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THE REFUGEES ACT, 2021

(No. 10 of 2021)

THE REFUGEES (GENERAL) REGULATIONS, 2024

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## THE REFUGEES ACT, 2021

(No. 10 of 2021)

IN EXERCISE of the powers conferred in section 44(2)(b) of the Refugees Act, 2021 the Cabinet Secretary for Interior and National Administration makes the following Regulations—

## THE REFUGEES (GENERAL) REGULATIONS, 2024

## PART I—PRELIMINARY

1. These Regulations may be cited as the Refugees (General) Regulations, 2024. Citation.

## PART II—RECEPTION OF REFUGEES AND ASYLUM SEEKERS

2. (1) An asylum seeker shall notify intention to seek asylum to an authorised officer who shall direct them to the nearest reception centre or government administrative office. Reception of asylum seekers.

(2) The authorised officer shall issue Form 1 as set out in the Schedule to the asylum seeker to facilitate the registration process.

(3) The asylum seeker shall submit the duly filled form to the Refugee Officer within fourteen days after being issued with the Form.

(4) The authorized officer shall open a case file with the asylum seeker's name and into which shall be entered all data collected about the asylum seeker.

3. (1) The Cabinet Secretary shall, by notice in the *Gazette*, declare specific areas in Kenya to be transit or reception centres. Transit and reception centres.

(2) A transit or reception centre shall be used for the purpose of temporarily accommodating asylum seekers and refugees and the Cabinet Secretary shall ensure that—

- (a) they are accessible;
- (b) are located at a safe distance from a border;
- (c) cater for needs of vulnerable groups;
- (d) appropriate facilities for separating combatants from civilians; and
- (e) adequate for the provision of humanitarian assistance and medical screening

(3) The Cabinet Secretary shall ensure that where asylum seekers and refugees are held in prisons and detention centres as transit centres pending transfer—

- (a) they will be held for shortest time possible; and
- (b) they are to be held separately from persons in conflict with the law, in lawful remand, imprisoned, or otherwise held in detention by the Government.

4. (1) An asylum seeker, together with the asylum seeker's family, shall present themselves before a refugee officer and apply to be recognized as a refugee in Form 6 as set out in the Schedule. Registration of asylum seekers.

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- (2) The refugee officer shall—
- (a) conduct a registration interview to obtain basic information from the asylum seeker on—
    - (i) biographical data;
    - (ii) country of origin or immediate former residence;
    - (iii) reason for seeking protection;
    - (iv) specific needs; and
    - (v) biometric information of the asylum seeker including photograph, fingerprints, thumbprints, palmprints and similar kind of information;
  - (b) ensure that the asylum seeker is provided adequate interpretation in the manner determined by the Commissioner;
  - (c) verbally notify the asylum seeker of—
    - (i) the purpose of the registration interview;
    - (ii) the duty to be truthful and co-operative;
    - (iii) the conditions of the pass and the requirement of appearing on the identity document
    - (iv) the return date specified on the pass; and
    - (v) that the pass may be withdrawn upon failure to comply with the conditions of the pass, subjecting the asylum seeker to confinement and other consequences that may result from withdrawal of the pass;
  - (d) issue an appointment in writing to the asylum seeker to appear for refugee status determination; and
  - (e) issue relevant registration documentation.
- (3) An application under paragraph (1) shall be made by filling in Form 1 as set out in the Schedule, and the asylum seeker shall—
- (a) provide all the information required in Form 1 set out in the schedule;
  - (b) provide, where available, any additional information that the Commissioner deems necessary in order to verify the information furnished in Form 1 and
  - (c) surrender any permit issued to the asylum seeker under the relevant written law relating to immigration or management of alien persons in Kenya.
- (4) An asylum seeker shall, after applying for registration—
- (a) comply with fingerprinting and photographing requirements prescribed under these Regulations; and
  - (b) produce any identification document that he has in his possession.

(5) The registration officer shall take the fingerprints and photographs of each asylum seeker at the time of registration.

(6) The Commissioner shall ensure that the biometric information of an asylum seeker and family members taken are checked against all national databases of biometric information.

(7) The asylum seeker and members of the family of the asylum seeker shall appear in person for a registration interview.

(8) The refugee officer shall identify onward movers as per section 4(2)(b) of the Act and refer them for onward mover assessment.

5. (1) An asylum seeker who has been referred for onward mover assessment by a refugee officer under regulation 4(8) shall be interviewed to determine—

Onward Movers  
Assessment.

- (a) if the asylum seeker has sought asylum in another country
- (b) if the asylum seeker has been granted refugee status in another country
- (c) if the asylum seeker can be readmitted to that other country; and
- (d) if the asylum seeker has a protection need for flight.

(2) The Refugee Officers shall, after conducting an assessment, recommend to the Commissioner whether or not to disqualify the asylum seeker under section 4(2)(b) of the Act or for the individual to proceed to a refugee status determination interview.

(3) The Commissioner shall refer disqualified individuals to the Director of Immigration who shall thereafter deal with the individual in accordance with written law on immigration.

(4) The recommendation under subregulation (2) shall be included in the individual file for refugee status determination

6.(1) An asylum seeker who has applied for refugee status shall be issued with an asylum seeker pass set out in Form 2 as set out in the Schedule which shall remain valid for ninety days from the date of issuance, or until a final determination of the asylum application, whichever is the earlier.

Asylum seeker  
pass.

(2) A pass issued under subregulation (1) shall specify the time and date when the asylum seeker shall return to a specified refugee reception office.

(3) Where an asylum seeker fails to appear in person at a designated refugee reception office on the time and date specified in an asylum seeker pass, the pass may be withdrawn by the Commissioner.

(4) An asylum seeker shall, at all times, be in possession of an asylum seeker pass which will be proof of legal status in Kenya.

7.(1) The refugee officer shall forward each application for asylum from the registration centre to the appropriate refugee status determination centre.

Applications to be  
forwarded to  
status  
determination

(2) The Refugee Officer shall inform the asylum seeker on the refugee status determination centers where the asylum seeker shall present himself for determination of his asylum application.

centres.

8. An asylum seeker shall not be registered if it that asylum seeker has been granted asylum in another country and that—

When asylum seeker shall not be registered.

- (a) the asylum seeker can be readmitted in the first country of asylum; and
- (b) the asylum seeker has effective protection in the first country of asylum.

### PART III—APPLICATION FOR REFUGEE STATUS

9. (1) The Commissioner shall make a determination on an application for refugee status within ninety days after the application being received.

Application process.

(2) A refugee officer may make such inquiries as may be necessary on any application and may require an asylum seeker to appear for an interview.

(3) The Commissioner shall put in place —

- (a) a fair and transparent system for the scheduling and notification of refugee status determination interviews;
- (b) a mechanism to conduct interviews; and
- (c) a filing system to ensure that the registration data of an asylum seeker is filed and that any change in the data, family composition or other information of an asylum seeker is recorded.

10. (1) During a refugee status determination interview —

Refugee status determination interview.

- (a) an asylum seeker shall present his or her refugee claim in person; and
- (b) may be represented by a legal representative at his or her own cost; and
- (c) an asylum seeker who is incapable of giving consent or representing himself or herself at the interview shall be represented by competent adult who may give information on the asylum seeker's behalf.

(2) An asylum seeker shall sign an authorisation in Form 5 as set out in the Schedule indicating the person authorised to act as his legal representative.

(3) A refugee officer shall conduct a non-adversarial interview to elicit information on the asylum seeker's eligibility for refugee status.

(4) A refugee officer shall ensure that the asylum seeker fully understands the procedures, his rights and responsibilities.

- (5) A refugee officer shall—
- (a) be knowledgeable in the law relating to refugees and international human rights; and
  - (b) have all the particulars of the asylum seeker he is interviewing including—
    - (i) any written statement by the asylum seeker explaining his fear;
    - (ii) any identity documents provided by the asylum seeker; and
    - (iii) claim specific and country specific information.
- (6) A refugee officer shall explain the purpose and nature of the interview to the asylum seeker including the—
- (a) duty to be truthful and cooperative;
  - (b) role of the interpreter;
  - (c) confidentiality of the information given;
  - (d) procedures to receive notification of the refugee status determination process, outcome and
  - (e) relevant appeal procedures.
11. (1) A refugee officer shall interview a child who has attained sixteen years of age and above separately. Interviews of children.
- (2) A child who has not attained the age of sixteen years may be interviewed, with the permission of the parent or guardian, who may be allowed to be present during the child's interview.
12. At the end of the initial interview, the guardian of the asylum may make a statement or comment on the evidence presented in writing. Statement by guardians.
13. In the absence of documentary evidence, the credible testimony of an asylum seeker in consideration of conditions in the country of origin shall suffice to establish eligibility for refugee status. Credible testimony.
14. The eligibility of an asylum seeker for grant of refugee status in accordance with the Act shall be made on a case-by-case basis, taking into account the specific facts of the case and conditions in the country of origin. Eligibility determined on case-by-case basis.
15. The asylum seeker bears the burden of proof to establish that he is a refugee as defined in section 3 of the Act. In the absence of documentary evidence, the credible testimony of an asylum seeker in consideration of conditions in the country of origin may suffice to establish eligibility of refugee status. Burden of proof.
16. A Commissioner may accelerate the procedures, for refugee status— Refugee status determination fast track.
- (a) if the asylum seeker is an unaccompanied or separated child;



- (b) if the asylum seeker is in confinement;
- (c) if the asylum seeker is awaiting deportation orders;
- (d) if the asylum seeker is identified as a person at risk;
- (e) if the asylum seeker has a medical emergency;
- (f) in any case within the scope of exclusion under section 4 (1) of the Act; or
- (g) due to heightened protection needs.

