

**UNIVERSITY OF DEBRECEN  
MARTON GÉZA DOCTORAL SCHOOL OF LEGAL STUDIES  
Doctoral (PhD) Dissertation Summary**

**Kenya's Asylum Governance: A Critical Inquiry into Policy - Practice Continuum**

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## **1.0 Introduction**

This study critically examines the gap between Kenya's progressive asylum policies and their practical implementation, using the concept of a "fading continuum" to illustrate how political, economic, legal, and social factors dilute policy intent during implementation.

Chapter One introduces the study by situating Kenya's asylum system within the broader global context of forced displacement. It highlights the growing number of refugees and asylum seekers worldwide and the legal protections established under the 1951 Refugee Convention and its 1967 Protocol, complemented by international human rights and humanitarian law. While these frameworks establish clear standards, such as non-refoulement, access to work, education, and fair refugee status determination (RSD), implementation gaps remain widespread.

Focusing on Kenya, the chapter notes that the country has ratified key international and regional refugee instruments and has adopted progressive national laws. Kenya is also actively engaged in global frameworks such as the Comprehensive Refugee Response Framework (CRRF) and the Global Compact on Refugees (GCR), and has articulated ambitions toward refugee inclusion through initiatives like the Shirika Plan.

Despite these formal commitments, significant disparities persist between policy and practice. Examples include prolonged delays in RSD decisions despite statutory timelines, continued encampment despite legal provisions promoting alternatives, limited access to documentation and work permits, and restrictive security-driven measures that overshadow rights-based commitments. These contradictions form the core problem of the study.

The existing scholarship often addresses discrete aspects of Kenya's asylum system such as security, integration, or specific rights, but does not holistically examine the full asylum continuum from reception to durable solutions. This study, therefore, investigates the broader policy-practice divide across the entire asylum process.

The central hypothesis is that political, economic, legal, and social determinants significantly shape the gap between Kenya's formal refugee protection framework and its practical implementation. Politically, refugees are often framed within counterterrorism discourse. Economically, financial constraints and donor dependency limit state capacity. Institutionally, bureaucratic inefficiencies and weak enforcement mechanisms undermine legal guarantees. Socially, discrimination, cultural tensions, and insecurity further constrain refugee rights.

To conceptualize this divergence, the study introduces the idea of a “fading continuum,” illustrating how policy intent progressively weakens during implementation due to systemic pressures. Using institutional theory, the research analyzes how formal rules and informal practices within institutions shape decision-making and outcomes in Kenya’s asylum system.

Methodologically, the study employs a single-country case study design focused on Kenya and uses a mixed-methods approach. Primary data were collected through questionnaires and participatory observation, while secondary data were drawn from doctrinal legal analysis and documentary review.

## **2.0 System of Asylum**

Chapter Two situates Kenya’s asylum system within its broader historical, philosophical, and legal foundations. It develops the conceptual and theoretical framework necessary to understand asylum as both a sovereign institution and a rights-based protection regime, and it traces the evolution of global and regional refugee protection mechanisms that shape Kenya’s contemporary framework.

Historically rooted in religious and moral traditions across Judaism, Christianity, and Islam, asylum evolved from sacred sanctuary practices into a doctrine embedded in state sovereignty. With the rise of the modern nation-state system following the Treaty of Westphalia, asylum became a sovereign prerogative of states. While states retain discretion in granting asylum, modern international law, particularly post-World War II developments, has progressively constrained that discretion through treaty obligations and human rights norms.

The chapter distinguishes between “asylum,” the institutional framework of protection, and “refugee status,” a legal category within that framework. Although sometimes conflated (particularly in European contexts), asylum is broader and may extend beyond Convention refugees.

In Kenya, asylum is defined statutorily under the Refugees Act 2021, and the “asylum system” is conceptualized in this study as the totality of legal rules, institutions, administrative processes, and enforcement mechanisms governing refugee protection.

