



## **POLICY BRIEF**

### **Access To Decent Work**

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# **A Pathway To Durable Solutions For Urban Refugees**

## Executive summary

This policy brief addresses the issue of access to decent work for urban refugees in Nairobi and Kampala and provides recommendations to overcome the challenges they face. Urban refugees, unlike those in camps, are expected to achieve economic self-reliance, but face challenges limiting access to employment opportunities, aggravated by barriers associated with their refugee status. The policy brief highlights current policy regulations and initiatives while identifying key barriers and proposing solutions. Existing policies at the global, regional, and national levels guarantee refugees' right to work and promote self-reliance. However, implementation has been slow and fragmented, resulting in a lack of awareness among both the private sector and refugees themselves. Lengthy bureaucratic processes for obtaining work permits and refugee identification documents create delays and push refugees into the informal sector or illegal work, exposing them to exploitation and abuse.

**Key issues limiting access to decent work for refugees** include discriminatory attitudes and perceptions among potential employers, refugees' overreliance on humanitarian support, limited awareness of employment opportunities, challenges in skills recognition, lack of representation and networking opportunities, language and cultural barriers, and limited access to education and skills training.

**To address these challenges, several recommendations are proposed.** Governments should streamline the process of providing work permits and refugee identification documents, grant refugees equal rights and protections in the workplace, and operationalize and streamline processes for recognizing refugees' skills and qualifications. Governments should incentivize the development of tailored training programs and encourage refugee business development initiatives.

Refugee serving organizations should conduct awareness campaigns on refugee rights around decent employment including safe working conditions, provide training to refugees, facilitate networking platforms and mentorship programs, and support the formation of refugee-led associations and inclusion of refugees into trade unions to enhance their voice. The private sector should offer equitable, safe and dignified work opportunities for refugees.

By implementing these recommendations, stakeholders can ensure urban refugees contribute to their host communities and achieve self-reliance, leading to more durable solutions and inclusive development.

## 1.0 Introduction

Urban refugees, unlike their camp-based counterparts, are expected to achieve economic self-reliance. It is therefore crucial to promote opportunities for meaningful and dignified employment to empower refugees, lift them out of poverty, and prevent them from becoming a burden on economies that are recovering from the impacts of COVID-19 and the impact of the current global economic crisis. This policy brief was developed using experiences gained in the Re:BUiLD program.<sup>1</sup> It highlights current policy regulations and initiatives designed to facilitate access to decent work for urban refugees in Nairobi, Kenya, and Kampala, Uganda. Additionally, it will reveal the barriers they face in accessing such employment and provide recommendations to overcome these challenges.

UN Habitat estimates that **80 percent of refugees and internally displaced persons (IDPs)** are drawn to cities worldwide, rather than living in camps.<sup>2</sup> Cities are therefore at the forefront of the global response to protracted displacement. To survive in cities, refugees often take up jobs in the informal sector due to legal barriers to accessing formal work, as well as limited opportunities.

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<sup>1</sup><https://rebuild.rescue.org/>

<sup>2</sup><https://unhabitat.org/topic/urban-migration>

With 1.5 million<sup>3</sup> refugees, Uganda is the third-largest refugee-hosting nation in the world and the largest in Africa. The country has progressive policies towards displaced persons, yet just 29 percent of refugees in Uganda are actively working, compared with 64 percent among host communities.<sup>4</sup>

In Kenya, about 16 percent of the over half a million refugees lives in urban areas – mainly in Nairobi.<sup>5</sup> They are expected to have more opportunities to develop and become self-sustainable instead of dependent on humanitarian aid,<sup>6</sup> but limited access to decent work opportunities leads them to more vulnerability and seek humanitarian support or return to the camps.

