

Migration and Integration in Nairobi, Kenya:  
Refugee Rights, Social Capital, and Livelihoods in an Urban Environment

by  
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## AUTHOR'S DECLARATION

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I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners. I understand that my thesis may be made electronically available to the public.

## ABSTRACT

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Kenya has been a major hosting nation for refugees and asylum seekers from the Horn of Africa for the past two decades. Since the early 1990s, Kenya has operated under an *encampment* policy that mandates all refugees reside in camp areas. Notwithstanding legal constraints to their freedom of movement, refugees are increasingly found in urban areas. This, in fact, is a global phenomenon, with the UN Refugee Agency estimating that two-thirds of the world's refugees currently reside in cities. Urban-based refugees introduce nuanced challenges to refugee governance and integration as the communities are often unregistered, dispersed over large areas, and function largely within spheres that are culturally, socially, and economically segregated from the host society.

Refugees in Kenya are subject to the provision of certain rights under the 1951 UN Convention Relating to the Status of Refugees, including the right(s) to legal documentation, employment, public services, housing, and protection from human rights abuses. Despite this, displaced communities in Kenya face a number of systemic and institutional vulnerabilities that manifest as conclusive barriers to integration. This thesis explored the experiences of 32 refugees and asylum seekers of Somali, Ethiopian, and Eritrean descent in order to examine urban refugee access to Convention rights, and investigate their legal, social, and economic states. In accordance with the data presented in this study, urban refugees were found to be a poorly-integrated, institutionally under-supported, stigmatized community, navigating deeply ingrained xenophobia, exclusionary public policies, and a highly convoluted path to legality. Conclusive of this study, refugees do not have ready access to their Convention rights, which implies that Kenya is not fulfilling its international obligations as a host state under the 1951 UN Convention.

The thesis further examined causes of displacement and found that, despite being largely illustrated in the literature as a community lacking agency, urban refugees display high levels of interaction with traditional push-pull migration

knowledge, and have established deeply enmeshed community networks that provide fundamental access to security, livelihoods, and housing.



## ACKNOWLEDGEMENTS

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Firstly, I must speak of the refugees and asylum seekers in Nairobi, who not only provided the necessary information for this thesis, but welcomed me into their homes and businesses, fed me, insisted on paying for my tea, shared with me their stories, and asked nothing in return. Truly I have never experienced such an amazing show of collective hospitality and warmth, and it touched my heart in ways I cannot properly describe. My Kiswahili and Amharic translators were, in particular, key players in this process. Without either of them this thesis would not have been possible. Both spent countless hours putting me in contact with participants, driving me to meeting points, speaking with people, and helping to navigate Eastleigh. Neither accepted payment at any point.

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“When I came to Kenya I was dreaming I would go to America and watch the 1994  
World Cup”

-Participant 4, Nairobi, Kenya, 2011.

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## LIST OF ACRONYMS

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AMISOM: Africa Union Mission in Somalia  
CAD: Canadian Dollar  
CCR: Canadian Council for Refugees  
DFAIT: Department of Foreign Affairs and International Trade  
DRA: Department of Refugee Affairs  
FPE: Free Primary Education  
GDP: Gross Domestic Product  
GoK: Government of Kenya  
GTM: Grounded Theory Method  
HPG: Humanitarian Policy Group  
HRW: Human Rights Watch  
IED: Improvised explosive device  
IRC: International Rescue Committee  
KDF: Kenya Defence Forces  
KSh: Kenya Shilling  
NGO: Non-Governmental Organization  
NEP: North Eastern Province (of Kenya)  
OAU: Organization of African Unity  
OECD: Organization for Economic Co-operation and Development  
ORE: Office of Research Ethics  
UN: United Nations  
UNHCR: United Nations High Commissioner for Refugees  
UNHCR NBO: United Nations High Commissioner for Refugees Nairobi Branch Office  
UW: University of Waterloo  
RCK: Refugee Consortium of Kenya  
RSD: Refugee Status Determination  
TFG: Transitional Federal Government (of Somalia)

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CHAPTER ONE  
INTRODUCTION

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**1.1 THE RESEARCH PROBLEM:**

Sub-Saharan Africa is a highly mobile region where large scale displacement is an evolving challenge. As noted by the United Nations High Commissioner for Refugees (UNHCR), “the iconic image of refugees is row upon row of white tents in a sprawling emergency camp” (UNHCR, 2014, a). This visual, however, no longer tells a holistic story of forced migration. Globally speaking, refugee populations are rapidly urbanizing with approximately two-thirds of the world’s 10.5 million refugees now living in cities and towns rather than designated encampment areas (UNHCR, 2014, a). Since the early 1990s Kenya has, in practice, been operating under an unsanctioned encampment policy that deems that all refugees must reside in camps, the most notable of these being Dadaab and Kakuma (Pavanello, Elhawary & Pantuliano, 2010; Refugees Bill, 2011). However, in keeping with global trends, a growing proportion of Kenya’s refugee population now reside in urban areas, particularly Nairobi (Campbell, Crisp & Kiragu, 2011). Official figures state that Nairobi is home to approximately 50,132 refugees (UNHCR, 2014, b). These statistics, however, do not account for the thousands of unregistered refugees in the city, and unofficial estimates hover upwards of 100,000 (Campbell, Crisp & Kiragu, 2011; UNHCR Protection Officer, personal communication, Nairobi, 2011).

As a relatively stable country in a region beset with conflict and insecurity, Kenya has long been a destination for asylum seekers. The period from 1960 to 1980 has been called the “golden age of asylum” in Africa in so far as Governments were generally hospitable to refugees, allowing the displaced to cross borders and access a range of socio-economic and legal rights (Crisp, 2010). During this time Kenya was hosting moderate numbers of refugees (approximately 12,000) whom enjoyed *freedom of movement*, access to the formal economy, and national education

systems (Campbell, 2006). In the early 1990s, ongoing humanitarian and political crises in neighbouring countries spurred the beginning of a large-scale wave of refugee movement into Kenya (Pavanello, Elhawary & Pantuliano, 2010). Today, Kenya is home to approximately 600,910 refugees and stands among the top ten refugee-hosting countries in the world (UNHCR, 2014, c).

The situation in Kenya is indicative of two broader trends throughout sub-Saharan Africa; the first is in regard to a dramatic increase in refugee activity; and the second identifies a progressive erosion of the hospitable refugee regimes previously observed by host governments (Crisp, 2010). Sharp expansions of displaced people in Kenya has lead to an increasingly hostile atmosphere for refugees, with heightened levels of xenophobia, routine denial of basic rights, and few opportunities for local integration (Crisp, 2010; Pavanello, Elhawary & Pantuliano, 2010). This juxtaposes the emerging problem of *urban refugees* with deteriorating socio-political conditions for the displaced. Refugees in urban areas present new and myriad challenges for governing institutions regarding management, protection, and socioeconomic support because there is no effective way to monitor or regulate their movement and activity. Urban refugee communities are often referred to as ‘hidden’, ‘forgotten’, and ‘invisible’, as they are economically autonomous, highly mobile, culturally diverse, and have a large unregistered subset. Nairobi’s refugees are notoriously under-supported with regard to legal documentation<sup>1</sup>, which creates numerous problems in accessing formal employment, public education, and support structures (Campbell, 2006; Kobia & Cranfield, 2009; UNHCR, 2009; Pavanello, Elhawary & Pantuliano, 2010). Without documentation, refugees have no access to fundamental rights, and as a

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<sup>1</sup> This study’s generic use of the terms “legal documentation” and/or “identity documents” are in reference to either a UNHCR issued Refugee Mandate or a Government issued Refugee Identification Pass. Although there are many other types of documentation a refugee may possess (this will be discussed in Section 3.5), the afore mentioned are the only that grant access to refugee rights under the UN 1951 Convention and Kenyan law. When the nature of documentation is not specified, such as in the paragraph pertaining to this footnote, it is not important which document is held but rather that it confers full access to refugee rights.

result are commonly detained or deported. Further, documentation is integral to refugee livelihoods as legality is a requirement of registration for primary school, applying for a work permit, and accessing health facilities.

As a signator to the United Nations (UN) 1951 Convention Relating to the Status of Refugees (henceforth referred to as the 1951 Convention), displaced people in Kenya have a number of rights as both asylum seekers and recognized refugees<sup>2</sup>. Specifically, they are entitled to education, employment, public services, housing, freedom of movement, legal documentation, and *non-refoulement* which bans forced repatriation (UNHCR, 2011, a). Deriving from UN Conventions interdependent with the 1951 Convention<sup>3</sup>, Kenya has the additional obligation of preventing and punishing human rights abuses committed against all people inside their borders, including refugees and asylum seekers (Human Rights Watch, 2002). With reference to the original Convention, these rights and services should be extended regardless of where a refugee resides. The UNHCR is however obliged to abide by national legislation, and the Government's encampment policy thus makes it exceedingly difficult for the UNHCR to offer forthright assistance to refugees outside of camp areas. As such, urban refugees are rendered ineligible for material supports and services, and are largely unable to exercise their Convention rights. The conflict between international mandate and national policy means urban refugees fall into a legal impasse, as neither the UNHCR nor the Government claims responsibility for their protection and support.

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<sup>2</sup> An asylum seeker differs from a "bona fide" refugee as they are identified as someone who has applied for refugee status and is awaiting the outcome of their claim. Or, someone in the midst of Refugee Status Determination (UNHCR, 2014, d)

<sup>3</sup> These include: the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture (CAT), the Convention on the Rights of a Child (CRC), and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

## **1.2. RESEARCH QUESTIONS AND OBJECTIVES:**

This research, aiming to capture a holistic picture of migration, congruently analyzed the drivers of displacement, as well as the settlement and integration of refugees in an urban environment. The overall objective of this research project is to gather information on the legal, social, and economic integration of refugees in Nairobi with particular emphasis on the following key questions:

1. What factors pull refugees to an urban space?
2. In light of the institutional and legal gaps in Kenya's urban refugee policy, through what mechanisms are refugees in Nairobi engendering protection and support?
3. To what degree are urban refugees claiming or exercising the rights decreed to them in the 1951 Convention?

To answer these research questions, a sample of 32 refugees and asylum seekers in the prominent refugee neighbourhood Eastleigh were interviewed using a semi-structured script based on the following objectives:

- 1: Identify the push and pull factors contributing to urban settlement, as well as the drivers of trans-border displacement.
- 2: Examine the legal framework and institutional landscape for Nairobi's refugees.
- 3: Assess refugee access to the right(s) to legal documentation, employment, public services (specifically education and health care), housing, and protection from human rights abuses.

## **1.3. SIGNIFICANCE OF THE PROJECT:**

The problem of ungoverned and undocumented urban refugees goes beyond the Kenyan context. Urban refugees currently outnumber their camp counterparts, and given the rapid urbanization of the developing world, this trend is likely to continue in earnest (UNHCR, 2009). Despite this, from both an academic and a policy standpoint this problem is under-documented and sparsely researched.

Research on refugees in Kenya has primarily been conducted in encampment areas. The UNHCR recognized urban refugees as an emerging issue in a 2009 policy document<sup>4</sup>, however, little has been done to truly address the challenges facing these communities. Information on this issue is scarce due to the logistical difficulties of tracing refugees in an urban setting; they are self-settled, unenumerated, often dispersed throughout large cities, and they can be reluctant to speak to researchers in the field. As a result, empirical knowledge on urban refugees in Kenya is relatively limited. However, the major vulnerabilities and challenges facing urban refugees are well documented and have been validated through repeat studies. As such, this thesis will contribute to the existing *vulnerability* literature base, as well as deepen the scope of the field by focusing on underlying institutional contexts to these vulnerabilities, and framing the discussion in the context of the 1951 Convention. This research project is therefore directly applicable to growing academic and policy-based interest into urban refugee affairs.

#### **1.4 CASE STUDY CONTEXT:**

The primary research for this project was conducted in Eastleigh, a prominent refugee neighbourhood in central Nairobi. Eastleigh is a densely populated, impoverished area in which infrastructural development and economic systems are unregulated. The neighbourhood houses the bulk of Nairobi's refugees and asylum seekers, with Kenyan nationals comprising a minority of the population. In addition to Eastleigh, the refugee camp Dadaab is of particular relevance to this study as most refugees that transited through a camp to reach Nairobi will have done so through Dadaab. The camp is the largest in the world and is situated in Kenya's north eastern province (NEP) near the Somali border (See Map 1 below which situates Nairobi and Dadaab within Kenya).

Somali nationals comprise the majority of refugees in both camps and cities, followed by a large Ethiopian Oromo community and smaller populations from

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<sup>4</sup> The document is entitled *UNHCR policy on refugee protection and solutions in urban areas* and was published in 2009.

Eritrea, the Great Lakes, and South Sudan (Human Rights Watch, 2013; UNHCR, 2014, c).



Map 1: Map of Kenya showing Nairobi and Dadaab (Humanitarian International Services Group, 2014).

### **1.5 ORGANIZATION OF THE THESIS:**

Chapter two provides a brief overview of the current state of migration and displacement literature, as well as an in-depth synopsis of urban refugee literature, specifically as it pertains to Kenya. Chapter three informs the reader on the context of the study, outlines the methods employed to garner data in the field, data analysis techniques, and discusses topics relevant to international research conduction. Chapter four details the findings of the study in reference to each of the research objectives, as well as an analysis of the results in connection to relevant literature. Chapter five names the implications of the research to academia, the host state, and lastly, aid agencies in Nairobi. This section also cites potential avenues for future research. Finally, Chapter six summarizes the findings and provides conclusions and final commentary.

CHAPTER TWO  
REVIEW OF THE LITERATURE

**Part I: BACKGROUND TO DISPLACEMENT AND MIGRATION:**

**2.1 Migration in Africa:**

Africa has a long history of both intra- and inter- continental migration. Despite the important distinctions between migrants and refugees (which will be detailed in Section 2.3), patterns of migration in a larger African context provide situational knowledge on forced displacement trajectories. Sub-Saharan Africa in particular has an exceedingly high rate of *intra*-continental migration. Internal migration in this region accounts for approximately 65% of all migration, which represents the largest intra-continental or south-south migration rate globally (Shimeles, 2010). Put differently, in sub-Saharan Africa 65% of all migrants settle in another sub-Saharan African country.

<i>Origin</i>	<i>East Africa</i>	<i>Central Africa</i>	<i>North Africa</i>	<i>Southern Africa</i>	<i>West Africa</i>
East Africa	<b>46.6</b>	14.8	12.1	26.5	0
Central Africa	30.2	<b>50.3</b>	5.7	6.5	7.2
North Africa	51.2	26.9	<b>20.4</b>	0	1.5
Southern Africa	34.6	0.1	0	<b>65.3</b>	0
West Africa	3.2	6.6	0.7	0	<b>89.5</b>
Total	26.5	14	6.4	14.6	38.5

Table 1: Source and Destination Regions for Intra-Continental Migration in Africa in Percentage (World Bank, 2011)

Table 1 displays statistical information for internal migration in Africa. It illuminates the high rates of regional migration in sub-Saharan Africa with 46.6% of all East Africans remaining in East Africa and 50.3%, 65.3% and 89.5% representing Central, Southern and West Africa respectively. Juxtapose these figures with North African migrants, 90% of who will settle outside of the continent. Based on geographical location, North Africans have clear transit routes and potential access to Southern European countries. Further, Arab North Africans share linguistic,



cultural, and religious commonalities with Gulf Nations which influences cross-border movement. There is also a correlation between per capita GDP and transcontinental migration, the direct and rather unsurprising conclusion from which is that migrants from poorer countries have a higher probability of remaining in Africa (Shimeles, 2010).

## 2.2 Drivers of Displacement:

Human migration has long been looked at as a result of push and pull factors. This model, originally put forth by Ernst Ravenstein in 1885, states that migrant decisions are shaped by push factors that spur movement away from the home, and pull factors that act as attractants for resettlement (Ravenstein, 1885). Though the push-pull paradigm is still used to explain common patterns of large-scale migration such as rural-to-urban and South-to-North, displacement is currently viewed as a nuanced and integrated process. Various root and proximate causes of displacement (examples given in Table 2, page 10) can be categorized under five broad themes: social, political, demographic, economic, and environmental (Black et al., 2011).

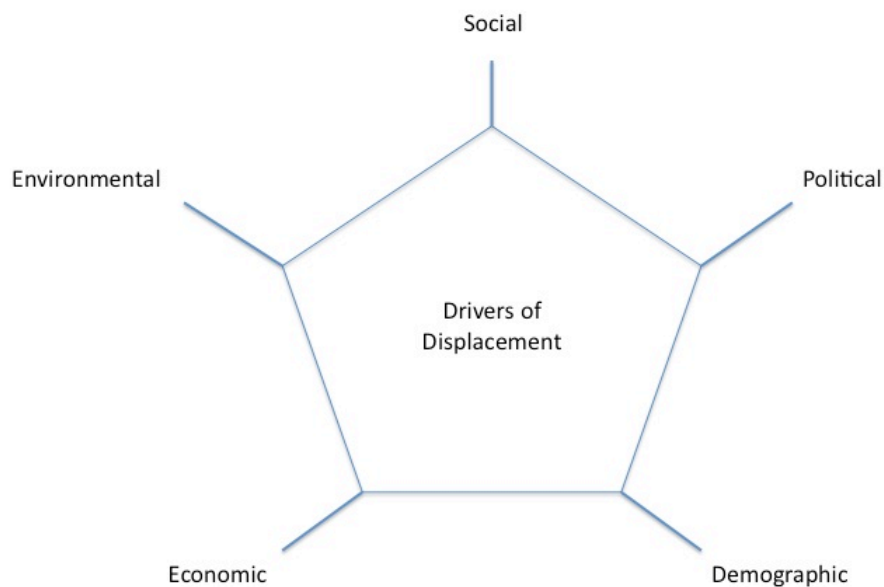


Figure 1: Drivers of Displacement

As can be seen in Figure 1 above, drivers are considered as an interwoven nexus, and as such, displacement results from a complex intermingling of stressors and underlying contextual factors. Flight is therefore the result of a number of crosscutting issues (Black et al., 2011; Brown, 2008; Lonergan, 1998; Newland, 2011). Exposure to an extreme weather event, for example, does not inherently lead to displacement. Flight is most likely to occur when an environmental stressor is compounded by socioeconomic and political vulnerabilities, such as issues of poverty, poor domestic governance, and conflict (Boano, 2008; Eriksen & Lind, 2009; McLeman & Smit, 2006).

<b>Social</b>	<b>Political</b>	<b>Demographic</b>	<b>Economic</b>	<b>Environmental</b>
Education	Discrimination, persecution	Population size	Employment opportunities	Exposure to hazards
Family/Kin	Governance, freedom	Population density/structure	Income, wages	Land productivity
Ethnic networks	Conflict, insecurity	Disease prevalence	Quality of life	Food, energy, water security

Table 2: Root and Proximate Causes of Displacement (Black et al., 2011)

### **2.3 Voluntary and Forced Migration:**

In light of this, many of the same socio-institutional, economic, and/or environmental factors can instigate both voluntary and forced migration. However, there are a number of important differences between a migrant and a refugee. Drawing from the push-pull framework, refugee movement is unique in the sense that migration is spurred primarily as a result of push factors, rather than an interaction of both pushes and pulls. Those who migrate by choice are not displaced but rather partake in intended and deliberate trans-continental, trans-border, or domestic movement.

With regard to classification, according to the UNHCR the two key distinctions between refugees and migrants are: 1) the threat of persecution, and 2) lack of protection from one's home government (UNHCR, 2011, a). A migrant may

leave their country in order to harness a perceived improvement to his or her life, such as for the purpose of employment or study. As such, even when abroad a migrant will have the continued protection of their country (UNHCR, 2011, a). Conversely, a refugee is forced to flee due to persecution, and importantly, lacks the protection of their national government (UNHCR, 2011, a). Refugee flight is also often characterized by a high degree of vulnerability to an element of stress that makes migration largely inevitable (Crisp, 2010; UNHCR, 2011, a). This introduces a threshold to the decision to migrate, which in turn can influence the timing and preparedness of departure, nature of transport, and the destination (Human Rights Watch, 2013).

