

**THE ‘LEGALITY’ OF ILLEGAL SOMALI MIGRANTS IN EASTLEIGH
ESTATE IN NAIROBI, KENYA**



JOSELYNE CHEBICHI

**A Research Report Submitted to the Faculty of Humanities, of the University of the
Witwatersrand in Partial Fulfilment of the Requirements for the Degree of Master
of Arts in Forced Migration**

March 2009

DEDICATION

I dedicate this work to my mother Jane Some and my sister Jacqueline Some for their
unrelenting support throughout my studies.

ACKNOWLEDGEMENT

My sincere appreciation goes to my supervisor Prof. Loren Landau, your invaluable support enabled me to complete my study. I wish to thank all the staff at the Forced Migration Studies Programme, for their unrelenting support through out the year.

I wish to thank Mohamed, Mursal and Hassan without whom the field work would not have been possible. I am also thankful to all the staff members of Kalsan Employment and Consultancy Center in Eastleigh, for helping me during the field work.

My sincere gratitude goes to Dr. Maina Mutonya, your support through out the study is immeasurable without which this specific study would be non-existent. I wish to acknowledge all my classmates, especially Nedson Pophiwa, Kimenyi Buzoya and Natasha Francis for their academic and moral support through out the study. My appreciation goes to Jacob Aketch and Monica Kiwanuka for their immeasurable assistance.

I am greatly indebted to my mother Jane Some, your continued support, financially, emotionally, morally and academically is immeasurable, without you I would not be where I am, my sincere gratitude to you.

My heartfelt appreciation to all my kwapad friends; Blaise, Leo, Tare, Kandy, Mimi, Maryann, Caroline, Nduku and the aviation crew, for always being there to support me and making my stay at Wits fun and comfortable.

DECLARATION

I declare that this thesis is my own unaided work. It is submitted for the degree of Masters in Forced Migration Studies, in the Graduate School for the Humanities and Social Sciences, University of the Witwatersrand, Johannesburg. It has not been submitted for any other degree or examination in any other university.

Signature:.....On the 4th of March 2009

JOSELYNE CHEBICHI

ABSTRACT

This report explores the ‘Legality’ of illegal Somali migrants in Eastleigh estate in Nairobi, Kenya, a predominantly Somali neighborhood favored by both Somali-speaking Kenyans and the Somali refugees. Inspired by existing literature by (Campbell 2006, Lindley 2007, Horst 2006), suggesting that these Somali migrants are socially and economically integrated in the absence of legal status, the report looks into how these Somalis are able to integrate in the mentioned ways without legal status.

Using the mixed methods (quantitative and qualitative) research design, the report analyzes the livelihood strategies of the Somali migrants, in terms of the acquisition, management and sustenance. The study also explores the roles played by the Somalis social networks (the Kenyan Somalis as well as networks in the Diaspora) in the acquisition of these livelihoods. The role played by the law enforcement practices is also explored. Finally the report explores whether legal status is imperative considering that the Somalis are surviving and managing their livelihoods in the absence of legal status.

ACRONYMS

UNHCR – United Nations High Commissioner for Refugees

UN – United Nations

OAU – Organization of the African Unity

ID – Identity Card

KRA – Kenya Revenue Authority

NID - Namibia Institute for Democracy

FMSP – Forced Migration Studies Programme

CLARION - Centre for Law and Research International

Structure of the Report

The report is divided into four chapters. The first chapter is the introduction and includes the background of Eastleigh and the research methodology. The second chapter presents and discusses relevant literature to the study. Chapter three is the presentation, analysis and discussion of the data collected in qualitative research integrated with the forced migration studies program descriptive statistics of the Nairobi survey. Finally chapter four is the conclusion of the report, the appendix and references.

TABLE OF CONTENTS

DEDICATION	ii
ACKNOWLEDGEMENT	iii
DECLARATION	iv
ABSTRACT.....	v
ACRONYMS	vi
STRUCTURE OF THE REPORT	vii
TABLE OF CONTENTS.....	viii
CHAPTER ONE	1
INTORDUTION	1
A BRIEF BACKGROUND OF EASTLEIGH ESTATE	2
DEFINITION OF CONCENPTS USED IN THE PAPER.....	4
AIM OF THE STUDY	5
RESEARCH QUESTION.....	5
HYPOTHESIS	6
RATIONALE.....	6
METHODOLOGY	7
QUANTITATIVE APPROACH	8
QUALITATATIVE APPROACH	9
POPULATION OF THE STUDY	10
SAMPLING	11
DATA COLLECTION AND RESEARCH INSTRUMENTS	12
DATA ANALYSIS.....	13
LIMITATIONS OF THE STUDY.....	14
ETHICAL CONSIDERATIONS	14
CHAPTER TWO	17
LITERATURE REVIEW	17
INTRODUCTION	17
THE ENFORCEMENT OF KENYAN DOMESTIC LAW AND INTERNATIONAL REFUGEE LAW	17
SOCIAL INTEGRATION, NETWORKS, AND LIVELIHOOD STRATEGIES.....	21
CHAPTER THREE	28
PRESENTATION OF FINDINGS AND ANALYSIS	28