17. (1) A refugee officer shall include each member of the family of an asylum seeker in the asylum seeker's application.

Member of the family of an asylum seeker.

(2) An asylum seeker or a member of the family of the asylum seeker shall provide proof of relationship.

(3) The proof of relationship specified in subregulation (2) may be established by documentary evidence or testimonials.

(4) Each member of the family of an asylum seeker included in an asylum application shall be issued with a pass and shall be required to comply with the conditions prescribed in the pass.

18. (1) A refugee application case file shall contain the records received from the asylum seeker and copies of any correspondence thereon by the Department.

Refugee application case file.

(2) Any original documents presented for the purposes of the claim of the asylum seeker shall be copied and returned to the asylum seeker and duplicate copies shall be entered in the case file of the asylum seeker.

(3) A refugee officer shall address any irregularity in the documents presented by an asylum seeker at an interview and give the asylum seeker the opportunity to explain the irregularity.

(4) The documents and decisions relating to a child who has applied for derivative refugee status as a member of a family of a refugee shall be recorded in the file of the principal asylum seeker.

19. (1) An asylum seeker may call witnesses to give evidence at a refugee status determination interview.

Witnesses.

(2) A refugee officer shall—

- (a) explain the confidentiality requirements to the witness; and
- (b) inform the witness that he or she is under an obligation to tell the truth and the consequences of giving false information.

(3) A refugee officer may enquire for material information and or clarification from the witness who appears at an interview.

(4) Information provided by the witness during the interview shall be clearly recorded as part of the asylum seeker's interview transcript.

(5) A witness shall—

- (a) not be present during the interview of the asylum seeker;
- (b) testify in the presence of the asylum seeker; and
- (c) be given the opportunity to use an interpreter if necessary.

20. (1) An asylum application may be rejected by the Commissioner if there are serious reasons in terms of section 4 (1) of the Act in the application. Exclusion.

(2) The commissioner shall ensure that refugee officers have appropriate knowledge in conducting exclusion interviews.

(3) A refugee officer shall fast track the refugee status determination process for asylum seeker whose claim for asylum has given rise to exclusion based on available guidelines.

(4) An asylum seeker shall be informed of the exclusion reasons in writing in Form 7 as set out in the Schedule and be given an opportunity to respond.

(5) An asylum seeker whose claim for refugee status is rejected on the basis of exclusion retains the right to appeal as provided by the Act.

(6) An asylum seeker who has unsuccessfully exhausted the appeal process or has not appealed under section 14 of the Act, the Commissioner shall notify the Director of immigration for removal out of the country.

(7) A family member of a person whose claim of asylum is excluded will have the right to apply for asylum.

21. (1) The Refugee Status Eligibility Panel shall, after reviewing the refugee status determination interview findings— Refugee status determination decision and notification.

- (a) submit a written recommendation to the Commissioner for endorsement; or
- (b) refer the case to a refugee officer for additional or new information.

(2) The Commissioner shall make a decision in writing on whether to grant or deny status.

(3) The Commissioner shall, in writing, notify the asylum seeker of the determination of his application within fourteen days of making the determination and where the application is successful, the notification shall be in Form 8 as set out in the Schedule.

(4) The Refugee Status Eligibility Panel shall in furtherance of their functions under subregulation (1) be responsible for—

- (a) recommending to the Commissioner effective case processing modalities;
- (b) ensuring a co-ordinated, harmonised approach to refugee status determination by the department; and

- (c) reporting and providing statistical reports on a quarterly basis for informing decisions and monitoring trends.

22. (1) The Commissioner shall establish guidelines for the assistance and treatment of categories at risk during reception, registration, application and residence.

Considerations for categories at risk.

(2) An authorised officer involved in the reception and registration of asylum seekers shall be sensitive to the special needs of women, children, persons living with disability and the aged and elderly.

(3) In this regulation, “categories at risk” means asylum seekers or refugees including unaccompanied minors, mentally or physically disabled, pregnant women, elderly persons and any other category considered in need of special assistance or protection.

23. (1) The employees and agents of the Department shall ensure the confidentiality of information and records of asylum seekers and refugees.

Confidentiality.

(2) No employee or agent of the Department shall disclose any information pertaining to an asylum seeker or refugee to a third party, except in the course of his duty under the Act and with the authorisation of the Commissioner.

(3) Where an employee or agent of the Department discloses any information under this regulation, he or she shall make a note of the disclosure in the records of the asylum seeker or refugee concerned.

(4) An asylum seeker or a refugee who seeks information from his own records shall be given copies of the documents he submitted to the Commissioner.

(5) An asylum seeker, refugee or their legal representative shall have supervised access to the records.

24. (1) The Commissioner shall, where necessary, provide interpreters for asylum seekers and refugees.

Interpreters.

(2) Where the proceedings at any stage of the refugee determination process makes use of an interpreter, an authorised officer shall make an entry of that occurrence in the interview transcript.

(3) An asylum seeker or a refugee shall be provided the opportunity to choose to the extent possible, the sex of an interpreter.

(4) An asylum seeker or a refugee who has concerns about an assigned interpreter shall be given the opportunity to explain his concerns in private to an appointed officer at any stage of the determination process.

(5) An interpreter who is engaged to provide services of interpretation under these Regulations shall sign an undertaking of ‘confidentiality and impartiality’ in Form 4 as set out in the Schedule before the interpreter assumes the duties of interpretation.

25. (1) The Commissioner may withdraw an asylum seeker pass if the asylum seeker to which it has been issued fails, without just cause, to comply with any condition specified in the asylum seeker pass.

Withdrawal of asylum seekers pass.

(2) Despite the generality of subregulation (1), the Commissioner may withdraw an asylum seeker pass if—

- (a) the asylum seeker contravenes any conditions specified in the pass;
- (b) in the final determination, the asylum seeker's application is rejected, or the period within which an appeal has to be filed has lapsed;
- (c) there is a final determination that the asylum seeker is excluded from obtaining refugee status pursuant to the Act; or
- (d) there is a final determination that the asylum seeker no longer qualifies for refugee status pursuant to section 5 of the Act.

26. (1) An unaccompanied child shall be interviewed in an appropriate setting in the presence of a competent officer or person the child relates to.

Unaccompanied and separated children.

(2) Where the actual age of an unaccompanied child cannot be ascertained by the child or the refugee officer, the registration officer shall request that an age assessment be carried out in the prescribed manner by a certified medical practitioner.

(3) A refugee officer shall—

- (a) register an unaccompanied child in Form 3 as set out in the Schedule;
- (b) commence the process of tracing the relatives of the unaccompanied child as soon as practicable;
- (c) ensure that an unaccompanied child is placed in foster care or in a special reception centre at the earliest stage of the asylum-seeking process;
- (d) the case of a separated child, ensure that care arrangements are adequately provided;
- (e) appoint a representative for the unaccompanied child and keep a record of the particulars and contact information of the representative; and
- (f) satisfy himself or herself that a child who has applied for registration under these Regulations is not a victim of child trafficking.

27. (1) The Commissioner shall cause to be established and maintained a register of all asylum seekers and refugees to whom this Act applies in which there shall be entered the following particulars, including changes thereof, in respect of each person—

Register for refugees and asylum seekers and registries.

- (a) unique registration number;
- (b) name in full;

- (c) nationality;
  - (d) date or apparent age and place of birth;
  - (e) education level;
  - (f) occupation, profession, trade or employment;
  - (g) place of residence and postal address, Global Positioning Systems coordinates, Land Reference Number, Plot Number or House Number, if any;
  - (h) marital status;
  - (i) sex;
  - (j) photograph;
  - (k) finger and thumb impressions but in case of missing fingers and thumbs, palm or toe or palm and toe impressions in physical form and biometrics;
  - (l) passport number where applicable
  - (m) date and place of issue; and
  - (n) expiry date;
  - (o) specific needs; and
  - (p) such other particulars as may be prescribed by the Commissioner.
- (2) The commissioner shall ensure that the register—
- (a) adheres to data protection principles;
  - (b) interoperability with other databases.

#### PART IV—REFUGEE AND ASYLUM SEEKERS DOCUMENTS

28. (1) The asylum seekers identification document issued by the Commissioner under these Regulations shall be issued free of charge and without discrimination.

Asylum seeker  
identification  
document.

(2) The Commissioner shall issue each asylum seeker or refugee with an asylum seeker identification document in the name of the asylum seeker.