The chapter places refugee protection within two complementary theoretical traditions. First, it draws on natural law theory, as articulated by thinkers such as Aristotle, Thomas Aquinas, and John Locke, which maintains that certain rights are inherent in human dignity and exist independently of state recognition. From this perspective, the rights of refugees flow from their humanity rather than from the benevolence or discretion of states. Second, the

chapter engages legal positivism, reflected in Joel Feinberg's theory of rights as valid claims within a rule-based system. This tradition argues that for rights to be practically meaningful and enforceable, they must be codified and recognized within a formal legal framework.

Together, these traditions provide both the moral foundation and the legal architecture for understanding refugee protection. The right to seek asylum, therefore, rests on a moral foundation (human dignity) but gains operational force through codification in international and domestic law. Both traditions converge in the modern asylum system: morality provides normative legitimacy, while positive law ensures enforceability. However, both traditions face critique, natural law for its idealism and legal positivism for its dependence on institutional capacity and political will. This tension foreshadows the policy–practice gap central to the dissertation.

The right to seek asylum is presented as a dignity-preserving mechanism. Article 14 of the Universal Declaration of Human Rights recognizes the right to seek and enjoy asylum, situating refugee protection firmly within the human rights paradigm. In the African context, dignity is reinforced through regional instruments such as the 1969 OAU Refugee Convention and the African Charter on Human and Peoples' Rights. Kenya's Constitution incorporates international law, meaning asylum governance directly implicates constitutional obligations to uphold dignity. Failures in asylum procedures, delays, arbitrary exclusion, and lack of documentation are therefore not merely administrative deficiencies but violations of dignity and international obligations.

The chapter traces the development of refugee protection from its early foundations in early modern Europe to the contemporary international legal framework. It begins with the upheavals caused by religious wars, including the mass displacement associated with the Huguenot exodus, which prompted early forms of cross-border protection. Over time, the idea of political asylum gradually took shape in states such as France, Switzerland, and the United Kingdom, where protection was increasingly framed as a principled response to political persecution.

The chapter then examines the institutionalization of refugee protection under the League of Nations in the 1920s, marking the first coordinated international efforts to address refugee crises. Central to this period was the development of the Nansen passport system, which provided stateless refugees with internationally recognized identity and travel documents. The interwar refugee conventions further laid the groundwork for a structured legal response to displacement, though protection remained limited and fragmented.

Modern international refugee law crystallized in the aftermath of the Second World War. The establishment of the United Nations created a new global institutional order within which refugee protection could be systematized. This culminated in the adoption of the Convention Relating to the Status of Refugees, which defined the refugee and articulated core rights and state obligations. The subsequent Protocol Relating to the Status of Refugees removed the Convention's original temporal and geographic limitations, transforming it into a universal framework for the protection of refugees worldwide.

The Convention introduced a universal refugee definition built on inclusion, exclusion, and cessation clauses. Refugee status determination hinges on four elements: well-founded fear, persecution, Convention grounds, and being outside one's country of origin. The principle of non-refoulement emerges as the cornerstone of protection. The chapter further situates refugee law within broader international law, including human rights law, humanitarian law, international criminal law, and environmental law, thereby demonstrating the interconnectedness of protection regimes.

The twenty-first century has introduced new and complex drivers of displacement, including climate change, environmental degradation, and protracted armed conflicts. These emerging realities have exposed structural and conceptual limitations within the Convention Relating to the Status of Refugees framework, which was originally crafted in response to post-Second World War displacement and does not explicitly address climate-induced or generalized environmental displacement.

In response to evolving global pressures, the international community adopted the Global Compact on Refugees, a non-binding instrument designed to strengthen responsibility-sharing and promote more comprehensive, development-oriented approaches to refugee protection. The Compact shifts emphasis toward equitable burden-sharing among states, enhancing refugee self-reliance, integrating refugees into national development plans, and expanding complementary pathways such as resettlement, humanitarian visas, and opportunities for education and labor mobility.

Development actors, particularly the World Bank, have increasingly become engaged in refugee governance, linking protection to economic inclusion and host-community development. Despite these normative and institutional advances, responsibility-sharing remains uneven, legal clarity regarding climate displacement is still lacking, and resource constraints continue to strain host states, especially in the Global South, including Kenya.