THE ROLE OF THE KENYAN SOMALIS AND OTHER SOCIAL NETWORKS .	28
HOW THE ILLEGAL SOMALI MIGRANTS CIRCUMVENT STATE CONTROL	41
<i>ACQUISITION OF LEGAL PAPERS</i>	45
<i>PASSPORTS FROM OTHER COUNTRIES</i>	47
<i>CHALLENGES FACED IN EASTLEIGH</i>	47
DISCUSSION OF FINDINGS	49
SPATIAL CONTROL	49
CHALLENGING STATE SOVERIGNTY	50
 CHAPTER FOUR.....	 53
CONCLUSIONS	53
APPENDIX.....	56
REFERENCES	58

CHAPTER ONE

Introduction

Civil war, disease, resource conflicts, genocide, coup d'états and declining economies to name but a few, have characterized the African continent in the past three decades, resulting in displacement and migration of people from their countries in search of peace, economic and political stability, safety and better livelihoods. Some have migrated to western countries while others have remained on the continent, seeking refuge in neighboring countries which they deem stable. Although the African states to which they migrate to are relatively stable, they are developing countries with struggling economies and hence lack adequate resources to cater for its population, let alone additional burden of the immigrants. Kenya is one such country; being relatively stable politically and economically. Refugees from the greater Horn of Africa as well as the Great Lakes region have, due to instability and conflict in their own countries, often sought refuge in Kenya, however, the largest numbers of those in the country come from Somalia, (UNHCR, 2010) its neighbor to the northeast.

Grappling with economic and political challenges, which include rising poverty levels, increase in rural-urban migration and growing unemployment and restlessness among its youthful population (Macharia, 2003), Kenya presents a context where refugees' needs are often not met adequately. To cope with the refugee influx, the Government of Kenya enacted an encampment policy in the early 1990s. However, to date, a significant number of the refugees resist confinement to the camps by moving to urban areas where they settle in various suburbs and other peri-urban areas, especially near the capital, Nairobi.

Majority of these refugees who resettle in urban areas are Somalis and often find themselves having to ‘buy their legality’ through unscrupulous, often illegal, means, thus putting Kenyan law enforcement practices, policies and policing to the test.

This report analyzes Somali immigrants’ survival tactics and sustainability of livelihoods despite their ‘illegal’ status in Eastleigh estate in Nairobi, a predominantly Somali neighborhood favored by both Somali-speaking Kenyans and the Somali refugees. The report argues that Somali migrants are able to integrate economically into the Kenyan state, without legal status, because of the non-enforcement or overlooking of Kenya’s law enforcement practices. These refugees also integrate because they have a common ethnicity or social networks with Kenyan-Somalis who are part of the host community. The existing literature argues that the Somalis have integrated economically and managed to sustain their livelihoods through business and sheer determination, but does not explore the role of corruption and social networks in accounting for this successful integration.

A brief background of Eastleigh Estate

Eastleigh estate was built at the behest of British businessmen at the beginning of the 20th century (between 1910 and 1914) when Kenya was a British colony. The estate was largely dominated by settlers of Asian origin who operated small-scale businesses such as wholesale and retail shops. Later, after Kenya’s independence in 1963, many indigenous Kenyans took over as the dominant business people in Eastleigh (Campbell, 2005). Among these Kenyans was a small group of Kenyan Somalis who grew up in Eastleigh estate and were mostly shopkeepers (Lindley, 2007). Following the civil war in Somalia

in the late 1980s and early 1990s, and the eventual fall of the Siad Barre regime in 1991, many Somalis fled to Kenya to escape the violence. Some went to refugee camps located near the border with Somalia while others opted to seek refuge in Eastleigh because of its business nature, and most of all, because of the Kenyan Somali community that had already established itself in the suburb. The kinship ties between the arriving Somalis and the Kenyan Somalis aided this movement to Eastleigh.

The early 1990s saw Eastleigh's rapid economical development, shaped 'by its growing population of rural Kenyans, Sudanese, Eritreans, Ethiopians, but above all, in the largest numbers, Somalis' (Lindley, 2007:4). As a result, Eastleigh has since become a major economic hub in Nairobi. This is because of the high demand of goods and services in the area. Refugees as well as established businessmen 'invested in import and export businesses, retail outlets (from small-scale hawking and street stalls to large shopping malls), pharmacy or chemist outlets, rental and real estate development, hotels, lodges, *mira* (khat / *qaad*) outlets, cafés and restaurants, long-distance transport companies, taxis, phone and internet bureaux, and international money transfer and exchange services' (Lindley, 2007:4).