## 2.0 'Decent work' definition

The International Labor Organization (ILO) defines decent work as **“work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.”**<sup>7</sup>

It further characterizes decent work in four pillars:

- 1. Employment creation and enterprise development.** Promotion of 'employment-rich' growth and growth that is targeted at helping the poor.
- 2. Social protection.** Promotion of social justice, cohesion, and protection.
- 3. Standards and rights at work.** Promotion of compliance with the fundamental principles and rights at work which all member states of the ILO are bound to respect, whether they have ratified them or not, and to those other Conventions ratified by individual states.
- 4. Governance and social dialogue.** Social dialogue between governments, employers, and workers, as a means of achieving wider understanding and acceptance of social and economic policies as well as greater democratization.

## 3.0 Progressive policies with limited implementation

Policies and regulations supporting refugees' access to decent work exist from the global to the city level in Nairobi and Kampala.

However, implementation has been slow, resulting in a lack of awareness among both the private sector and affected refugees themselves. Many private sector actors are unaware that they can employ refugees who possess the necessary documentation. Many refugees residing in Nairobi and Kampala continue to face difficulties in obtaining work permits and the required refugee identification documents to secure employment.<sup>8</sup> These challenges stem from lengthy bureaucratic processes, which often result in a backlog of applications and average waiting times ranging from 9 months to 2 years for both work permit and refugee IDs<sup>9</sup>. Due to this delay, refugees find themselves with limited options and are often compelled to work illegally or solely within the informal sector, where proper documentation is not always required. This exposes them to exploitation, conflicts with the law, and various forms of abuse. During an interview, one refugee mentioned that the prolonged wait for refugee identification documents forces them to work at night as a coping strategy to minimize encounters with law enforcement officers.

### Global policies

Under the terms of the **1951 Refugee Convention**<sup>10</sup> to which Kenya and Uganda are signatories, the right to seek employment or to engage in other income-generating activities is guaranteed. Furthermore, the **2018 Global Compact on Refugees (GCR)** promotes self-reliance for refugees and access to decent work.



<sup>3</sup><https://reporting.unhcr.org/operational/operations/uganda#:~:text=Uganda%20is%20Africa%20s%20largest,Identity%20Management%20System%20>

<sup>4</sup><https://reliefweb.int/report/uganda/unhcr-uganda-knowledge-brief-improving-employment-outcomes-refugees-july-2021#:~:text=Just%2029%20percent%20of%20refugees,Ugandan%20nationals%20to%20be%20employed.>

<sup>5</sup><https://www.unhcr.org/ke/wp-content/uploads/sites/2/2022/05/Kenya-Infographics-30-April-2022.pdf>

<sup>6</sup><https://www.unhcr.org/ke/durable-solutions>

<sup>7</sup><https://www.ilo.org/global/topics/decent-work/lang--en/index.htm>

<sup>8</sup>[https://wusc.ca/refugee-access-to-work-permits-and-business-licenses-in-kenya/?utm\\_campaign=coschedule&utm\\_source=twitter&utm\\_medium=WorldUniService&utm\\_content=Refugee%20Access%20to%20Work%20Permits%20and%20Business%20Licenses%20in%20Kenya](https://wusc.ca/refugee-access-to-work-permits-and-business-licenses-in-kenya/?utm_campaign=coschedule&utm_source=twitter&utm_medium=WorldUniService&utm_content=Refugee%20Access%20to%20Work%20Permits%20and%20Business%20Licenses%20in%20Kenya)

<sup>9</sup><https://www.rescue.org/report/analysis-and-evaluation-refugee-related-policies-and-legislation-kenya-and-uganda>

<sup>10</sup><https://www.unhcr.org/us/about-unhcr/who-we-are/1951-refugee-convention>

Self-reliance is defined by UNHCR as the social and economic ability of an individual, a household or a community to meet essential needs (including protection, food, water, shelter, personal safety, health, and education) in a sustainable manner and with dignity.<sup>11</sup> Creating an enabling environment for refugees to become self-reliant is crucial to achieve durable solutions such as local integration or voluntary return.<sup>12</sup> It enables refugees to participate in the social and economic development of their host communities and contribute to rebuilding their countries should they be able to return.