(3) An asylum seeker identity document issued under these Regulations shall contain the—

- (a) name of the asylum seeker;
- (b) sex of the asylum seeker;
- (c) date of birth of the asylum seeker;
- (d) country of origin of the asylum seeker;
- (e) photograph of the asylum seeker;
- (f) name of the issuing authority;

- (g) individual reference number;
- (h) date of issuance;
- (i) date of expiry in the case of an asylum seeker pass; and
- (j) signature of the registration officer.

29. (1) After grant of refugee status, the Commissioner shall issue the refugee—

Refugee identity card.

- (a) with a refugee identity card in Form 9 as set out in the Schedule; or
- (b) with a refugee identification pass in Form 10 as set out in the Schedule if the refugee has not attained the age of eighteen years.

(2) A refugee shall surrender his or her asylum seekers pass upon being issued with the refugee identity card.

(3) A refugee may apply to the Commissioner in Form 11 as set out in the Schedule for change of particulars on the refugee identity card.

30. An asylum seeker identity document issued under these Regulations shall be proof of the bearer's legal presence in Kenya.

Identity document  
proof of legal  
residence.  
Convention travel  
document.

31. (1) A refugee may apply to the Commissioner for a convention travel document in Form 8 as set out in the Schedule and shall submit the following documents in support of the application—

- (a) a copy of his or her refugee identity card or refugee identification pass;
- (b) two recent colour passport photographs;
- (c) the reason for travel; and
- (d) any other relevant document.

(2) A refugee may apply to be issued with a convention travel document for the following reasons—

- (a) resettlement;
- (b) education;
- (c) medical;
- (d) employment;
- (e) business;
- (f) family reunification; or
- (g) complementary pathways including for religious or sporting events.

(3) A refugee shall apply for a convention travel document in person and shall collect the document from the designated office in person.

(4) The parent or guardian of a child shall apply for a convention travel document on behalf of the child.

(5) Where the Commissioner approves the application for convention travel document, he shall issue a convention travel document set out in Form 9 of the schedule within ninety days.

(6) In exceptional circumstances, the Commissioner may issue a convention travel document within fourteen days.

(7) Where the Commissioner declines to approve issuance of a convention travel document under these Regulations, he shall, within thirty days of receipt of the application, provide written reasons for his decision; a refusal shall not disqualify the refugee from applying again.

(8) A convention travel document shall remain the property of the Government of Kenya.

(9) A convention travel document shall—

- (a) allow the bearer to travel from and return to Kenya during the validity of the document; and
- (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.

(10) On application for the renewal of a convention travel document, a refugee shall submit—

- (a) his current convention travel document;
- (b) a copy of his refugee identity card or refugee identification pass; and
- (c) two recent colour passport photographs, if a new convention travel document is to be issued.

(11) A refugee may apply for a replacement of his convention travel document where his document has been stolen, is lost or is damaged.

(12) The Commissioner may cancel or withdraw a convention travel document where—

- (a) the convention travel document was obtained through fraud;
- (b) the holder of the convention travel document—
  - (i) uses it to travel to his country of nationality or former habitual residence;
  - (ii) ceases to be a refugee; or
- (c) national security reasons apply.

(13) The Commissioner shall keep a register of the convention travel documents issued, renewed, replaced, cancelled or withdrawn.

32. (1) A refugee seeking relocation according to section 31 of the Act shall apply in Form 10 as set out in the Schedule to the settlement officer. Relocation order.

(2) A settlement officer in issuing the order shall take into account the refugee's special needs, access to protection, education, work conditions as determined by the Commissioner.

#### PART V—WITHDRAWAL OF REFUGEE STATUS

33. (1) The Commissioner may withdraw the refugee status of a person if there is evidence that—

Withdrawal of  
refugee status.

- (a) at any time after recognition as a refugee, that person committed a war crime or crime against humanity under section 18 (1) of the Act;
- (b) at the time of recognition as a refugee there is evidence that the recognition may have been granted through fraudulent misrepresentation, or omission of material fact of which if known could have changed the decision to recognise the person as a refugee or emergency of new evidence that a person should not have been recognised as a refugee under section 17 (1) of the Act;
- (c) at the time of his or her refugee status determination interview that person was disqualified under section 4 of the Act; and
- (d) that person committed a serious nonpolitical crime in Kenya after his or his arrival and admission to Kenya as a refugee.

(2) The withdrawal of a person's refugee status—

- (a) shall be determined on an individual basis; and
- (b) shall follow the due process of the law.

34. (1) The Commissioner shall notify the refugee whose recognition is to be withdrawn of—

Notice of  
withdrawal of  
refugee status.

- (a) the intention to withdraw the recognition of that person as a refugee;
- (b) the reasons for the commencement of the withdrawal of the recognition; and
- (c) the procedures to be followed in the process.

(2) A refugee whose status is to be withdrawn shall be given the opportunity to present new evidence in relation to his refugee status and evidence of a continued fear of persecution in the country of origin at the time of the withdrawal interview.

(3) Where a refugee has been duly notified of the withdrawal proceedings and does not attend the withdrawal interview, a determination to withdraw the person's recognition as a refugee shall be made on the basis of the information available to the Commissioner.

35. An assessment of the cancellation of the recognition of refugee status shall include—

Assessment of  
cancellation.

- (a) a detailed transcript of the cancellation interview;



- (b) the credibility of the refugee;
- (c) an assessment of all the evidence presented;
- (d) a recommendation that the refugee status of the refugee be maintained or withdrawn;
- (e) a determination whether the grounds for withdrawal have been established.

36. The Commissioner shall give written notice to a refugee of the decision to revoke his or her status and of the reasons thereof.

Decision on  
revocation of  
refugee status.

37. (1) Withdrawal of refugee status shall result in the withdrawal of status for the members of the family of the refugee.

Withdrawal of  
derivative status.

(2) A member of the family of a refugee whose recognition has been withdrawn may apply for refugee status as an individual

#### PART VI—CESSATION OF REFUGEE STATUS

38. (1) The Cabinet Secretary may revoke the refugee status of any class of persons whose cessation has been declared by the country of origin.

Cessation of class  
refugee status.

(2) A declaration of cessation of such class of persons does not preclude an individual from applying for refugee status on the basis of an individual claim.

39. (1) The Commissioner shall notify a refugee who is referred for cessation proceedings of the reasons for the cessation and shall furnish him with information regarding the procedure.

Notice of  
cessation.

(2) If a refugee has been duly notified of the cessation procedures but does not attend a cessation interview or present evidence relating to the need for continued protection within ninety days of the notice, his refugee status shall cease.

(3) The Commissioner shall notify the Director of immigration, of persons whose status has ceased and whose process of appeal has been exhausted in accordance with section 14(4) of Act.

40. (1) The refugee officer shall give the refugee an opportunity to respond to the grounds for applying cessation and to provide evidence that is relevant to his claim against cessation.

Cessation  
interview.

(2) A refugee shall be permitted to submit evidence relating to the need for continued protection in Kenya within ninety days from the date of notification.

41. A cessation assessment shall include—

Cessation  
assessment.

- (a) a summary of the evidence that is relevant to the grounds for cessation, including an assessment of the reliability of the evidence and the credibility of the refugee; and
- (b) a determination whether the evidence supports a finding that the individual is no longer in need of refugee protection.

42. The Commissioner shall, in writing, notify a refugee whose refugee status has ceased of the decision to terminate his or her refugee status and shall inform the refugee of—

Cessation of  
refugee status.

- (a) the effect of cessation on his previously granted refugee status;
- (b) the cessation of the status of any person who received derivative status;
- (c) the right to appeal against the expulsion decision to the Refugee Status Appeals Committee within fourteen days of receipt of the decision; and
- (d) the right to legal representation in the appeal at the refugee's cost.

#### PART VII—APPEALS

43. (1) A person aggrieved by the decision of the Commissioner may, within fourteen days of receiving the decision, appeal in person or through his representative or through an interested party to the Appeals Committee against the decision. Appeals.

(2) A person aggrieved by a decision of the Appeals Committee may appeal to the High Court within thirty days of being notified.

(3) Where the High Court upholds the decision of the Commissioner against which an applicant had unsuccessfully appealed to the Appeals Committee, the Commissioner shall within sixty days of the ruling of the High Court notify the Director of Immigration of the decision, who shall thereafter deal with the applicant in accordance with Immigration Laws.

(4) Where an unsuccessful applicant has failed to file an appeal to the High Court, the Commissioner shall within sixty days of the determination by the Appeals Committee, notify the Director of Immigration of the Appeals Commission's decision and who shall thereafter deal with the applicant in accordance with Immigration Laws.

(5) No fees to be charged for filling appeals under this regulation.

#### PART VIII—EAST AFRICAN COMMUNITY OPTING OUT PROCEDURE

44. (1) A recognised refugee under this Act may voluntarily give up their refugee status for the purposes of enjoying benefits due to them under the Treaty for the establishment of the East African Community, the Protocol for the Establishment of the East African Common Market and any other relevant written law. Voluntary opting out of refugee status.

(2) A refugee who wishes to be considered under (1) above shall make a written application in a prescribed Form to the Commissioner stating their intention to do so.

(3) The refugee shall submit the duly completed opting out Form to the Commissioner for Refugee Affairs.