Regional instruments play a critical role in complementing and strengthening the global refugee protection regime. In Africa, the OAU Convention Governing the Specific

Aspects of Refugee Problems in Africa significantly expands the refugee definition beyond the individualized persecution model of the 1951 Convention. It includes persons compelled to flee owing to external aggression, occupation, foreign domination, or events seriously disturbing public order. This broader, objective approach reflects the realities of mass displacement and conflict that have characterized many African contexts.

In Latin America, the Cartagena Declaration on Refugees similarly broadens protection standards, while in Europe, regional asylum directives under the European Union framework further refine protection norms. Of particular relevance to Kenya is the 1969 OAU Convention, which binds the state to this expanded definition and strengthens its regional obligations. Additionally, the African Charter on Human and Peoples' Rights reinforces refugee protection through broader civil, political, economic, and social guarantees, including safeguards relating to freedom of movement, fair expulsion procedures, and protection from mass expulsions.

Taken together, these international and regional instruments create a layered protection architecture that binds Kenya at the international, regional, and constitutional levels, shaping both its legal commitments and its practical obligations toward refugees.

### **3.0 Research Methodology**

This study examines the gap between Kenya's progressive asylum laws and their practical implementation. To achieve this, I adopted a single-country case study design, focusing on Kenya as a bounded institutional and legal system. The case study approach enabled an in-depth exploration of how asylum norms transition from formal policy into administrative practice. Philosophically, the research is grounded primarily in interpretivism to capture the lived experiences of refugees and institutional actors, while incorporating limited positivist elements to assess measurable aspects such as registration delays and procedural efficiency. Consequently, I employed a mixed-methods approach.

Fieldwork was conducted over a four-month period from March to July 2024. Primary data were gathered through a combination of semi-structured questionnaires, participatory observation, informal interviews, and attendance at expert and stakeholder forums. This multi-method approach enabled both structured inquiry and contextual insight into the operational realities of Kenya's asylum system.

Participants were selected through purposive sampling to ensure that respondents possessed direct institutional or experiential knowledge relevant to the study. The sample included officials from the Department of Refugee Services (DRS), immigration officers,

representatives of the United Nations High Commissioner for Refugees (UNHCR), and refugee leaders drawn from Nairobi, Kakuma, and Dadaab. Rather than aiming for statistical representativeness, the study relied on the information power model, which prioritizes depth, specificity, and relevance of information in determining sample adequacy.

Secondary data were obtained through doctrinal and documentary analysis. This included examination of the Refugees Act, the Convention Relating to the Status of Refugees and its Protocol Relating to the Status of Refugees, as well as the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. Additional materials included policy documents, government reports, UNHCR publications, and stakeholder submissions, all of which provided normative and institutional context for the empirical findings.

The study employed a concurrent mixed analysis approach. Qualitative data were coded thematically using NVivo software to identify recurring institutional patterns, including procedural delays, resource constraints, and regulatory inconsistencies. Quantitative data were analyzed descriptively to assess trends in registration and refugee status determination processes. Triangulation across data sources and methods enhanced the validity and reliability of the findings and enabled a more precise identification of the policy–practice disconnect within Kenya’s asylum system.

Ethical approvals were obtained from the University of Debrecen (Geza Marton Doctoral School), NACOSTI, and relevant Kenyan authorities. Informed consent, anonymity, and confidentiality were strictly maintained due to the vulnerability of refugee populations.

As a single-case study, the research does not seek statistical generalization but rather an analytical one, offering insights transferable to similar asylum governance contexts. Potential subjectivity was mitigated through triangulation and institutional cross-verification.

The methodology integrates doctrinal legal analysis with empirical institutional inquiry, allowing the study to critically assess how Kenya’s asylum framework transitions from normative commitment to practical implementation.