Eastleigh thus became host to a horde of clients from other parts of Nairobi as well as other parts of the country and even from other East African countries such as Uganda, Tanzania, Rwanda and Burundi. The influx of Somalis into Eastleigh was contrary to the Kenyan government's insistence on non-existence of refugees in the urban areas. As Little (cited in Lindley, 2007:4) asserts, "Eastleigh is 'openly informal' - neither hidden

from authorities nor entirely consistent with an official, public place of business. Nevertheless, Eastleigh has become an integral part of the service economy of Nairobi and its three-million-plus residents.”

Despite thriving business and being a place of great opportunities and a home to many refugees, legal or illegal, Eastleigh is plagued by “the largely unregulated expansion of business and the increasingly overcrowded population that has outpaced maintenance and improvements to public infrastructure. Drains, sewers and rubbish collection are visibly inadequate. Roads are dilapidated, with deep and long muddy stretches “during the rainy season and rising dust when it is dry” (Lindley, 2007:4).

Indeed, Eastleigh is popularly known as ‘Little Mogadishu’ [a reference to Somalia’s capital] among the Somalis as well as the locals, a name that captures the fact that the Somali refugees, whether legal or illegal, are the dominant traders, investors and entrepreneurs running Eastleigh’s economy. As the name connotes, Eastleigh is occupied by Somalis and Kenyan Somalis as well as legal and illegal immigrants.

Definition of concepts used in the paper

For the purpose of this paper, the term refugee is used to mean all Somali migrants who live in Eastleigh, both documented and undocumented. Legal status refers to whether or not these refugees have legal documents to be in Kenya or have been conferred refugee status. The term illegal is used in this report to mean the refugees living in Eastleigh estate who, by the provisions of Refugee Act of 2006, have no legal authorization to live outside designated refugee camps. Thus, the connotation of the word ‘legality’ as stated

above, comes from the fact that these refugees are in Eastleigh illegally, yet, they have managed to establish livelihoods, meaning businesses they engage in to sustain themselves, which are more or less legal. Economic integration is used to mean the acceptance, legally of a business and reacceptance of host population to foreign businesses. Corruption in this report is used to mean ‘any conduct aimed at influencing the decision-making process of a public officer or authority, dishonesty or breach of trust, by a public officer, in the exercise of his/her duty’ (N.I.D., 2004). It also means a migrant’s use of money or promise of material reward to a public officer in order to influence the decisions taken by the public officer or authority.

AIM OF THE STUDY

The aim of this report is to make a contribution to the literature on livelihood strategies of undocumented urban-based refugees. This study aims to explore how illegal Somali migrants acquire, manage and sustain their livelihoods despite their illegal status in Eastleigh Estate in Nairobi, Kenya.

RESEARCH QUESTION

How have the Somali migrants integrated economically into the Kenyan State without legal status?

- How do the illegal Somali migrants circumvent state control in order to acquire, manage and sustain their livelihoods?
- What role, if any, do law enforcement practices in Kenya aid in the acquisition, management and sustenance of these livelihoods?
- How do Somalis in Eastleigh draw on social networks as a livelihood strategy?

- Does affinity with the co-ethnic group (Kenyan Somalis) help in the acquisition of livelihoods by the Somali migrants?

HYPOTHESIS

The report's hypothesis is that:

(a) The illegal Somali migrants in Eastleigh estate in Nairobi Kenya are able to integrate economically into the Kenyan state, without legal status, because of the common ethnicity or social networks shared with the Kenyan Somalis- the host-community and because of poor, or lack of Kenyan state law enforcement practices.

RATIONALE

Research done by Campbell (2005, 2006), Lindley (2007), Jacobsen (2005) and Goldenberg (2006) among others, on Somali migrants in Eastleigh in Nairobi tend to agree that despite their illegal status, the Somali migrant community has managed to integrate into the society to some level, especially economically. These studies suggest that the Somalis play an integral part in Nairobi's economy to a point where if they were to leave, their departure would be detrimental to the Kenyan capital's economy. However, none of these studies explain how the Somali refugees, who have no legal status, have become an integral part of Nairobi's economy. They also do not explain the means and ways these Somalis employ to survive the cut-throat competition from local businesses and maintain their livelihood strategies, yet they live in the city illegally.

Thus, this report will attempt an in-depth explanation of how these migrants achieve their livelihoods. The research study also hopes to add to the existing literature on urban

refugees and livelihoods by shedding light on how the refugees overcome or deal with the obstacles they encounter and how they acquire, manage and sustain their desired livelihoods. It also hopes to expand the literature on the issues of urban refugees, especially in Kenya, as most of the studies and researches conducted have been based on the refugees in the camps.

The report will show, through the analysis of the Somali livelihoods, that legal status is imperative despite the fact that these Somalis have managed their livelihoods without legal status.