#### PART VIII—EXPULSION OF REFUGEES

45. (1) A refugee or a member of his or her family may be expelled from Kenya on grounds of national security, public order and public morality. General grounds for expulsion.

(2) The Cabinet Secretary shall issue an order in writing to a refugee whose refugee status has been terminated to leave the country.

(3) A refugee or asylum seeker shall be expelled on the grounds under section 19 (2) of the Act when—

- (a) a person is convicted of breach to public order and morality;
- (b) has exhausted the appeal process.

(4) The Commissioner shall notify the Cabinet Secretary when it comes to his or her attention of any refugee convicted under section 19(2) of the Act.

#### PART IX—DESIGNATED AREAS

46. (1) The Commissioner shall upon consideration of individual circumstances exempt persons to move and reside from one designated area to another based on—

Requirement to reside in designated area.

- (a) family reunification;
- (b) medical grounds;
- (c) education;
- (d) employment;
- (e) business;
- (f) protection;
- (g) sports; or
- (h) aspects that would promote social and economic wellbeing.

(2) Where a registered refugee or asylum seeker changes his residence, he or she shall report in writing his new residence to the Commissioner within seven days of the date of his arrival.

(3) Where a refugee or asylum seeker is absent from his or her residence for a continuous period exceeding twenty-one days without effecting a change of residence the refugee case file shall be inactivated.

(4) The asylum seeker or refugee within seven days of their return to his or her residence, shall notify the Commissioner in writing.

(5) Where the Commissioner permits a registered refugee or asylum seeker to reside out of a designated area, the Commissioner shall issue the refugee or asylum seeker with an exemption letter in Form 15 as set out in the Schedule.

47. A person wishing to enter a transit or reception area shall make an application to the Commissioner of the intention to enter the area.

Restriction of person entering designated area.

#### PART X—VOLUNTARY REPATRIATION

48. (1) An asylum seeker or refugee who so wishes shall notify a Refugee Officer in writing of his or her intention to return to his or her country of origin or residence.

Notice of intention to return to country of origin or residence.

(2) The Refugee Officer shall—

- (a) verify refugee and asylum seeker information;
- (b) verify situation in the country of origin; and
- (c) fill a voluntary repatriation form for the application;
- (d) ensure completion of necessary processes with the Department of immigration.

49. (1) The Refugee Officer shall notify the refugee in writing of the documents required to be surrendered and the duration the refugee has before they are mandated to leave the country with fourteen days of receiving the application of voluntary repatriation.

Documents to be surrendered during voluntary repatriation.

(2) A refugee seeking voluntary repatriation shall surrender-

- (a) refugee identification card;
- (b) convention travel documents;
- (c) movement pass;
- (d) pupil pass; and
- (e) exemption documentation.

(3) The refugee shall receive a Certificate of loss of status, the Certificate must be signed and stamped by the Commissioner and must be collected in person by the refugee.

(4) The Commissioner shall notify the Director of Immigration within fourteen days upon issuing the refugee the Certificate of Loss of Status, who shall thereafter deal with the applicant in accordance with the relevant immigration laws.

#### PART XI—REVOCATION, SAVINGS AND TRANSITIONAL PROVISIONS

50. The Refugees (Reception, Registration and Adjudication) Regulations, 2009, are revoked.

Revocation.  
L.N. 24/2009.

51. (1) In these Regulations, “revoked Regulations” means the Refugees (Reception, Registration and Adjudication) Regulations, 2009, revoked under regulation 50.

Savings and transitional provisions.

(2) Any certificate, permit, pass, travel document, document of identity, exemption or authorisation issued or granted under the revoked Regulations shall continue to be valid for its unexpired term, if any, as if it had been issued or granted under these Regulations.

(3) Any recognition made or granted under the revoked Regulations, including recognition of refugee status, shall continue to be valid as if the recognition was made or granted under these Regulations.

(4) Any appeal or review of a decision that was pending under the revoked Regulations shall continue to be heard or determined in accordance with the provisions of the revoked Regulations and the decision or determination shall have the same force and effect as if it had been made under these Regulations.

(5) Any application that was made in accordance with the provisions of the revoked Regulations, which application had not been determined on the coming into operation of these Regulations, shall continue to be processed in accordance with provisions of the revoked Regulations:

Provided that the determination of any such application that is required to be signified by the issuance of a certificate, pass, travel document, document of identity, exemption or authorization shall be signified in accordance with the provisions of these Regulations.

## SCHEDULE

## Form 1

r. 5(3)

Office:	Principal Applicant Status:	Derivative:	Space for photograph
RSD File #	Reg. #		
Arrival date (dd/mm/yyyy)	Reg. date (dd/mm/yyyy)	Special needs:	
Reg. staff:		Interpreter:	
Linked RSD files:			
Registration Information Sheet			
Parts A to H must be completed for every adult and child Applicant, including family members and other dependents who are accompanying the Principal Applicant.			
Part A – Basic Biodata			
1. Full Name ( <i>underline surname</i> ):			
2. Other names used:			
3. Father's name;		4. Mother's name:	
5. Sex:		6. Nationality	
7. Date of birth (dd/mm/yyyy) ( <i>if not known, give estimated year of birth</i> )			
8. Place of birth			
9. Marital status (Single/Married/Engaged/Separated/Divorced) ( <i>delete as appropriate</i> )			
10. Spouse's name ( <i>if applicable</i> ):			
11. Religion:		12. Ethnicity:	
13. Full address of last place of residence in home country:			
14. Current address and contact numbers:			
Part B – Education (Highest level)			

Name of institution	Place/country	From (mm/yyyy)	To (mm/yyyy)	Qualification obtained				
Part C – Identification documents/Other documents provided								
Document type, number	Place of issue	Date of issue (dd/mm/yyyy)	Date of expiry (dd/mm/yyyy)	Original provided				
				Yes/No				
				Yes/No				
<p>Missing documents:</p> <p>If you are missing identity documents or other relevant documents, please explain why you don't have these documents.</p> <p>If you are missing identity documents, can you obtain the documents in the future? If not, explain why.</p>								
PART E – Applicant's registration history								
1. Have you already been registered? (Yes/No)								
If yes, where were you registered?	Reg. #		Date of registration (dd/mm/yyyy)					
2. Have you ever applied for refugee protection with UNHCR or a Government? (Yes/No)								
If yes:								
Where?	When?		Decision/status obtained?					
Family/household composition								
<p>If the Applicant is applying as a dependant/family member of a principal Applicant, and the information in Parts F to H is identical to the information given by the Principal Applicant, the registration number of the Principal Applicant may be provided instead of completing Parts F to H.</p> <p>Reg. No. of Principal Applicant.....</p>								

PART F – Family members and dependants accompanying the Applicant					
Full name	Individual registration	Relationship to applicant	Sex (M/F)	Date of birth (dd/mm/yyyy)	
01.					
02.					
03.					
04.					
05.					
06.					
07.					
08.					
09.					
10.					
Part G – Close family members and dependants in home country					
Full name	Relationship to applicant	Date of birth (dd/mm/yyyy)	Citizenship	Occupation	
Part H – Non-accompanying family members and dependants living outside home country					
Full name	Relationship to applicant	Date of birth (dd/mm/yyyy)	Address	Status there	Citizenship



Additional information for mandate RSD					
Parts I and K must be completed for every adult Applicant, by children who are applying as Principal Applicants, and every unaccompanied or separated child					
Part I – Details of travel					
1. Details of departure from home country (dd/mm/yyyy)					
2. Means of travel from home country:					
3. Exit point out of home country:					
4. Countries of transit:	Period			Travel document used	
	From (dd/mm/yyyy)	To (dd/mm/yyyy)			
5. Entry point in host country:					
6. Date of arrival in host country:					
7. Have you been in host country before? (Y/N)					
Part J – Sex of interviewer/Language of interview					
Do you have a preference to be interviewed by a staff member and interpreter of a certain sex? (Y/N)					
If yes, indicate which sex. (M/F)					
What language or languages do you prefer for interviews?.....					
Part K – Written statement					
When answering the following question, please tell us everything about why you believe that you are in need of refugee protection and provide as much detail as possible, including the dates when relevant events occurred. It is important that you provide full					

and truthful answers to the questions. If you need more space, please attach a page or pages with the details.

Why did you leave your home country?


What do you believe may happen to you or members of your household if you return to your country? Please explain why.


Declaration:

*(To be signed by the Applicant)*

I declare that the information I have supplied in and with this form is complete, correct and current in every detail.

I understand that if I have given false or misleading information, my application for refugee status may be denied, or, if I have been recognized as a refugee, the recognition may be cancelled.

I undertake to inform the Commissioner of Refugees of any significant changes to my circumstances while my application is being considered including any changes to my address and contact information, the arrival or departure of members of my household, or other changes to the composition of my household.

Signature of the Applicant:.....

Date:.....

Place:.....