UNHCR's indicator report,<sup>13</sup> illustrating progress on the GCR, shows that while 75 percent of refugees legally have full or partial access to decent work, in practice this is much lower. Similarly, the 2022 Global Refugee Work Rights Report finds that while at least 62 percent of refugees live in countries where the legal framework for their right to work is adequate, at least 55 percent of refugees live in countries that significantly restrictive work rights in practice. Both these documents find that the laws in Nairobi and Kampala are not widely implemented in practice.



## East African policies

**Under the Kampala Declaration on Jobs, Livelihoods, and Self-Reliance** adopted on 28 March 2019,<sup>14</sup>

<sup>11</sup><https://www.unhcr.org/media/handbook-self-reliance-complete-publication>

<sup>12</sup><https://www.unhcr.org/ke/durable-solutions#:~:text=Durable%20solutions%20for%20refugees%20are,Voluntary%20Repatriation>

<sup>13</sup><https://www.unhcr.org/global-compact-refugees-indicator-report/>

<sup>14</sup><https://igad.int/kampala-declaration-on-jobs-livelihoods-and-self-reliance/>

<sup>15</sup><https://www.unhcr.org/ke/durable-solutions>

<sup>16</sup><https://igad.int/igad-opened-regional-forum-on-the-kampala-declaration/>

<sup>17</sup>[Annex-to-the-Kampala-Declaration-action-plan.pdf \(igad.int\)](#)

<sup>18</sup><https://www.eac.int/immigration/migration-and-development#:~:text=In%20accordance%20with%20Regulation%206,from%20the%20date%20of%20application.>

Kenya and Uganda as member states of the Intergovernmental Authority on Development (IGAD) committed to advance livelihood opportunities and economic inclusion of refugees. It includes a commitment to “...develop, review, and amend national policies and legislation to expand access to labor markets by simplifying procedures for accessing employment including work permits, self-employment and business opportunities.”<sup>15</sup> At a recent IGAD meeting <sup>16</sup>(October 2022), recommendations were adopted by the Member States to develop a mechanism that includes urban refugees in social protection programs. It was also agreed that member states should put emphasis on refugees' safe employment as captured in the 2022 IGAD action plan<sup>17</sup>. The discussion involved private sector actors who are potential employers of refugees and key for the implementation of the plan.

**The East African Community (EAC) Member States** have reviewed various laws related to work permits to ensure free movement of labor. In accordance with Regulation 6(7) of the EAC Common Market (Free Movement of Workers),<sup>18</sup> the Competent Authorities in Partner States issue work permits to East Africans wishing to work there within thirty days from the date of application. The work permits may be issued for an initial period of up to two years and may be renewed upon application. Refugees from EAC Member States (Burundi, Rwanda, South Sudan, Tanzania, and Uganda) can benefit from this regulation in theory. Specific benefits for refugees under the common market protocol depend on the policies of the individual member state which vary.

## Kampala and Ugandan policies

Kenya and Uganda have progressive legislations that ideally should provide for a decent work environment. These legal provisions include regulations on work and wages, compensation, employment security, and on work environment among others. Institutional structures are in place such as the departments of labor, industrial courts, and labor movements to protect the rights of workers. These structures are supportive in enforcing decent work as per ILO definition. However, refugees rarely benefit from such legal provisions and associated structures because of lack of awareness and, in some cases, discrimination based on their status. If these policies are effectively implemented, refugees will be granted equal rights and protections in the workplace, including access to rights at work, occupational health, safety regulations, and workers' compensation. These are provisions that are provided for by the above-mentioned labor laws in both countries.

In Uganda, the Refugees Act of 2006<sup>19</sup> provides that “A recognized refugee shall, subject to this Act, the OAU Convention and the Geneva Convention, receive at least the same treatment accorded to aliens generally in similar circumstances relating to the right to have access to employment opportunities and engage in gainful employment.” (Section 29(1)(e)(vi)).