METHODOLOGY

In order to unearth the ‘legality’ of the illegal Somali migrants in Eastleigh estate in Nairobi, the study sought to establish how the Somali migrants negotiated their livelihoods despite their illegal status in Eastleigh in Nairobi, Kenya, and whether or not legal status was of any importance. Thus, to evaluate the assumption that the livelihood strategies of illegal Somali migrants in Eastleigh estate in Nairobi Kenya are determined by the nature of the host-state’s law enforcement practices, and the type of host-community wherein they trade or invest (co-ethnics, social networks that help in getting the right information, register business to name but a few), the research intends to establish how the Somali migrants have integrated economically into the Kenyan state without legal status. The study looks at how Somali migrants circumvent state control in order to acquire, manage and sustain their livelihoods.

To answer these questions effectively, both qualitative and quantitative methods were required. This is because the qualitative method would not be adequate enough without the quantitative method to make generalization of the results as the population sample was small. Thus the author utilized a mixed methods case study, whereby both quantitative and qualitative methods were used to establish the issues that arose. This is because of the nature of the question that is specific to inquiring into the livelihoods of the Somali migrants' *vis-à-vis* their illegal status. Previous studies show that the Somali migrants are economically integrated into the Kenyan capital Nairobi.

RESEARCH DESIGN

In the mixed method case study, the research employed the sequential explanatory strategy, that is, the researcher analyzed the quantitative data followed by qualitative research. Thereafter, both the quantitative and qualitative data were integrated during the interpretation phase of the study (Creswell, 2003).

Quantitative approach

The study used quantitative data from the Migration and the New African Cities Survey, which was conducted in Southern and Eastern Africa. The study was done for a period of three years ranging from 2003 to 2006 and was a collaboration of the Forced Migration Studies Programme at the University of the Witwatersrand, Johannesburg; Tufts University, Boston; the French Institute of South Africa and partners in Maputo; Lubumbashi; and Nairobi. This report used descriptive data of the Nairobi Survey (descriptive statistics) that was conducted among 755 respondents living in seven

neighborhoods of Nairobi (Eastleigh, Githurai, Kawangware, Kayole, Komarock, Umoja and Zimmerman). Of the 755 respondents, 159 were from Democratic Republic of Congo, 291 from Kenya, 145 from Somalia, 14 other non-Kenyan, 464 non Kenyan total and 146 from Sudan. This report focuses on Somalis and thus draws data from the survey results of 145 Somalis of whom 98.6 percent lived in Eastleigh estate.

This data was chosen specifically to address the questions regarding the economic integration of Somali migrants. The researcher analyzed the already tabulated data using the SPSS software package and drew the correlation between livelihoods, legality and social networks. These were the major variables to be explored in this report and they are interrelated in the sense that social networks aid in acquisition of livelihoods while legality aids in the sustenance of livelihoods of the Somalis in Nairobi without legal status. The specific questions answering issues surrounding the Somalis livelihoods, social networks and their legality were identified from the questionnaire that was used by the survey. Thereafter, the study used the qualitative analysis to explore, in-depth, the significance of the findings of this survey, and to answer the research question.

Qualitative approach

The reason for adopting qualitative techniques was that, as John Creswell notes, qualitative research “takes place in the natural setting enabling the researcher to develop some detail about the individual or place, it uses multiple methods that are interactive and humanistic meaning the involvement of the respondent in the data collection thus seeking to build rapport and credibility with the individuals in the study” (Creswell, 2003:181). This enabled the researcher to capture all the details that were vital to the research, as

being there in person helped in understanding the nature of the Somalis and their day-to-day lifestyles and activities.

More importantly, the qualitative questions created room for the researcher to acquire in-depth information that was given by the respondents under study (Patton, 2002: 190). Due to the nature of the face-to-face interviews that were conducted, the researcher was able to get more in-depth information that would otherwise had been hard to get if structured questionnaires would have been used. This also gave the researcher a chance to get better answers as opposed to filling in questionnaires where opportunity for filling it in for the sake is high.

Population of the study

The population of study comprised of 20 adults above 18 years of age, both male and female who owned shops in the Eastleigh shopping malls and/or markets. This group was chosen specifically because this is major type of livelihood activity that the Somalis in Eastleigh engage in order to survive in their protracted situation. The sample population was of those who have lived in the Estate for more than two years.

This decision was made in regard to the descriptive statistics for Nairobi survey that indicated that 57.90 percent of the Somalis interviewed have been in Eastleigh for more than ten years. It was also because the researcher considered this group as being well established, well-versed in managing and sustaining their livelihoods and the survival tactics involved, which was the main aim of this study. The area of study, as stated before, was Eastleigh Estate in Nairobi, Kenya. This area was chosen because this is

where most of the Somali migrants reside and have established thriving livelihoods. It was also accessible to the researcher. The researcher took one month in the field collecting the qualitative data needed for the study.