#### **4.0 Historical Evolution of Refugee Protection in Kenya**

Kenya’s refugee protection history may be understood across three distinct phases. During the early independence period (1960s–1980s), refugee movements primarily from Uganda, Ethiopia, and Sudan were managed in the absence of a domestic refugee law. Protection was largely administrative and ad hoc, with many refugees informally integrated into border communities. Their legal status was regulated through general immigration

legislation, including the Aliens Restriction Act and the Immigration Act, particularly through the issuance of Class M permits.

The 1990s marked a critical turning point. Large-scale influxes from Somalia, Rwanda, and Sudan prompted the establishment of the Dadaab and Kakuma refugee camps and entrenched a camp-based model of refugee management. During this period, the Government of Kenya delegated refugee status determination (RSD) functions to the United Nations High Commissioner for Refugees (UNHCR), reflecting both capacity constraints and the internationalization of refugee governance.

In 2006, the enactment of the Refugees Act represented Kenya's first comprehensive domestic refugee statute. However, it formally institutionalized the encampment policy, requiring refugees to reside in designated camps. The promulgation of the Constitution of Kenya introduced a transformative constitutional framework. Although an explicit right to asylum was ultimately omitted during the drafting process, Articles 2(5) and 2(6) incorporated general rules of international law and ratified treaties into Kenyan law, thereby constitutionally grounding refugee protection.

The 2021 Refugees Act signals a normative shift from strict encampment toward socio-economic inclusion. Administratively, it establishes the Department of Refugee Services (DRS) as the principal body responsible for refugee management and creates oversight and adjudicative mechanisms, including the Refugee Advisory Committee (RAC) and the Refugee Status Appeals Committee (RSAC).

Procedurally, asylum applications are lodged with the Commissioner, and applicants are issued an Asylum Seeker's Pass valid for ninety days pending determination. The Act codifies the principle of non-refoulement, safeguarding refugees from return to territories where their lives or freedom would be threatened. It also provides enhanced protection for vulnerable groups, including women, children, older persons, and persons with disabilities. Importantly, the Act affirms refugees' right to work and access services, reflecting an ambition to transition from a camp-based framework toward settlement-based integration.

The 2021 Act is widely regarded as compliant with minimum international standards, particularly those articulated in the Convention Relating to the Status of Refugees and its Protocol Relating to the Status of Refugees. The establishment of the DRS as a centralized authority creates a "single-window" system for asylum claims. Procedural safeguards include access to interpreters, legal representation, and reasoned written decisions. The Act also recognizes sur place claims, permitting protection where risk arises from events occurring after an applicant has left their country of origin.

Despite its progressive language, the Act contains ambiguities that may undermine its transformative potential. First, the replacement of the term “camp” with “designated areas” raises concerns. Because “designated area” is not precisely defined, critics argue that the provision may function as a semantic reformulation of the encampment policy, thereby continuing to restrict freedom of movement. Second, economic integration remains constrained in practice. Although the Act recognizes the right to work, refugees must still obtain a Class M permit under the Citizenship and Immigration framework. These permits are reportedly difficult to secure due to bureaucratic barriers and corruption. Delays in documentation further expose refugees to exploitation and limit access to financial services. Third, the Act is largely silent on land and housing rights, an omission that appears politically sensitive given Kenya’s land tenure dynamics.

Finally, the provision allowing refugees from East African Community (EAC) member states to renounce refugee status in favor of “EAC citizenship” rests on a legal fiction. While the East African Community promotes regional integration, supranational EAC citizenship has not been legally operationalized, rendering this pathway aspirational rather than practical.

## **5.0 Findings and Analysis**

Chapters five and six present a comprehensive analysis of the divergence between Kenya’s formally progressive asylum framework and the lived realities of asylum seekers and refugees. Drawing on empirical data from the Department of Refugee Services (DRS), the United Nations High Commissioner for Refugees (UNHCR), and refugee respondents, the chapter conceptualizes this divergence as a breakdown along what the dissertation terms the policy - practice continuum. While Kenya’s legal and constitutional architecture reflects strong normative commitments aligned with international standards, the implementation process reveals systemic bottlenecks, structural inefficiencies, and administrative distortions that gradually dilute these commitments in practice.