Uganda has acknowledged the importance and protection of refugees through the inclusion of refugees in its National Development Plan III<sup>20</sup> as a specific target group. Uganda’s 2020 Voluntary National Review to report on SDG progress mentions refugees need to be included in the development process to achieve the SDGs and reports on refugee data– which is a step forward from their previous 2016 VNR which did not mention refugees as a key group to receive support.<sup>21</sup> The Jobs and Livelihoods Integrated Response Plan (JLIRP) for Refugees and Host Communities 2020/21-2024/25 lays out a path for secure, self-reliant, and resilient refugee and host communities in refugee-hosting districts with a goal of ensuring refugees and host communities are socially, economically, and financially included in a sustainable manner in local development. Refugees interviewed in Uganda stressed the need of implementations of these provisions, especially in the urban set up.

**In Kenya**, the new Refugee Act (2021)<sup>22</sup> introduces several rights to refugees and asylum seekers. These include participation in economic and social development once they have received proper documentation and permits from the county and national government; the right to engage in employment or start businesses or practice or trade in sectors where they hold a qualification that is recognized by competent authorities; and finally, the right to access identification and civil registration documents for the purposes of accessing rights and services under this Act. It is encouraging that there has been representation of refugee agencies in the development of regulations to implement this Act. Kenya recently announced a new Marshall Plan<sup>23</sup> (renamed Shirika Plan) that aims to transform refugee camps

into settlements integrated with the host community, opening more opportunities for refugees to engage in economic opportunities. The expected development reinforces the need for more interventions on refugees’ access to decent work opportunities as they will be expected to engage in livelihoods activities as opposed to dependency on humanitarian aid.

## City policies

**In Uganda**, Kampala authorities are mandated by Kampala City Authority Act (2010)<sup>24</sup> and in Kenya, Nairobi falls under the County Government Act (2012).<sup>25</sup> These laws mandate the respective cities to provide safe working and trading environments for residents. They are charged with the responsibility of providing, regulating, and maintaining market spaces and artisans working areas. To provide these services, the authorities charge some levy or local tax of varying amount depending on the nature of business or the size of the stall allocated. Urban refugees have demonstrated their willingness to contribute to the city revenue through payments of such charges, hence increasing revenues.

The city planning policies in Kampala and Nairobi provide for public participation in budgetary and developmental decision-making processes. Refugees need to participate in such discussions through community social groupings, such as neighborhood associations, welfare associations or market committees who are involved in determining the allocations of market spaces in the city. These associations are a form of trade unions that allow its members to organize and engage in social dialogue - one of the pillars of the ILO’s decent work definition. If refugees become members of these types of associations, it could help them negotiate and access decent work opportunities. The aspect of organizing in trade unions or associations is moderated by the City Authorities labor offices, hence their critical role in this process. It’s worth noting that civil society organizations such as Pamoja Trust in Nairobi and PLAVU in Kampala are piloting efforts to bring refugees into these associations.



<sup>19</sup><https://www.refworld.org/pdfid/4b7baba52.pdf>

<sup>20</sup>[http://www.npa.go.ug/wp-content/uploads/2020/08/NDPIII-Finale\\_Compressed.pdf](http://www.npa.go.ug/wp-content/uploads/2020/08/NDPIII-Finale_Compressed.pdf)

<sup>21</sup><https://www.rescue.org/sites/default/files/document/4121/missingpersonreport100319.pdf>

<sup>22</sup><http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2>

<sup>23</sup><https://www.capitalfm.co.ke/news/2023/05/govt-sets-up-team-to-develop-kenyas-marshall-plan-for-refugees/>

<sup>24</sup>[https://www.kcca.go.ug/uploads/KCCA\\_ACT\\_2010.pdf](https://www.kcca.go.ug/uploads/KCCA_ACT_2010.pdf)

<sup>25</sup>[http://www.parliament.go.ke/sites/default/files/2017-05/CountyGovernmentsAct\\_No17of2012\\_1.pdf](http://www.parliament.go.ke/sites/default/files/2017-05/CountyGovernmentsAct_No17of2012_1.pdf)

## 4.0 Key issues limiting access to decent work for refugees in practice

The Re:BUiLD program has been supporting refugees in accessing decent work opportunities for the past two years. However, based on our program experience, it has become evident that urban refugees continue to face significant challenges. To gain a deeper understanding of these challenges, extensive consultations were conducted with relevant stakeholders in Nairobi and Kampala. Key contacts such as the ILO, UNHCR, Ministries of Labor, private sector associations, trade unions, and employers of refugees were engaged to share their experiences.