#### **2.4 The Historical Context of Kenya's Refugee Regime:**

Kenya, as an island of relative stability in sub-Saharan Africa, has long been a destination for asylum seekers. Throughout the twentieth and twenty-first centuries Kenya has been a major receiving state for refugees from neighboring and nearby countries, and, as previously mentioned, it currently stands among the top ten primary refugee-hosting nations in the world (UNHCR, 2014, c). Until the early 1990s, Kenya hosted approximately 12,000 refugees, and the environment for aliens was relatively safe and welcoming. There were no camps; refugees and asylum seekers were rather allowed to settle in a place of their choosing. Additionally, they were granted full status rights (Campbell, Crisp & Kiragu, 2011; Campbell, 2006). However, spurred by humanitarian and political crises in neighboring countries, the early 1990s saw the beginning of a large-scale wave of refugee movement into Kenya (Pavanello, Elhawary & Pantuliano, 2010). The number of refugees, dominated by Somalis and Sudanese, leapt to 120,000 in 1991 to over 400,000 in 1992, and eventually leveled at 220,000 by the end of the decade (Campbell, 2006).

Following these sharp increases in refugee arrivals, three important shifts occurred in Kenya's refugee regime. The first two happened almost simultaneously and were very closely related: Firstly, refugee camps were established near the

border areas of Kenya and secondly, the encampment policy was established, making it mandatory for refugees to reside in designated areas. Over the following decade, many self-settled refugees in Nairobi or the Coastal region were relocated to camps under this policy (Lindley, 2011). Thirdly, the Government withdrew from refugee affairs and relegated all monitoring, protection, and regulation responsibilities to the UNHCR (Campbell, Crisp & Kiragu, 2011). Prior to this, the Government was responsible for refugee status determination (RSD), which is the process by which an asylum seeker applies for a formal refugee designation. It consists of a series of interviews and ultimately decides whether an asylum seeker is eligible for refugee status and the rights/supports that accompany it (Burns, 2010). Typically, RSD is conducted on a case-by-case basis for individuals or families, but high and continued volume of incoming refugees to Kenya made this increasingly unsustainable, and the granting of automatic, *prima facie* refugee status was eventually introduced for Somali refugees (Campbell, Crisp & Kiragu, 2011). Somali refugees from the capital region near Mogadishu and south-central areas of the country are still considered *prima facie* refugees and as such do not undergo RSD, but rather set up a registration appointment to obtain identity documents (Campbell, Crisp & Kiragu, 2011).

## **Part II: REFUGEES IN AN URBAN ENVIRONMENT**

### **2.5 International Refugee Legislation:**

Kenya is signatory to the three pillars of international and African refugee policy: the UN 1951 Convention Relating to the Status of Refugees, its 1967 Protocol, as well as the 1969 Organization of African Unity (OAU) Convention Governing Specific Aspects of Refugee Problems in Africa. A refugee is defined as a “person who is outside of his or her country of nationality or habitual residence; has a well-founded fear of being persecuted because of his or her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail him or herself of the protection of that country, or to return there, for fear of persecution” (UNHCR, 2011, a).

Upon crossing an international border, a displaced person has 30 days to avail him or herself to the appropriate office and begin the RSD process, or make a registration appointment for *prima facie* refugees (Refugees Bill, 2011). Those granted refugee status are entitled to the rights accorded under the 1951 Convention. Refugees are awarded the right to *non-refoulement*, in which he or she should not be forcibly returned to a country in which they face perils to their life or freedom (UNHCR, 2011, a). The 1951 Convention also seeks to ensure that refugees enjoy the same socioeconomic entitlements as nationals with specific regard to the right to employment, housing, education, public relief and assistance (including health care and social welfare schemes), freedom of movement, and access to legal documentation (UNHCR, 2011, a). Simultaneously, Kenya has the related obligation of preventing and punishing human rights abuses committed against refugees (Human Rights Watch, 2002). The 1951 Convention also grants asylum seekers “the right not to be punished for illegal entry into...a contracting State” (Article 31, pp. 4, UNHCR, 2011, a).

Both the 1967 Protocol and the 1969 OAU Convention mirror much of the original Convention in clause. The 1967 Protocol broadened the applicability of the 1951 Convention by removing geographical and temporal boundaries. Initially legal recognition of a refugee could only be a result of war events occurring in Europe before January 1, 1951 (UNHCR, 2011, a). Similarly, the 1969 OAU Convention aimed to regionally scope principles of the 1951 Convention by establishing a context-specific refugee definition: “the term refugee shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality” (UNHCR, 1992).

## **2.6 Kenya’s Institutional Landscape and the Legal Framework for Refugees:**

Kenya’s current legal atmosphere regarding refugees is marked by ambiguity, and is the result of a protracted period of institutional instability

concerning refugee affairs. In terms of policy and legislation, refugee legality is comprised of a patchwork of international, domestic, and un-mandated ad-hoc policies. As previously noted, in response to en-masse refugee inflows beginning in the early 1990s, the Government of Kenya (GoK) withdrew involvement from refugee affairs and relegated this responsibility to the UNHCR. The UNHCR was thus made solely responsible for refugee governance, protection, assistance, and registration in Kenya.

After a two-decade period of complete disengagement from refugee affairs, in 2006 the Government passed a Refugee Act, which established a Department of Refugee Affairs (DRA). Despite housing large numbers of refugees since the early 1990s, the Refugee Act was the first piece of refugee legislation produced by the Government. Until then it instead relied on existing immigration laws, as well as a series of unwritten extemporized policies to govern refugee issues (Campbell, 2005; Lindley, 2011). In 2011, the DRA began implementing a three-year plan to reassume key areas of policy implementation, including refugee reception and registration (Lindley, 2011). Nominally, the Department has taken responsibility for “all administrative matters concerning refugees in Kenya, and shall, in that capacity, coordinate activities and programs related to refugees” (Section 6, Article 2, pp. 4, Refugee Act, 2006). As specified in the document, this includes the promotion of welfare and the protection of refugees, the formulation of policy in accordance with international standards, and the facilitation of durable solutions for those granted asylum in Kenya. This transition however has been fraught with problems; for instance, the DRA as a newly established department, largely lacks the fiscal and logistical capacity to fully assume responsibility for refugee affairs (Pavanello, Elhawary & Pantuliano, 2010). As a result, the UNHCR has in practice remained the primary system for refugee management in Kenya.

The 1951 Convention assigns Kenya, as the host state, the ability to develop its own national legislation and policy regarding refugee affairs. Domestic policies should parallel the principles of international treaties, thus providing refugees with

Convention-stipulated rights. These rights should be accessible to refugees regardless of where they reside and should transcend national policy (Jacobsen, 2006). However, discrepancies between policy and practice are common, and contradictions seem to be the norm. The encampment policy has been the Government's working policy for nearly two decades. Though principles of encampment are implicit in the Refugee Act and remain the standard followed by local authorities, it has never been fully mandated into law (Campbell, Crisp & Kiragu, 2011). Although the UNHCR has admitted the inevitability of increasingly urbanized communities on a global level, the organization is required under international law to follow host government policy and therefore largely obliges rules of encampment in Kenya, offering only limited assistance to urban refugees and predominately dealing in registration.

Administrative exceptions to encampment exist that allow individual movement outside of the camps, as well as temporary or permanent settlement in Nairobi for those seeking specialized medical or psychological care; pursuing further education; facing severe security threats in the camps; or, undergoing resettlement interviews or processing (Pavanello, Elhawary & Pantuliano, 2010). Refugees granted leave from the camps are given Movement Passes and made to forfeit their rights to protection, support, and material assistance (Jacobsen, 2006). Refugees must verify their understanding that there will be no provisions from the UNHCR upon reaching Nairobi and that they must be 'economically self-sufficient' (Pavanello, Elhawary & Pantuliano, 2010). In practice, the application of these exceptions is often arbitrary and it is difficult for refugees to leave camps through this system (Campbell, Crisp & Kiragu, 2011).

However, the under-monitoring and overcrowding of camps allows for easy undocumented movement to urban areas, which has resulted in a large community of urban dwelling refugees (Lindley, 2011). As UNHCR extension services are limited by encampment, there are a number of independent non-governmental organizations (NGO) and charities in Nairobi that provide various services, such as basic medical care, emergency food aid, and shelter. These services are afforded on

a selective, case-by-case basis, making disbursement sparse and arbitrary, and resulting in fragmented provision of specific support mechanisms to small groups of refugees. As such in 2007, the UNHCR produced an urban refugee program for Nairobi with the aim of synergizing operations between their office and civil society/NGOs. However, implementing the initiatives framed in the program has been difficult in the absence of a clear government position on the right of refugees to settle in urban areas.

### **2.7 Influences on the Urbanization of Refugee Populations:**

Irrespective of legal constraints to their freedom of movement, Kenya's refugee population is continuously urbanizing (Campbell, Crisp & Kiragu, 2011). As such, push-pull logic can be used to examine what draws a refugee from the camp to the city, or incites them to skip the camp altogether. Common pull factors to cities include the potential to access economic livelihoods, infrastructure, as well as education and other social resources (Pavanello, Elhawary & Pantuliano, 2010; UNHCR & Danish Refugee Council, 2012). Further, urban spaces offer social networks and ethnic enclaves that support and initiate newcomer integration into the larger migrant community (Lamba & Krahn, 2003) (this will be further discussed in Section 2.12: *Social Capital and Resettlement*). The specific displacement experience of a refugee can impact his or her choice to settle in an urban centre; some are drawn to the relative safety and anonymity that a city provides, and many travel to urban areas under the belief that they will have increased access to resettlement programs and/or humanitarian assistance (Jacobsen, 2006). Though the chances of resettlement to an OECD country are relatively slim, entering official UN resettlement streams holds disproportionate weight in attracting people to urban centres (Pavanello, Elhawary & Pantuliano, 2010). The city lastly presents increased opportunity for secondary movement, if not through institutional resettlement channels then through independent migration to more distant locations (Campbell, Crisp & Kiragu, 2011).



Alongside these draws to Nairobi, the increasingly crowded and poorly resourced camps in Kenya provide little incentive as a destination for refugees. In 2010, the Humanitarian Policy Group (HPG) underlined major push factors from Dadaab, which included: a lack of security, inhospitable living conditions, and inadequate access to education, health facilities, and livelihood opportunities. These issues result, among other factors, from Dadaab's location in Kenya's remote NEP where the climate is notoriously harsh (Lindley, 2011). Further, refugees working in camps cannot earn a wage under Kenyan labour law, they are rather given 'incentives' from UN agencies and NGOs (Pavanello, Elhawary & Pantuliano, 2010). The provision of basic physical needs such as food, water, and shelter are barely met as the UNHCR and partner organizations struggle to absorb heavy refugee influxes, while balancing a stable "care and maintenance" phase for the long-standing exiled population (Lindley, 2011; Campbell, Crisp & Kiragu, 2011). In this sense, aside from the small chance of resettlement to another country, the camp's prospects are meager and limited (Campbell, Crisp & Kiragu, 2011).

Beyond this, protection gaps and lack of security are well documented in Kenya's refugee camps. In particular, there are concerns over sexual and gender-based violence in Dadaab. From 2007 to 2008 the UNHCR described an upward trend in reports of sexual assault in Dadaab, with 103 incidences reported in 2007, and 219 reports in 2008, with 79 of these being rape (Pavanello, Elhawary & Pantuliano, 2010). Though the UNHCR has recognized gender-based violence as a pervasive problem in camps, sexual assault continues to be a rampant issue that has seen little response from Kenyan authorities (Human Rights Watch, 2010; Human Rights Watch, 2013 January 21; UNHCR, 2003). Another security threat is represented in the thousands of refugees who sporadically settle on the camps' perimeter (Dadaab being well overcapacity) and create tension with local populations over natural resources and land (Brown et al., 2007; Lindley, 2011; Reuveny, 2007). Jeff Crisp (2010) detailed further security threats as follows:

As well as domestic and sexual violence, those threats include: rape and armed robbery; conscription into militia forces; abductions for the purpose

of forced marriage; arbitrary arrest and punishment by refugee community leaders and members of the local security forces; violence between refugees and members of the local population; fighting between different clans and sub-tribes within the same refugee community; and armed confrontations between refugees of different nationalities. (pp.8)

## **2.8 Integration and Governance Challenges for Urban Refugees:**

Given the desolate conditions of the camps and porous transit channels to Nairobi, refugees in Kenya are increasingly turning to the urban centre as a safe haven. Aliens in Nairobi, however, can be said to have traded one set of vulnerabilities for another. Urban refugees present inherent governance and regulatory challenges as they are widely dispersed over large areas with no demarcated boundaries indicative of their community. Many are unregistered, economically autonomous, and deeply enmeshed into the larger migrant community, which is itself quite isolated from host society (Campbell, 2005). Due to minimal engagement with formal social, economic, and political systems, urban refugees are very often unknown to appropriate governance institutions on an individual basis. Finally, problems in this arena are symptomatic of a rift between international refugee legislation and national policy; as a result, the Government policy of mandatory encampment has largely resulted in failure to recognize and support urban refugees, despite widespread knowledge of the community's existence. In this paradoxical state, the UNHCR has long extended only very limited assistance to urban refugees for fear of creating a pull to Nairobi (Lindley, 2011; Marfleet, 2007). Not surprisingly, these cumulative factors contribute to the marginalization and vulnerability of urban refugee communities (Dix, 2006).

As refugees in Nairobi largely function outside of formal political and legal systems, their civil, social, and economic rights are subject to frequent infringements. There is a large academic consensus that documentation is a crucial and indispensable piece of protection and socioeconomic integration for urban refugees (Campbell, 2006; Campbell, Crisp & Kiragu, 2011; Kobia & Cranfield, 2009;

Lindley, 2011). This is reflected in policy spheres, in so far as the UNHCR has named ease of access to reception and documentation facilities as cornerstone to extending protection and support to refugees in urban areas (UNHCR, 2009). As put by Campbell, Crisp & Kiragu (2011), “[r]efugees in the city who are able to demonstrate their identity and legal status are generally best placed to avoid arrest, detention, abuse and exploitation, and to gain access to schools, clinics and livelihoods opportunities” (pp.15). Legal status is vital for refugee integration, as ready access to gainful employment, education, and social assistance schemes are dependent upon possession of appropriate documentation in Kenya (Morat, Baglioni & Efonayi-Mader, 2006): registered refugee children are included in the Government-funded Free Primary Education (FPE) program, documented refugees can apply for Kenyan work permits and be involved in formal economic pursuits, and can access clinical health services on the same basis as nationals (Mohamed & Eidex, 2011; Pavanello, Elhawary & Pantuliano, 2010). In regard to health services, refugees and asylum seekers, like nationals, should be able to access clinics upon a one-time registration fee of 20 Kenyan Shillings (KSh) (0.26 CAD), with services for children under five being free of charge. State-funded clinics are used for diagnosis and treatment of routine ailments, while the Kenyatta National Hospital is responsible for specialized medical services (Pavanello, Elhawary & Pantuliano, 2010). Further, in a nation with growing levels of xenophobia, documentation is a key determinant in refugee protection and security by providing means to combat arbitrary detainment and arrest (Campbell, Crisp & Kiragu, 2011; Kobia & Cranfield, 2009; Moret, Baglioni & Efonayi-Mader, 2006).

However, policy gaps have created much ambiguity around obtaining legal status and associated rights for both refugees and governing institutions in Kenya. As mentioned, despite increased Government involvement in refugee affairs, the UNHCR, in practice, remains the primary manager of refugee registration and assistance. UNHCR Nairobi Branch Office (UNHCR NBO) is widely regarded as logistically overstretched and stands out for its extremely long wait times for RSD processing, which leaves a period of extended vulnerability while refugees await

documentation (Pavanello, Elhawary & Pantuliano, 2010; Lindley, 2011). UNHCR Kenya currently has 493 staff members split between one Country Office in Nairobi, one sub and one field office in Dadaab and one sub office in Kakuma (UNHCR, 2014, h), all working to serve an estimated refugee population of 600,910 (UNHCR, 2014, e).

Not surprisingly, the Canadian Council for Refugees (CCR) has approximated that the average processing times at UNHCR NBO are double that of other UNHCR posts (Canadian Council for Refugees, 2009). The waiting period in 2011 for a registration appointment for *prima facie* Somali refugees was up to two years, and for an RSD appointment was four months, with an additional ten months before the decision was issued (Campbell, Crisp & Kiragu, 2011). In 2013, RSD decision wait time averaged 14 months (RSD Watch, 2013). It is important to note that registration appointments are also likely to be repeatedly postponed, resulting in further time added. In Nairobi RSD appointments are commonly rescheduled up to 20 times (Campbell, Crisp & Kiragu, 2011). Bureaucratic obstacles only partially explain the large community of unregistered refugees in Nairobi. A number of factors may deter refugees from seeking documentation, including lack of information on the registration process, an inability to afford repeated visits to the UNHCR office, the disheartening reality of the lengthy application process, and fear of deportation if their asylum claim is rejected (Campbell, Crisp & Kiragu, 2011).

## **2.9 The Socioeconomic State of Refugees in Nairobi:**

Lack of documentation accordingly means that refugees in Nairobi face a myriad of unique challenges connected to local integration and security. Overall, urban refugees are represented in the literature as an impoverished, victimized, and politically disenfranchised (or “forgotten”) community with a large inability to turn their nominal rights into real, exercised ones (Marfleet, 2007). Urban refugees exist in the paradoxical state of being simultaneously invisible, but highly stigmatized; aliens are excluded from formal socioeconomic opportunities, yet are routinely

victimized and are often made into political scapegoats during periods of national instability (Jacobsen, 2006; Marfleet, 2007).

The 1951 Convention affords refugees the right to work in their host country, however national refugee policy implicitly blocks refugees from accessing the formal economy. While according refugees the right to wage-earning employment, the Refugees Bill states that refugees will be subject to “the same restrictions as non-Kenyan citizens” (Refugees Bill, 2011, Section 14, Act 2). As such, refugees must obtain a work permit to be formally employed in Kenya, which is a notoriously difficult process for any foreigner. For Convention Refugees, there is a specific class of work permit, M, which requires legal mandates and letters of approval from both the UNHCR and the DRA. There is no processing fee for a class M permit (Department of Immigration, 2014).

In 2013, only 70 refugees were issued a class M work permit (Obala, 2013). This confirms the large underrepresentation of refugees in the formal sector and could be a reflection of the stricter legislation implemented by the Government in December 2013 to ensure that Kenyans are being proportionately represented in the upper levels of the economy. Work permits for foreigners are currently only being issued for two-year, non-renewable periods. According to the Director of Immigration, this is an effort to ascertain that “Kenyans get the opportunity to acquire the foreign employee’s skills and (then) take over.” She further states that “...the priority must be given to Kenyans” (Oruko, 2013). Though this is generally not the economic sphere that refugees and asylum seekers of this study’s class bracket would enter, it is worth noting this legislation as it illustrates the implicit xenophobia of Kenya’s position on a non-citizens’ right to be employed in Kenya. There is a pervasive sentiment beginning at the institutional level that foreigners, in general, should not be able to ‘take work from Kenyans’. In this regard Kenyan refugee policy essentially capitalizes on a loophole, which in theory allows the GoK to fulfill its international obligations, while in practice, successfully barring refugees from lucrative formal-sector economic activity.

Consequently, a parallel informal economy has flourished in Eastleigh, making the neighbourhood a nucleus for unofficial income generating activities (Abdulsamed, 2011). According to Refugee Consortium of Kenya (RCK) data, 43% of refugees in urban areas are self-employed, 36% are unemployed and dependent on remittances, and 21% are employed by others (Pavanello, Elhawary & Pantuliano, 2010). Despite high rates of activity in the informal economy, the bulk of Eastleigh's residents are categorized as economically 'poor', with 35-45% earning between 16,000 Kenya Shilling (KSh) and 20,000 KSh per month (between 204.34 CAD and 255.43 CAD per month), or 'very poor' with 10-20% earning between 8,000 KSh to 9,500 Ksh per month (between 100.88 CAD and 119.80 CAD per month) (UNHCR & Danish Refugee Council, 2012). Refugees active in the informal economy are predominately engaged in petty trade and casual labour, the earnings of which are very meager (Pavanello, Elhawary & Pantuliano, 2010). Consequently, associated costs of schooling and health care can be prohibitive for refugee families, and it is uncommon for refugee children to attend secondary school (Karanja, 2010; Pavanello, Elhawary & Pantuliano, 2010).