The findings trace the asylum journey across four principal stages: reception, registration, refugee status determination (RSD), and durable solutions. At the reception stage, the Refugees Act No 10 of 2021 requires that asylum seekers receive guidance and screening within thirty days of arrival. However, in practice, many new arrivals encounter a significant information vacuum. Rather than receiving structured communication from state authorities, asylum seekers frequently rely on informal community networks for direction. This lack of

official guidance delays formal entry into the asylum system and heightens vulnerability to misinformation, exploitation, and procedural exclusion.

At the registration stage, the DRS has adopted biometric systems and real-time registration technologies in collaboration with UNHCR, marking a notable improvement in data accuracy and institutional modernization. Nonetheless, the reliance on an appointment-based system has produced considerable delays, with applicants often waiting extended periods before formal registration. Additionally, the continued operation of encampment practices discourages some urban refugees from presenting themselves for registration due to fears of forced relocation to designated areas. Consequently, technological progress has not eliminated structural and psychological barriers embedded within the governance framework.

Refugee Status Determination, though statutorily required to be concluded within ninety days, presents one of the most pronounced gaps between law and practice. Severe backlogs frequently extend decision-making timelines to two or three years. During this prolonged period, asylum seekers remain in legal limbo, holding temporary documentation such as the Asylum Seeker's Pass, which is often not recognized by employers, financial institutions, or service providers. The result is a state of suspended legality: individuals are neither fully integrated nor formally rejected, but exist in a prolonged state of precarity.

Durable solutions similarly reflect structural constraints. While the 2021 Act signals a shift toward socio-economic integration and settlement-based approaches, local integration remains constrained by movement restrictions and administrative barriers to employment. Voluntary repatriation is limited by persistent instability in countries of origin, particularly Somalia. Resettlement, though highly desired, remains accessible only to a small fraction of the refugee population, rendering it an exceptional rather than systemic solution. Together, these limitations demonstrate how the promise of durable solutions is frequently constrained by political, security, and capacity-related realities.

The chapter further identifies what it characterizes as a “nipped in the bud” effect, whereby progressive statutory rights are effectively neutralized through administrative and structural barriers. Although refugees are formally granted the right to work, the requirement of a Class M permit under the Kenya Citizenship and Immigration framework, combined with bureaucratic hurdles and allegations of corruption, significantly undermines access to lawful employment. Refugee identification documents are often not recognized by digital tax or banking platforms, further restricting economic participation. Educational integration faces parallel challenges, including rigid documentation requirements and prohibitive technical and vocational training costs. Access to justice, constitutionally guaranteed under Article 48 of the

Constitution of Kenya 2010, is constrained by limited awareness among refugees and chronic underfunding of the National Legal Aid Service. Similarly, social security guarantees under Article 43 are inconsistently realized, particularly in relation to health insurance and social assistance.

Systemic inefficiencies compound these gaps. DRS offices report chronic underfunding and staffing shortages, resulting in partial implementation of statutory mandates. Frontline officers frequently operate under resource constraints that undermine timely processing and service delivery. Refugee respondents, particularly in urban areas, recount instances of extortion, including demands for substantial unofficial payments for work permits that should legally be issued without charge. These experiences reinforce perceptions of institutional opacity and weaken trust in governance structures.

A further structural weakness lies in the absence of a comprehensive, overarching refugee policy capable of harmonizing the roles of multiple state agencies. Immigration authorities, revenue services, security organs, and the DRS often operate in institutional silos, leading to fragmented decision-making and inconsistent recognition of refugee documentation across government platforms. This fragmentation exacerbates bureaucratic inefficiencies and deepens the policy - practice disconnect.

