Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's Refworld website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the Knowledge and Information Management Unit.

KEN105671.E

Kenya: Ability of refugees with a refugee identity card to travel outside Kenya; whether such travel affects refugee status or card renewal; ability to reinstate status (2011-October 2016)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Ability of Refugees with a Refugee Identity Card to Travel Outside Kenya

In correspondence with the Research Directorate, the Head of Programs and Policy Development at the Refugees Affairs Secretariat [formerly Department of Refugee Affairs] of the Ministry of Interior and Coordination of National Government of Kenya stated that "any refugee has a right to travel outside Kenya," with the exception of travel to the refugee's country of origin, "as long as he [or] she meets the criteria for travel" (Kenya 28 Oct. 2016). In correspondence with the Research Directorate, the Country Director for Kenya of RefugePoint, an Massachusetts-based NGO which "focuses on the individuals that have fallen through the net of humanitarian assistance" among refugees in Africa (Aid for Africa n.d.), likewise indicated that "[t]avel outside Kenya, if legally done, does not affect the refugee status of a legally recognized refugee" (RefugePoint 2 Nov. 2016).

1.1 Conventional Travel Document

According to sources, in order to travel outside of Kenya, recognised refugees must obtain a Conventional Travel Document [also known as Convention Travel Document] (CTD) (RefugePoint 2 Nov. 2016) from the Commissioner for Refugees (Kenya n.d.). According to the website of the Kenyan Ministry of Interior and Coordination of National Government, "[a] refugee may apply in person to the Commissioner for Refugees to be issued with a [CTD] for the following reasons: resettlement, education, medical, employment, business, family, humanitarian or leisure" (ibid.). The Country Director gave the examples of attending conferences and the Olympics as reasons CTDs have been obtained (RefugePoint 2 Nov. 2016).

The Head of Programs and Policy Development indicated that the CTD is not to be confused with the refugee identity card, which is not a travel document (Kenya 28 Oct. 2016). The same source stated that the CTD "is valid for 2 years and can be renewed," and added that the document is an equivalent of a national passport which is internationally recognized by ICAO [the International Civil Aviation Organization]. Such documentation operates just like any other national passport and the holder will be required to use it as per national and international requirements governing travel documents (ibid.).

The use of the CTD is governed by Section 34 of the Refugees (Reception, Registration and Adjudication) Regulations, 2009 (ibid. 2009). The relevant Section is attached to this Response.
2. Whether Travel Affects Refugee Status or Refugee Identity Card Renewal and Ability to Reinstate Status

The Country Director stated that the CTD "is issued on the understanding that the refugee will be allowed to return to Kenya legally, and reclaim their refugee status" (RefugePoint 2 Nov. 2016). The same source added that "the document allows the refugee to legally and safely return to Kenya" and that "[a] number of refugees have travelled with the CTD and safely returned" to the country (ibid.). The Head of Programs and Policy Development stated that using a CTD for travel outside of Kenya "does not affect [the refugee's] status at all, as long as the document is not abused," adding that "if the document is misused, the refugee is penalized by the law and this may affect his [or] her legal status" (Kenya 28 Oct. 2016). The same source also noted that the use of a passport from a refugee's country of origin as a travel document while concurrently holding a refugee identity card would be "a violation of the law and a ground for revocation of the refugee status" (ibid. 1 Nov. 2016). In correspondence with the Research Directorate, a representative of the UN High Commissioner for Refugees (UNHCR) in Kenya, likewise stated that the impact on the refugee status in Kenya of a refugee would depend on whether they had "travelled legally or illegally" (UN 5 Nov. 2016). According to the UNHCR Representative, "the Kenyan government has an unofficial policy of denying re-admission to refugees who travel irregularly outside Kenya" (ibid.).

The UNHCR representative indicated that, "[i]f a refugee returned to their home country then their status is deemed to have ceased and they need to register afresh and undergo [refugee status determination] afresh" (ibid.). The RefugePoint Country Director similarly stated that "if [refugees] travelled to their countries of origin and returned [to Kenya], their refugee status may cease and they may have to undergo a status determination process to prove that they are still in need of international protection" (RefugePoint 2 Nov. 2016). According to the same source,

the status of a refugee who legally travelled outside Kenya does not cease if they leave the country. If they left illegally, which a number do, then the government may have problems admitting them back into the country and will need the UNHCR and the [government] agency tasked with managing refugees (formerly [known as the] Department of Refugee Affairs [now Refugee Affairs Secretariat]) to intervene and prove that they were recognized [as] refugees in the country. If they find their way back to the country, they can present [themselves] to the government agency and explain where they have been (this is if their documents expired in their absence). (ibid.)

The Head of Programs and Policy Development explained that if a refugee identity card has expired, "the holder is expected to renew it and [it will be deemed] to be invalid unless it is renewed" (Kenya 28 Oct. 2016). The same source added that both refugee identity cards and CTDs must "be renewed in the country and [the interested person] has to come back" to file renewal applications (ibid. 1 Nov. 2016). Concerning CTDs specifically, however, Section 34 of the Refugees (Reception, Registration and Adjudication) Regulations, 2009 indicates that a CTD

34. (9) b. shall be valid for a period of two years and may be renewed –

i. by the Commissioner; or

ii. where the refugee is outside Kenya, by the representative of the Republic of Kenya. (ibid. 2009)

Further information on the process for the renewal of refugee identity cards could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References


RefugePoint. 2 November 2016. Correspondence from the Country Director for Kenya to the Research Directorate.


Additional Sources Consulted


**Internet sites, including:** Amnesty International; ecoli.net; Factiva; Georgetown University – Institute for the Study of International Migration; Human Rights Watch; International Crisis Group; International Organisation for Migration; IRIN; Kenya – Department of Immigration Services, Directorate of Immigration and Registration of Persons, National Commission on Human Rights; *The Penn Spectrum*; *The Star* (Kenya); United Nations – High Commissioner for Refugees, Refworld; United States – Library of Congress; Urban Refugees.

Attachment


Tips on how to use this search engine.