

	Quick Facts	
	Immigration detainees (2015)	1,000
	Detained minors (2017)	250
	International migrants (2019)	1,044,854
	New asylum applications (2019)	12,884

NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/africa/kenya>
- "Observation Dates" indicate the timeframe statistical data correspond to or other data were last validated. More than one statistical entry for a year indicates contrasting reports.

STATISTICS

Detention, expulsion, and incarceration statistics

		Observation Date			Observation Date
Total number of immigration detainees by year	1,000	2015	Total number of detained minors	250	2017
				20	2015
Criminal prison population	53,841	2016	Percentage of foreign prisoners	0.6	2013
	53,163	2013			
	52,000	2012			
	49,757	2010			
	45,271	2007			
	52,000	2004			
	38,739	2001			
	33,610	1998			
	41,064	1996			
28,914	1992				
Prison population rate (per 100,000 of national population)	114	2016			
	121	2014			
	121	2012			
	121	2010			
	119	2007			
	149	2004			
	121	2001			
	113	1998			
	144	1996			
115	1992				

Demographics and immigration-related statistics

		Observation Date			Observation Date
Population	53,800,000	2020	International migrants	1,044,854	2019
	46,050,000	2015		1,084,400	2015
	42,700,000	2012		955,500	2013
International migrants as a percentage of the population	2.4	2015	Refugees	438,899	2019
	2.2	2013		421,248	2018
				431,901	2017
				451,077	2016
				553,912	2015
				551,352	2014

Ratio of refugees per 1000 inhabitants	9.55	2016	Total number of new asylum applications	12,884	2019
	12.29	2014		18,214	2016
	12.06	2013		21,519	2014
	13.81	2012		21,571	2013
				21,242	2012
Refugee recognition rate	70.9	2013	Stateless persons	18,500	2018
				20,000	2016
				20,000	2015

DOMESTIC LAW					
LEGAL TRADITION					
Legal tradition	Name		Observation Date		
	Customary law		2017		
	Common law		2017		
	Muslim law		2017		
LAWS AND REGULATIONS					
Core pieces of national legislation	Name		Year Adopted	Last Year Amended	
	Kenya Citizenship and Immigration Act		2011		
CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES					
Does the country provide specific criminal penalties for immigration-related violations?	Fines	Incarceration	Observation Date		
	Yes	Yes	2015		
CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES					
Grounds for criminal immigration-related detention/incarceration and maximum potential duration of incarceration	Grounds for Incarceration		Maximum Number of Days of Incarceration	Observation Date	
	Unlawful presence outside designated refugee camp		0	2015	
	Unauthorized entry		1095	2015	
	Unauthorised stay		1095	2015	
PROCEDURAL STANDARDS					
Provision of basic procedural standards	Name		In Law	In Practice	Observation Date
	Right to legal counsel			Yes	2016
	Right to appeal the lawfulness of detention			Yes	2016

VULNERABLE PERSONS				
Is the detention of vulnerable persons provided in law? Are they detained in practice?	Name	In Law	In Practice	Observation Date
	Asylum seekers		Yes	2014
	Accompanied minors	Prohibited	Yes	2014
	Unaccompanied minors	Prohibited	Yes	2014
COVID-19 UPDATES				
Latest Update	Update Status			Observation Date
	<p>Irregular migrants in Kenya are detained in immigration holding facilities, but also in prisons or in general police custody. The conditions in Kenya's prisons are worrying, as migrants may face assault and sexual abuse, with limited legal assistance. The National Council for the Administration of Justice announced on 2 April the release of 4,000 prisoners convicted of minor offenses. Human rights groups have expressed alarm over the government's response to the Covid-19 crisis, pointing to a surge in police violence and exceedingly strict containment measures. On 29 April, the Kenya National Commission on Human Rights accused Kenyan authorities of using quarantine as punishment. The commission said that "the rounding up of citizens by security agents for breaking the curfew rules is likely to exacerbate the pandemic." Since 27 March 2020, a countrywide curfew was put in place to combat Covid-19 outbreaks. Individuals are not allowed to leave their homes from 7pm to 5am and any transgression of this measure may result in imprisonment. It is also mandatory to wear a face mask in public and the non-respect of this rule may lead to a fine up to 20,000 KES and imprisonment for up to six months. In Kakuma refugee camp, which hosts more than 194,000 refugees and asylum seekers, the curfew also applies. Kenyan authorities announced on 26 April a 21 days extension of the curfew. The Kenyan Red Cross and the International Committee of the Red Cross (ICRC) distributed soaps along with devices to wash hands in prisons. Along with these sanitary measures, visits in prisons are suspended until 11 May. The Nairobi prison has been under full lockdown since 28 March, a decision which was met with protests from prison staff.</p>			2020

INTERNATIONAL LAW		
Relevant international treaties and date of ratification		
International treaties	Name	Ratification Year
	CRPD, Convention on the Rights of Persons with Disabilities	2008
	CTOCTP, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	2005
	CTOCSP, Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	2005
	ICERD, International Convention on the Elimination of All Forms of Racial Discrimination	2001
	CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1997
	CRC, Convention on the Rights of the Child	1990
	CEDAW, Convention on the Elimination of All Forms of Discrimination against Women	1984
	PCRSR, Protocol to the Geneva Convention Relating to the Status of Refugees	1981
	ICCPR, International Covenant on Civil and Political Rights	1972
	ICESCR, International Covenant on Economic, Social and Cultural Rights	1972
	CRSR, Geneva Convention Relating to the Status of Refugees	1966
VCCR, Vienna Convention on Consular Relations	1965	
Ratio of relevant international treaties ratified		12/19

Relevant international treaties and date of ratification			
Ratio of complaints procedures accepted	Number	Observation Date	
	0/6	2017	
Regional treaties, regulations, and directives			
Regional legal instruments	Name	Year of Ratification (Treaty) / Transposed (Directive) / Adoption (Regulation)	
	ACHPR, African Charter on Human and Peoples Rights	1992	
	ACRWC, African Charter on the Rights and Welfare of the Child	2000	
	APRW, Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (Maputo Protocol)	2010	
Non treaty-based international human rights mechanisms			
Relevant recommendations of the UN Universal Periodic Review	Recomendation Issued	Year Issued	Observation Date
	No	2010	2017
	No	2015	2017

More information about immigration detention in Kenya is available at the website of the Global Detention Project (www.globaldetentionproject.org)