## Form 2

*r. 6(1)*

## ASYLUM SEEKER PASS

Name of Applicant: Registration No. Date of birth: Place of birth: Nationality: Date of entry in host country: Place of entry in host country:	Photograph (with Department of Refugee Affairs stamp)
<p style="text-align: center;"><b>TO WHOM IT MAY CONCERN</b></p> <p>This is to certify that the above-named person, national of (insert country of nationality), is an asylum seeker whose application for refugee status is being examined by the Commissioner for Refugees and should, in particular, be protected from forcible return to a country where he/she claims to face threats to his/her life or freedom, pending a final decision on his/her refugee status. Any assistance accorded to the above-named individual would be most appreciated.</p> <p>Any question regarding the information contained in this document may be directed to the Commissioner for Refugees at the address above.</p> <p style="text-align: center;">         .....          (Signature of designated officer)      (Signature of asylum seeker)       </p>	
This document is valid until: <i>(Period of validity not to exceed one year from date of issue)</i>	
This document is only valid in the original when bearing official stamp.	

## Form 3

r. 26(3)(a)

## REGISTRATION FORM FOR UNACCOMPANIED AND SEPARATED CHILDREN

ID No.....

Other ID No.....

*(Please specify organisation)*

Unaccompanied child

Separated child

*(Tick as appropriate)*

Please Note:

- (i) A separated child is any person younger than 18 years, separated from both parents, or from his/her previous legal or customary primary caregiver, but not necessarily from other relatives.*
- (ii) An unaccompanied child is any person younger than 18 years, separated from both parents, or from his/her previous legal or customary primary caregiver, and also his/her relatives.*
- (iii) If the child does not remember his/her address, please note other relevant information such as descriptions of mosques, churches, schools and other landmarks.*

*Please fill out this form with a ballpoint pen. (One form per child under point (iii))*

## 1. Identity of the child

Personal ID document type and No. ....

Sex (M/F).....

Full name (as expressed locally)

.....

Also known as (nickname or alias)

.....

Name given by others after separation from parents? (Y/N)

Date of birth/age.....

Place of birth .....

Nationality .....

Country .....

Ethnic group .....

Languages spoken .....

Distinguishing physical characteristics.....

Father's name in full .....

Alive ..... Dead ..... Don't know

(Tick as appropriate)

Mother's name in full .....

Alive ..... Dead ..... Don't know

(Tick as appropriate)

If father or mother believed dead, please give details

.....  
 .....  
 .....

Other persons familiar to the child

.....  
 .....  
 .....

Address of the child before separation (i.e. where the child grew up)

.....

Tel. no. ....

Persons with whom child lived

.....  
 .....

2. Siblings (brothers/sisters) accompanying the child

A. Name in full .....

Date of birth/age ..... Place of birth ..... Country .....

Current address .....

.....Tel. no. ....

B. Name in full .....

Date of birth/age ..... Place of birth ..... Country .....

Current address .....

.....Tel. no. ....

3. Current care arrangement of the child

(a) Children's centre

(b) Foster family (*Please specify nationality*)

(c) Other (*Please specify*)

(Tick as appropriate)

Name in full of institution/persons responsible

.....

Address.....

- ..... Tel. no. ....
- Date when the care arrangement commenced .....
- Place .....
- Foster family intends or is likely to resettle in .....
- Address ..... Country .....
4. History of separation
- Date of separation ..... Place of separation ..... Country .....
- Circumstances of separation
- .....
- .....
- .....
- .....
- List additional movements between place of initial separation and current location .....
- .....
- .....
- .....
5. In case the child has been evacuated
- By whom/through which organisation?..... Date.....
- Reasons for evacuation.....
- From where ..... To where .....
6. Additional protection concerns
- Has the child been associated with an armed force or armed group? (Y/N)
- Child-headed household (Y/N)
- Disabled child (Y/N)
- Medical (Y/N)
- Street child (Y/N)
- Girl mother (Y/N)
- Abuse situation (Y/N)
- Other (*please specify*) .....
- Further information .....
- Immediate action required? (Y/N)
7. Wishes of the child
- Person child wishes to find

Father ..... Mother ..... Brother ..... Sister .....

(Tick as appropriate)

Other (please specify) .....

A. Full name and relationship.....

Last known address .....

Country .....Tel. no. ....

B. Name in full and relationship.....

Last known address .....

Country ..... Tel. no. ....

Does the child want family reunification?

Yes, immediately.

Yes, later.

No.

(Tick as appropriate)

8. Interview with other organisation involved with tracing

Has the child been interviewed by any other organisation? (Y/N)

Name of organisation:.....

Place of interview.....

Date.....

Country.....

Reference no. given to the child by the other organisation.....

9. List of documents carried by the child

.....  
 .....  
 .....

10. Additional information which could help trace the child's family (Please ask the child where he/she thinks his/her relatives, including siblings, might be or whether the child is in contact with any family friend)

.....  
 .....  
 .....

11. Disclosure of information

Does the child/guarding agree to the public disclosure of information (on radio, internet, etc.) of his/her name and the names of relatives for the purpose of tracing his/her family? (Y/N)



- 
12. Place and date of interview.....
13. Information obtained from:
- The child
- Guardian
- Other (Please specify)
14. Name of the interviewer and organisation.....
15. Organisation in charge of tracing child's family (Please specify name, address and contact information)
- .....
- .....
16. Signature of the child (If old enough) .....

## Form 4

*r. 24(5)*

## INTERPRETER UNDERTAKING OF CONFIDENTIALITY AND IMPARTIALITY

Name of interpreter .....

I make the following undertaking in respect of the performance of my role as an interpreter under the Refugees (Reception, Registration and Application) Regulations, 2022:

*Obligation of confidentiality*

I undertake not to disclose or discuss any information about any asylum seeker, refugee, colleague or other work-related matter that comes to my knowledge as a result of my role as an interpreter with the Department of Refugee Services (DRS). I understand and accept that my obligation to maintain the confidentiality of information I have received in or from DRS continues beyond the end of my assignment with DRS.

*Obligation of impartiality*

I undertake to carry out my responsibilities and conduct myself at all times, inside and outside DRS premises, in a manner that is consistent with my obligation of impartiality as a DRS interpreter. In particular:

- (a) I will, to the best of my abilities, provide accurate and complete interpretation in DRS RSD procedures;
- (b) I will provide interpretation services in DRS RSD procedures in a neutral and non-judgmental manner;
- (c) I will not engage in advocacy on behalf of any asylum seeker or refugee;
- (d) I will not accept payment or favours from or on behalf of any asylum seeker or refugee;
- (e) I will not engage in contact or exchange with any asylum seeker or refugee or other third party that may undermine my impartiality as an interpreter or the fairness and integrity of the DRS procedures; and
- (f) I will carry out my responsibilities in a manner that is consistent with cultural, gender and gender sensitivity in DRS procedures.

*Duty to report*

I undertake to inform DRS or the authorised officer I am providing interpretation services to or my direct supervisor any facts or incidents that may undermine or may be perceived to undermine my impartiality or effectiveness in the performance of my responsibilities. In particular, I shall report without delay any:

- (a) ties, professional or person I have with any asylum seeker or refugee in relation to whom I have been assigned to provide interpretation services;
- (b) employment, association or private interest I have which may be inconsistent with or perceived to be incompatible with my role as an interpreter; or
- (c) other factors that could adversely affect my competence to provide interpretation services that have been assigned to me.

*Consequences of breach of undertaking*

I understand that this signed DRS undertaking shall be kept in my personnel file and any failure to comply with the undertaking made herein, without reasonable excuse, shall be an act of misconduct and may result in disciplinary or legal proceedings against me.

I have read, understand and accept each of the undertaking given herein.

Signature of interpreter: .....

Date: .....

Place: .....

## Form 5

*r. 10(2)*

## AUTHORISATION TO ACT AS LEGAL REPRESENTATIVE

*To be completed by Applicant*

Name of applicant: .....

Date of birth: .....

RSD File No.: .....

This is to certify that ..... Is acting as my legal representative in all matters relating to my application for refugee status with the Department of Refugee Services.

I hereby authorise the Department of Refugee Services to disclose to the above-named individual information or documents that I have provided to the Department of Refugee Services or any other designated authority, and to inform the above-named individual of any decision taken by the Department of Refugee Services regarding my application for refugee status.

The authorisation shall be valid until the final determination by the Department of Refugee Services of my application for refugee status, or the date on which I give notice to the Department of Refugee Services that the above-named individual is no longer authorised to act as my legal representative.

Applicant's signature: .....

Date: .....