The 2021 Act introduces several progressive features, including the establishment of the Refugee Advisory Committee and the Refugee Status Appeals Committee, procedural safeguards such as the right to interpreters and written decisions, recognition of sur place claims, and enhanced protection for vulnerable groups. It also formally upholds the principle of non-refoulement and seeks to shift the focus from camps to settlements. Nonetheless, the chapter identifies areas of “textual mistiness” that may limit transformative potential. The replacement of the term “camp” with “designated areas” introduces definitional ambiguity that risks perpetuating encampment under a different label. Economic inclusion remains constrained by work permit requirements and documentation delays. The Act is largely silent on land and housing rights, a politically sensitive issue in Kenya. Provisions relating to East African Community citizenship appear aspirational, given the absence of an operative supranational EAC citizenship regime.

Chapter 6 deepens the analysis by situating these findings within broader structural determinants, particularly the securitization of refugee governance. Political, economic, legal, and social factors are shown to operate in an interconnected feedback loop, with national security discourse functioning as a primary driver of restrictive policies. Although Article 238 of the Constitution defines national security in terms of protecting sovereignty and citizens,

the study finds that the concept is often expansively invoked to justify containment measures. Encampment, camp closure directives, and restrictive mobility policies are framed as counter-terrorism strategies, particularly in relation to Somalia and concerns about Al-Shabaab infiltration. Judicial interventions, including cases brought by civil society organizations, have occasionally curtailed executive overreach by reaffirming constitutional rights and the principle of non-refoulement.

The discussion challenges the prevailing narrative that positions refugees as inherent security threats. It argues that restrictive policies often generate the very dependency and marginalization that they purport to prevent. Refugees are frequently perceived as economic burdens, yet this perception is shaped by policies that restrict lawful employment and mobility rather than by refugees' intrinsic capacities. Judicial findings in landmark litigation have recognized that encampment undermines dignity, freedom of movement, and socio-economic participation.

## **6.0 Conclusion & Recommendations**

In this final part of the study, the central findings of the research are inferred, and possible actionable recommendations to address the challenges identified within Kenya's asylum system are provided. The conclusion section extrapolates the main insights drawn from the research, placing greater emphasis on the obstinate divide between what appears to be Kenya's progressive refugee policies and their practical implementation as conceived in the policy context. Subsequently, the chapter presents targeted recommendations aimed at enhancing the effectiveness of the country's asylum programme. These recommendations are rooted in the findings of the study and are designed to inform policymakers, practitioners, and stakeholders in their efforts to implement policy intentions with practical outcomes that are reflective of the policy objectives. In summary, the conclusion and recommendations chapter offer a roadmap for bridging the policy-practice divide.

In conclusion, this study has demonstrated that refugees in Kenya possess the right to protection within the framework of the governing laws. They are entitled to security, freedom of movement, the right to work, access to essential services, and the right to seek justice, as articulated in international refugee instruments and Kenya's Refugee Act of 2021. However, these rights often remain theoretical due to insufficient implementation and enforcement of both international standards and national laws. The petition and related engagements underscore a critical disconnect between Kenya's progressive legal frameworks and the lived realities of refugees. While Kenya's asylum policies have garnered international acclaim, their

implementation often fails to meet the needs of displaced populations, leaving many in vulnerable and precarious circumstances. This is clearly brought out in the grievances articulated in the petition submitted by the Refugee United forum and amplified through recurrent refugee protests in the country. This reflects widespread disillusionment among refugees regarding the unfulfilled promises of protection, support, and dignity.

This gap between policy intentions and practical outcomes highlights the pressing need for a recalibration of existing frameworks to ensure that humanitarian goals translate into tangible improvements in the lives of refugees. These findings reveal that Kenya's asylum system must transcend policy rhetoric and adopt actionable measures that effectively address the systemic challenges confronting displaced populations, ensuring their rights and well-being are upheld. That is to say, while a comprehensive and well-crafted legal framework is crucial, it is not a panacea for the myriad challenges in refugee protection. A robust legal text that is precise, inclusive, and aligned with international human rights standards provides a necessary foundation. Yet, the successful realization of these rights hinges on factors beyond the laws themselves, including the political will of state actors, resource availability, institutional capacity, and the socioeconomic realities faced by refugees.

