economic expansion and devolution of resources to local authorities...

‘There were 16.4 million people below the poverty line at the time of the KNBS survey in 2016, down from 16.6 million a decade earlier - when the population was 10 million people lower.’<sup>22</sup>

- 5.2.4 UN News noted on 1 January 2020: ‘In Turkana, in northwest Kenya, more than two-thirds of the population live below the poverty line; adult literacy is around 20 per cent and, despite its huge potential for tourism, raising livestock and mineral deposits, its contribution to the national gross domestic product is less than 5 per cent.’<sup>23</sup>

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### 5.3 Cost of living

- 5.3.1 Kenya’s average annual wage in June 2019 was 778,248 KES<sup>24</sup> (£5,758.06<sup>25</sup> approximately as at 24 March 2020).

- 5.3.2 For a guide to the cost of living in Kenya, see [Numbeo – Cost of Living in Kenya](#).

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### 5.4 Property rights, land ownership and housing

- 5.4.1 The BTI 2018 country report on Kenya, stated:

‘The 2010 constitution aims to lay a new foundation for property rights. Since independence, right to land has been the country’s most contentious topic... The constitution also prescribes that legislation shall specify maximum and minimum acreages of ownership and introduces options for repossessing illegally acquired land...

‘Both old and new constitution allow for land ownership in any part of the country. Since independence, however, property security has been highest in those regions considered the homeland of the buyer’s ethnic community and much lower in the homelands of other ethnic groups. Owners from different ethnic groups have often been viewed as “outsiders” by those who considered themselves “indigenous” with an assumed moral right to control over that land, implying an ultimate right to dispel others. With the use of fake land title deeds and the regular disappearance of registered title deeds from the Registrar, possession of a land title does not guarantee property ownership. Houses on illegally acquired property, such as land reserved for roads, are often demolished without prior notice. Corruption and impunity

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<sup>22</sup> Business Daily Africa, ‘Kenya 8th on extreme poverty list’, 28 June 2018, [url](#).

<sup>23</sup> UN News, ‘Finding common ground in East Africa...’, 1 January 2020, [url](#).

<sup>24</sup> CEIC, ‘Kenya Average Wage Earnings’, (n.d), [url](#).

<sup>25</sup> XE Currency Converter, 24 March 2020, [url](#).

from prosecution mean that land grabbing by politicians and others is very common.’<sup>26</sup>

5.4.2 The Reuters article, Less than two percent of land in Kenya issued to women despite legal gains, dated 13 March 2018, stated:

‘Less than 2 percent of title deeds issued in Kenya since 2013 went to women, campaigners said on Tuesday, dashing hopes raised by constitutional reform granting them equal property rights...

‘The World Bank estimates that women run more than three-quarters of Kenya’s farms. But culture often takes precedence over the law, with men owning and controlling most of the land...

‘Land ownership in Kenya is usually vested in fathers who customarily pass it on to their sons, making it hard for women to secure rights except through their husbands. Women and their children are often evicted if the husband dies or they divorce.

‘Women in the east African nation were allocated only 1.6 percent of about 10 million hectares of land that was registered between 2013 and 2017, KLA said.

‘It reviewed one-third of some 3 million title deeds given out since 2013, when President Uhuru Kenyatta came to power and pledged to fast track the issuance of land documents.

‘Many women do not know that the constitution promises to eliminate gender discrimination in law, customs and practices related to property, leaving thousands at risk of homelessness....

‘The Federation of Women Lawyers (FIDA), an advocacy group, has previously said that less than five percent of all land title deeds in Kenya are held jointly by women with men and only one percent of land titles in Kenya are held by women alone.’<sup>27</sup>

5.4.3 The Daily Nation article, Report: Kenya has housing deficit of 2 million units, dated 16 September 2019, stated:

‘Kenya has a housing deficit of 2 million units, a leading investment company in the country, Cytonn investments says in its latest market report. According to the company, the housing demand in the country has been growing at a rate of 200,000 units per annum. Statistics at the National Housing Corporation indicates that the country can only supply 50,000 units per annum...

‘The government, through its ambitious Big Four Agenda, has singled out affordable housing as one of its key pillars to drive the economy to double digit growth. The government seeks to deliver 500,000 units by 2022 which will see cost Sh600,000 and Sh3 million respectively. The move by the government is aimed at providing about 75 percent of Kenyans earning below Sh50,000 per month with affordable units...

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<sup>26</sup> BTI 2018, Country Report - Kenya, 2018, [url](#).

<sup>27</sup> Reuters, ‘Less than two percent of land in Kenya issued to women...’, 13 March 2018, [url](#).

‘According to the 2015-2016 Kenya Integrated Household Budget Survey (KIHBS), only 26.1 percent of Kenyans living in urban areas own the homes they live in...The report also says that access to housing finance in Kenya remains a big challenge due to low income levels that cannot service a mortgage...The increasing property prices boosted by the demand and supply forces is another factor that is hindering millions of Kenyans from affording a home.’<sup>28</sup>

5.4.4 The Business Daily Africa article, ‘An inside look at Kenya’s private housing sector’, dated 30 May 2019, stated:

‘Three quarters of the population is aged below 35 years and the country is urbanising at a rate of 4.3 percent per year, yet housing stock has not kept pace. As a result, urban centres face a shortage of 200,000 housing units annually whereas only 50,000 new residential units are being constructed every year most of which target the higher income segment.