## Form 6

*r. 5(1)*

## APPLICATION FORM FOR REGISTRATION AS A REFUGEE

Initial registration	1.	Registration office no.
Renewal	2.	Individual no.
Duplicate	3.	
Correction on civil status	4.	
Other corrections	5.	Serial number of previous Alien Card
1. Surnames		
2. Other names in full		
3. Alias (if any)		
4. Date of birth		
5. Sex (M/F)		
6. Place of birth		
7. Nationality		
8. Married/Single/Divorced		
9. Full name of spouse		
10. Full name of father (if unmarried)		
11. CTD No.		
Passport no.	Date of issue	
12. Place of issue	Valid until	
13. Occupation		
14. Employed in Kenya/ / Own business/ Student/		
15. Full names of employer or business		
or university, college or college		
Postal address		
Physical address		
Position held		

16. For student, duration of course			
17. For refugee, date of arrival			
Accepted as refugee? (Y/N)			
18. Full postal address in Kenya			
19. Full residential address in Kenya (including name or road/street and plot no.)			
20. Immigration status			
21. File R			
22. Entry permit/Pass No.		Valid until	
23. Refugee Card valid until			
Date		Signature of applicant	
FOR OFFICIAL USE ONLY			
Signature of officer receiving		Photo of Applicant	Signature of issuing officer
Date			Date
Station stamp			Signature of registration officer
			Date
Applicant's signature			
Full names.....			
Date of birth.....			
APPLICANT'S INFORMATION			
SERIAL No.		SERIAL No.	
DUPLICATE		ORIGINAL	
REPUBLIC OF KENYA		REPUBLIC OF KENYA	
APPLICATION FOR ALIEN REGISTRATION ACKNOWLEDGMENT		APPLICATION FOR ALIEN ACKNOWLEDGMENT	
1. Registration office		1. Registration office	

2. Surnames	2. Surnames
3. Date of birth	3. Date of birth
4. Passport no.	4. Passport no.
5. File R No.	5. File R No.
6. Name of registration officer	6. Name of registration officer
Signature	Signature
Date	Date

Form 7

r. 20(4)

## REPUBLIC OF KENYA

## DEPARTMENT OF REFUGEE SERVICES

P.O. Box 42227-00100

The Corporate Place

Kiambere Road, Upper Hill

NAIROBI

Ref:.....

Date:.....

Name of Applicant:.....

Case No. ....

Date of Notification: .....

## REJECTION LETTER

Dear (applicant's name in the order that it appears in at DRS registration)

We are writing with respect to your application for refugee status. At the time of the interview you indicated that you were a ..... year old man/woman from..... You stated that you are applying for international refugee protection because ..... You stated that you fear to return to.....

In order to be eligible for refugee protection under the Refugees Act, 2021, you must establish that you are outside of your country of origin and are unwilling to return there owing to a well-founded fear of persecution. The persecution you fear must be for reasons of race, religion, sex, nationality, membership in a particular social group or political opinion. If you do not meet the criteria described above, you may still be eligible for refugee protection under the Refugees Act, 2021 if you are unable to return to your country of origin owing to external aggression, occupation, foreign domination or events seriously disturbing public order in any part or whole of your country of origin or nationality.

After a thorough assessment of your refugee claim and careful consideration of all available information, we regret to inform you that, the Department of Refugee Affairs has determined that you are not eligible for refugee protection under the 2021 Refugees Act of Kenya. This decision is based on the following determinations:

## PART A: GROUNDS FOR REJECTION

## REJECTION BASED ON LACK OF CREDIBILITY ON MATERIAL ELEMENTS OF APPLICANT'S CLAIM

Upon consideration of all of the available information, including explanations you have given, the Department of Refugee Affairs has determined that the information you provided on relevant and important points of your claim is not credible.

*[State each material element of the Applicant's claim which was not accepted as true and provide the reasons for this finding. For each element identified, describe the credibility problem with reference to the relevant credibility indicator(s) and the evidence*



*considered. Explain how any explanations provided by the Applicant for the credibility problem were considered. Draw from your analysis in Part II of the RSD Assessment Form when completing this section.]*

(a) .....

(b) .....

As a result of the credibility problems outlined above, these facts have not been accepted as true and could not be relied upon to support your refugee claim.

*[If, notwithstanding the credibility problems described above, some important and material elements of the Applicant's claim were accepted as true, select and complete any other paragraph below which reflects the reasons for the negative decision taken]*

#### REJECTION BASED ON ANALYSIS OF THE GROUNDS UNDER SECTION 3(1)(a) OF THE ACT

##### *Not Outside Country of Nationality*

The Department of Refugee Affairs has determined that you are not outside of your country of origin, [name of country] ....., and are therefore not eligible for refugee protection.

##### *Protection Available in another Country of Nationality*

The Department has determined that you have the nationality of more than one country [name each country of nationality] ..... While the problems you have described in [country in which Applicant fears harm]. ..... are noted, you have not established that you are unable to obtain protection in each of the countries of which you are a national, specifically, [name of countries in which protection need not established] ....., and are therefore not eligible for refugee status.

##### *No Well-Founded Fear*

On the basis of a thorough review of the available and generally accepted information regarding your country, the Department has determined that there is not a reasonable possibility that you will suffer serious harm if you return there.

*[Briefly summarize the reasons why you have found that there is not a reasonable possibility that the Applicant would face serious harm. Include any conclusions you have made on the availability of state protection. Draw as appropriate from your analysis in Part III-1 of the RSD Application Form. If the statements of the Applicant regarding experiences of past persecution have been accepted as credible, refer briefly to these aspects of the claim and explain the facts relied upon to determine that the Applicant does not now face a risk of serious harm.]*

.....

##### *Harm does not Amount to Persecution*

The Department has determined that there is a reasonable possibility that if you return to your country of origin you would experience [Summarize each of the forms harm you have determined would await the Applicant on return. This may or may not be entirely the same as the harm claimed by the Applicant and summarized in the opening paragraph.] ..... This harm has been considered in its entirety and is not considered to be of a nature or seriousness as to constitute persecution. [Summarize the reasons why this harm is not persecution. If it is established that the Applicant will face some interference with one or more of his or her human rights, a careful explanation

should be given as to why this does not create an intolerable situation for the individual]  
.....

*[If the harm feared is prosecution, also select and complete the following paragraph:]*

You may face prosecution and/or punishment for violation of a law of general application in your country of origin. Specifically, [Summarize the offence and the punishment that is reasonably possible] ..... On the basis of the available information, the Department is unable to conclude that the law is persecutory or that it would be applied in a persecutory way to you.

*No link to a Ground under Section 3(1)(a) of the Refugee Act, 2021*

The Department has determined that there is a reasonable possibility that if you return to the country of origin [Summarize the harm you have determined to be reasonably possible and the reason why the Applicant may experience that harm. The relevant facts established may not be identical to those claimed) ..... However, this is not for reasons of your race, religion, nationality, membership in a particular social group or political opinion.

*Availability of Flight or Relocation Alternative*

Upon consideration of the situation in the whole of your country of origin and the nature of your refugee claim, the Department has determined that you are able to safely travel to and live in another part of your country of origin without fear of persecution. [Specify the region(s) identified and explain briefly why considered to be safe for the Applicant]  
.....

Taking into account your personal background and experiences, the Department has determined that you can legally and safely return to this area without facing serious harm and that you could reasonably live in this area without undue hardship. [Refer to the specific factors you have relied on to find that relocation to the area would be both relevant and reasonable for the Applicant referring to COI relied upon]  
.....

#### ALSO NOT ELIGIBLE UNDER SECTION 3(2) OF THE 2021 REFUGEE ACT OF KENYA

The Department has further determined that there is no reasonable possibility that you would face serious threats to life, physical integrity or freedom resulting from external aggression, occupation, foreign domination or events seriously disturbing public order in any part or whole of your country of origin or nationality.

#### PART B:

#### APPEAL PROCEDURES

If you believe that the decision to reject your refugee claim has been reached because of an error, or there are new elements that are relevant to your claim, you may apply to have this decision reconsidered on appeal.

To request an appeal, you must complete the attached Appeal Application Form and return it to the Refugee Appeal Board at the following address: Maendeleo House, 7th floor, Monrovia Street, Nairobi Central Business District, within 30 days of the receipt of this Notification of Decision, as outlined in Section 10(1) of the Refugee Act, 2021.

Yours sincerely,

COMMISSIONER FOR REFUGEE AFFAIRS

Form 8

r. 21(3)

## REPUBLIC OF KENYA

## DEPARTMENT OF REFUGEE SERVICES

P.O. Box 42227-00100  
The Corporate Place  
Kiambere Road, Upper Hill  
NAIROBI

RFG/OPS.....

*Digital photograph with  
DRS wet seal*

## REFUGEE RECOGNITION LETTER

Name: .....

Case number: .....

Nationality: .....

Date of Birth: .....

Sex: .....

Place of birth: .....

This is to certify that the bearer of this letter and the xx persons whose names and photographs are shown overleaf are recognised as refugees by the Commissioner for Refugee Affairs under Section 3(1)(a) of the Refugees Act of Kenya 2021. These persons are of concern to the Office of the Department of Refugee Affairs and should in particular be protected from forcible return to a country where they face threats to their lives or freedom, pending issuance of a Refugee ID card as per Sections 14(a), 15(1)(a) of the Refugees Act of Kenya 2021 and Section 33(1) of The Refugees (Reception, Registration and Adjudication) Regulations, 2024.

This recognition letter expires on ..... month..... and may be renewed upon request.

(one year validity)

Should you have any queries regarding this case, please do not hesitate to contact the Office of the Department of Refugee Affairs at the above address.


Thank you for your kind cooperation.