Furthermore, this study contends that the gap between policy intent and practice is exacerbated by the interplay of political, economic, social, and legal variables. These macro-level factors generate micro-level challenges such as bureaucratic barriers, institutional inefficiencies, and resource constraints. Entrenched xenophobia and discriminatory practices further obstruct the operationalization of legal protections, highlighting the growing disconnection between formal legal frameworks and the lived realities of refugees. Bridging this gap requires a multidimensional approach that goes beyond legislative reform. Therefore, as outlined in the recommendation part of this chapter, addressing the fading policy-to-practice continuum will require political commitment, adequate resource allocation, institutional strengthening, and societal transformation to ensure that refugee protection is not only a legal promise but a lived reality.

From a personal perspective, this study reinforces the view that legal frameworks, no matter how progressive, are only as effective as the systems that implement them. Kenya's asylum laws, including the Refugee Act 2021, demonstrate a commitment to upholding the rights of displaced persons. Yet, the lived experience of refugees exposes a stark gap between legislation and practice. I am persuaded that the solution is not simply to amend laws or issue new policy instruments but to invest in the holistic functioning of the refugee protection ecosystem. This entails cultivating genuine political will, tackling bureaucratic inertia,

enhancing institutional capacities, and fostering societal empathy toward displaced communities.

In my view, meaningful refugee protection in Kenya demands a paradigm shift: from treating refugees as subjects of charity or mere legal abstractions to recognizing them as rights-bearing individuals with agency and dignity. The recurring protests, petitions, and grassroots activism underscore a critical truth: refugees are not passive recipients of protection but active participants in shaping the legal and social structures that affect them. Policymakers must, therefore, engage refugees as partners rather than beneficiaries, ensuring that policy formulation and implementation are informed by lived realities on the ground.

Ultimately, bridging the policy-practice gap requires sustained, coordinated, and context-sensitive interventions that recognize the interdependence of legal, political, economic, and social dimensions. Only then can Kenya's asylum system evolve from being a framework of aspirational promises into a lived reality where refugees can genuinely exercise their rights, attain self-reliance, and contribute meaningfully to the society that hosts them. I firmly hold that the strength of Kenya's legal and policy instruments will only be realized when complemented by responsive institutions, empowered communities, and a social consciousness that prioritizes protection, inclusion, and justice.

The recommendations presented underscore the need for a holistic, multi-stakeholder approach to address the systemic challenges in Kenya's asylum system and enhance refugee protection. They are summarized as follows: Kenya should revise the Refugees Act and related policies to align with international standards and explicitly promote local integration as a durable solution alongside voluntary repatriation and resettlement. Clear legislative provisions for refugee registration and documentation issuance must be established, addressing ambiguities in the Refugee Status Determination (RSD) process and incorporating international commitments, such as the Djibouti and Kampala Declarations. Institutional strengthening is critical. The Department of Refugee Services (DRS) should receive increased funding, recruit skilled personnel, and conduct regular training to improve its efficiency. Inter-agency collaboration among the government, UNHCR, and NGOs should be fostered to ensure cohesive implementation of refugee policies, with clear delineation of roles to avoid overlaps or gaps. Resource mobilization is essential to address existing gaps. Kenya should advocate for international financial and technical support while allocating resources to prioritize refugee registration, documentation, integration, and livelihoods programs. Simplified processes for obtaining work permits and business licenses should be implemented to foster refugee self-reliance and economic independence.

Community engagement is fundamental for fostering social cohesion and reducing xenophobia. Participatory consultations with refugees and host communities should inform policy and program development. Awareness campaigns should highlight refugees' contributions to the economy and society while improving urban refugee programming in collaboration with city authorities. Regional and global collaboration should be strengthened through frameworks like IGAD and the African Union to promote burden-sharing. Kenya should also advocate for equitable global responsibility-sharing to address protracted refugee situations and secure support for refugee programs. Monitoring and evaluation mechanisms must be established to assess the effectiveness of policies and programs. Regular impact assessments should guide adaptive measures to ensure relevance and efficiency. NGOs should integrate information campaigns addressing bureaucratic processes into refugee programming, expand legal aid services, and support refugee education through teacher training, secondary education, and vocational training programs. NGOs should also enhance urban refugee support and engage in advocacy for policy development and implementation. Stakeholder partnerships are crucial for sustainable solutions. Collaborative efforts with civil society organizations, private sector actors, community-based groups, and refugee-led organizations should focus on advocacy and capacity building. Roundtable meetings and MOUs can address systemic gaps and enhance coordination. By adopting these integrated measures, Kenya can strengthen its commitment to international refugee protection standards, enhance the efficacy of its asylum system, and improve the dignity and livelihoods of refugees within its borders.