‘The annual deficit has over the years created a huge backlog of housing units, pushing about 61 percent of urban households into slums in Kenya (compared to 50 percent in Nigeria and 23 percent in South Africa).’<sup>29</sup>

5.4.5 The Centre for Affordable Housing Finance in Africa (CAHFA) article, ‘Housing Finance in Kenya’, stated:

‘Production of housing units stands at 50 000 units a year, well below the annual demand of 200 000 housing units, culminating in a housing deficit of more than two million units, with nearly 61 percent of urban households living in slums... Nevertheless, the housing sector recorded a 3.4 percent increase in the number of completed private residential and non-residential buildings in the Nairobi City Council to 12 304 in 2018 compared to 11 902 in 2017.

‘Approximately 83 percent of the existing housing supply is for the high income and upper middle income segments, with only 15 percent for the lower middle and two percent for the low income population...

‘The government has made strides to bridge the deficit, evidenced by the 2019/20 national budget allocation towards housing, which was raised by 61.5 percent... from... the previous 2018/19 budget.’<sup>30</sup>

5.4.6 The ‘Summary of Stakeholders’ submission on Kenya’ compiled by the UN High Commissioner for Human Rights for the 35<sup>th</sup> session of the Human Rights Council to be heard in January 2020 noted: ‘AU-ACHPR stated that the lack of adequate housing remained a major challenge with the majority of the residents in the largest urban centres - Nairobi, Mombasa, and Kisumu – living in informal settlements.’<sup>31</sup>

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<sup>28</sup> Daily Nation, ‘Report: Kenya has housing deficit of 2 million units’, 16 September 2019, [url](#).

<sup>29</sup> Business Daily Africa, ‘An inside look at Kenya’s private housing sector’, 30 May 2019, [url](#).

<sup>30</sup> CAHFA, ‘Housing Finance in Kenya’, 2019, [url](#).

<sup>31</sup> UN OHCHR, ‘Summary of Stakeholders’ submissions on Kenya’, (para 85), 5 November 2019, [url](#).

## 5.5 National Social Security Fund

5.5.1 The National Social Security Fund (NSSF) was established in 1965 by an Act of Parliament. The NSSF's main objective is to provide basic financial security benefits to Kenyan upon retirement. The Fund was set up as a provident fund providing benefits in the form of a lump sum. The National Social Security Fund Act, No.45 of 2013 changed the NSSF from being a provident fund to a pension scheme to which every Kenyan with an income has to contribute a percentage of his/her gross earnings to be eligible for compensation in case of permanent disability, basic assistance to needy dependants in case of death, and a monthly life pension upon retirement<sup>32</sup>.

5.5.2 An insured person is eligible for retirement pension on attaining the pensionable age (of 60 years) or attaining the age of 50 years in case of opting for early retirement<sup>33</sup>.

5.5.3 The 'Summary of Stakeholders' submission on Kenya' compiled by the UN High Commissioner for Human Rights for the 35th session of the Human Rights Council to be heard in January 2020 noted:

'JS26 stated that social protection programmes were not fully protected by a legal framework...JS11 stated that social protection programmes were limited in scope and coverage, and experienced coordination challenges...JS5 stated that the implementation of the cash transfer program for orphaned and vulnerable children, older persons and persons with severe disability, had been fraught with delay and inconsistent disbursement of funds...stated that among people in the informal sector, there was a low rate of enrolment in the social security programmes.'<sup>34</sup>

For a full list of the stakeholders who contributed to the submission, see UN OHCHR, '[Summary of Stakeholders' submissions on Kenya](#)' (p 11-15).

For detailed information about the pension system, see [AfricaPay](#)<sup>35</sup>.

For welfare law, see the [US Social Security Office of Retirement and Disability Policy](#)<sup>36</sup> webpage.

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## 5.6 Unemployment benefit

5.6.1 There is no provision in Kenyan law to provide Kenyan citizens with state-funded unemployment benefit payments<sup>37</sup>.

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## 5.7 Healthcare

5.7.1 See [Kenya: Country Background Note](#) for information about the healthcare system, standard of facilities and access.

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<sup>32</sup> NSSF, 'About Us', (n.d), [url](#).

<sup>33</sup> AfricaPay, 'Social Security', (n.d), [url](#).

<sup>34</sup> UN OHCHR, 'Summary of Stakeholders' submissions...', (paras 77-79), 5 November 2019, [url](#).

<sup>35</sup> AfricaPay, 'Unemployment Benefits', (n.d), [url](#).

<sup>36</sup> US Social Security Office of Retirement and Disability Policy, 'Kenya', (n.d), [url](#).

<sup>37</sup> AfricaPay, 'Social Security', (n.d), [url](#).

## 5.8 Education

- 5.8.1 See [Kenya: Country Background Note](#) for information about the education system.

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Section 6 updated: 7 April 2020

## 6. Treatment of returnees

- 6.1.1 CPIT could not find recent information regarding the treatment of persons returning to Kenya from sources consulted (see [Bibliography](#)).

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# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Freedom of movement
  - Legal rights
  - Restrictions
  - Internal movement
  - Transport network
  - Exit and entry procedures
- Key socio-economic conditions
  - Employment
  - Cost of living and average wage
  - Welfare
  - Social security system
  - Property rights and housing
  - Education
- Treatment of returnees

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# Version control

## Clearance

Below is information on when this note was cleared:

- version **1.0**
- valid from **20 May 2020**

## Changes from last version of this note

First version.

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