**Box 1: Somali Transnational Trade and Eastleigh's Informal Economy**

Refugees have established strong transnational trade links between Kenya and origin countries. Somali economic and fiscal connections between Eastleigh and Mogadishu stand out here, so much so that the area has been dubbed "Little Mogadishu". Beginning from the period of large in-migration, Somali business transformed Eastleigh from an Asian-dominated residential area to a vibrant and thriving commercial and business centre (Pavanello, Elhawary & Pantuliano, 2010). Economic activity in the area can be looked at as an exportation of how Somali livelihoods have functioned since the collapse of the country's formal economy. The 'parallel economy' that arose within Somalia in that period established an extensive trans-national/continental entrepreneurial network built on social capital within the Somali diaspora (Abdulsamed, 2011).



Figure 2: Independently established road-side businesses (in this case, a restaurant) in Eastleigh represent a large part of the informal market

Due to low integration and a large undocumented presence in Nairobi, urban refugees are highly vulnerable and face extreme security issues. Refugees often fall victim to harassment, discrimination and extortion by police, immigration officials, and other local authorities (Pavanello, Elhawary & Pantuliano, 2010). Police abuses are in fact one of the most widely reported sources of insecurity in urban refugee literature, whereby refugees are faced daily with the fear of arrest and harassment by authorities that constantly scour Eastleigh (Campbell, Crisp & Kiragu, 2011; Human Rights Watch, 2010; Kobia & Cranfield, 2009). These exchanges are most commonly for the purpose of extortion. The police and other officials have been reported to call refugees 'ATMs' due to the ease with which a bribe can be garnered (Campbell, Crisp & Kiragu, 2011). Though this is symptomatic of the broader

problem of corruption operative within Kenya<sup>5</sup>, refugees are particularly vulnerable to extortion as there are a number of factors that encourage them to accede to police demands, including the fear of deportation, language barriers, and unfamiliarity with the legal system as well as their rights and how to uphold them (Lindley, 2011; Pavanello, Elhawary & Pantuliano, 2010; Transparency International, 2013). Instances of extortion are often accompanied by arbitrary arrest, detainment, and threat of deportation (Human Rights Watch, 2013). Refugees are also subject to more extreme human rights abuses at the hands of Kenyan authorities, including beatings, rape, and other forms of sexual assault (See Box 2) (Human Rights Watch, 2013). Systemic abuses largely occur within a ‘culture of impunity’ as refugees are unable to exercise their right to justice (Jacobsen, 2006; Lindley, 2011).

**Box 2: Story Recounted to HRW by Somali Woman in Eastleigh**

I was walking home on 4<sup>th</sup> Street when three RP (Regular Police) officers—one woman and two men—stopped me. I showed them my refugee documents and they just attacked me. The woman grabbed my breasts and shoulders and tried to lift my veil and then pushed me into a ditch by the roadside. Then all three hit and kicked me and tore at my clothes. The woman was shouting ‘you are a prostitute’ and ‘you Somalis are all Al-Shabaab and terrorists’. Then they put me in their car and we drove off. It was dark so I did not know where we were. When we stopped, the woman and one of the men got out of the car and left me in the car with the other man who hit my legs with his truncheon and slapped me. Then he raped me. When he finished he got out of the car and the other man got in and raped me. When it was over, they drove me for some time and then shouted for me to get out of the car. Then they just drove away (Human Rights Watch, 2013).

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<sup>5</sup> In the most recent Corruption Perceptions Index (2013) put forth by Transparency International, Kenya earned a ranking of 27/100. This corresponds to a rating of ‘highly corrupt’ and marks Kenya as the 41<sup>st</sup> most corrupt country globally (136/177) (Transparency International, 2013).



## **2.10 The Influence of al-Shabab on the Political Climate towards Refugees:**

In addition to institutional vulnerabilities to physical security, refugees are also faced with xenophobia from Kenyan citizens. Though nationalistic attitudes and discrimination from host societies towards exiled populations are common to receiving states the world over, a consideration unique to the Kenyan case is the influence of al-Shabab (also spelled al-Shabaab) on the relationship between the Government, the public, and refugees. al-Shabab is a fundamentalist Islamic organization with terrorist links to al-Qaeda that has been operative in Somalia since 2006 (Burns, 2010).

A long history of political violence and instability in Somalia has made Kenyans suspicious of Somalis; this collective feeling has recently been aggravated by the intensification of terrorist activity in Kenya, as well as a strained geopolitical relationship between Kenya and Somalia (Campbell, Crisp & Kiragu, 2011). Though al-Shabab's primary objective is overthrowing the Somali Transitional Federal Government (TFG) and implementing Sharia law, it has also carried out a number of cross-border raids into Kenya in hopes of annexing the NEP (Burns, 2010). In October 2011 (the same month the research for this project began), these attacks along with the abductions of several tourists and aid-workers in isolated incidents throughout the year, spurred Kenya to invade Somalia in an effort to secure the NEP, and establish a stable buffer zone across the border (Branch, 2011). In response to the invasion al-Shabab threatened retaliation in Kenya, promising to bomb buildings and kill civilians (Human Rights Watch, 2013).

In the months following military deployment into Somalia (October 2011 to December 2012), regions in Nairobi, the NEP, and the Coast experienced approximately 30 grenade and improvised explosive device (IED) attacks, which resulted in dozens of casualties and hundreds of injuries. In September 2013, al-Shabab executed its deadliest attack, killing 72 and injuring 175 in a bomb and gunfire assault at Westgate Mall, a shopping centre in the affluent neighbourhood of Westlands (Canadian Broadcasting Corporation, 2013). Urban refugee literature widely indicates that security threats are a pressing concern from host populations

in many refugee-hosting nations, including Kenya (Kobia & Cranfield, 2009). As such, these incidences built public support for exclusionary policies that preclude refugees from socioeconomic integration and have been connected to increasing xenophobia, discrimination, and violent attacks on Somali nationals and Somali-Kenyans alike (Human Rights Watch, 2013). For instance, in 2012 on the same day as an IED was thrown into a *matatu*<sup>6</sup> in Eastleigh, a wave of attacks erupted on Somalis in the area; several people were stabbed or stoned, women were raped, and Somali owned shops were looted and vandalized (Human Rights Watch, 2013).

In reaction to events such as these, national security concerns are now central to Government policy relating to refugees (Lindley, 2011). Encampment henceforth continues as a practical attempt to curtail the influx of refugees and keep them geographically, economically, and culturally segregated (Burns, 2010). There are a number of perceived threats that inform this policy, a principle one being the fear of al-Shabab recruitment in the Somali diaspora (Lindley, 2011). Recruitment in Kenya transforms a largely external threat to an internal one by destabilizing political and social order from within its own borders (Burns, 2010). Somali communities are also assumed to be likely targets of terror attacks, which can be seen as a subset of the larger fear of conflict trickling across the border (Crisp, 2010). Somalis are therefore perceived as a dual risk: they are viewed as a danger to Kenyan society both by having potential involvement with, and being probable targets of, al-Shabab. Kenya cannot be blamed for taking the threat of infiltration seriously; al-Shabab has successfully recruited groups of Somali men from both Dadaab and Nairobi (Burns, 2010; Pavanello, Elhawary & Pantuliano, 2010). However, the perception of this risk to national security far outweighs the reality as most Somali refugees do not support al-Shabab and they oppose the use of violence to enforce Sharia law (Burns, 2010). The ones who do join are often young, disenfranchised, and poor, and are therefore susceptible to ideological persuasion

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<sup>6</sup> Swahili word meaning *mini-bus*

(Burns, 2010). Overall, refugees with links to al-Shabab represent only a small portion of the overall population.

Nonetheless, periods of national instability are overlaid with spasms of political focus on refugee communities that often result in increased refugee repression. On March 25, 2014, following a terrorist attack on a church in the Coastal region which killed six people, the Kenyan Government issued a relocation directive ordering all refugees living in urban areas to move to camps. The statement reads:

Owing to security challenges in our urban centers....[A]ll refugees residing outside the designated refugee camps of Kakuma and Dadaab are hereby directed to return to their prospective camps with immediate effect. There are no other designated refugee camps outside these areas. Any refugee found flouting this directive will be dealt with in accordance with the law. Consequently, all refugee registration centers in urban areas—Nairobi, Mombasa, Malindi, Isiolo and Nakuru are hereby closed. (Lenku, 2014)

This instruction, which further encourages Kenyans “to report to the Police any refugee and/or illegal immigrants found outside the designated refugee camps” was issued as a bid to secure Kenya from a wave of al-Shabab attacks occurring throughout the country (Al Jazeera, 2014, a; British Broadcasting Corporation, 2014; Lenku, 2014). Days after this announcement, on April 1, 2014 three explosions in Eastleigh killed six and injured 25 (Al Jazeera, 2014, c). In response to this, police executed a security sweep in which 657 Eastleigh residents (predominately Somalis) were arrested (Al Jazeera, 2014, b). Relocation initiatives such as this are displays of discriminatory collective punishment policies. They also ignore the existence of Somali- and Ethiopian-Kenyans born in the country, as well as those who travelled directly to Nairobi, and as such, are not registered to a camp (Amnesty International, 2013).

The correlation of refugees with illegality and urban insecurity, as well as the call upon Kenyan nationalism in the above statement, is indicative of the broader

socio-political climate for refugees and echoes past instances of refugee subjugation. In 1997, the UNHCR published a report detailing the organizations first policies towards urban refugees<sup>7</sup>. It had no official definition of an urban refugee, was awash with skepticism around the validity of urban-based asylum claims, and proposed that no “irregular movers” be registered as refugees (Marfleet, 2007; UNHCR, 1997). This set the stage for initial policies and host attitudes regarding urban refugees. Throughout the 1990s, Kenya implemented encampment and enforced the policy to varying degrees; periodic sweeps and mass arrests that blamed refugees for various social ills<sup>8</sup> or coincided with violent attacks from external organizations, such as al-Qaeda bombing the of US Embassy in 1998, sent hundreds of refugees to camps or origin countries (Burns, 2010). These events cumulated to the official closure of the Somali-Kenyan border from 2007 to 2011, during which the possibility of regulated entry was eliminated (Lindley, 2011). The instability of the NEP and the porous nature of the border meant that closure did little to ebb the flow of refugees, and likely exacerbated the crisis by encouraging corruption among border officials and forcing refugees to travel irregular routes from the border to Dadaab via the use of human smugglers (Burns, 2010; Lindley, 2011).

At the time of this authoring the socio-political context in which refugees are immersed continues to evolve. Though it is impossible to foresee future shifts in the situation, what became clear throughout this research is that host population security concerns around al-Shabab, while certainly justified, tend to overstate the amount of involvement from the refugee community. As such, the arrest and detention of refugees for attacks claimed by al-Shabab is a blatant display of collective punishment, operating on the assumption that asylum constitutes a threat to social and political stability (Crisp, 2010).

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<sup>7</sup> The report is titled *UNHCR's policy and practice regarding urban refugees: a discussion paper*.

<sup>8</sup> In 1997 Kenyan President Moi issued a statement testifying that “foreign spies and criminals masquerading as refugees had invaded Nairobi....many [refugees] were engaged in business as a cover up for their evil activities” (quote from Burns, 2010, pp. 9)

### **2.11 Durable Solutions to Kenya's Refugee Crisis:**

Initiatives aimed to diffuse protracted refugee situations, such as that in Kenya, are typically discussed as one of three 'durable solutions': repatriation, resettlement, or local integration (Campbell, Crisp & Kiragu, 2011). This section will detail Kenya's engagement with these solutions and the degree to which government and non-governmental actors have facilitated each one.

The first durable solution, repatriation, is often pushed for by host states despite refugee scholars and policy-writers viewing it as an option with very limited viability (Campbell, Crisp & Kiragu, 2011; Crisp, 2010; Lindley, 2011). In 2011, a report published by the UNHCR called voluntary repatriation for Kenya's two largest refugee populations, Somali and Ethiopian, "highly unlikely in the short or medium term" (Campbell, Crisp & Kiragu, 2011, pp. 39). Though repatriation is rarely discussed as a plausible durable solution in the literature, Governments operate on the principle that limiting integration is the most effective way to prompt voluntary repatriation. This reasoning is hence used as a central justification for encampment policies in African states (Kobia & Cranfield, 2009).

As such, Kenya is currently involved in what could be called an assisted or facilitated repatriation program for Somali refugees. In November 2013, the Government of Kenya and the newly formed Somali Federal Government signed a Tripartite Agreement with the UNHCR that would assist to repatriate Somali refugees to areas deemed safe (UNHCR, 11 November, 2013). The UNHCR has stressed that the process is to remain voluntary, functioning as a measure through which to facilitate "returns...conducted in safety and dignity" (UNHCR, 11 November 2013). Many development and non-governmental actors in Kenya's refugee management framework have expressed a willingness to assist in the voluntary repatriation process (Noor & Kisiangani, 2014). Despite this, the UNHCR has not reported an increase in repatriation among Somali refugees since signing the Agreement, and in January 2014 an external update stated "[the UNHCR] has not observed large sustainable return movements of refugees to Somalia" (UNHCR, 29

January 2014). Furthermore, the number of returnees does not neutralize the number of incoming refugees, who continue to cross into Kenya in large numbers.

Following this, entrance into the UNHCR resettlement program, though the hope of many refugees, is also a solution with a largely inadequate capability to lessen the crisis (Campbell, Crisp & Kiragu, 2011; Kobia & Cranfield, 2009). Relative to the total, a very small number of refugees in Kenya are assisted to resettle in a third country. In 2013, 3,604 refugees were resettled from Kenya, with only 820 of that number coming from Nairobi (UNHCR, 29 January 2014). The majority of resettlement cases were sourced from Dadaab, which saw 1,281 departures (UNHCR, 29 January 2014). When juxtaposing this figure with Dadaab's population at the time (approximately 500,000), it is clear that resettlement is an opportunity that will be offered to a limited proportion of the total. The resettlement program is constrained by a number of factors presented by both the host state and the international community, which makes the number of resettled refugees unlikely to expand significantly in coming years. First is the limited processing capacity of the UNHCR in Kenya that is responsible for entering refugees into resettlement streams; second is the limited number of states that accept refugees through UN systems, and further, the limited number of refugees that are accepted to these states.

As such, refugee scholars typically view increased legal, economic, and social integration as the most favorable solution for protracted refugee situations. Host governments, however, are often concerned with the socioeconomic and political impact of absorbing large groups of refugees, and as a result, can be hesitant to extend policies or mandates that would increase local integration (Kobia & Cranfield, 2009). In keeping with this, Kenya's refugee population has been offered little opportunity for formal integration (Campbell, Crisp & Kiragu, 2011). This is due in large part to the fact that such a large majority of refugees in Kenya originate from Somalia, which, as previously touched upon, is a country that represents a large security threat to Kenya. The Government has done little to promote local integration and has instead favored repatriation or resettlement, which suggests

that Kenya does not view itself as a host state, but rather as a transit point for refugees who will eventually migrate to a third country or return home.

### 2.12 Social Capital and Resettlement:

Urban refugees are highly exposed to social, political, and economic forces that ascertain high vulnerability. Though the 'vulnerability' framework pertains to adaptive capacity to climate change, this knowledge can be applied to refugees as a highly vulnerable community with constraints to its adaptive capacity. Refugee communities can thereby be said to engage in successful coping strategies that enable them to enter a higher state of resilience, thereby decreasing their level of vulnerability.

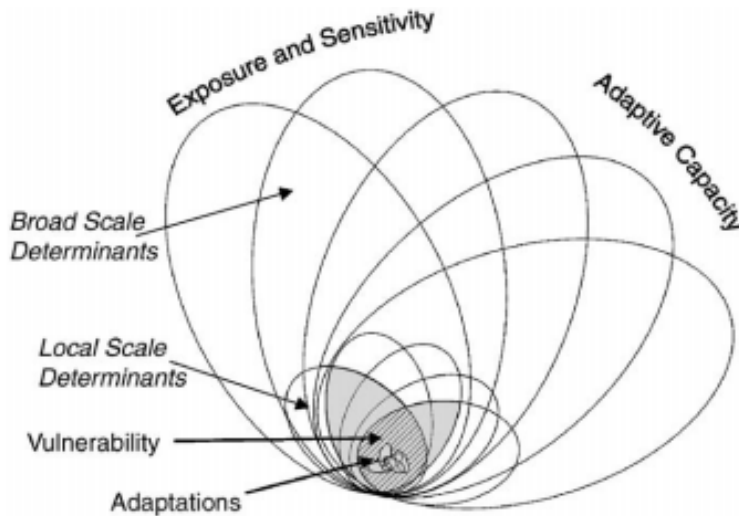


Figure 3: Vulnerability Model (Smit & Wandel, 2006)

Figure 3 illustrates this by juxtaposing the basic vulnerability relationships that exist for refugees. The largest spheres represent the interaction of environmental and social stresses that determine exposure and sensitivity. These determinants shape adaptive capacity at the local level and are denoted by the smaller embedded spheres. The overlap signifies the interdependency of the forces that shape exposure and adaptive capacity and can be social, cultural, political and/or economic in nature.

In the resettlement processes, a commonly seen adaptation strategy among refugees is utilizing community linkages and social connections or, employing *social capital*. Social capital was originally defined as an “aggregate of the actual or potential resources which are linked to possession of a durable network or more or less institutionalized relationships of mutual acquaintance or recognition” (Bourdieu, 1986, pp. 248). More generally, it can be viewed as a network of intra- and inter-community social connections harnessed in order to gain access to resources, or to buffer vulnerabilities.

The relationship dynamics of this model in its original conception were quite narrow and focused on linkages between homogeneous groups (Dahal & Adhikari, 2008). The concept has since evolved to include relationships between people and communities of differing ethnicities, classes, and institutional affiliations. Connections defining social capital are now categorized as either bonding, bridging, or linking relationships (see Table 3). Bonding social capital refers to close relationships within homogeneous communities, which are often demarcated by culture or ethnicity and occur with relatives, friends, and kinships. Bridging social capital confers weak ties between those of the same socio-economic status; lastly, linking social capital refers to vertical connections with those of a higher socio-economic level, or with formal institutions (Dahal & Adhikari, 2008; Pieterse, 2003). Both bridging and linking social capital may be cross-cultural.

Social Capital	Relationships	Cultural Connotations
Bonding	Strong ties among close relations	Usually culturally or ethnically embedded
Bridging	Weak ties among people of diverse backgrounds but similar socioeconomic status	Can be interethnic or intercultural
Linking	Relations with people of higher socioeconomic status or formal institutions	Can be interethnic or intercultural

Table 3: Social Capital and Cultural Connotations (Pieterse, 2003; Table 1, pp.22)



Social linkages and community networks are central to the process and patterns of migration, particularly in unregulated migratory systems such as that seen in Kenya, as many refugees engage in self-settlement (Jacobsen, 2006; Massey & Aysa-Lastra, 2011). Networks are utilized in myriad ways throughout resettlement; for instance, social ties (e.g. previous migrants from a refugee's home community) act as a pull to urban centers and impact settlement locations (Campbell, 2006). Migrant connections are particularly important for newly arrived refugees as they offer a range of emotional and material supports, such as access to accommodation (often free of charge), opportunities in the informal economy, friendships and relationship arrangements (Lamba & Krahn, 2003). Older, more integrated community members offer invaluable guidance for navigating a new and unfamiliar environment rife with logistical difficulties, such as language barriers, limited knowledge of refugee management systems, and lack of orientation with the city. As refugees become familiarized with their surroundings, networks continue to play an inexorable role by assuring ongoing access to relationships, livelihood and housing information, and simply, the guarantee of a habitual lifestyle inclusive of cultural, linguistic, and faith-based commonality. As time passes, refugees are likely to become deeply enmeshed in this community, strengthening their bonds, and turning ever more inward to their kinships and networks (Lambo, 2012).