These recommendations go beyond policy tweaks. They reflect a moral and practical imperative for Kenya to make refugee protection a tangible reality. Legal frameworks alone are insufficient; meaningful change requires political will, institutional capacity, and societal recognition of refugees as contributors, not just beneficiaries. Engaging refugees directly, simplifying access to work and services, strengthening urban programs, and fostering social cohesion are essential steps toward translating rights into real-life impact. Kenya's asylum system can only succeed if it balances legal rigor with practical implementation, guided by inclusivity, accountability, and humanitarian commitment. With consistent effort, these measures have the potential to transform Kenya's asylum landscape from one of gaps and unfulfilled promises into a model of effective, rights-based protection.



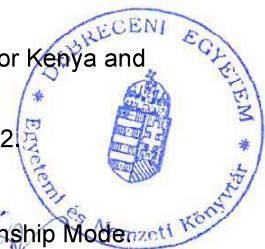
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### List of publications related to the dissertation

#### Articles, studies (7)

1. Ernawati, N., Sukardi, D. H., **Yatani, V. G.**: Responsibility to Protect (R2P): Exploring the Dilemma Between International Intervention and State Sovereignty.  
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2. **Yatani, V. G.**: Beyond the 1951 Refugee Convention: Rethinking Global Protection for the 21st Century.  
In: Ünnepi kötet Professzor Dr. Lamm Vanda születésnapjára / Dr. Szűcs Lszlóné Dr. Siska, Katalin (eds.), Debreceni Egyetem ÁJK, Debrecen, 142-155, 2025. ISBN: 9789634906964
3. Jaya, B. P. C., hadju, Z. a. a., **Yatani, V. G.**, Ernawati, N.: Unprotected at the Borders: Analyzing Refugee Status in Indonesia and the Non-Refoulement Principle.  
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4. **Yatani, V. G.**, Safrin, M., Wagian, D.: Exclusion of the principle of non-refoulement in article 33 paragraph 2 of the 1951 refugee convention.  
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5. **Yatani, V. G.**: Invisible displacement: a call for comprehensive legal protection for "other persons of concern".  
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7. **Yatani, V. G.**: Second-class Citizens? A Critical Analysis of Kenya's Dual Citizenship Mode.  
In: Ünnepi tanulmányok siska katalin 60. Születésnapjának tiszteletére - Viginti quinque anni in ministerio universitatis et iurisprudentiae. Szerk.: Margittay-Mészáros Árpád, Debrecen, Hungary : Debreceni Egyetem ÁJK, Debrecen, 543-563, 2021. ISBN: 9789634903598





Conference presentations (1)

8. **Yatani, V. G.**: Dimming Refugee Rights in National Interest Shuffles: The Case of Refugee Camps Closure in Kenya.  
*A jog tudománya, a mindennapok joga VII. Konferenciakötet / szerk. Dr. Szűcs Lászlóné Dr. Siska Katalin; Talabos Dávidné Dr. Lukács Nikolett. 7, 213-228, 2021.*

**List of other publications**

Articles, studies (1)

9. **Yatani, V. G.**, Mboce, N.: Presumption of Citizenship for Foundlings: Exploring enforceability of Article 14(4) of The Constitution of Kenya 2010.  
*Journal of Conflict Management and Sustainable Development. 8 (1), 98-118, 2022. ISSN: 3008-1238.*

**By the directives of HAS Committee on Legal and Political Sciences:**

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