Yours sincerely,  
COMMISSIONER FOR REFUGEE AFFAIRS

## Form 9

*r. 29(a)*

## Front Face

REPUBLIC OF KENYA SERIAL NUMBER:  FULL NAME:   <div style="text-align: center; margin-top: 100px;"> <i>Photo of holder</i> </div>	 Nationality  Place of Birth  Place of Issue  Date of Issue  Date of Expiry  Holder's sign.	REFUGEE CERTIFICATE INDIV. NUMBER:   Sex:  Date of Birth:
---	---	---

## Back face

RESIDENTIAL ADDRESS:          PIN NUMBER:          PROGRESS NUMBER;          <div style="text-align: center; margin-top: 20px;">         THIS IDENTITY CARD IS ISSUED IN ACCORDANCE WOTH THE ENYA          REFUGEES ACT, 2021       </div> COMMISSIONER OF REFUGEES ..... NUMBER
--

## Form 10

*r. 29(b)*

Reg. No.....

Serial No.....

## REFUGEE IDENTITY PASS FOR MINOR BELOW 18 YEARS OF AGE

Name of applicant.....

Date of birth.....

Place of Birth.....

Nationality.....

Date of entry (in Kenya).....

Place of entry.....

Date of issuance.....

Expiry date.....

*Passport photo**Thumb*

This is to certify that the above named person is below 18 years of age. Is ..... national, recognized as a refugee in Kenya under the Refugee Act, 2021.

The holder therefore is a person of concern to the Commissioner for Refugees and should in particular be protected from forcible return to a country where he/she claims to face threats to his life or freedom.

This pass will expire on attaining 5 years or when the parent's identity expires. On attaining 18 years the holder becomes eligible to apply for the refugee identity card.

Questions regarding the information contained in this document may be directed to the office of the Commissioner for Refugees.

Signature of Designated officer: .....

*Official stamp*

## Form 11

*r. 29(3)*

Applicant Postal Address .....

.....

.....

Date: .....

Commissioner for Refugee Affairs,  
P.O. Box 42227, 00100  
NAIROBI

Thro  
The Principal Refugee Officer,

.....

.....

Dear Sir/Madam,

## APPLICATION FOR CHANGE OF PARTICULARS IN REFUGEE IDENTITY CARD

Name .....

I am writing to request you to effect the following changes to my registration records:

1.

		From	To
a.	Name		
b.	Date of Birth		
c.	District		
d.	Division		
e.	Location		
f.	Sub-location		
g.	Residential address		

2. My reason(s) for the proposed change(s) is/are as follows:

.....

.....

3. In support of these reasons, I attach the following documents showing the places and the dates where and when they were obtained (to be numbered):

(a) .....

- (b) .....  
(c) .....  
(d) .....  
(e) .....

Yours faithfully,

Signature of the applicant.....

(rolled left thumb  
impression)

Name .....

Refugee ID No. ....(if applicable).

4. RECOMMENDATION OF THE PRINCIPAL REFUGEE OFFICER

(interviewing the applicant, examining the documents produced, and any other relevant information

.....

Signed .....

Name .....

*Principal Refugee Officer*

Date: .....

5. COMMISSIONER FOR REFUGEE AFFAIRS COMMENTS

(Changes approved/not approved for the following reasons:

..... Distribution .

. .... Signed ..... Original and Duplicate to  
the Commissioner for Refugees,

Name ..... Triplicate to the applicant

Quadruplicate to the Principal Refugee Officer

Commissioner for Refugee Affairs,

Date: .....

## Form 12

*r. 31(1)*

<p style="text-align: center;">FOMU LA OMBI LA PASPOTI WAKIMBIZI</p> <p style="text-align: center;">A</p> <p style="text-align: center;">APPLICATION FORM FOR A CONVENTIONAL TRAVEL DOCUMENT (CTD)</p>	<p>Receiving officer</p> <p>Name.....</p> <p>Signature.....</p> <p>Stamp.....</p> <p>Indexing officer</p> <p>Name.....</p> <p>Signature.....</p> <p>Stamp.....</p>
<p>Majina kamili        }</p> <p>Full names            }</p>	
<p>Tafadhali soma maagizo kwa makini kabla ya kujaza fomu</p> <p>Please read instructions carefully before completing the form</p>	



MAAGIZO	INSTRUCTIONS
1. <i>Maelezo:</i> Tafadhali ufahamu vyema kwamba wale wote wanaomba paspoti ni lazima waijaze sehemu yote	1. <i>Instructions:</i> Kindly note that all applicants must complete all sections.
2. <i>Upendekezi wa ombi:</i> Mwombaji lazima apendekezwe katika sehemu 7 na Afisa wa idara ya wakimbizi Kenya au mhudumu shirika la UNHCR	2. <i>Recommendation of application:</i> The applicant must be recommended in section 7 by an officer in the Department of Refugee Affairs or an employee of UNHCR.
3. <i>Picha:</i> Picha tatu zilizopigwa hivi karibuni lazima ziambatane na fomu. Picha hizi lazima ziwe za uso wote, bila kuvaa kofia au kitambaa. Pia picha isiwe ndani ya fremu. Ukubwa wa picha usizidi inchi 2½ kwa inchi kwa inchi 1½. Ni lazima picha hizi ziwe katika karatasi nyembamba ya kawaida ya picha na wala isiwe inang'ara. Kwa upande wa nyuma wa pich moja, anayependekeza aandike maneno yafuatayo: Ninathibitisha kwamba pich hii ni sura hasa ya muombaji paspoti, Bw./Bi./Bint..... na atie sahihi yake.	3. <i>Photographs:</i> Three copies of a recent photograph of the applicant must be taken full face without hat, and the photographs must not be mounted. The size of the face must not be more than 2½ inches by 1½ inches. The photos must be printed on normal thin photographic paper and must not be glazed. The recommender shall endorse on the reverse side of one copy of the photographs with the words "I certify that this is a true likeness of the applicant Mr./Mrs./Ms..... and add his/her signature. In addition to this, the applicant will be taken a passport photograph at the application centre.
4. Paspoti hii inatolewa kwa wakimbizi bila malipo yeyote.	4. The passport is issued to the refugee free of charge.
5. Fomu ya maombi ipelekwe katika Ofisi kuu ya paspoti, Nyayo House, Nairobi, na Afisa aliyeteuliwa kwa kazi hio na idara ya wakimbizi.	5. Application for a passport must be submitted personally by the applicant to the Passport Control Office, Nyayo House, Nairobi, by an officer specifically for that job at the Department of Refugee Affairs.
6. Paspoti haiwezi kutolewa au kuongezwa muda wake hapa nchini kwa niaba ya mtu ambaye tayari yuko nje ya Kenya. Mtu huyo anapaswa kuwakilisha ombi lake kwenye ofisi ya ubalozi wa Kenya ulio karibu naye, na katika nchi ambako Kenya haina uwakilishi wa kibalozi, katika ofisi ya ubalozi wa uingereza iliyo karibu naye. Paspoti jazitumiwi nje ya Kenya kwa njia ya Posta.	6. A passport cannot be issued or renewed by a Passport Control Officer on behalf of a person already abroad. Such persons should apply to the nearest Kenyan mission and where there is no Kenyan representative, to the nearest United Kingdom mission. Passports are not sent out of Kenya by post.
7. Hati za kuonyesha ni mkimbizi halali wa Kenya lazima zitolewe.	7. Documentary evidence of a legal refugee in Kenya must be produced.
8. Fomu zote za maombi ya paspoti ni lazima ziambatanishwe na paspoti ya	8. All applications must be accompanied by a previous passport, if any, or

MAAGIZO	INSTRUCTIONS
awali kama ipo, kitambulisho cha wakimbizi, cheti cha kuzaliwa mkimbizi alizaliwa Kenya zimethibitishwa.	current Kenya Identity card, Birth Certificates and certified copies of each.
9. Hapari zote zitakazotolewa zitahifadhiwa kama siri ya serikali na hazitajulishwa mtu yeyote asiyestahili.	9. Information will be treated confidentially and shall not be disclosed to any unauthorized person.

**TUMIA HERUFI KUBWA**  
**TO BE COMPLETED IN BLOCK CAPITALS**

(1) Majina kamili }..... <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span>Full names {Jina ya familia Jina la kwanza</span> <span>Majina mengine</span> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span>Mahali pa kuzaliwa Tarehe ya kuzaliwa</span> <span>Maelezo wa muombaji</span> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span>Place of birth Date f birth</span> <span>Description of applicant</span> </div> <div style="text-align: right; margin-top: 5px;">Male/Mume.....Mke/Female.....</div>	
Birth Entry Number	
Iwapo jina liemabadilishwa kwa sababu nyingine mbali na ndoa, andika jina lako la zamani  If name has been changed other than by marriage, state original name: .....	Nambari ya kitambulisho Identity card number  Nchi unayoishi Country of residence
Anwani ya posta Postal address .....  Nambari ya simu Telephone number.....	Kazi Profession/Occupation.....
Mahali unapoishi/Residential address: (a) Eneo la makazi au Mtaa/Estate/Sublocation (b) Nambari ya plot/Plot No./House No./Kijiji/Village (c) Nambari ya simu ya nyumbani/Home Tel. No. (d) Barua pepe/Email address (e) Simu ya mkono/Mobile phone no.	Kimo/Height Metres (m)/Feet (ft).....cm/ins..... Rangi ya macho }..... Colour of eyes } Alama isiyo ya kawaida Special peculiarities ..... ..... .....
(2) Mkimbizi wa Kenya (Chagua neno lifaalo)  Citizen by (Tick appropriate)  Country	