Sampling

Sampling is defined as “the selection to represent the whole” (Peil, 1982:26). Since the researcher intended to use a qualitative case study approach, sampling then was used to build a representative account adequate enough to answer the issues raised in this study. This means that a group was chosen from the Somali migrants who were deemed to represent the rest of the community. Purposive sampling was used and thus, the sample population of the research therefore was formed. This is because of the qualitative research design chosen and the time the researcher had to conduct the field research. The researcher visited the research area in order to familiarize herself with the community and identify the community leaders, for example the Imams, who helped the researcher to identify the first four respondents who met the criteria needed.

Moreover, purposive sampling is prone to introducing a bias because the respondents may belong to the same social network or group, thus leaving out those who do not belong to that social group (Jacobsen & Landau, 2003). Thus, apart from the Imams, the researcher used individual opinion shapers who live in Eastleigh Estate, and are familiar with community social organizations in identifying the potential respondents in order to increase the diversity of the sample population. Other channels were also used to identify the key informants. The researcher received assistance from Kenyan academic institutions namely, the Department of Development Studies at the University of Nairobi,

which had conducted studies among the Somalis in Eastleigh Estate, in identification of key informants. This also helped in reducing the bias and increased the diversity of the potential respondents.

The snowball sampling method was also adopted whereby the first four respondents identified the succeeding respondents. These first four respondents, with the help from the above- mentioned parties, came from different clans and social groups which helped to build a credible representative sample. Snowball sampling method is a strategy of identifying the initial respondents who, in turn, give information or name the succeeding respondents (Peil, 1982:32). Snowball sampling was ideally suited for this study because the migrants live in the area illegally and thus, strive to stay in the shadows to avoid the state's legal system like the police and other authorities who might turn them in. In such a case, random sampling would have been hard due to the difficulty in identifying the potential respondents, as they would not willingly expose themselves.

Data collection and Research instruments

Data was collected using semi-structured interviews. The interviews took approximately an hour per person. The open ended questions aided the researcher in capturing more information that might have been omitted and any other relevant information. For example, questions dealing with legality needed more convincing as the Somalis view it as a very sensitive issue which makes it hard for them to divulge information.

The face-to-face option was chosen as a lot of information can be revealed that the researcher had not anticipated. The researcher has the chance to get the exact information

sought or the chance to guide the participant on certain issues. The process, though, can introduce a bias because of the researcher being there (Creswell, 2003).

The researcher intended to use a tape recorder during the interviews to enable her to get all the information given. Although most of the respondents refused to be recorded, a few agreed and thus it aided the researcher in saving time as well as to listen attentively to the respondents, which created a comfortable environment and more room for observation. Where tape recording was not possible, as mentioned above, the researcher took down the notes.

Considering the population studied is Somali and thus speak the Somali language, the researcher used a local assistant to aid in translation of the interviews. The questionnaires in Swahili were translated back to English for analysis purposes. The same was done for the recorded information that was in Swahili, which was translated into English.

Data Analysis

The raw data from the in-depth interviews with the Somalis was analyzed using content analysis. This approach was specifically chosen, as it aided the researcher in analysing the qualitative data. After the content analysis was done, the researcher employed inductive analysis where “the patterns, themes and categories of analysis come from the data; they emerge out of the data rather than being decided upon prior to data collection and analysis”(Creswell, 2003:150). These helped in reducing the large amounts of data from the interviews. The researcher then coded the data into the main themes of the study for easy interpretation. Other important information that did not fit in the major

categories was noted for further analysis. Both the data from the quantitative analysis was combined with the qualitative to substantiate the findings from the in-depth interviews.

Limitations of the study

The researcher acknowledges that the population sample is small and cannot be generalized. Nevertheless, as an academic report, it is not intended to be a representative study. The results inform the reader on how the Somali migrants sustain their livelihoods in Eastleigh without legal status. This is basically the main objective of the research.

Since half of the respondents could speak neither English nor Kiswahili [the researcher's languages of choice] and a translator was used during the interviews, the process of translation could undermine the accuracy of the information as some distortion could have occurred. The researcher ensured that the translator clearly understood the research topic and the questions before going into the field.

Ethical considerations

Due to the legal issues surrounding the population under study, the researcher made sure that the participants understood the aims and the objectives of the study. This was done by explaining to the participants the importance and purpose of the study and the nature of the questions to be asked without running the risk of pre-empting the research.

Some of the Somalis approached for interviews would agree to be interviewed but any mention of legal issue would be brushed off. This posed a major challenge to the researcher in terms of getting the key respondents to talk about the 'legality' of their

livelihood strategies. However, the researcher explained to the respondents the objectives of the study and the confidentiality of the data collected, and to some extent managed to get reliable information.

The interviews were done only if the respondent agreed voluntarily. The researcher ensured that the respondent knew that they had a choice, to terminate the interview if they suddenly became uncomfortable during the interview (Ellsberg *et al.*, 2005). There were no incentives given for participating in the study. It was purely voluntary. On five occasions, five respondents asked to be interviewed outside Eastleigh and the researcher had to pay for their transport to the chosen location.