**Attitudes and perceptions** play a significant role in hindering the employment and career growth prospects of refugees. Some potential employers and host communities discriminate against refugees in the job market. For instance, during interviews, it was revealed that certain private sector employers perceive refugees as beneficiaries of international support who are financially well off. In contrast, refugees themselves requested support in changing this perception. Furthermore, some private sector employers consider refugees as a source of cheap labor, which undermines their chances of accessing fair income as a component of decent work. It is important to note, however, that not all potential employers interviewed hold such attitudes. There have been cases of successful refugee employment and positive feedback on their productivity.

**Limited awareness about refugees' employment opportunities** contributes to their vulnerability and unfair treatment by employers. **Both refugees and the private sector lack sufficient information regarding the opportunities, the forms of social protection available such as health insurance, and the processes to be followed in their employment.** This lack of awareness makes refugees susceptible to exploitation, abuse, and unfair treatment. Additionally, without adequate knowledge of their rights, refugees may struggle to advocate and access better working conditions or seek recourse when faced with labor violations as provided for in the decent work definition.

**Refugees face challenges in getting their certificates and skills recognized by host country authorities.** The process is often lengthy and costly in both Kenya and Uganda as explained in Re:BUiLD's recent Skills

Certification report.<sup>26</sup> In Kampala, the process requires consultations with the host country's diplomatic missions, which may be difficult for political refugees who wish to avoid contact with authorities from their country of origin. Moreover, the cost of certificate accreditations and skills certification in both Uganda and Kenya is beyond the reach of ordinary refugees (between \$80 and \$480 on average). These challenges force refugees to seek informal opportunities that do not require certifications and in many cases are not properly protected by ILOs definition of decent work. There were however a few cases of refugees with adequate documentation enjoying decent work opportunities in formal sector in both cities.

**Limited representation and networking opportunities for refugees pose additional barriers.** The majority of refugees are unable to become members of trade unions or business associations due to the requirement of national identity documents, rather than refugee IDs, for membership enrollment. The Re:BUiLD program is currently engaging with trade unions in Kampala and Nairobi through its local partners to support the inclusion of refugees as members using their refugee IDs. Efforts should be made to recognize refugee IDs as valid means for membership. If opportunities are provided for refugee membership in these unions and associations, the burden to advocate on their behalf will have moved to the trade unions. They will also benefit from collective bargaining as opposed to being separated from the mainstream labor discussions.

**Refugees often lack social networks and connections that could assist them in finding employment.** They have limited access to job search resources, such as online platforms, professional networks, or vocational training programs. Due to limited online access and awareness of such opportunities, they face difficulties in securing decent work. The absence of reliable information and support systems further hampers their efforts.

**Language and cultural barriers also present challenges for urban refugees in accessing decent work opportunities.** Limited language skills restrict their ability to communicate effectively, hindering their chances of finding suitable employment. Additionally, cultural differences may affect their understanding of local work practices and norms. Labor officers in Kampala have noted that refugees face difficulties in presenting their issues and seeking support due to language barriers. This issue was evident among Congolese, Eritrean, and Somali refugees who were unable to communicate in English.

<sup>26</sup><https://rebuild.rescue.org/sites/default/files/2023-06/ReBUiLD%20Skills%20Certification%20Brief%20v2.pdf>

While some refugee agencies provide language classes as part of their interventions, these efforts have yet to reach many urban refugees in Kampala and Nairobi.