CHAPTER THREE  
METHODOLOGY

Part I: CONTEXT OF THE STUDY

3.1 Kenya:

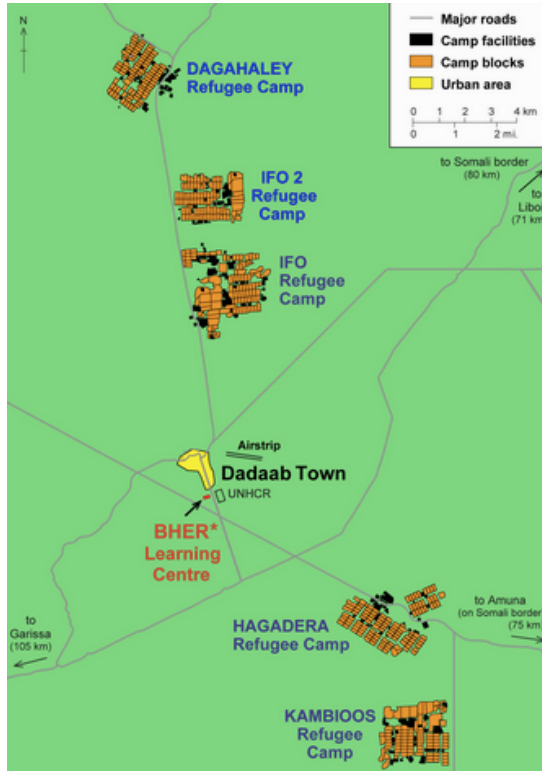


Map 2: Kenya Country Map with UNHCR Office and Refugee Camp Locations (Humanitarian International Services Group, 2014)

Kenya is situated in the Horn of Africa on the Indian ocean bordered by South Sudan, Uganda, Tanzania, Ethiopia and Somalia. It is separated into eight provinces and has a total population of 44, 037, 656 (Central Intelligence Agency, 2013). The Nairobi Province is the most populous and it houses the capital city of Nairobi. The official languages of the country are English (since the time of British colonization), Kiswahili, as well as approximately 42 indigenous languages spoken in their respective ethnic groups. Kenya has seven dominant native ethnicities, which can be broken down as follows as follows: Kikuyu 22%, Luhya 14%, Luo 13%, Kalenjin 12%, Kamba 11%, Kisii 6%, Meru 6%. Additionally, other African ethnicities account for 15% of the population, and non-African (Asian, European, and Arab) comprise 1% (Central Intelligence Agency, 2013). Much of the solidity that exists in the Horn is derived from Kenya due to it's relative political stability, as well as the fact that it serves as the economic and diplomatic nucleus of the Horn, housing regional headquarters for embassies, international NGOs, and the UN. As a result, Kenya is of key geopolitical importance to the Horn of Africa, and political, humanitarian, and security issues are of great concern both regionally and internationally (Burns, 2010). Kenya's economy is dominated by tourism and resource-based export sources including agriculture, forestry, fishing, minerals, and mining (Central Intelligence Agency, 2013).

Dadaab (see Map 3) is particularly relevant to this study, as the majority of Somali and/or Ethiopian refugees in Eastleigh who transited through a camp would likely have passed through Dadaab. Dadaab is in Kenya's NEP, approximately 100 kilometers from the Kenya-Somalia border. The collective area currently comprises of six camps: Hagadera, Ifo, Ifo 2, Dagahaley, Kambioos, and Alinjugur. It is currently the largest refugee camp in the world and is severely overcapacity (Al Jazeera, 2014, d). With space for approximately 190,000 in 2011, it hosted 440,000 refugees. These numbers remained relatively stable into 2012 with 463,000 residents, and now sits at 355,400 (UNHCR, 2012, a; UNHCR, 2014, f). The decrease in camp residents could be a product of the Tripartite Agreement. Conversely, it could be a

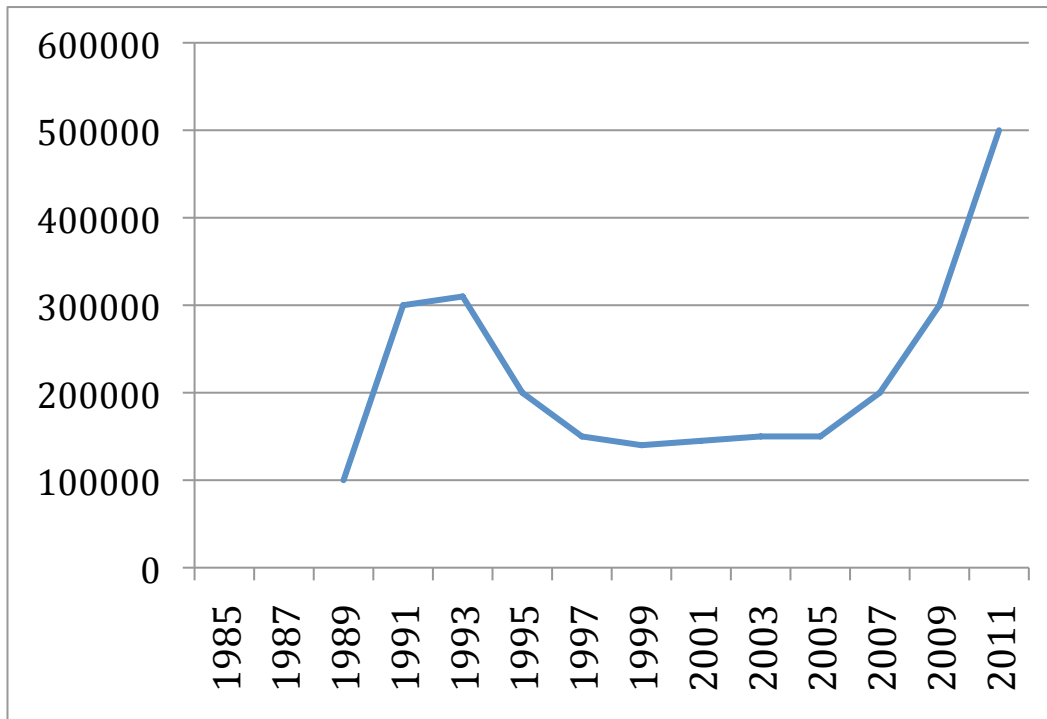
reflection of refugees repatriating outside of this system, or travelling to an urban centre.



Map 3: The Geography of Dadaab

In camps and cities alike, the overwhelming majority of refugees in Kenya are Somali nationals (UNHCR, 2014, g). There are currently 482,390 registered Somali refugees in Kenya, which amounts to approximately 87% of Kenya's total refugee population (UNHCR, 2014, c). Following Somalis' there are 21,610 Ethiopian refugees, and another 11,110 asylum seekers, accounting for 0.07% of the total (UNHCR, 2014, c). Somalia has seen a sustained period of crisis since approximately 1989, characterized by oscillating periods without a functioning central government, a collapsed economy, civil conflicts, the creation of autonomous internal states, and famine. As a result of these interacting issues, Somalia is now the second largest refugee-producing state in the world (UNHCR, 2012, c). In keeping with larger African migration trends, the majority of refugees from Somalia disperse

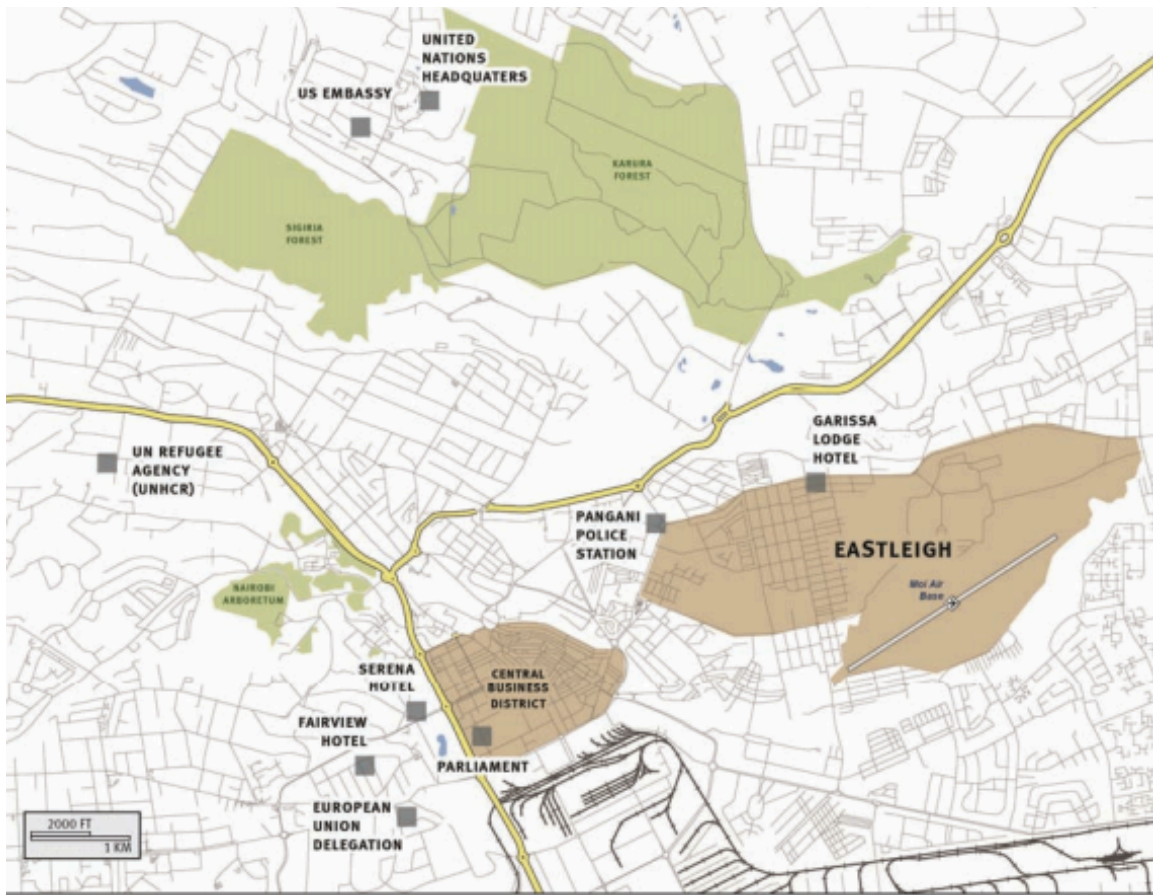
into proximal regions (UNHCR, 2012, b; Shimeles, 2010). As such, Kenya has long been a major host for Somali refugees (see Graph 1 below), currently housing a disproportionate share of the Somali diaspora in the region (approximately half of an estimated one million) (Lindley, 2011; UNHCR, 2012, b). As such Somali nationals are UNHCR Kenya’s top refugee population of concern (UNHCR, 2014, e).



Graph 1: Somali Influx into Kenya, 1985-2011 (author’s rendering from information in Shimeles, 2010)

### 3.2 Eastleigh:

The primary field research for this study was conducted in the neighbourhood of Eastleigh, which houses the disproportionate share of refugees and asylum seekers in Nairobi. It is located a few kilometers from Nairobi’s Central Business District, central to the larger Eastlands area (see Map 4). The district of Eastleigh has a registered population of 174,349, and is comprised of four neighborhoods: Eastleigh North, Eastleigh South, Airbase and a slum area near Kiambio (UNHCR & Danish Refugee Council, 2012).



Map 4: Central Nairobi and the Suburb of Eastleigh (Human Rights Watch, 2013)

Though large factions of unregistered refugees make it impossible to cite a numerical breakdown of ethnicities in the area, Somali nationals comprise the majority of the neighborhood's population, followed by an Ethiopian Oromo community, with minorities from the Great Lakes, Eritrea, and South Sudan (Human Rights Watch, 2013). Very few Kenyan nationals reside in this neighbourhood. Eastleigh is one of the most densely populated, low-income areas in Nairobi and is characterized by unregulated development and flourishing informal markets (Campbell, 2005; Pavanello, Elhawary & Pantuliano, 2010). It is also one of the least infrastructurally developed regions of the city, and accordingly lacks public services such as proper drainage and sewage systems. There are two main roads running through Eastleigh, First and Second Avenue. Though Second Avenue was closed for many years, at the time of this study it was repaved and opened for transportation



(see Figure 4 below). Other roads in Eastleigh are dirt, many with large potholes collecting sewage and rainfall. The dusty streets are overcrowded, constantly lined with *matatus* and street vendors (see Figures 5 and 6 below). Housing in Eastleigh is sub-standard; the structure and pattern of shelter comparative to slum-style housing.



© Alexander Nicholson  
Figure 3: Second Avenue in Eastleigh





Figure 4: Unfinished Road near First Avenue in Eastleigh



Figure 5: Street Vendors in Eastleigh



## Part II: RESEARCH PROCEDURE

### 3.3 Research Framework:

This thesis is based on a qualitative case study approach, which attempts to achieve an intimate understanding of a particular social phenomenon or community. Qualitative researchers collect and interpret non-quantitative data in order to understand and explain social life (Neuman, 2003). The nature of the data collected is referred to as *soft*, and is delivered not only as numerics, but also as words, photos, symbols, sentences, emotions, and impressions (Neuman, 2003). The qualitative framework is a flexible and interpretative method used to design research, recognizing that varying contextual factors may lead to the evolution of, or divergence from, the original research structure, allowing for the gradual honing of goals and objectives. In this sense, qualitative research uses naturally occurring data to establish observable patterns ('how') that people attach meaning to ('what'), thus assigning character to certain social phenomena (Silverman, 2006). David Silverman (2006) illustrates this flexibility in a clear schematic:

whats? → the phenomena → hows?

As the successful completion of my research was contingent on many situational factors (e.g. the progression of the Kenyan conflict with al-Shabab and security conditions in Dadaab refugee camp), it was necessary to operate within a flexible research paradigm that allowed a degree of researcher reflexivity. Beyond this, as noted by Liamputtong (2010), conducting research in a cross-cultural setting requires a mindfulness of varying contextual landscapes so as to avoid cultural insensitivities (this is expanded upon in Section 3.5: *Conducting Research in a Cross-Cultural Setting*). This sort of subtle understanding of the delicate matters entwined with particular aspects of social research affirms qualitative data collection as the appropriate method for this study.

Though the realization of the goals specific to this research could not have been accomplished exclusively through the quantification of specific variables, the qualitative approach is coupled with basic quantitative analysis (in the form of

frequency counts), in order to present a holistic picture of the knowledge gained from this study.

### **3.4 Research Design:**

The research presented in this thesis was guided by a qualitative research method known as interpretive-constructive, or simply, interpretative (Denzin and Lincoln, 1994). Under this view, conducting research in a purely objective manner is untenable. Rather, the collection and interpretation of qualitative data is inherently subjective, as researchers are operating under differing sets of ideological, political, moral, and personal values that steer research direction and perspectives (Denzin & Lincoln, 1994; Willis, 2007). Further, the interpretive research paradigm asserts that perspectives and lived realities are subjectively created by people in their own contexts (Neuman, 2003). Thus, the goal of social research in this framework is to determine how people construct meaning in certain environments, or more simply, to attain a deepened knowledge and insight into a specific issue or situation (Neuman, 2003; Silverman, 2006). As such it is necessary for the researcher to gain an understanding of peoples' realities in order to recognize the factors that affect, or the process by which, meaning is assigned to certain experiences and circumstances. Because this process will differ depending upon contextual factors, the interpretive paradigm recognizes that no static laws can be drawn from research results, and instead the focus is on providing an inquisitive and unaltered window into a particular social phenomenon.

### **3.5 Conducting Research in a Cross-Cultural Setting:**

As previously mentioned, it is particularly important to be aware of context when conducting research in a cross-cultural setting in order avoid cultural insensitivities (Liamputtong, 2010). Context, as quoted in Liamputtong (2010):

[I]ncludes sensitivity to structural conditions that contribute to participants' responses and to the interpretations of situations informed by experiences, by validation of perceptions, and by a careful review of existing knowledge.

Without contextual understanding, cross-cultural...phenomena cannot be fully understood. (Im et al., 2004: pp. 87)

Thus, as a researcher, acquiring cultural knowledge was essential not only to be able to conduct myself as respectfully as possible in matters of dress, speech, and action, but also to understand and acknowledge the ways that my role as a visible foreigner and a woman could affect my interactions with the research community, which could ultimately effect my results. This alludes to a more general problem that permeates many forms of qualitative research: the very process of studying a particular social phenomenon may change it (Altheide & Johnson, 1994; Babbie, 2004; Liamputtong, 2010). A researcher's presence can alter the contextual circumstances, and as such, the project's results can be reflective of this altered reality. While it has been cited that this is generally unavoidable in social research (Babbie, 2004), it is important to recognize and acknowledge this in the final research report.

This recognition is especially crucial in a cross-cultural research sphere. Power dynamics, or more rightly named, power imbalances, between researcher and participant generally become more pronounced when crossing lines of racial, ethnic, national, or gender-based identities (England, 1994). As noted by Liamputtong (2010), research in less-developed countries commonly involves work with individuals who are in are situations of extreme marginalization, vulnerability and exploitation. Often, they are people living in poverty, who lack the knowledge of how to access appropriate political institutes, or by virtue of their class status, tribe, ethnicity, or gender, feel too powerless to truthfully express their concerns or to resist the perceived power of the researcher (Liamputtong, 2010).

### **3.6 Reflexivity and the Role of the Researcher:**

As qualitative research is so predisposed to researcher subjectivity, it is extremely important for researchers to be conscious of their own positionality and to understand and explain how personal biases might affect research results. Reflexivity has been defined as the process of identifying one's own position and

partialities in the context of his or her research (England, 1994). More specifically, it is the “self-critical sympathetic introspection and the self-conscious analytical scrutiny of the self as a researcher” (England, 1994, pp. 82). Acknowledging the positionality, biases, and power dynamics that are created by factors such as a researcher’s gender, race, age, nationality, or socioeconomic status is crucial as it helps the researcher avoid appropriating, or “colonizing”, the experiences of the participants (England, 1994).

In terms of reflexivity in my own research community, there were a number of angles to consider. It was important for me to recognize my position as a young, educated, Caucasian woman from Canada. As is consistent with the theme of cross-cultural research, because of these factors there are inevitable challenges to my ability to understand the realities of urban refugees. One contextualizing factor that was impossible to ignore derived from Nairobi’s role as a major hub for UN and NGO activity in East Africa, as well as the impression amongst the refugee community that many UN employees are foreign, or more specifically, Caucasian.

As the UNHCR is such a widely recognized organization within this community, I was commonly met with the obstacle of effectively communicating that I was working independently and was not affiliated with the UN. This perceived connection affected my subject-position with the refugee community in two major ways. Most typical of recent arrivals or those living in Kenya without documentation (i.e. illegally) were expressions of hesitation, wariness, or fear of speaking with me. There were stated concerns that I was not being entirely truthful about who I was, or that I was working with the UNHCR to look for illegal residents in the area. In many cases this led to a refusal to participate. Contrasting this, frequent among those who had legal documentation was the perception that I had the ability to assist them with any number of personal problems. These problems were extremely multifaceted and various in nature, ranging from an inability to access medical services after an attack, a desire to make a police report after the attempted kidnapping of a child, and time and time again, complaints of the extraordinarily

long wait times in the processing of legal documentation, and the general inaccessibility of the UNHCR. Thus, the assumption that my skin colour would grant me special access to the UNHCR, or that I had a working relationship with the organization, may have framed some of the participants' responses.

Despite these issues, research flaws that could have formed from these parameters were in many ways alleviated by the close and personal relationship that I developed with my two primary interpreters, as well as the role they had within the community and their ability to interpret interviewee responses. While both men were very well known and trusted in the district, my Amharic translator A.T was especially well connected and integrated in the Ethiopian community due to his work with newcomer refugees. In many cases, the trust and warmth people felt for A.T transferred to me, which was extremely helpful in gaining access to participants. This was magnified by the length of time I spent in the field (four and half months) as well as gestures such as frequenting the same cafés and locations in or near the community multiple times. Some of my visits to Eastleigh were primarily social in nature and therefore trust-building. Quite simply, people became accustomed to my presence in an area that typically speaking does not see many *wazungu*<sup>9</sup>, and even came to expect it.