Nchi.....	
(3) Hali ya ndoa	Majina kamili ya baba
Marital status	Father's full name
Taja kama:	Nambari ya kitambulisho
Indicate of you are:	ID card no.
Umeoa/umeolewa/hujaolewa	Nambari ya paspoti (au Rno.)
Married/Single	Passport No. (or Rno.)
Umetaliki/Talikiwa/Umetengana	Mahali baba alipozaliwa
Divorced/Separated	Place of father's birth
Mjane	SLP/P.O. Box
Widowed	Nambari ya simu
Majina kamili ya muame/mke	Majina kamili ya mama
Spouse's full names	Mother's full name
Jina la usichana (pale inapohusu)	Nambari ya kitambulisho
Maiden name	ID card no.
Tarehe na mahali pa kuoa/kuolewa	Nambari ya paspoti (au Rno.)
Date and place of marriage	Passport no. (or Rno.)
	Mahali mama alipozaliwa
	Place of mother's birth
	SLP/P.O. Box
	Nambari ya simu/Tel. no.
(4) Unahitaji usafiri kwa dharura? (Ndio/La)	
Are you travelling on an emergency? (Yes/No)	
If yes, specify and attach evidence	

(5) Mtu wa kupashwa habari dharura jambo linapotokea

Particulars of next of kin (Person who may be contacted in case of emergency)

Mji/Town

Eneo la makaazi/Estate

Nambari ya nyumba/ploti/House/Plot No.

Street

Majina Kamili

Full names

Nambari ya kitambulisho chake

ID No. of next of kin

SLP/P.O. Box

Simu/Tel.

Barua pepe/Email

## (6) Watoto wako

Particulars of children including adopted children

Majina kamili Full names	Mhali pa kuzaliwa Place of birth	Tarehe ya kuzaliwa Date of birth	Uhusiano na mwombaji Relationship to applicant	Mme Male	Mke Female

(7) *MDHAMINI* (tazama maelezo ya kujaza nambari 2 na 3)

Natoa uhakikisho kwamba anayeomba paspoti ni mtu ninayemfahamu binafsi na kwamba naamini maelezo aliyoandika hap ana ya kweli. Mimi ni Afisa katika idara ya Wakimbizi.

*RECOMMENDER* (Refer to notes nos. 2 and 3)

I certify that the applicant is personally known to me, and that to the best of my knowledge and belief, the facts stated in this form are correct. I am an officer with the Department of Refugee Affairs.

Majina kamili

Nambari ya kitambulisho

Full names

ID No. (Attach certified copy)

Kazi

Barua pepe

Profession/Occupation

Email

Anwani SLP

Simu

Address P.O. Box

Tel.

Sahihi

Tarehe

Signature

Date

## (8) UAMUZI

Mimi niliyetia sahihi yangu hapa naomba nipewe paspoti. Naidhinisha:

- Kwamba maelezo yaliyotolewa katika fomu hii ya maombi ni ya kweli nijuavyo mimi mwenyewe na kuamini;
- Kwamba sijapata kuomba kuwa mkimbizi katika nchi nyingine yeyote;

- (c) Kwamba sijawahi kuwa na, au kuomba, paspoti yoyote; au
- (d) Kwamba pas izote nilizopewa nimerudisha isipokuwa paspoti au cheti cha kusafiri nambari..... ambaayo/ambacho kiko pamoja na fomu hii ya maombi, tena sijaapeleka maombi mengine ya pasi tangu nipewe paspoti na cheti hiki cha kusafiri.

*(Futa kwenye mstari (c) au (d) yale yasiyokuhusu)*

#### DECLARATION

I declare:

- (a) That the information given in this application is correct to the best of my knowledge and belief;
- (b) That I have not acquired refugee status in any other country;
- (c) That I have not previously held or applied for a passport of any description;
- (d) That all previous passports granted to me have been surrendered other than passport or travel document No..... which is not attached, and that I have made no other application for a passport or travel document.

I, (emigrant/parent/guardian)..... of P.O. Box ..... and ID No. .... hereby agree to bind myself to pay the Government any charges and expenses (including expenses of repatriation from overseas of the emigrant or dependent, if any) which may be incurred by the Government of Kenya in respect of myself.

*(Delete (c) or (d) whichever is inapplicable)*

Sahihi

Tarehe

Signature

Date

#### FOR OFFICIAL USE ONLY

#### Documents produced

Applicant's birth certificate and ID	Father's/Mother's birth certificate	Grandparent's birth certificate	Child(ren)'s birth certificate(s)	Marriage certificate	Other documents

<p>Photograph</p> <p>Two photographs only</p>
---

Applicant's ID No.
Verified by
Passport No.
Issued on.
Serial No.

Remarks:

---

<i>Recommending officer:</i>	<i>Approving Officer</i>	<i>Issuing Officer</i>
Name	Name	Name
Signature	Signature	Signature
Date	Date	Date

## Form 13

r. 31(5)

## TRAVEL DOCUMENT

(Convention of 28 July 1951)

This document expires on ..... unless its validity is extended or renewed.

Name.....

Forename(s).....

Accompanied by ..... child/children

1. This document is issued solely with a view to providing the holder with a travel document which can serve in lieu of a national passport. It is without prejudice to an in no way affects the holder's nationality.
2. The holder is authorised to return to ..... (state his or her country whose authorities are issuing the document) on or before ..... unless some late date is hereafter specified. The period during which the holder is allowed to return must not be less than three months.
3. Should the holder take up residence in a country other than that which issued the present document, he must if he wishes to travel again, apply to the competent authorities of his country of residence for a new document. (The old travel document shall be withdrawn by the authority issuing the new document and returned to the authority which issued it.)

(This document contains ..... pages, exclusive of cover.)

(2)

Place and date of birth

Occupation

Present residence

\*Maiden name and forename(s) of wife

\*Name and forename(s) of husband

## Description

Height

Hair

Colour of eyes

Nose

Shape of face

Complexion

Special peculiarities

Children accompanying holder



Name	Forename(s)	Place and date of birth
Sex		

\*Strike out whichever does not apply

(This document contains ..... pages, exclusive of cover.)

(3)

Photograph of holder and stamp of issuing authority

Fingerprints of holder (if required)

Signature of holder

(This document contains ..... pages, exclusive of cover.)

(4)

1. This document is valid for the following countries

.....  
 .....  
 .....

Issued at.....

Date.....

*Signature and stamp of authority  
 issuing the document*

Fee paid:

(This document contains ..... pages, exclusive of cover.)

(5)

Extension or renewal of validity

Fee paid:

From.....

To.....

Date.....

Date.....

.....  
*Signature and stamp of authority  
extending or renewing the validity of  
the document*

Extension or renewal of validity

Fee paid: From.....  
  
To.....  
Date..... Date.....

.....  
*Signature and stamp of authority  
extending or renewing the validity of the  
document*

Extension or renewal of validity

Fee paid: From.....  
  
To.....  
Date..... Date.....

.....  
*Signature and stamp of authority  
extending or renewing the validity of the  
document*

(This document contains ..... pages, exclusive of cover.)

Visas

The name of the holder of the document must be repeated in each visa.

(This document contains ..... pages, exclusive of cover.)

Form 14

*r. 32(1)*REPUBLIC OF KENYA  
DEPARTMENT OF REFUGEE AFFAIRS

--	--	--	--	--

## MOVEMENT PASS

RE: Name

Nationality

Case or HH No:

D.O.B.

Camp:

Ration/Token Card No:

Dependent(s):

No.	Name	DOB	Relation	No.	Name	DOB
-----	------	-----	----------	-----	------	-----

This is to certify that the above-named person(s) is/are individual(s) of concern to the Government of Kenya.

Pursuant to section 17(f) of the Refugees Act, 2021, the Refugee Camp Officer hereby authorises the foregoing individual(s) to leave the designated area.

The authorities are requested to allow him/her/them safe passage in accordance with this travel authorisation. This document expires on ..... and should be surrendered to the Refugee Camp Officer upon return from travel

Refugees who overstay the validity of the Movement Pass may be subject to sanctions in accordance with section 25(f) of the Refugees Act, 2021.

*Date*.....

.....

*Refugee Camp Officer*

Form 15

r. 46(5)

REPUBLIC OF KENYA  
DEPARTMENT OF REFUGEE AFFAIRS

Serial No:.....

## EXEMPTION LETTER



Left thumbprint of applicant

Photo of applicant

Date.....

RE: EXEMPTION FOR.....INDIV/CASE  
NO.....

TO RESIDE OUTSIDE DESIGNATED AREAS

REASON FOR EXEMPTION.....

The above-named person is a ..... (nationality)  
Refugee/Asylum Seeker and therefore a person of concern to the Government of  
Kenya as provided for under the Refugees Act, 2021.

This exemption expires on ..... And should be  
surrendered to the Commissioner of Refugee Affairs on expiry.

COMMISSIONER OF REFUGEE AFFAIRS

Official seal and stamp

Made on the 26th January, 2024.

KITHURE KINDIKI,  
*Cabinet Secretary for  
Interior and National Administration.*