

UNDERSTANDING THE COMPLEXITIES OF REFUGEE CITIZENSHIP IN KENYA

Statelessness is a prevalent problem in Kenya, where there are many stateless people of Burundian, Congolese, Indian, and Rwandan heritage. The expected number of stateless people in Kenya as of October 2023 is 16,800. Despite their long-standing links to Kenya, these individuals do not hold Kenyan citizenship. Individuals who are stateless frequently lack access to crucial documents, such as birth certificates, required for activities such as attending school, creating a bank account, acquiring a job, or visiting government offices, which can result in missed opportunities and hardship for future generations. Various factors might contribute to the continuation of this cycle of missed chances and poverty. An estimated 7,000 Pemba people migrated in Kenya in the 1930s and have remained stateless or at risk of statelessness since 1964. In 2014, the UNHCR started the #IBelong Campaign to End Statelessness, with the goal of assisting stateless people like the Pemba in gaining access to healthcare, education, and jobs. In recent years, there has been development. In October 2019, Kenya committed to honoring its obligations made at the High-Level Segment on Statelessness, including two UN statelessness treaties. In December 2022, President William Ruto announced that the government would officially recognize the Pemba community as Kenyan citizens. In July 2023, the President issued identification cards, birth certificates, and passports, completing the registration process for all the members of the community in Kilifi, Kenya and publicly declared the Pemba people to be a "ethnic community of Kenya," making it the second group in recent years that a president has formally recognized to be a tribe or ethnic community of Kenya.

The United Nations Refugee Agency (UNHCR) applauded Kenya's government for providing citizenship to the Pemba community, a significant step toward ending statelessness and improving the lives of thousands of people. This change allows individuals to get access to critical services such as education, healthcare, social protection, financial services, and the official job market. Filippo Grandi, the UN High Commissioner for Refugees, complimented Kenya's efforts in resolving the issues faced by displaced individuals and ending statelessness. Previously, Kenya provided birth certificates to Shona in 2020. The stateless Shona community of 3,500 people has resided in Kenya for more than 50 years and has no formal status in Zimbabwe, where they arrived in the 1960s. Kenya set a precedent in 2017 when it granted citizenship to another stateless tribe, the Makonde, originating from Mozambique, putting an end to the 8,000 people's 80-year statelessness.

The step to end statelessness in Kenya is indeed appreciable but it comes handy with many controversies and concerns which have been discussed further. Kenya's president has been accused of misusing his powers in his address to the Pemba community as the Kenyan Constitution of 2010 does not grant him the right to award citizenship or designate ethnic groupings which raises concerns regarding the viability and fairness of such efforts. Secondly, some ethnic communities are subjected to "vetting" and other types of verification of identification, resulting in public discussions concerning their citizenship. Lastly, citizenship and identification cards are issued to individuals rather than groupings as there is no single, definitive

record of Kenya's ethnic groupings, and assigning a "code" to a "tribe" is considered a political ploy.

A few suggestions which can be incorporated to ensure a more viable and fair process are mentioned such as Presidents should define their legal approach for providing citizenship to stateless groups, since they are not given any such authority under the Constitution of Kenya, hence such orders can be deceptive. Secondly, the National Registration Bureau (NRB) should broaden its citizenship procedures and society in general should hold the NRB accountable. Next, people who have received citizenship rights should be treated as actual citizens, as their plight can be described as disastrous because, despite having IDs, they are unable to own land, find work, or participate in development projects because they are alienated. Lastly, vetting procedures should be changed to reduce discrimination and to extend the support for stateless people. Overall, a more sensitive and educated debate of citizenship and inclusion is required in Kenya.

*Views are personal



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