Delving further into the realm of reflexivity, it was also important for me to recognize my personal assumptions and opinions, which in many ways were garnered by the body of academic literature I reviewed, and my understanding of past and current policy work surrounding Nairobi's urban refugees. Prior to entering the field, I was of the perception that both the UNHCR and the Government were doing little to provide formalized support to refugees in Nairobi. I was also of the mind that refugees would prove to be a vulnerable and poorly integrated group plagued by a number of socioeconomic problems. Despite my personal perceptions on the subject, or perhaps because of them, I made a conscious effort to avoid asking leading questions, and to let the interview take its own direction organically and

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<sup>9</sup> Swahili word used to describe foreigner

with minimal manipulation. However, at the same time as I sustained a mindfulness of how my personal ethics could affect my research design, I will not claim that I was able to remove these influences completely, as they were in many ways the crux of my original and primary research goals. Indeed, at the heart of this project was the hope that this research will highlight some of the major flaws in refugee management and resettlement policy in Kenya, ultimately having some positive affect on refugee affairs in the country.

### **Part III: DATA COLLECTION:**

The research for this thesis was broken into two processes: firstly, a review and analysis of secondary information regarding Kenyan refugee studies and the formulation of a comprehensive literature review, and secondly, primary research conducted in Nairobi.

The primary data for this thesis was collected during one extended field visit to Nairobi, Kenya. The duration of my stay in Kenya was from October 1<sup>st</sup> 2011 to February 19<sup>th</sup>, 2012, totalling approximately four and a half months. The first three weeks in Kenya were primarily consumed with logistical, non-research related endeavours, such as finding an apartment, collecting my research permit, meeting with colleagues from my host institute (the University of Nairobi), and generally orienting myself with the city. During this period I happened upon an NGO by the name of RefugePoint (formerly Mapendo) that works with urban refugees in Nairobi, and whose staff generously offered to take me on as a guest researcher. This provided me with simple working necessities that I was lacking such as office space and internet access. More importantly, RefugePoint connected me with a network of researchers and employees that would later lend critical research direction.

The research project I had originally intended to conduct in Kenya focused on the role that climate and other environmental factors play in population displacement throughout the Horn of Africa. I had obtained UW Ethics approval to conduct interviews in Dadaab. However, for a number of reasons this proved to be

impossible. In the months preceding my departure, Somalia was overcome by a drought-induced famine that sparked a massive influx of Somali refugees into Kenya. As Dadaab's population swelled to nearly 450,000, the conditions in the camp became increasingly dangerous with several reported explosions, rapes, violent attacks, as well as the well-publicized kidnapping of three foreign aid workers in October (UNHCR, 21 December 2011). In conjunction with this, shortly after my arrival in Nairobi, the Kenyan military invaded areas of southern Somalia under the control of al-Shabab, entering the two countries into a state of war. On October 13, 2011, the Canadian Government placed a DFAIT travel advisory on the NEP. As the University of Waterloo's Ethics policy follows these advisories concerning students conducting research abroad it was no longer an option for me to work in this area, thus my original project was rendered unviable.

At this point I began speaking with colleagues at RefugePoint regarding a safer and more realistic project. This is when the concept of urban refugees was identified as a chronically under-researched issue. In terms of logistics, working with a community within Nairobi was significantly less challenging, and relative to the instability in Dadaab circa October 2011, much safer. Thus, I shifted my focus and from the period of mid-October to early November carried out an extensive literature review on Nairobi's refugee community, and Horn of Africa migration/refugee trends, completing a new research proposal, as well as new interview scripts for participants.

### **3.7 Secondary Information Analysis and Literature Review:**

The initial step in data collection was to conduct an extensive literature review and analysis of secondary data, grey literature, as well as approximately 25 to 30 relief agency "situation reports", statistical documents, and policy reports. This provided me with a solid theoretical and applied knowledge of: a) what other social researchers had found to be the most significant and outstanding problems facing Nairobi's refugee community, allowing me to either draw parallels or

contrasts with my own findings, and b) the basic structure of the thoroughly convoluted and confusing legal state of refugees outside of a camp context in Kenya. Because of the complexity surrounding the legal state of urban refugees, having knowledge of this structure was essential prior to entering the field in order to navigate different participant responses. The literature review also allowed me to form some foundational assumptions and hypotheses that I would seek to prove or disprove through in-field interviews and behavioural observation.

The examination of secondary literature and data by seminal authors in the field of Kenyan urban refugee studies, such as E. Campbell, S. Pavanello, and J. Crisp, as well as policy reports published by the UNHCR and the GoK, was ongoing throughout my time in the field as a means of theoretical validation. This enabled me to align and categorize my findings within a pre-existing base of academic knowledge.

### **3.8 Participants Demographics and Interview Logistics:**

For the fieldwork component of this thesis, I conducted interviews with urban refugees in Eastleigh. As this district is inhabited by primarily Somali and Ethiopian refugees, these particular ethnicities that are most largely represented in my research sample. I had two full-time interpreters with whom I worked very closely, and developed friendships: D.H.D for the Kiswahili language and A.T in Amharic. I also worked occasionally with one additional interpreter in the Somali language. It was not necessary to work with a Somali interpreter with every Somali refugee interviewed, as many were fluent in Kiswahili. Therefore, in these cases D.H.D was able to translate. A.T translated for all Ethiopian and Eritrean participants. I made initial contact with my first key informants through D.H.D who is a Kenyan (non-refugee) resident of Eastleigh. From this point, participants were found through a combination of snowball methods, as well as utilizing connections that my interpreters, as locals, were able to provide.



In total, I conducted 32 interviews with urban refugees from Somalia (11), Ethiopia (20), and Eritria (1), between the period of 13 December 2011 to 25 January 2012. The Eritrean participant was Kenyan-born but had sustained refugee status by virtue of being born to refugee parents. Gender wise, the interview schematics break down to 12 female participants and 20 male participants.

<b>Country of Origin</b>	<b>Male</b>	<b>Female</b>
Somalia	4	7
Ethiopia	15	5
Eretria	1	0
<b>Total</b>	<b>20</b>	<b>12 = 32</b>

Table 4: Participant Demographics

As can be seen above, gender and ethnicity have been included in this section, but age has been omitted. I removed this question from my interview upon realization that many participants either do not know their exact age or were unwilling to share it. Omission of this question was an effort to comply with the University of Waterloo's Office of Research Ethics (ORE) guidelines for research involving human subjects, as researchers are urged to be mindful and respectful of cross-cultural differences during interviews.

### **3.9 Participant Observation:**

Prior to conducting interviews, I spent some time (approximately two weeks) visiting Eastleigh for primarily social and observational purposes. I did this in order to contextualize myself with my surroundings, build rapport with my interpreters, become familiar with the districts, allow residents to become accustomed to my presence, and record my observations of the community. As adapted from David Silverman (2006), the primary objectives of participant observation, or observational research, are as follows:

*Table 5: Aims of Observational Research*

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- i. Gaining perspective: this refers to viewing the events, norms, values and realities from the vantage point of those being studied
  - ii. Description/Contextualism: links and connects the particular event or situation being studied to its wider socio-economic and political context. It is a well-established nuance in qualitative research that events cannot be fully understood if studied in an academic or theoretical vacuum.
  - iii. Establishing social patterns and processes
  - iv. Maintaining a flexible research design: participant observation allows the researcher to adjust the interview template or research approach if initial observations deem it to be necessary. This aspect was especially important for my project as it included cross-cultural research and the development my proposal took place a. in a different country and b. under the knowledge of only secondary academic sources.
- 

I would also argue that beyond this, participant observation allows for the gradual building of trust with participants as it takes place over a relatively long period of time (Creswell, 2003). Further, participant observation gives the researcher a deep and gradual contextual understanding of the processes and systems that underlie social, economic, and political situations (Neuman, 2000). Because I lived in Kenya for almost five months I was able to observe many aspects of daily life that, although not always directly related to my research objectives, helped to situate my understanding of refugee affairs and issues within the relevant socio-political context. For example, as touched upon in Section 2.10: *The Influence of al-Shabab on the Political Climate towards Refugees*, anti-Somali sentiment is extremely pervasive among nationals. Knowing this upon the commencement of my primary research provided a larger contextual framework through which to understand the poor integration of refugees into host society.

Lastly, participant observation, along with secondary literature analysis and contextual information gained from working relationships at RefugePoint provided

a well integrated framework through which to validate the results of my primary data, and ensure conclusions gathered from the research could be generalized beyond the immediate participatory sample.

### **3.10 Semi-Structured Interviews:**

The field research component of this thesis was based on semi-structured interviews with refugees in Nairobi. Semi-structured interviews are in-depth conversations that follow a general script but are also open ended (Bernard, 2013). The interview script for this project can be found in Appendix 1, page 94.

Under this template the researcher and participant will often engage in dialogue. This not only allows the participant to play a more active role than is possible in other more rigidly defined forms of data collections, such as surveys, it also allows for researcher flexibility as it lends the interviewer a length of discretion under which to shape the conversation while still maintaining a clear set of guidelines (Bernard, 2013; Neuman, 2000). As Bernard (2013) notes, highly structured interviews can impede the interviewer's ability to communicate freely with participants. He further states that when a researcher spends a significant amount of time in the field, as I did, the personal rapport that a researcher builds with key informants can make overly structured interviews feel unnatural. Finally, maintaining a loosely defined interview allows the template to evolve if it seems necessary for the research focus to shift (Neuman, 2000). Each of the above factors contribute to the gradual building of trust between researcher and target community, which ideally will lead to participants responding in a more free and truthful manner than they might under other circumstances (Neuman, 2000).

## **Part IV DATA ANALYSIS AND RESEARCH LIMITATIONS:**

### **3.11 Data Analysis:**

As this was a qualitative research study, it follows that the mode of analysis was also qualitative. Qualitative analysis includes methods of data examination and interpretation that are non-numerical, but instead seek to extract patterns and

relationships from observations (Babbie, 2004). More particularly, I employed the Grounded Theory Method (GTM), which is an inductive analytical technique that allows the researcher to develop theories and garner conclusions from the examination of data. Though the research may be influenced by, and elaborate upon, existing theories and literature, it is not deductive, and therefore does not seek to prove or disprove hypotheses established at the formulation of the research. Additionally, GTM employs the constant comparative method which, according to Babbie (2004), has four major components:

1. Comparing concepts and establishing patterns
2. Linking patterns between concepts and developing relationships
3. Expanding and amending the theory
4. Reporting the final theory based on conclusions of data

To this end, an important process in establishing patterns to build theory is thematic analysis, or thematic coding, which is the systematic categorization of related conclusions. Thematic analysis requires interpretation from the researcher and aims to extract information both implicit and explicit to the data. Codes are used to denote the identified themes, and establish both inter-and-intra-thematic patterns and relationships (Guest, MacQueen & Namey, 2012). Subsequent analysis can include monitoring and comparing code frequency, using graphics to display relationships between themes, and determining correlations between codes. Though numerical occurrence of codes and themes are taken into account, thematic analysis focuses on researcher interpretation and the credence that valuable themes can be embedded in datasets, which means that less frequent themes are not necessarily deemed less important (Guest, MacQueen & Namey, 2012).

The analysis began with three rudimentary and wide themes directly based on the study's major research questions. As such, the first themes grouped results around drivers of displacement; legal and institutional landscape as a means to

examine formal support structures; and, access to Convention rights. I then broke these themes down into relevant sub-topics; for example, around drivers of displacement, I independently categorized reasons for trans-border migration, as well as transit through a refugee camp, and pulls to Nairobi, and coded each response for these sub-topics. With regard to accessing Convention rights, because I asked participants directly about access to documentation, the formal economy, education, health care, housing, and security, the results were very clear-cut. As such I examined the reported barriers to each of these rights and using the inductive nature of the GTM, I was able to take note of new themes emerging from the data.

### **3.11 Research Limitations:**

The largest challenge faced in this research was, as previously mentioned, the assumption that I was affiliated with the UNHCR or another non-governmental body. In order to mitigate any perceived connection with the UNHCR it was essential for my role as an independent researcher to be made extremely clear. This “connection” brought about issues centered around two main veins: a) new arrivals, and illegal refugees often refused to speak with me, or expressed extreme hesitation based on fear of exposure and ultimate deportation; and b) long term Eastleigh residents who have legal refugee status in Kenya sought my help with a number of personal problems. It was also often assumed that even if I was not technically affiliated with the UNHCR, my skin colour would somehow grant me a degree of influence over UN institutional processes.

At the beginning stage of research, I was also struck by how challenging it was to simply gain access to my target research community. Being in the field independently, with no connection to a local institute, made it extremely difficult for me to establish my first contacts in Eastleigh. Despite using RefugePoint as a workspace, I did not have any official affiliation with them that could be utilized in the field. I believe this to be directly linked to my next major research limitation: despite a conscious effort to maintain relatively equal input from men and women

throughout the research process, it was significantly more difficult to access female interviewees. Thus there is a disproportionately large male voice represented in my research results, in particular, Ethiopian males. Because I lacked any systematic means of obtaining participants, I relied upon existing networks between my interpreters and other community members. As my interpreters were male, in a largely gender-segregated culture, many of their contacts and connections were also male. I also believe that gender roles inherent to this community may have affected my ability to speak with women, because men often act as the 'voice' of the household and women participants may have been discouraged from expressing themselves freely. Beyond this, it is a well-understood paradox of qualitative research that simply researching a particular subject or phenomenon may change the outcome (Blommart & Jie, 2010).

Though there is strong potential for biases to develop out of this situation, this was largely reduced by contextual factors. Many problems identified throughout my research were contingent upon issues of class status and poverty, which in this community largely transcends parameters of gender or ethnicity. Further, the female portion of the sample was large enough to discern patterns and determine whether there were variations or discrepancies, in comparison to those coming from male respondents. As responses from the two samples paralleled each other quite closely, it was clear that I was garnering a relatively accurate representation of women's perspectives. This limitation could, however, serve as a platform for future investigation, with a study that specifically examines women refugee experiences in Nairobi.

Lastly, as will be detailed in Results, *Objective 1: Drivers of Displacement and Urban Settlement*, this research hoped to probe the root and proximate causes of displacement in detail. However, when faced with this query, participants showed an understandable reluctance to divulge a large amount of detail. Flight, for many, has been a traumatic experience and I quickly became aware that it was inappropriate to press for information beyond what was readily offered.

Consequently, it proved impossible to examine root and proximate causes of migration and distinguish between the two. This is not an issue of great concern as the data that was gathered in reference to causes of displacement (See Figure 7, page 57) strongly corroborated that of wider migration and displacement literature. Thus, each of these issues presented obstacles that while challenging, were not impossible to overcome and in the end did not impede or affect my research dramatically.

## CHAPTER FOUR

# RESULTS AND DISCUSSION

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This section will detail the findings of this study in relation to each of the research objectives. An important note at the outset of this section is that the numerical reports of the responses do not always total that of the sample size, as participants were free to name multiple factors (answers) in reference to the same question. Thus, I have reported the number of times a particular factor was cited.

### **Objective 1: Drivers of Displacement and Urban Settlement**

In this study, all participants (n=32) named conflict in their home country as the driver of their migration. Using conflict as an umbrella, political unrest and civil war were named specifically. Political unrest was named by 25 participants (25/32). Of this 25, 20 (20/25) were Ethiopian nationals, four (4/25) were Somali and one (1/25) was Eritrean-Kenyan (born to Eritrean refugee parents in Nairobi). Following political unrest was civil war, sourced five times (5/32), all by Somali participants. Alongside conflict, a “lack of basic commodities and general hardships” in Mogadishu specifically (1/32) (Participant 2, 2011), and drought (1/32) (Participant 3, 2011) were also mentioned as causes of migration, both by Somali participants.

The majority (25/32) of participants did not transit through, or spend any time in a refugee camp, but rather came to Nairobi directly from their home city or village. Participants were drawn to Nairobi for a number of diverse and eclectic reasons, the first being the conditions of the camps (n=16). The extremely inhospitable conditions of the camps, particularly Dadaab, are well known in refugee communities and in most instances refugees chose to avoid them completely. Indeed, of the 16 participants who named camp conditions, 12 (12/16) had not transited through one. The camps are described as destitute, violent areas where refugees face hardships equal to those that forced them to flee their home



countries: “There are the same problems found in the camps as there were in Somalia” (Participant 2, 2011). With regard to camp conditions, participants spoke of the harsh climate and landscape of camp regions, insufficient food and water rations provided by the UNHCR, inaccessibility of medical services and education, disease, and sexual violence. Participant 3’s daughter had been raped in Dadaab and since then had been “mentally disturbed” (Participant 3, 2011). She was in Nairobi seeking mental health treatment.

Participants also named access to livelihood opportunities (n=7), infrastructure and social services (n=1), and existing community networks and family/friend connections (or, social capital) (n=12) as pull factors to Nairobi. In addition to this, UNHCR NBO acts a draw to the city, as participants anticipated a facilitated RSD process and access to protection and assistance services through close proximity to the organization’s headquarters (n=7).

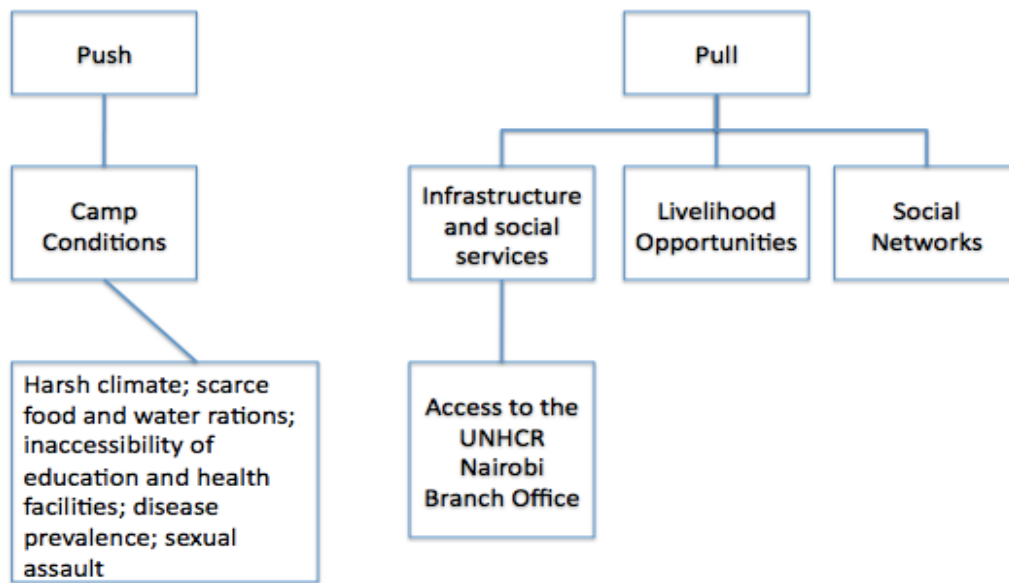


Figure 7: Participant’s push and pull factors to Nairobi

Given the need to legally differentiate refugees from voluntary migrants, refugee's movements are often described in the literature as completely coerced or forced, to the point that their agency is ignored. As refugee populations become increasingly urbanized, however, the picture changes slightly. Though it is certainly true that the agency of any refugee, whether urban or camp-based, is severely limited in comparison to a migrant, unregistered refugees in the city display a higher degree of autonomy and agency, as they largely exist outside of formal economic, political, and social systems. Conclusive of this study and many others (see for example Human Rights Watch, 2013; Pavanello, Elhawary & Pantuliano, 2010), urban refugee populations are largely unregulated, self-and-spontaneously-settled, and economically autonomous. As can be seen in Figure 7, participants of this study exhibited interactions with conventional push-pull literature when discussing motivations to leave or skip the camp and move to an urban centre.