The key informants did not sign any consent forms. This aided in guaranteeing the key informant's anonymity. For the respondent who did not want to be recorded, the responses were written down instead. Most respondents did not mind their real names being used although the researcher gave them the choice of either using their real names or pseudonyms, which was purposely to ensure confidentiality of the participants.

Finding a local assistant that would be neutral by all measures possible was a challenge to the researcher. The available local assistant was a radio journalist working for United Nations Office for the Coordination of Humanitarian Affairs/Integration Regional Information Networks (UN/OCHA-IRIN), who resides in Eastleigh and is of Somali origin, but he did not have or run a shop in the suburb. Since he also worked as a researcher on issues of Eastleigh for IRIN's Somali radio programmes, he proved to be very helpful in the data collection. The objectives of the research were explained to the research assistant and his role in it.

The researcher explained to the key respondents who the research assistant was and his role in the research as an interpreter during the interviews. This was to ensure participants' trust. Through all means possible, the researcher tried to prevent or minimize any kind of harm to all the parties involved in the research by making sure that the interviews took place in safe and private areas, where the respondents felt secure and comfortable. The interviews were conducted during the day to ensure personal safety for all the parties involved in the research, as Eastleigh is not a safe place at night.

The researcher conducted the research after receiving permission from the University of Witwatersrand, Johannesburg. The researcher endeavored to keep to the university's code of ethics concerning social science research.

CHAPTER TWO

LITERATURE REVIEW

Introduction

This chapter sheds light on the livelihoods strategies employed by the Somali migrants in order to survive in Nairobi, the capital city of Kenya, despite their illegal status, and to examine whether legal status would make a difference, if conferred. Tying it with a broader perspective of theories put across on spatial control, sovereignty and globalization to make sense of the events, the literature review is divided into two sections. The first section focuses on the enforcement of the law on refugees and migrants generally in Kenya, as well as International Refugee Law and its demands for the protection of refugees. This is hoped to shed light on what the International Refugee Law entitles to the refugees and what the Kenyan government offers to them. Within the literature, a gap exists on what the law states, how it is implemented and how the refugees manage to circumvent it for their own survival. The second section is on social integration, social capital and livelihood strategies. By reviewing the literature on this section, the report illustrates that these studies fail to convincingly explain how the Somalis have achieved economic integration without legal status.

The Enforcement of Kenyan Domestic Law and International Refugee Law

The Kenyan law does not recognize urban refugees but has provisions for an encampment policy. Therefore, any refugee living outside the camp, without authorization, is considered an illegal migrant. The Kenyan government uses the two definitions stipulated in the 1951 United Nations Convention for Refugees and the

Organization of African Unity to define a refugee. The two international instruments define a refugee as:

- Any person, owing to well founded fear of being persecuted for reasons of race, religion, and nationality, membership of a particular group or political opinion, is outside the country of his nationality and is unable to or owing to such fear, is unwilling to avail himself of protection of that country... (United Nations Convention of 1951) (Art.1 (2)).

The OAU broadened this definition by adding that a refugee is any person;

- ...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' (OAU 1969) (Art.1 (2)).

The Kenyan government on the 2nd of January 2007 put into effect the Refugee Act of 2006, with more stringent policies on encampment of all refugees in the country. Article 25 Section (E) states that any person who, not being a refugee and not having a valid refugee identification document, fails to comply with an order of the minister to leave Kenya; or (F) resides without authority outside the designated areas specified under Section 16(2) . This clearly does not give room or create any policies regarding urban refugees. In this case, the refugees are the Somalis residing in Eastleigh who have escaped the camps or those who come directly from Somalia, and thus have not presented themselves to the Kenyan authorities. These two groups are different, yet the same in the

sense that as long as they are living outside the designated areas (camps), they are illegal in the eyes of the Kenyan law.

This scenario can be illustrated well using Sara Bailey's definition of an urban refugee, as:

An individual living in an urban area outside of his/her country of origin who meets the criteria put forth in the Refugee Convention or OAU Convention, even if the person has not been recognized by a host government. This includes asylum seekers, refugees with "closed files" (refugees who have been denied refugee status), refugees who have not applied for asylum, and refugees who have been granted refugee status (Bailey, 2004:7).

This definition best fits the Somalis under study, who have decided to settle in Kenya's urban areas instead of the rural-based refugee camps.

Campbell notes that "several thousand refugees—without legal protection or material assistance live permanently in Nairobi" (Campbell, 2006:4). Neither the Kenyan government nor the United Nations High Commissioner for Refugees (UNHCR) provide protection to this group, because refugees living outside the camps are regarded as illegal migrants, and so their security is not guaranteed. Consequently, they are prone to physical attacks from the locals, police harassment, robberies and muggings, which, compared to the refugees in the camps, are higher among these urban refugees (Turton, 2005).