Some urban refugees **lack the necessary skills and training required for certain jobs in the host country.** Limited access to education and vocational training opportunities before and during displacement leaves them without the skills and qualifications needed to compete in the job market. Refugee agencies that offer skilling opportunities are unable to meet the demand from urban refugees. This has been demonstrated by the experiences of the Re:BUiLD program, where not all refugees requiring skilling can be enrolled. Without adequate skills required in the labor market, urban refugees will continue to face difficulties in accessing decent work opportunities as ILO labor requirements are mostly implemented in the formal sector where considerable skills are required.

Finally, refugees themselves may lack the motivation to seek decent work due to their **overreliance on humanitarian support** which may not be forthcoming. Their **aspirations for resettlement** in a third country was also found to be part of the issues contributing to their lack of self-drive in pursuing local opportunities. From our observation, criteria for resettlement, which include vulnerability<sup>27</sup>, negatively impacts self-reliance, as some refugees ignore self-reliance initiatives to qualify based on their vulnerability score. Refugee leaders interviewed suggested that there is a need to enhance attitudinal change and provide sufficient information to refugees before providing them with skills or linking them with self-reliance activities.

## 5.0 Recommendations

Gainful and decent employment should be seen as a leverage for building resilience of refugees, conveying them out of poverty, and ensuring that they do not become a social and economic strain on an economy that is recovering from the impact of COVID-19 and the current global economic crisis. Instead, evidence shows that refugees can contribute to economic productivity in host economies and drive innovation, enterprise, trade and investment. The IRC found that closing pay and employment gaps for refugee men and women in six high refugee hosting countries could boost GDP by \$53 billion.<sup>28</sup> Encouraging decent work for refugees This is a collective responsibility that calls on the actors below to implement the following recommendations.

### 4.1 Uganda and Kenya Government and city authorities

Both Kenya and Uganda continue to put efforts in enhancing refugee policies but there is need to strengthen the operationalization of the existing structures and policies.

1. Streamline and speed up processes and systems to provide work permits and refugee IDs to reduce bureaucratic barriers and backlogs in government offices, including dedicated feedback channels for communicating application status.
2. Implement and strengthen policies that grant refugees equal rights and protections in the workplace, including access to minimum wage laws, occupational health and safety regulations, and workers' compensation.
3. Streamline processes and reduce costs for the recognition and accreditation of refugees' skills, prior learning, and foreign qualifications, ensuring they are recognized and accepted in the host country's job market.
4. Strengthen partnerships between refugee serving agencies, NGOs, educational institutions, and private sector companies to develop tailored training programs that address industry needs and provide practical skills.
5. Support refugee businesses by ensuring that market stall spaces allocations are inclusive and business support services offered by city authorities to their residents include refugees.

### 4.2 UNHCR, NGOs and other refugee serving agencies

1. Conduct comprehensive awareness campaigns to educate employers, employees, and the public on the rights, contributions, and potential positive contributions that refugees can make in the workforce.
2. Provide information and training to refugees themselves, that enhances their understanding on their rights, available employment opportunities, and the importance of self-reliance.
3. Facilitate the establishment of networking platforms and mentorship programs that connect refugees with employers, industry professionals, and potential business partners.
4. Encourage the formation of refugee-led associations and support their engagement with trade unions and business organizations, enabling collective representation and advocacy for refugees' employment rights.