## **Objective 2: Mechanisms of Protection and Support**

This section aimed to examine the institutional landscape for Kenya's refugees in order to understand which organizations refugees rely on for support and protection. The institutional landscape of formalized support and protection in Kenya is dominated by three major systems: the UNHCR, the Government of Kenya (the DRA), and various independent NGOs. Although the UNHCR, both historically and currently, has had the more prominent role in refugee management, it is bound by Government policy, which affords security, protection, and assistance for only camp-based refugees. Given the well-documented gaps in UN and Government support, at the outset of this research I hypothesized that the majority of support mechanisms for urban refugees would be provided by a series of independent NGOs and humanitarian organizations. However, when faced with this query, the overwhelming majority of participants (31/32) named community networks as their primary, and in many cases only (20/32) source of support and protection.

Only one participant (1/32) named an institution (the UNHCR) as her primary support structure. Of the 31 participants that named social networks as the

primary source of support and protection, 12 participants (12/32) also named an institution as their secondary support network, and four participants (4/32) named an institution as their third and fourth support system. With regard to the institution participants would secondarily choose as their line of support, ten (10/32) named the UNHCR, and two (2/32) referenced an independent NGO (Refuge Point [1] and GTZ [1]), respectively. The Government was named as the third line of support by four participants (4/32), and an independent organization (IRC) was named as the fourth form of assistance by four participants (4/32) (See Table 6, below).

	UNHCR	Government of Kenya	Independent NGO	Community Networks
Primary (n=32)	1	0	0	31
Secondary (n=12)	10	0	2	0
Third (n=4)	0	4	0	0
Forth (n=4)	0	0	4	0

Table 6: Importance and usage of support structures based on participant responses

Though some participants did name either the UNHCR or the Government as an organization from which they would seek support, none (0/32) reported that the either institution was meeting their needs or those of their community. Participant 6 (2011) stated, “You cannot rely on any organization”. Many participants feared the Government and would not approach the DRA with protection problems lest they be “deported” (Participant 2, 2011). Participants largely felt that the Government simply did not care about the plight of refugees and was in fact an active agent of their oppression; to this end, Participant 4 (2011) stated, “The government won’t help refugees,” while Participant 22 (2012) said that the “Government has almost zero help for refugees. The refugee bill is so weak and excludes refugees as human beings”. In terms of perceptions of the UNHCR, participants felt that beyond documentation, the UNHCR extended no assistance and was complicit to their suffering: “The right process...doesn’t exist. The right process is suffer to come to

Nairobi illegally, hide until you get the papers, then you can walk freely. Until then, it is dangerous, and the UN doesn't care" (Participant 9, 2011). Overwhelmingly, participants were bereft of any knowledge as to what institutions were available to them in times of need: "I have no idea where to go for help" (Participant 7, 2011).

### 2.1 Social Capital as a Means of Support and Security

With an absence of institutional support and protection from the UNHCR, the DRA and/or local authorities such as the police, refugees in Eastleigh have clearly harnessed the intense intimacy and social capital of their communities in order to facilitate livelihoods independent of the formal economy and to bridge support gaps. Participants of this study employed community networks in myriad ways. As can be seen in Table 7 below, all participants (32/32) utilized social capital in relation to various socioeconomic factors, particularly urban settlement (as a draw to Nairobi), access to livelihood opportunities, access to shelter, and as a structure of protection and support.

	Urban Settlement	Livelihood Opportunities	Access to Shelter	Protection and Support
Social Capital Utilization	12	22	10	31

Table 7: Participant Utilization of Social Capital (reporting how many times participants named 'community network' in reference to different socioeconomic factors)

This study observed that social linkages are established predominately along lines of ethnicity, and are bound by socio-economic status, hence both Ethiopians and Somalis connect primarily with fellow nationals. In fewer instances, the shared experience of flight and resettlement, the common label of 'refugee', and the shared neighborhood can connect refugees from differing countries. This is especially true of refugees who have been in Nairobi for a protracted period of time and have exchanged languages or learned either English or Kiswahili. As such, recalling Table 3, the strongest form of capital observed in Eastleigh is bonding capital, followed by

bridging capital. Linking capital to institutions (in this instance, the UNHCR and the DRA) is very weak. Generally speaking, participants either saw the UNHCR and the DRA as inaccessible and/or complacent to their plight. In another vein, participants expressed stronger sentiments of fear and insecurity in dealing with institutions, particularly the DRA. Both streams reflect the minimal reliance on institutions exhibited by refugees in Eastleigh.

Table 7 illustrates how participants employed community networks in this study, in terms of access to varying resources and opportunities. The importance of social capital cannot be understated in this context; community ties were arguably the most decisive factor in the provision of protection and support, and the establishment of economic autonomy for urban refugees. As previously cited, all participants save one (31/32) reported that they would first, and in most cases only (20/32) entreat assistance for a protection problem from their community: “Other than your community, there is no organization to seek help from”(Participant 4, 2011). Paralleling this, Participant 2 (2011) noted: “There is no protection [from attacks] unless it is from a fellow Somali”. With regard to livelihood opportunities, the majority of participants (10/15) that cited involvement with the informal sector found their positions through community networks. Both of these are a product of weak linking capital in Eastleigh. As touched upon in the previous section the extensive social mesh established to meet basic needs in lieu of institutional support, specifically in consideration of livelihood creation efforts, is an unequivocal display of refugee agency.

The existence of social and ethnic networks in Nairobi was also reported to have acted as a pull factor for urban settlement, and was particularly important for newcomers. Corroborating the literature, fellow refugees commonly assist recent arrivals to navigate their first days and weeks in Nairobi by providing them with shelter and food, orienting them to the neighborhood, and connecting them with potential employment opportunities in Eastland’s informal sector. Social ties were also essential when it came to accessing housing. Many participants (10/29)

reported that due to the high cost of rent as a foreigner, multiple people would live together in one space. If not co-habiting, refugees would invariably use their community networks to find housing or rental partners.

**Box 3: Note on Participant Observation in the home of my Ethiopian Translator:**

In reference to social capital, there are many nuances that, although not explicitly stated by participants in an interview setting, I was able to observe through extended participant observation. In December, I accompanied my Amharic translator, A.T, to his uncle's home in Eastleigh for a meal. We spent the afternoon eating, talking, and greeting neighbours and relatives that stopped in. As we were leaving A.T gestured for me to quietly peek in a bedroom window, where I saw six adult men sleeping side-by-side on the floor. A.T informed me they were new arrivals from Ethiopia, and having no identity documents were fearful of leaving the apartment. A.T's uncle was housing and fiscally providing for the men, while at the same time A.T was accompanying them to the DRA office and assisting them with the procedures involved in obtaining legal status. This is an example of the intense community bonds common among refugees in Eastleigh that aren't necessarily articulated in an interview setting.

### **Objective 3: Access to Convention Rights**

This section examined participant access to the following rights: the formal economy; public services, specifically education and health facilities; housing; protection from human rights abuse (security); and, legal documentation.

#### **3.1 Access to the Formal Economy:**

Participants of this study exhibited very low levels of involvement with the formal economy. Paralleling the literature, informal livelihoods account for the overwhelming majority of gainful employment among participants in Eastleigh (Pavanello, Elhawary & Pantuliano, 2010; UNHCR & Danish Refugee Council, 2012). 16 of 32 participants of this study were unemployed, 15 of 32 cited involvements with the informal economy, and 1 of 32 reported formal employment. Thus, of 16 participants who reported engaging in livelihood activities, 15 were in the informal economy. Clearly this is an overwhelming majority, accounting for 94% of all employment. These informal pursuits included petty trade, hawking clothing, selling tea, cleaning for wealthy families, and working in restaurants or shops owned by family or friends. The economic returns from activities such as these are largely modest. Consequently, the communities display remarkable economic autonomy, but remain largely impoverished.

The difficulties of obtaining a work permit, in unison with other compounding barriers, such as lacking working knowledge of Kiswahili, and xenophobia from nationals, largely keeps refugee livelihoods isolated and cyclical. Due to a refugees limited capacity to access formal employment, urban refugee livelihoods are extremely interconnected with, and dependent upon, the strong social capital of Eastlands communities. Networks have played a large role in the evolution of refugee livelihoods; for instance, a large majority (22/32) of participants cited having used networks to gain either current or past employment. The cohesive networks offering ready employment opportunities arguably serve as a disincentive to seeking a work permit. Further, although it is difficult to gauge with any specificity, corroborative of the literature this research indicated a high

level of involvement with remittances, transnational business networks, and trade connections with camp-based refugees in exchange for grain and food items (Abdulsamed, 2011; World Bank, 2011). Participant 9, for example, earned his livelihood hawking jeans he had been sent from his members of his family in Addis Ababa, Ethiopia. As such refugees have harnessed linkages between cities and camps for entrepreneurial purposes, and furthermore, many refugees in Nairobi who still hold UNHCR Ration Cards will travel between sites to transport goods to and from the city for the purpose of sale.

### **3.2. Access to Public Services, specifically Education and Health Care**

#### **Education:**

When assessing participant access to public services during field research, there was a fundamental problem around semantics. Though my query was aimed at quantitatively measuring the number of participants who had been through the public education system, refugees are subject to such a disjointed arena of institutions in terms of provision of these vital services (i.e. governmental, UN related, or independent NGOs/humanitarian organizations), that it was extremely difficult to tease out which level of formalized educational support was being dealt with for each participant. For example, many participants had engaged in various forms of education, such as that sponsored by private non-profits or charities, had attended seminars put on by the UN or other NGOs regarding issues like personal safety or sexual abuse, or they had been partly educated in refugee camps, but may not have attended formal schools or regular programs. Thus the word 'education' elicited responses around all of these informal and irregular experiences.

Due to this limitation, I changed the aim of my question to explore the experienced ease or difficulty with which participants accessed educational and health services. Three participants (19, 20 and 21) were omitted from this query<sup>10</sup>. Thus, for these questions the total sample is n=29. Only one participant (1/29)

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<sup>10</sup> Participants 19, 20 and 21 had only been in Nairobi for 2.5 months at the time of this interview and as such, had not attempted to access public services.



reported easily accessing education and health facilities. It should be noted that this participant had been in Nairobi for 25 years and was a legally mandated refugee, but more importantly, was fluent in Kiswahili. The inability to access formalized services, such as education and health services, was in fact a standout complaint of participants; as put by Participant 22: “Accessing these things for a refugee is unthinkable” (Participant 22, 2012). Corroborating the literature, in this study financial stress was reported as the primary barrier to education (15/29). Though the Government offers free primary education to refugee children as part of the FPE Program introduced in 2003, the associated costs of schooling, which include uniforms, transport, and daily food, often serve as conclusive barriers for refugee parents (Karanja, 2010; Pavanello, Elhawary & Pantuliano, 2010; UNHCR & Danish Refugee Council, 2012). Beyond this, education is free only at primary levels. The fees involved with secondary school often bar refugee parents from seeking this level of education for their children. (Participants 1, 2, & 3, 2011; Karanja, 2010). Following monetary restrictions is what I will refer to as a “knowledge gap” around education, which references a stated unawareness of the processes and procedures involved with schooling, such as enrollment, schoolhouse locations, or whether refugees are entitled to national education systems (5/29). Xenophobia was also named as a challenge by 4 of 29 participants as educational institutes will question the validity of legal documents, ask for an ‘admission fee’, or simply refuse refugee children entrance. Because refugees have no tangible institutions serving to protect their rights, and in many cases, are not aware of their rights, most are left unable to enforce justice in these instances. Lastly, 4 of 29 participants mentioned lack of legal documentation as a blockade to education (two held an Appointment Letter and two an Asylum Seeker Card; the implication of this will be further detailed in Section 3.5: *Access to Legal Documentation*).

### **Health Care:**

Many of the same barriers blocking refugees from education also restrict their access to health services. Financial limitations, cited by 24 of 29 participants,

were again named the primary barrier, and could arguably be said to be a more prominent obstacle in access to health services than education. Of the 24 participants who spoke of fiscal barriers, 11 cited a “foreigner price’ in particular. Further, though legally mandated refugees should have access to health services on the same basis as nationals, of the 11 who name a foreigner price, nine were mandated. While it is clear that extortion is taking place on an institutional level, this anecdote is dually a deeper illustration of refugees’ limited awareness of their rights and their general inability to exercise them.

Following cost, 5 of 29 participants cited a knowledge gap around health services and lastly, 4 of 29 participants mentioned lack of legality. It is notable that in reference to both education and health care, of the 16 unmandated participants only four mentioned this as a barrier, which raises questions around the importance of a mandate in the lives of refugees. This will be further discussed in Section 3.5.1: *Legality and Local Integration*. Other issues that were cited around health care included the clinic in Eastleigh being logistically “overstretched”, “dirty”, and “understaffed” (Mohamed & Eidex, 2011; Participant 4, 2011). According to Participant 3, a refugee could “come to the clinic in the morning, wait all day and still not get seen” (2011). Further, the clinic lacks laboratory services and sufficient stocks of medication (Participant 1, 2011).

### **3.3 Access to Housing:**

As previously noted, the majority of refugees in Eastleigh are categorized as economically poor. As such, refugees predominately rent spaces rather than own. Though not all participants were living in a permanent space (i.e. some were staying with relatives temporarily), all (n=32) were in rental situations. Fourteen participants (14/32) spoke of precarious and unstable living situations, resulting from the absence of a legal rental contract, as well as dealing with a ‘middleman’ rather than the actual property owner. As put by Participant 22 (2012), “no

contract, no protection". As such landlords are at liberty to increase rent or evict tenants with little or no notice, and they commonly do.

Fiscal boundaries were again the most limiting factor for participants of this study. 23 of 29 participants cited expensive rent, or more specifically, exorbitant rent when compared to nationals, as their largest challenge around housing. As an Ethiopian, Participant 7 was paying 1500 KSh (19.16 CAD) for a room that nationals would reportedly pay only 1000 KSh (12.77 CAD). As noted by Participant 3 (2011), Kenyan landlords widely but erroneously perceive refugees to be comparatively well off; this mirrors a larger perception from Kenyan nationals who believe refugees have access to 'easy money' from the UNHCR or are recipients of fiscal remittances from connections abroad (personal communication with Kiswahili translator, Nairobi, 2011). This perception, along with the high demand for inexpensive housing among the urban poor, lets owners charge exponential rent to refugee tenants (Pavanello, Elhawary & Pantuliano, 2010). In this instance, rather than acting as a decisive blockade from shelter, high rental cost played a large shaping role in participant's living situations. For example, no participants reported homelessness due to high rent, but many (10/29) reported co-habiting with other tenants (multiple families and/or relatives and/or friends), in order to mitigate these costs (Participants 13, 14, 15, 16, & 17., 2011; Participants 24, 25, & 26., 2012).

### **3.4 Protection from Human Rights Abuse:**

Though authorities such as police, immigration officials, and politicians have the responsibility of protecting refugees and providing security, chronic police abuse, harassment, and extortion are themes that weave continuously through urban refugee literature (Kobia & Cranfield, 2009). Participants confirmed this, reporting the most prevalent source of insecurity for refugees to be abuse by police and authorities. All participants (32/32) cited incidences of extortion and harassment by the police: "This is what we are facing everyday" (Participant 9,

2011). Further corroborating the literature, participants of this study described instances of physical and mental abuse, violence, and arbitrary arrests and detainment (See Box 4). Conclusive of this study, police routinely stop refugees in Eastleigh to perform an 'identity check' and expect *kitu kidogo*, which literally translated means 'something small'. Funds will be exchanged on site, and the interaction is often accompanied by arbitrary arrest, detainment, and the threat of deportation. "The police know who is new" and are likely to target newcomers in order to exploit their lack of documentation and relative lack of integration into the refugee community (Participant 5, 2011).

Participants reported that authorities understand and exploit the strong networks of refugee communities; therefore, if the refugee approached does not have the money for an adequate bribe on their person, the police will escort them to family or friends' homes and businesses to request the money. Going beyond this, participants spoke of the sporadic "sweeps" of Eastleigh, in which groups of refugees are arrested and detained until police are provided with a large communal bribe. Participants 19, 20, and 21, described being detained in a sweep of this nature for which the requested bribe was 20,000 KSh (250 CAD) (See Box 4, page 69). To this end, Participant 21 (2012) stated that in Eastleigh, "It is better to be caught by a thief than by the police". The authenticity and validity of legal documents are often questioned or blatantly disregarded by police. Drawing from Section 3.5: *Access to Legal Documentation*, the number of different types of documentation in circulation in Eastleigh compounds the ambiguity of refugee legality in Nairobi, which legitimizes the chronic police abuse and, importantly, devalues genuine legal documents for those that hold them. According to Participant 2 (2011), when presenting police with her mandate she would just be told to "put that paper away".

Exploitation creates mistrust of authorities, and participants stated feeling "very insecure" and "fearful" of the police (Participant 2, 2011). Participant 4 (2011) stated, "If a Somali sees a policeman he runs". Consequently, fear of harassment or punishment for lack of legal status dissuades refugees from reporting offences

committed against them (Jacobsen, 2006; Lindley, 2011). This, compounded with the lack of institutional protection available to refugees creates a culture of impunity in which both police and civilian infringements occur towards refugees without consequence. This was evidenced in 2012, when Somali business owners expressed anger and protested the lack of police involvement after armed gunmen robbed several shops in Eastleigh (Africa Service News, 2012).

**Box 4: Testaments of Police Abuses in Eastleigh**

At the time of interview, participants 19, 20, and 21 had been in Kenya for only two and a half months. Shortly after arriving and bereft of documentation, they were caught up in a large police sweep in Eastlands, where police arrested and detained them along with five others and requested 20,000 KSh (250.00 CAD) for their return. They spent 20 days in prison and experienced severe abuse at the hands of the police, describing being stripped, beaten and deprived of food: “they took even my clothes” (Participant 20, 2012). The police reportedly laid prisoners on the floor, walked over their heads and hit them with the butts of their guns. For toileting, there was one bucket in the open room in which all the refugees were held. In these situations, the community bands together to collect donations to secure detainees’ release.

**3.4.1 The Socio-Political Context Surrounding Nairobi’s Refugees:**

The rampant police abuse and discrimination can be looked at as a single element in a larger body of Kenyan xenophobia towards non-nationals, and in particular, Somalis. The social, economic, and political landscape in which urban refugees are immersed is of paramount importance to understanding integration, as trends from these spheres are often reflected in national policy. Police widely share the view that refugees should be restricted to camps in the interest of national security, and express minimal sympathy for those desiring urban settlement (Pavanello, Elhawary & Pantuliano, 2010). These perceptions also reflect those of

the larger Kenyan population. Further, it is commonly assumed that refugees represent a severe economic burden to the state through the inherent problem of employment: if refugees are unemployed they are a drain to national resources, yet if they are employed they are seen to be taking jobs from nationals (Kobia & Cranfield, 2009). It is not surprising then that the overwhelming majority of participants (31/32) reported feeling unsafe, threatened, and insecure in Nairobi. It was also reported that refugees are “very easily targeted” by the Government as a scapegoat for various economic and political problems (Participant 22, 2012).

The Government’s attitude towards the refugee community changes with political tides and is reformed to abate public concerns. As discussed in Section 2.10: *The Influence of al-Shabab on the Political Climate towards Refugees*, terror events turn a spotlight on an otherwise legally ignored community, heightening national awareness of Kenya’s large Somali presence, and drawing mainly false linkages between Islamic terrorism and the Somali refugee population. Somali participants 24, 25, and 26, reported that many nationals had made either insinuating or direct statements about their supposed connection to al-Shabab. Through participant observation it became clear that xenophobia is widespread and unabashed in Nairobi. In personal conversations with various Kenyans it was commonly expressed that Somalis were “dangerous” and “terrorists”. In one instance it was attested that Somalis support themselves and fund their businesses in Nairobi via piracy. Police also regard Somalis to be “criminally minded” (Pavanello, Elhawary & Pantuliano, 2010). This discrimination in many ways transfers to Eastleigh’s Ethiopian population. The Somali and Ethiopian communities are massed together in the minds of nationals because of their shared label “refugee”, and their common neighborhood. Eastleigh is largely viewed to be a dangerous and squalid area into which many Kenyan nationals will not venture. This perceived geographic isolation contributes to the ‘otherness’ of refugees, which serves to amalgamate residents despite their ethnic differences.