Before the Government of Kenya withdrew from refugees' affairs and left the mandate to UNHCR in the early 1990s, it used to grant refugees full status and a choice to live anywhere they desired in the country. Before 1991, the Kenyan government granted refugees' protection based on both the Organization of African Unity of 1969 and the UN Conventions of 1951. Under the OAU/UN Conventions, refugees got Alien Identity

Cards from the National Registration Bureau. Although these cards used to be valid indefinitely, the policy now has changed in that the cards will only be valid for two years (Turton, 2005). This decision was reached because the last decade of the 20th century saw a large influx of Somali refugees into Kenya after the collapse of the Somali state. The Kenyan government extricated itself from the Refugees' Affairs and delegated its duties to UNHCR. This happened at the same time when the encampment policy was created with an *ipso facto* of disorganized assistance to refugees which was meant to improve services and assistance that would be accorded to the refugees if they were put together.

However, the encampment policy has its shortcomings in that it restricts refugees' right to freedom of movement; right to engage in wage-earning employment or self-employment as well as the provision of legal documents or identifications cards as stipulated in Articles (26), (17), (18) and (27) respectively in the United Nations Conventions of 1951, which Kenya is a signatory to. The conventions do not dictate how the states should implement these policies; neither do they place sanctions if the conventions are violated. This gives governments space to implement the conventions within their own interest and interpretation.

On a broader perspective, scholars argue that states' sovereignty is embedded in their 'ability to define who has the right and ability to occupy territory and access benefits of residence' (Landau and Monson, 2008:319). In discussing the laws discussed above on the measures put by the Kenyan government to control illegal migration, theories on spatial control are used to understand further how and why states do so. Torpey (1998)

argues that the state has the legitimate monopoly over movement and recognizes the fact that states have “expropriated the legitimate means of movement and monopolized the authority to determine who may circulate within and across their borders” (1998:239). Some of the measures put in place by the Kenyan government in this regard are the creation of camps where all the refugees and/or asylum seekers coming into the Kenya are supposed to live. To a limited extent, this system has been effective as discussed in the preceding literature, but has also created or produced a group of illegal migrants, in this case the Somalis, who avoid the refugee camps in order to live in the country’s capital city.

The state uses instruments of control and regulation in order to affirm its sovereignty. Torpey (1998) discusses the introduction of documents such as passports and Identity Cards, which in many cases have been successful in enabling the states to control movement. However, other studies have shown that these systems of control are effective, although they in turn give room for the mushrooming of new forms of commerce and society which were not necessarily intended (Kyle and Dale, 2008; Dale and Siracusa, 2005; Coplan, 2001). An example is that of Somalis who fraudulently acquire IDs/passport (see Chapter 3 of this report). The discussion of literature below will look into some of these new forms of commerce as well as the livelihood strategies of Somalis in Eastleigh.

Social integration, networks, and livelihood strategies

While discussing sovereignty as a practice in African cities, Landau and Monson (2008) argue that, in order for refugees, migrants and long term residents to survive and thrive,

they do not only move ostensibly through the state regulated space, but also transform it through strategies of accumulation, coupled with tactics that aid them to elude danger and regulation (2008:319). Thus, the present report considers social integration, networks, and livelihood strategies, as some of the tactics that Somalis in Eastleigh resort to in order to survive.

The Somalis are argued to have integrated in to the Kenyan community to a great extent, economically and socially (Campbell 2006; Lindley 2007; Jacobsen 2005). Crisp (cited in Campbell, 2006:13) describes local integration as having three inter-related dimensions: legal, economic and social. According to Campbell (2006:13-14), these migrants are economically integrated because they are “self-reliant, have established livelihoods and are not reliant on aid and enjoy a standard of living that is equivalent to or even higher than that of the locals”. Somalis have integrated easily in Eastleigh because of networks with fellow Somalis who arrived earlier in Eastleigh and also get support from Kenyan Somalis who are dominant in Eastleigh, in terms of entrepreneurship and being the major population.

Somalis interact with Kenyans and migrants of other nationalities, as they go about their livelihoods. Lindley’s (2007:5) study on Somalis in Nairobi showed that hostility from the host community is rare as she asserts that, “Kenyans in Eastleigh generally appear to have come to terms with the obvious fact that Somalis are their neighbors. Kenyans, Somalis and other refugee nationalities share washing lines and cramped stairways, their children go to the same schools; they truck and barter.” Campbell (2006) and Lindley

(2007) argue that Somalis have been socially and economically integrated, but they do not show that the Somalis are legally integrated. This study looks into how the Somalis have achieved the two dimensions of integration without achieving legal integration. A further claim made by these scholars is that, apart from integration, the Somalis are said to draw a lot from social capital and social networks.