<sup>27</sup><https://www.refworld.org/pdfid/4ac0d7e52.pdf>

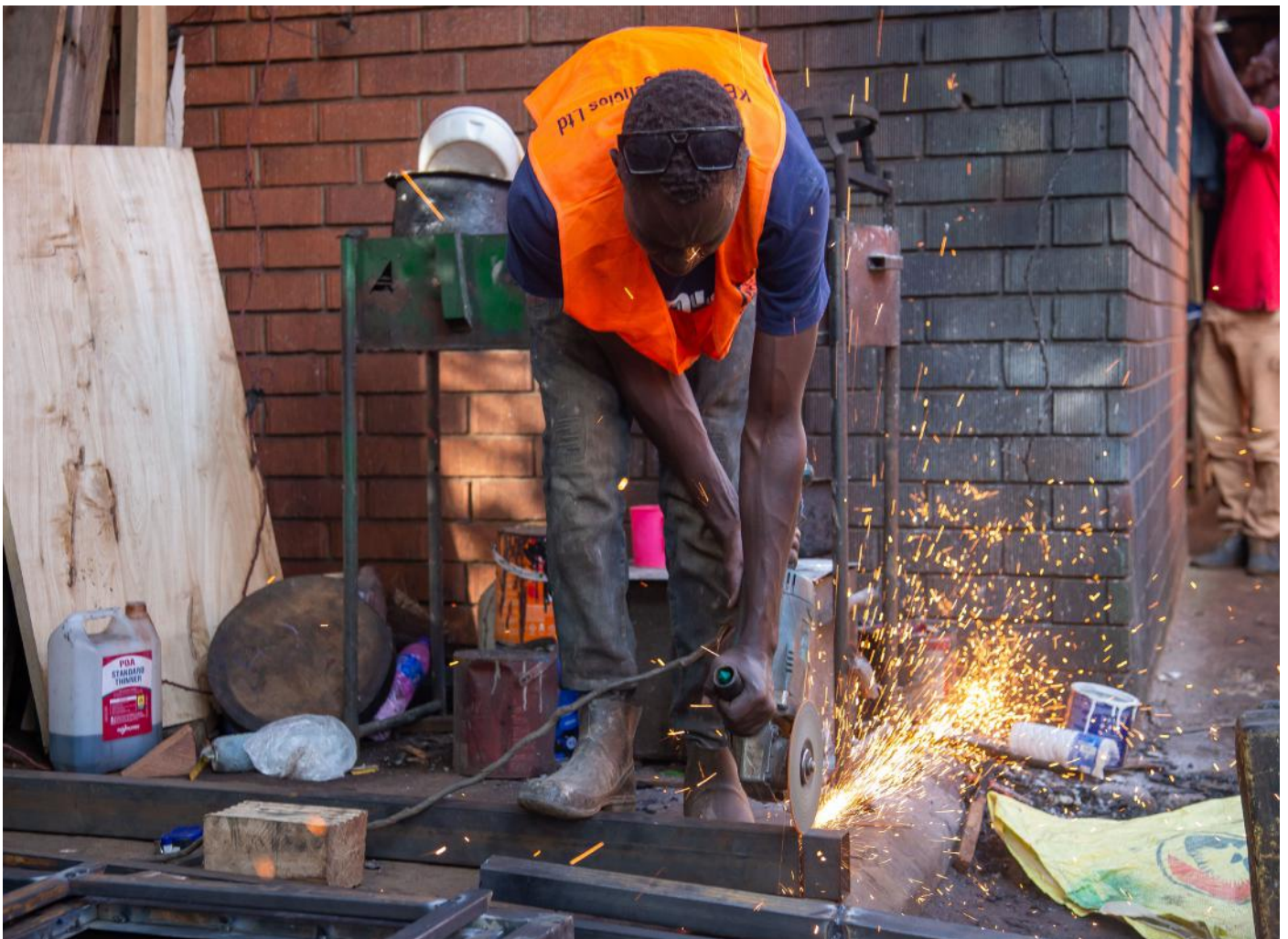
<sup>28</sup><https://www.rescue.org/sites/default/files/document/3987/reportrescueworksunlockingrefugeewomenspotential.pdf>

### 4.3 Private sector

1. Offer equitable, safe and decent work opportunities for refugees alongside host community members.
2. Support refugees' work permit application processes and be flexible with refugee applicants so they do not miss out on opportunities.
3. Strengthen sharing of information and best practices on refugee employment with peers, and ensuring coordination with agencies serving refugee interests.
4. Offer on job training and apprenticeship opportunities to refugees and vulnerable host community members while supporting them to join associations and trade unions.

### 4.4 Bilateral and multilateral donors

1. Provide technical support to refugee hosting governments and cities with large urban refugee populations, recognizing the distinct challenges faced by urban refugees, to improve national laws and policies as well as their implementation.
2. Incentivize law and policy shifts to enhance decent work for urban refugees through targeted funding and advocacy.



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