The intention of the 1951 Convention is to promote integration and extend protection from the host government. The Government, however, does not view Kenya as a destination country but rather as a temporary host for asylum seekers who will ultimately resettle to a third country or repatriate. This has informed exclusionary policies, such as encampment, that seek to keep refugees geographically, socially, and economically segregated. Accordingly, the Government has facilitated segregation through practices that essentially ensure refugees stay refugees. As stated by an Eritrean-Kenyan who has carried his parent's refugee status with him, those born in Kenya are not granted citizenship by virtue of their birthplace (Participant 5, 2011), . The GoK frequently talks of Somali repatriation despite the country's protracted situation of conflict, unstable governance, and environmental hardships, including widespread famine. In March 2012, Kenya's Foreign Affairs Minister and Internal Security Minister stated that the Kenyan military had established a safe zone in Somali, and as such it was safe for returning refugees (Human Rights Watch, 30 March 2012). Security Minister George Saitoti was quoted "(f)ollowing the combined forces of Kenya Defense Forces (KDF) and African Union Mission in Somalia (AMISOM) some towns have been liberated [from al-Shabab] and it is safe for refugees to return" (Human Rights Watch, 30 March 2012). This in contradiction to Participant 27, who in January 2012 stated, "to go back home is unthinkable".

The socio-political context is also extremely important when considering Kenya's current operative scheme of assisted repatriation for Somali refugees. In light of the country's numerous attempts to relocate refugees to encampment areas, displayed discriminatory attitudes towards Somalis, and prolonged reluctance to offer integration to refugees, a critical look must be taken at Kenya's ability to impartially facilitate voluntary repatriation. Moreover, the existence of the Tripartite Agreement has the potential to serve as further justification for policies that keep refugees segregated, as successful integration into a host society is a major

disincentive to voluntary repatriation. It must also be asked if conditions in Somalia are truly amendable for en-masse returns.

### **3.5 Access to Legal Documentation:**

With regard to legal documentation, a refugee in Kenya—whether urban or camp-based—should hold one of three documents assigned by the Government. The Refugees Bill accords that those in the midst of RSD should hold an Asylum Seeker Certificate, and if granted asylum, a Refugee Identification Pass (Refugees Bill, 2011; Part I: Section 6[A]; 7[A]). Movement Passes are given to individual exceptions to encampment. In reality, however, refugees are often in possession of an array of other documents issued by both the Government and the UNHCR (See Table 8, page 73).

As can be seen in Table 8 (page 73), given the UNHCR's monopoly over refugee affairs until 2006, the majority of registered refugees in Kenya (n=28) were processed through UN systems, and thus hold a UHNCR Mandate Certificate (16/28). Of the 16 participants who held a Refugee Mandate, four (4/16) were mandated in a refugee camp and two (2/4) also held a Movement Pass. Highlighting the ambiguity and resulting lack of understanding of the legal system, one (1/32) participant named a Ration Card as their identity document. As a Ration Card comes with no legal obligations, I have dually categorized this participant as 'undocumented'. Interestingly, no participants (0/32) held a Government issued Refugee Identification Card.



<b>Documentation</b>	<b>Participants in Possession<sup>11</sup></b>	<b>Corresponding Rights<sup>12</sup></b>	<b>Subjective Importance to Participants</b>
<b>UNHCR Issued:</b>			
Refugee Mandate	16	Fully legal refugee status; legal basis to be in the region of registration and access to all Convention rights	Very important and highly sought; comes with the (remote) possibility of third country resettlement
Appointment Letter	6	Provides legal basis to be in Nairobi while awaiting a RSD appointment; no access to Convention rights	Not important for integration as it is a transitional document
Movement Pass	2	Allows movement from camps to Nairobi for special designations, discussed above	Not important for integration as it is a transitional document, applicable only to movement from camps
Ration Card	1	Signifies entitlement to food, oil and water rations in camp; no other legal associations	Not important; only accepted in camps for rations
<b>Government Issued:</b>			
Asylum Seeker Card	3	Signifies one is in the midst of RSD; provision of legal basis to be in Kenya	Not important
Alien Card	3	Provision of legal basis to be in Kenya on same terms as other non-nationals	Not important
Refugee Identification Card	0	Fully legal refugee status; legal basis to be in region of registration and access to all Convention rights	Not important
<b>Undocumented</b>	4	N/A	N/A

Table 8 : Documentation Held by Study Participants and Corresponding Rights

<sup>11</sup> Some participants held more than one document, therefore the figures cited above do not match the sample size of n=32.

<sup>12</sup> Authors compilation from The Refugees Bill (2011); UNHCR Convention Relating to the Status of Refugees (1951); GoK Department of Immigration Alien Registration (2014), and participant responses.

As shown in Table 8, Government issued documents are less sought after, and considered to be less important by participants than UN documents. There are three major reasons for this: firstly, as previously reported, many refugees are fearful of the Government and thus hesitant to approach the DRA for registration. Secondly, given the Government's recent re-involvement in refugee affairs, the DRA has significantly less logistical capacity to designate to registration activities in comparison to the UNHCR. Thirdly, the UN Refugee Mandate comes with the (very remote) possibility of third country resettlement. Beyond this, because the UNHCR has dominated Kenyan refugee governance over the past 20 years, it remains the 'default' institute for many refugees. However, the relative importance of UN and Government issued documents may change as the Government becomes increasingly involved with refugee affairs.

All (n=32) participants of this study classified obtaining legal documentation as difficult; it was in fact named one of the most pervasive and crippling problems faced by the refugee community. This is at least in part due to internal institutional limitations from the UNHCR and the DRA, as discussed in Section 2.8: *Integration and Governance Challenges for Urban Refugees*. The result of these limitations is enormous backlogs and long wait times: "To reach the right office in the UN can take weeks, some people will even be sleeping outside" (Participant 4, 2011). Many participants reported seeking a mandate and awaiting resettlement for years.

A common experience was described in reference to the RSD process with the UNHCR and corroborates Campbell, Crisp & Kiragu, 2011: a refugee will be given an Appointment Letter detailing the time and date of their RSD appointment. As noted in Table 8, an Appointment Letter provides a refugee with grounds to be in Nairobi, but does not afford legal access to Convention-rights. Appointments are commonly scheduled for months, or in some cases, more than a year in the future. When the day of appointment arrives, refugees go to their appointment to discover a queue of hundreds. UNHCR NBO staff ultimately cannot process every appointment for that day and their dates are subsequently pushed back. As examples of this, Participant 12 had been in Nairobi for seven years and was still

only holding an Appointment Letter. Similarly, Participant 17 had been seeking a Mandate for nine years in place of his government issued Alien Card as the latter does not come with resettlement options. To him “the UN does not exist” (Participant 17, 2011).

At this stage, many participants discussed the corruption in Kenyan institutions, as extortion is commonly experienced at both UNHCR NBO and the DRA. Participants reported being solicited for bribes by guards at the UNHCR offices as a way to move ahead in the long queue; Participant 9 (2011) stated that 1000 KSh (12.77 CAD) was a typical amount requested. Conclusive of this study, both guards and officials at the DRA practice extortion. According to Participant 6 (2011), if a refugee could pay a DRA official 10,000 KSh (127.77 CAD), he or she would be issued identity documents within days. Consequently, the poorest refugees are among the most vulnerable, and their inability to pay adequate bribes to officials means they will be without identity documents the longest.

### **3.5.1 Legality and Local Integration:**

Urban refugee literature contends there is a large undocumented sub-community in Nairobi and it is largely for this reason that such sparse and irregular access to education, housing, and employment is seen. Indeed, legal status is regarded as the cornerstone of refugee protection and integration in policy and academic spheres. Conclusive of this research, and consistent with urban refugee literature, refugees in Nairobi display very low levels of national integration and show minimal exercise of their Convention rights. Paradoxically however, this study simultaneously observed high levels of documentation; only four participants (4/32) were found to be undocumented.

Looking deeper into this contradictory conclusion let us independently consider forms of documentation against participant’s access to (1) public services; (2) institutional protection and support; and (3) the formal economy. With regard to public services, though 19 of 32 participants had documents that should grant full

integration (16 Refugee Mandate, 3 Alien Card), only one participant (1/32), holding an Asylum Seeker Card, had accessed these services. Expanding on this, of the 29 participants that reported barriers to education and health care, 13 were unmandated, but importantly, only four of the 13 reported lack of mandate as a barrier. Recall that fiscal limitations were named as the primary barrier to accessing public services. Thus, in regard to public services, documentation was not cited to be a particularly important or prominent factor to access.

In reference to institutional protection and support, drawing from the findings of Chapter 4, Objective 2: *Mechanisms of Protection and Support* regarding the severe lack of institutional protection and support for refugees, and Section 3.4: *Protection from Human Rights Abuse* concerning systemic abuse from authorities, it can be concluded that documentation did not greatly impact access to institutional security. Only one participant (1/32), holding a Refugee Mandate, named an institution (the UNHCR) as their primary structure of protection and support, no participants (0/32) stated that their needs were being met by an organization, no participants (0/32) stated a feeling of security in Nairobi, and all participants (32/32) had experienced harassment and/or extortion by the police. In the absence of institutional support, participants relied heavily on social capital (community networks and kin).

Community Networks					
Refugee Mandate (n=16)	Appt. Letter (n=6)	Asylum Seeker Card (n=3)	Alien Card (n=3)	Ration Card (n=1)	Undocumented (n=4)
15	5	3	3	1	4

Table 9: Documentation of participants who claimed social capital as primary support structure

Table 9 above shows the documentation of participants who named social capital as their primary support structure; from this it can be seen that participants both with and without identity documents were highly dependent on community and social

networks. With specific regard to legality and interactions with authorities, Participants 6 and 22 respectively offer two revealing quotes: “Being mandated gives you the right to live and work on paper, but it does not work like this when it comes to the police” (2011), and “[h]aving documentation is only a formality. If you are stopped by the police it is better to have money in your pocket than [legal] ID” (2012).

Finally, in comparing legality to formal economic activity it can be seen that the majority of legally documented refugees were either employed in the informal sector, or were unemployed (see Table 10 below):

	Refugee Mandate (n=16)	Alien Card (n=3)	Appt. Letter (n=6)	Asylum Seeker Card (n=3)	Undocumented (n=4)
Informal Employment	10	0	2	3	0
Formal Employment	1	0	0	0	0
Unemployed	5	3	4	0	4

Table 10: Cross-tabulation of Refugee Documentation and Involvement with Formal Economic Activity

Thus, with respect to key areas of integration, no notable difference was observed between participants who were in Kenya legally and illegally. Conclusive of this research sample, those who had legal documents were not accessing social services or institutional support at higher levels than those who did not, they were not protected from extortion or discrimination, and they did not exhibit a higher degree of involvement with the formal economy. In other words it seems that refugees in Eastleigh are facing the same sweeping problems irrespective of legal documentation, which would suggest that legality has minimal impact on the lived experiences of urban refugees; this was confirmed by Participant 27 (2012) who stated, “it makes no difference what document you hold”. Therefore, there is no apparent connection between legality and local integration. From this it can be

concluded that legal status alone is insufficient to protect urban refugees, will not result in heightened integration, and does not provide access to the rights chartered in international treaties.

Legality is ineffective as a means to increased integration and protection, at least in part, because of the extreme complexity of the legal environment for Kenya's refugees. There is first a severe disconnect between international treaties and national policy. Secondly, convoluted dominates the institutional landscape for refugee affairs, namely in the form of responsibility sharing and regulation between the UNHCR and the DRA. This has not only led to a confusing and intimidating legal framework for refugees to navigate, but has also resulted in the circulation of many different forms of documentation (as can be seen in Table 8, page 73). As such the legal connotations of each document can easily be misconstrued or misunderstood by refugees and authorities alike.

As a result of these complexities, Nairobi's refugees live in a state of constant legal limbo. They are concurrently acknowledged and ignored: living in communities that from the perspective of the Government technically do not exist, yet are highly visible, and well known to police and authorities. UNHCR NBO processes and provides services to thousands of urban refugees a year, but is unable to acknowledge they are residents of the city (Campbell, 2006), and newly developed urban refugee programs are largely unenforceable, and are disconnected from practice and the lived experiences of urban refugees. From the perspective of both the refugee and the institutions responsible for their governance, the Government's lack of a clear legal mandate for urban refugees has led to confusion over their legal status and associated rights (Pavanello, Elhawary & Pantuliano, 2010).

### **3.5.2 If not legality, then what?**

As noted, achieving legal status is often discussed as the answer to increased socio-economic integration and a safeguard from police exploitation and abuse: "identity documents are a key element of refugee protection, as they are the first

line of defense against arbitrary arrest and deportation and the first step towards accessing social services” (Kobia & Cranfield, 2009: pp. 11). In connection, urban refugee literature has a tendency to discuss preclusions to integration and rights in terms of isolated barriers, and present ‘gateway’ solutions to marginalization and segregation. In reality, the various barriers to integration are highly interdependent and they interact with larger contextual factors. This research suggests that legality alone does not necessarily translate into security and/or access to rights, and is best viewed as a factor with a contributing role to integration.

Legality then is one of a number of issues that intersect and compound to facilitate low integration levels in Nairobi. Participants named numerous other obstacles and vulnerabilities in reference to their inability to access socioeconomic services and formalized security (see Figure 8, page 81, which displays all the barriers to integration named by participants of this study). Firstly, legal status is not accompanied by institutional protection or support in Kenya. Because Kenya has no policy to implement the Refugees Bill, the rights it affords (which largely follow that of the 1951 Convention) are in practice, unenforceable. Thus, refugees are largely unable to access or exercise their rights. Furthermore, in accordance with this study, many refugees are unaware of the rights that accompany legal status. This research illuminated large discrepancies between participant’s perceived and actual entitlements. In this study, a refugee’s understanding of his or her rights stems directly from lived experiences. Consequently, when for example, an educational headmaster refuses entrance to a refugee child or requests an arbitrary fee, it is then believed by refugees that they are not entitled to public services. Or rather, it is concluded that irrespective of legal bounds, exercising these rights is an impossibility. The vast majority of participants expressed ignorance around how to access basic services; recall Participant 22’s (2012) belief that utilizing state health services was “unthinkable”. As put by Participant 31 (2012) “refugees don’t know how to use the mandate”. Many participants also spoke of the potential of deportation by the Government despite their Convention right to non-refoulement.

The intersection of various vulnerabilities is perfectly illuminated in this example: participants who feared deportation may not have been aware of their right to non-refoulement. Conversely, if he or she was aware of that right, a lack of institutional support and access to justice means that they very likely could not enforce it. Finally, in deporting refugees, Kenya is violating its international obligation not to forcibly repatriate those in exile.

Lastly, while acknowledging that refugee experiences are diverse, it is extremely important to note that all refugees participating in this research sample fell into the same economic/class bracket and are a subset of Kenya's urban poor. As such financial limitations were highlighted as a key obstacle in the refugee community with regard to accessing health care, education, legal documentation (due to extortion and corruption), and was a major shaping factor in access to housing. In terms of structural problems, such as access to education, shelter, and social assistance, poor refugees face some of the same challenges as impoverished nationals. Though beyond the scope of this research and could be proven only by a wider study, this could indicate that integration is divided along lines of class differentiation more so than legality or ethnicity. Further, it could be indicative of the fact that refugees of different (higher) socioeconomic statuses may be offered more varied opportunities for integration and access their rights more readily.

As such, drawing from this research, there are a number of institutional and systemic macro-vulnerabilities that interact with local-scale vulnerabilities, which represent the daily, lived experiences of refugees in Nairobi. Figure 8 below is thus a cohesive representation of the vulnerabilities discussed by participants in this study.



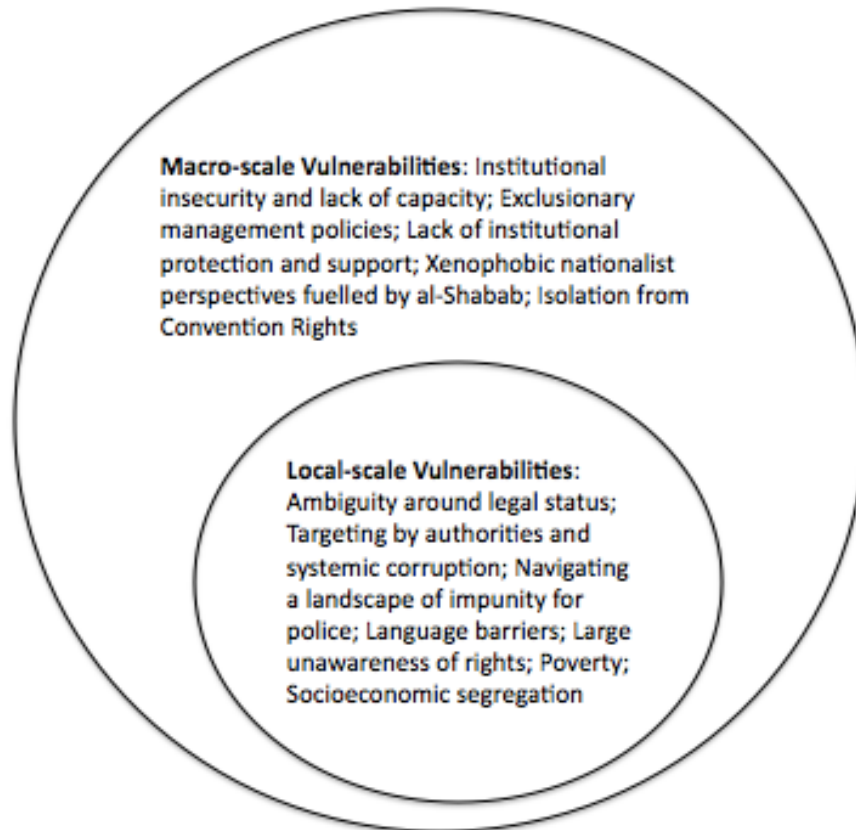


Figure 8: Macro-and-Local Scale Vulnerabilities Observed in Research Sample

**SUMMARY OF KEY FINDINGS AND RETURN TO THE RESEARCH OBJECTIVES:**

Objective 1: Exploring refugee movement with regard to the cause of flight and flight trajectory:

- What factors pull refugees to an urban space?
- Identify the push and pull factors contributing to urban settlement, as well as the drivers of trans-border displacement.

All participants were driven to migrate due to conflict in their home country, and most did not transit through a refugee camp. Thus, conclusive of this sample, urban refugees in Nairobi are self-and-spontaneously settled. Participants of this study interacted with traditional push-pull logic with regard to settlement choices and migration patterns, which indicates a large degree of agency. The largest push factor to Nairobi was in regard to the camp conditions, and the pull factors were

split between access to livelihoods, infrastructure, social services, UNHCR NBO, and social networks.

Objective 2: Exploring the legal and institutional framework for Kenya's refugees in order to assess structures of support and protection:

- In light of the institutional and legal gaps in Kenya's urban refugee policy, by what mechanisms are refugees in Nairobi engendering protection and support?
- Examine the legal framework and institutional landscape for Nairobi's refugees.

Conclusive of this research sample, urban refugees in Nairobi are severely institutionally under-supported by the UNHCR, the DRA, and independent NGOs. In absence of institutions, social capital has become the primary system for protection and support, as well as livelihood provision, and was a hugely decisive factor to urban settlement and housing patterns. Refugees of this sample displayed strong bonding capital established primarily along ethnic and socioeconomic lines, and extremely weak linking capital to institutions.

Objective 3: Exploring how the stipulations of the 1951 Convention translate into refugee's lives:

- To what degree are urban refugees claiming or exercising the rights decreed to them in the 1951 Convention?
- Assess refugee access to the right(s) to legal documentation, employment, public services (specifically education and health care), housing, and protection from human rights abuses.

This study used the 1951 Convention as a framework to assess refugee integration. In reference to the Convention, refugees of this study showed very low ownership over their accorded rights. The overwhelming majority of participants were not employed in the formal sector, expressed difficulties with accessing public services, reported numerous barriers with reference to housing, and lacked protection from human rights abuses.

Refugees were found to be highly victimized by Kenyan law enforcement officials. Police target refugees in Eastleigh primarily for the purposes of extracting a bribe, but also commonly perpetrate serious crimes against refugees, including physical and sexual abuse, arbitrary detainment, and forcibly repatriating refugees to camps or home countries. In accordance with the data presented here, Kenyan authorities largely operate with impunity in these instances for a number of reasons, including an absence of institutional accountability for police, refugee's lacking of knowledge of their rights, and their inability to access and enforce justice. Large anti-Somali sentiment among nationals also leads to a further lack of accountability between politicians, police, and the public, as there is no domestic lobby calling for the humane treatment of refugees.

Consistent with refugee literature, participants of this sample cited major challenges around obtaining documentation including, corruption within the UNHCR and DRA systems, long processing times and having appointments re-scheduled, and lacking an understanding of the legal system. Despite these challenges, due to *prima facie* status for Somali refugees and protracted nature of the refugee crisis in Nairobi, most participants were in possession of some form of documentation. As such, this study simultaneously observed high levels of legality amongst refugees, but a low amount of integration. With regard to key areas of integration, such as formalized livelihoods, involvement with public sector services, such as education and health services, access to institutional services, and security, there was no observable variance between those participants who held documents that grant them full access to rights and those who did not. Thus, conclusive of this research sample, legality makes little difference to the lived experiences of refugees and alone does not translate to increased integration. Instead, there are a number of factors that intersect and compound to create effectual barriers to integration.

The larger conclusion that can be garnered from this data is that Kenya is not fulfilling it's host obligations under the 1951 Convention. Kenya does not offer refugees the opportunity to integrate, instead favouring repatriation assisted by the UNHCR. The continued practice of encampment, as well as the Tripartite Agreement,

display the important political notion that Kenya does not see itself as a destination state, but rather as a transit point temporarily hosting refugees. Despite repatriation efforts, local integration seems to be the most realistic and effective durable solution available to Kenya. Therefore any effort to facilitate large scale repatriation must be taken in conjunction with efforts to address low rates of integration and access to rights.

CHAPTER FIVE

IMPLICATIONS OF THE STUDY AND AVENUES FOR FUTURE  
RESEARCH

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**5.1 ACADEMIC IMPLICATIONS:**

From an academic perspective, this study has corroborated literature on the major drivers of trans-border migration, and also literature that observes social capital as a powerful shaper of migratory movements and a primary resettlement coping strategy. Empirical research on urban refugees is relatively limited as refugees can be hesitant to speak to researchers in the field given the looming threat of relocation or deportation, and there are added logistical difficulties of tracing potential participants in unregulated urban environments. This study has thus expanded the empirical research base on urban refugees by documenting the various vulnerabilities and points of marginalization refugees face in Nairobi. It has also established a number of themes for further research and investigation, which will continue to build on the empirical base of urban refugee literature (see Section 5.4: *Avenues for Further Research*).

Unique contributions were made to the literature in so far as this study systematically reported the functioning barriers to a number of Convention rights that are key to refugee integration. Also contradictory to the literature are the simultaneous findings of high levels of documentation and low levels of integration. This led to the conclusion that legal documentation alone makes minimal impact on the lived experiences of refugees in Nairobi, and further, that no single strategic intervention can be viewed as cornerstone to refugee integration and protection. Academic rhetoric largely displays challenges to integration as independent and mutually exclusive, and there is a tendency to isolate a single vulnerability as the principle barrier to integration (see Kobia & Cranfield, 2009). New scholarship on urban refugees must take a more holistic view of the situation.

## **5.2 IMPLICATIONS FOR THE HOST STATE:**

If the experiences reported by this relatively small sample of 32 urban refugees are similar to the larger Nairobi urban refugee population, a number of practical implications can be drawn. This research suggests that the vulnerabilities seen within the refugee community are a result of deeply rooted systemic and institutional processes. Understanding the immense structural processes at play and acknowledging the limited scope of this study, all recommendations and practical implications made in this section are supported not only by my research results, but also by secondary information and empirically-based policy reports (see for example, Human Rights Watch [2013] which addresses security and protection; and UNHCR & Danish Refugee Council [2012] which names livelihood and social assistance interventions).

In analyzing both the literature and the data presented here, a number of concepts stand out as being particularly important to integration. Because most major vulnerabilities stem from systemic and institutional sources, for any real change to be seen in refugee affairs, it falls to the UNHCR, as well as the Government, to initiate a new set of standards for refugee management and assistance in Kenya. There is first the need for formal support, assistance, and protection to be extended to city-dwelling refugees. Long term segregation and eventual repatriation is the desire of the Government in light of national security concerns, as well as the assumption that non-national populations are a burden on the economy and state support programs (Crisp, 2010; Pavanello, Elhawary & Pantuliano, 2010). However, encampment as a mandate and a policy is becoming increasingly untenable, as refugee networks in Eastleigh expand and become deeply enmeshed in informal economic systems and social communities. Further, the protracted nature of the refugee settlements in Nairobi and the NEP alike have led to large indigenous Somali-Kenyan and Ethiopian-Kenyan populations (refugee children born in Kenya who retain their parents alien status). As such, Kenya must recognize urban refugees and extend a mandate that will directly support them. Alternatively, at

minimum refugees should be the target of strategic interventions that would increase integration.

Secondly, in order for integration to be a tenable goal there must be reform within the legal framework to make the process to obtain documentation clear and unambiguous. Moreover, there is a drastic need to reduce corruption within this system. The UNHCR and the DRA, as the major actors of this framework, should aim to synergize their operations and extend their mandates of protection and support. A long term plan must be set into motion with the eventual goal of limiting the number of different identity documents in circulation, perhaps by coordinating their documentation scheme. It should further aim to process applicants within a more reasonable timeframe, and uphold the rights conferred on refugees by legal status. Recalling that legality is only one component in achieving increased integration, any effort to increase the transparency and efficiency of the legal system should be accompanied by social support and economic interventions. These would be similar to those that would apply to any vulnerable group, such as health and education outreach initiatives. Since participants named fiscal limitations as a key barrier to integration, efforts should be made to facilitate access to formal economic pursuits or to support the multitude of informal livelihoods and market activities that already take place in Eastleigh.

Finally, the results of this research have implications for refugee security. Beyond the Government's complacency to severe protection gaps for refugees, conclusive of this research, as well as other studies by Human Rights Watch (2013) and the UNHCR (2011), Kenyan law enforcement authorities are in fact the largest proprietor of human rights infringements, violence, and insecurity for refugees. These occur on a sliding scale of abuse, beginning with extortion and harassment, moving to arrest, forced relocation to encampment areas, deportation, family separation, and physical and sexual violence (Al Jazeera, 2014, d; Human Rights Watch, 2013; Participant 3, 2011; Participants 19, 20, 21, 2012). The mistreatment of refugees in Nairobi has long been documented by rights monitoring organizations (see for example Human Rights Watch, 2002), yet it remains a crippling problem for

urban refugees. The Government and the UNHCR must investigate reports of abuse and endeavor to eradicate these practices among law enforcement officials. This research supports formal policy recommendations made by Human Rights Watch (2013) directed towards major institutional and governmental actors, among which are the following:

- i. The UNHCR advocating for police accountability and supporting refugees to file formal complaints in the wake of abuse
- ii. UNHCR protection officers working with NGOs in Eastleigh to effectively monitor and document police abuse
- iii. International donor governments who provide support to the UNHCR and the GoK insisting upon human rights training for all security forces
- v. The Government ceasing to implement unlawful relocation programs from cities to refugee camps

### **5.3 IMPLICATIONS FOR AID AGENCIES:**

Shifting the focus to small-scale recommendations, there are a number of interventions that would be easily executable at local levels of aid. Because the participants in this study are of a relatively homogenous socio-economic class (i.e. the poor refugee) that are blocked from formal economic activities, educational institutes, and social welfare programs, it is largely futile to look at building capital without addressing the larger vulnerability context. However, once key vulnerabilities have been outlined in such clear terms, and again assuming the sample findings are representative of the wider urban refugee population in Nairobi, here are a number of practical actions to build refugee capacity that flow logically from the research. These would apply to local NGOs working in Eastleigh:

- i. Create and distribute a multilingual report which outlines all refugee-related legal documents circulating in Kenya, and the official processes for obtaining them.



- ii. Hold educational workshops regarding refugee rights in Eastleigh to inform refugees and asylum seekers of their rights under international treaties, as well as the accompanying rights of each legal document discussed in Table 8. Workshops should also be held for police and other officials to inform them of refugee rights.
- iii. Refugees and asylum seekers should be provided with linguistic training in both Kiswahili and English.
- v. The civil sector should engage in policy advocacy for increased integrative legislation from the Government.

#### **5.4 AVENUES FOR FURTHER RESEARCH:**

Upon examining drivers of migration, resettlement to an urban space, and formalized support and protection, a concept that came up repeatedly within this research sample is that of refugee agency. In academic and policy spheres alike, the dominant narrative used to describe refugee experiences is that of a victimized community highly dependent upon institutional assistance. While it is certainly true that there are vast structural and systemic factors that create intense and very real vulnerabilities, much of the empirical spotlight is on the marginalization of refugees, rather than the coping strategies used to mitigate their vulnerabilities. This study observed social capital as an immensely powerful form of support and protection between refugees, and community networks were also the most important factors to reintegration with regard to livelihoods and shelter. Strikingly, community networks were employed in some form by every participant of this sample, meaning that social networks are used by refugees who have been in Nairobi for as long as 20 years (Participant 23, 2012), and as little as two and half months (Participants 19, 20 & 21, 2012). The use of social capital to attain a job or a home is a display of refugee agency. Due to the limited temporal and logistical scope of this study, I was unable to more deeply explore the links between social capital and the various aspects of urban integration, however, this is clearly an important theme that deserves academic attention. Moreover, the urban context is a highly useful

platform through which to examine the larger concept of refugee agency, as refugees live in an unregulated environment with minimal assistance from government and non-government actors, and display high levels of economic autonomy in informal markets.

A second avenue for future research can be derived from the anecdotal conclusion made in Section 3.5.2. *If not legality, then what?*, regarding the integration opportunities offered to refugees of differing socioeconomic statuses. Participants of this study named fiscal limitations as one of the most decisive barriers to education, medical services, and housing. Further, institutional corruption encountered throughout RSD means that it is poor refugees who are without identity documents the longest. It is important to note that this study is representative only of the experiences of poor urban refugees, as are most academic accounts of urban refugees in Kenya. However, many studies do not make this explicit, or explain its relevancy to the results of the research. As such, results from studies sampling only poor urban refugees are used to generalize for all urban refugee experiences. A deeper understanding of how monetary issues impact the experiences and integration opportunities of urban refugees could be gained through a comparative study that congruently analyzes urban refugees from differing socioeconomic statuses.

Thirdly, in reference to the research limitations discussed in Section 3.11: *Research Limitations*, a gendered perspective on refugee livelihood and experiences would be a valuable addition to urban refugee literature. Thus, future study could specifically examine women's experiences as refugees in Nairobi.

A final suggestion for further research is around the concept of climate-induced migration, and the linked issue of legally classifying 'climate refugees'. This is an emerging issue within both displacement and climate literature, as forced migration is steadily becoming recognized as one of the most serious impacts of climate change (Biermann & Boas, 2010; Morrissey, 2009). In connection to this, there is currently a large academic debate regarding the classification of those

displaced by environmental factors within the 1951 Convention definition. A sizeable academic community advocates for the term 'climate refugee', which would be accompanied by an official expansion in the Convention definition to include environmental and climate factors (see for example Biermann & Boas, 2010; Brown, 2008; Docherty & Giannini, 2009; Stavropoulou, 2008; Williams, 2008).

As mentioned in *Methods Part III: Data Collection*, an examination of environmental/climate migration was the original intent of this research project. The Kenyan context remains a highly applicable case by which to examine the role of environmental change in displacement, as well as to critically engage with the relevancy of the 'climate classification debate' as in 2011, shortly before research for this project commenced, south-central Somalia suffered a severe famine-induced drought that was significantly exacerbated by the refusal of western food aid and emergency interventions in al-Shabab controlled areas (Jones, 2011). In the months following this event (June-July), the population of Dadaab swelled to 440,000 with reports of 1500 to 1800 new arrivals from Somalia each day (Al Jazeera, 2011, e). It is certain that many of these 'environmental migrants' now reside in Nairobi. Smit & Wandel's (2006) Vulnerability Model (pictured on page 31) could be used as the framework to examine the adaptive capacity of environmental migrants via mapping the various stresses (both climatic and non-climatic) that led to displacement.

CHAPTER SIX  
CONCLUSIONS

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For the past two decades Kenya has served as a hosting nation for hundreds of thousands of displaced people from the Horn of Africa. In keeping with global trends, the refugee situation in Kenya can now be more accurately described through urban experiences than through camp-based ones. Large communities of city-dwelling refugees create nuanced challenges to refugee governance and management as they are often unregistered, and politically, socially, and economically autonomous from national society. Despite efforts on the part of the Government to keep refugees confined to camp areas, many seek to escape the insecure and overcrowded camps and migrate with ease to the city through unregulated channels. Conversely, in accordance with the data presented in this study, Dadaab's reputation precedes it, causing many refugees to travel directly from their home region to Nairobi. Upon arriving in the city, however, refugees are met with a new set of vulnerabilities that compound to serve as conclusive barriers to integration.

As such, this study endeavoured to understand the legal, social, and economic state of urban refugees by assessing the amount of ownership urban refugees have over rights accorded to them in the 1951 Convention. It also sought to understand factors influencing the increasing urbanization of refugee populations, namely in the form of pulls to Nairobi and pushes from encampment areas. Drivers of displacement observed in this study paralleled those documented in migratory literature. Migration to an urban area was found to be profoundly influenced by community networks, which were also integral in the initial stages of resettlement and continued to be employed by refugees many years after migration to bridge numerous gaps in security, livelihoods, and access to housing. This research sample reported institutional support of refugees from the UNHCR, the Government, and

independent NGOs to be lacking to the point of near non-existence. It follows that refugees in this study sourced social capital as their primary mechanism of protection and support.

Results of this research imply that Kenya is not fulfilling its international obligations under the 1951 Convention regarding the provision of rights for displaced people. Major vulnerabilities observed within this research sample stem from deeply rooted systemic and institutional factors. Refugees of this study were not readily able to exercise their right to obtain documentation, housing, employment, public services, or protection from human rights abuses. Further, refugees must navigate multifaceted systemic barriers to integration, including xenophobia, police abuse, and a highly convoluted legal and political environment. This study revealed important truths regarding the impact of legal documentation over refugee integration: legality cannot be considered in a vacuum, and the existence of legality in the continued absence of formal employment, access to public support services, integrative policies, and police accountability should not be considered a durable solution as it will not lead to increased local integration.

Kenya's history as a host to displaced communities is long and convoluted, and trends observed in this study correspond with larger patterns in hosting nations throughout Africa. As Kenya's displacement crisis continues to urbanize, empirical insights will remain significant to dialogue on refugee governance. Further, building the empirical base of urban refugee literature is a crucial step in the search for a realistic durable solution to Kenya's displacement crisis as it illuminates barriers to integration and moves toward a sphere in which injustices occurring against refugees do not transpire with impunity. In this regard, the international community, the UNHCR, and the Government will have large roles in transforming the climate for refugee governance in Kenya, as the major institutional players driving policy and legislation for refugee integration on international and domestic levels.

Drawing from this data, integration could be facilitated on a local level by finding avenues to build upon the significant capacity that already exists within the

refugee community. From a bottom-up perspective, refugees have self-initiated strategic interventions by harnessing the capital at their disposal, with specific reference to the informal market that flourishes in Eastleigh, and the extensive social mesh that is used to meet basic livelihood needs. Indeed, in the absence of sufficient institutional assistance, community networks have provided refugees with vital aspects of security, employment, housing, and cultural support. Notwithstanding severe legal constraints to integration and deeply ingrained national prejudices that reflect in public policy, refugees engage in a wide variety of parallel economic and social pursuits. Reflecting on these coping methods highlights the significant untapped potential and capacity of refugee communities in Nairobi.

## APPENDIX 1:

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### INTERVIEW QUESTIONS FOR REFUGEES AND ASYLUM SEEKERS:

#### **A. Background Information/Reasons for Migration:**

1. Please state your country of origin.
2. How long have you been in Kenya?
3. How long have you been in Nairobi?
4. Did you come through a Kenyan refugee camp? i.e Dadaab or Kakuma?
5. What made you leave your home country?
6. What made you want to come to a city, i.e. to Nairobi?

#### **B. Legal Status:**

1. Are you in Nairobi under any form of legal documentation?

#### **C. Integration with Kenyan society:**

*(as judged by involvement with the formal economy, access to services [specifically education and health care], and personal feelings of security and acceptance).*

1. What is your job and how did you find it?
  - *Formal or informal?*
  - Do you send or rely on remittances from relatives (monetary or goods)?
    - From where?
2. Have you or someone in your family accessed education in Kenya?
  - How difficult or easy did you find it?
    - *Difficult → Barriers?*
3. Have you or someone in your family accessed health/medical services in Kenya?
  - How difficult or easy did you find it?
    - *Difficult → Barriers?*
4. Do you feel fairly treated by people in positions of power in Kenya (Kenyan police, landlords, politicians, etc)?

#### **D. Mechanisms of formal support:**

1. If you are in need of some form of assistance would you first turn to:
  - the UNHCR, the GoK, an independent NGO, or family/friends.
  - have you sought support from an organization other than the UNHCR since arriving in Nairobi?

2. Are your needs and the needs of the community being met by the UNHCR/the GoK?

**E. General Barriers:**

- Generally speaking, what are the major problems facing the refugee community in Nairobi?



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- Participant 2: Somali woman. Interviewed December 13, 2011. Nairobi, Kenya.
- Participant 3: Somali woman. Interviewed December 13, 2011. Nairobi, Kenya.
- Participant 4: Somali man. Interviewed December 13, 2011. Nairobi, Kenya.
- Participant 5: Eritrean-Kenyan man. Interviewed December 15, 2011. Nairobi, Kenya.
- Participant 6: Ethiopian man. Interviewed December 15, 2011. Nairobi, Kenya.
- Participant 7: Ethiopian man. Interviewed December 15, 2011. Nairobi, Kenya.
- Participant 8: Ethiopian man. Interviewed December 15, 2011. Nairobi, Kenya.
- Participant 9: Ethiopian man. Interviewed December 15, 2011. Nairobi, Kenya.
- Participant 10: Ethiopian woman. Interviewed December 15, 2011. Nairobi, Kenya.
- Participant 11: Ethiopian man. Interviewed December 15, 2011. Nairobi, Kenya.
- Participant 12: Ethiopian woman. Interviewed December 15, 2011. Nairobi, Kenya.
- Participant 13: Ethiopian man. Interviewed December 20, 2011. Nairobi, Kenya.
- Participant 14: Ethiopian man. Interviewed December 20, 2011. Nairobi, Kenya.
- Participant 15: Ethiopian man. Interviewed December 20, 2011. Nairobi, Kenya.
- Participant 16: Ethiopian woman. Interviewed December 20, 2011. Nairobi, Kenya.
- Participant 17: Ethiopian woman. Interviewed December 20, 2011. Nairobi, Kenya.
- Participant 18: Ethiopian woman. Interviewed January 11, 2012. Nairobi, Kenya.
- Participant 19: Ethiopian man. Interviewed January 12, 2012. Nairobi, Kenya.
- Participant 20: Ethiopian man. Interviewed January 12, 2012. Nairobi, Kenya.
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Participant 24: Somali man. Interviewed January 19, 2012. Nairobi, Kenya.

Participant 25: Somali man. Interviewed January 19, 2012. Nairobi, Kenya.

Participant 26: Somali man. Interviewed January 19, 2012. Nairobi, Kenya.

Participant 27: Somali woman. Interviewed January 23, 2012. Nairobi, Kenya.

Participant 28: Somali woman. Interviewed January 23, 2012. Nairobi, Kenya.

Participant 29: Somali woman. Interviewed January 23, 2012. Nairobi, Kenya.

Participant 30: Somali woman. Interviewed January 23, 2012. Nairobi, Kenya.

Participant 31: Ethiopian man. Interviewed January 25, 2012. Nairobi, Kenya.

Participant 32: Ethiopian man. Interviewed January 25, 2012. Nairobi, Kenya.