The concept of social capital has been explained by a number of scholars and varies according to the context in which it is used. The report concurs with Franke (2005:7) who defines social capital as being “social networks that may provide access to resources and social support”, and Reimer *et al* (2008:258) who defines social capital as “social networks and their associated norms that may facilitate various types of collective action”. Since the civil war started in Somalia, the Somalis not only escaped to Kenya, but to the other parts of the world as well, which gives them extensive networks in the Diaspora. It is through these networks that most of the Somalis in Eastleigh managed to get to Nairobi, and acquire their livelihoods. The DFID (1999) and Jacobsen (cited in Lindley 2007:143) define livelihoods as “capabilities, assets (natural, physical, human, social and financial capital) and activities required for a means of living”. Machtelt De Vriese (2006:36) adds to the definition of livelihoods as being “essentially the means used to maintain and sustain life.”

Lindley (2007) and Jacobsen (2005), explain how some of the Somali migrants in Eastleigh acquire their livelihoods. The most common way is through remittances, which serve as their financial capital. The remittances usually come from family, relatives and

friends who are abroad, using a money transfer system known as *Xawilaad* (Lindley, 2007). Jacobsen reiterates this by stating that, “social networks help refugees find employment, housing and sources of credit. Friends and relatives in the Diaspora in other countries send cash” (2005:43). Lindley (2007:6), citing statistics from the World Bank, says ‘on a global scale, remittances are a significant source of income for developing countries: officially recorded flows totaled \$160 billion in 2004, compared with \$166 billion Foreign Direct Investment and \$79 billion Official Development Assistance’.

Remittances play a major role in the life of refugees because they can be invested in informal businesses like clothing shops, telephone operations, hawking of vegetables and second hand clothes, among other wares, on the streets, which help in ascertaining the refugees’ self-sufficiency. Remittances may also be used to meet other urgent needs like paying rent, food, medical care and basically for every day needs. Moreover, the Somalis in Eastleigh remit to their relatives in the camps as well as those who are still in Somalia.

According to Lindley (2007:9) “there is outgoing remittance traffic” whereby:

...a minority of Somalis in Eastleigh also send money to Somalia and to the refugee camps. While smaller than international flows, regional remittances are important, particularly for the turbulent southern Somali region, which still has a substantial regional refugee Diaspora. Some people remit out of their wages or business income. Other people receive money from relatives overseas or from other household members and send it on to relatives in the camps or in Somalia.

Another major source of livelihood which this study focuses on is entrepreneurship (both formal and informal) in Eastleigh among the Somalis. As discussed earlier, some of them use the remittances as capital to start these businesses or others work informally to acquire the financial capital. The rest come with capital ready to start business in

Eastleigh. It is thus the major livelihood strategy for the illegal migrants. Despite their illegality, these migrants have somehow managed to acquire and sustain businesses which are largely considered informal because they are unregistered coupled with the illegal status of the refugee owners. However, some businesses already gradually began to move into the formal economy, by registering with the relevant authorities and paying taxes Lindley (2007:10).

Lindley (2007) also notes that other sources of livelihoods employed by the Somalis in Eastleigh that encompass financial capital obtained through the social networks, include the provision of accommodation by well-to-do Somali families or seeking assistance from the mosque and other charitable organizations.

The nature of law enforcement in Kenya provides a source of livelihood strategy for the Somalis. The CLARION (Center for Law and Research International) report suggests that the Kenyan legal system, the law enforcers and the ministry of immigration are corrupt. Thus, corruption is another option that Somali migrants use to survive in Nairobi. As Lindley (2007:143) states, “some Somali refugees obtain Kenyan or Alien Identity card through various means” Hyndman as well as Verdirame (cited in Lindley 2007) confirm that some of the migrants are actually refugees from the camps, who have the UNHCR identities showing that they are *prima facie* refugees, but yet again, due to the encampment policy held strongly by the government, such papers are rendered useless as these people are exposed to coercion and harassment from the local authorities and the

police and often face arrest. However, through bribes, most of these illegal migrants are released (Lindley, 2007).

The CLARION Report¹ (2002) sheds some light in this as it narrates how these passports and ID cards are acquired. An example put forward by the report is of two police constables who were arrested in Nairobi for allegedly selling Kenyan passports in the black market, for a minimum of Ksh 50,000 [US\$650] and in possession of 22 passports. The two officers were attached to a police station in the slums of Nairobi, and had allegedly impounded an unknown number of passports from a suspect. Instead of handing over the passports to the relevant authorities, they decided to sell them. Immigrants from Somalia, who wish to conceal their identity in Kenya buy these passports, and thus fall prey to the people running these rackets that collude with immigration officers, and charge these illegal immigrants Ksh 300,000 (\$380) to Ksh 500,000 (\$650) per passport. Reported cases of corruption among the government authorities in Kenya are rampant. It is officially recognized and there have been studies, conducted by organizations such as Transparency International and CLARION that have looked into corruption within government departments, especially those that directly serve the public [e.g. Immigration, Defence, Health and Provincial Administration]. In as much as the government functionaries have tried to defend their departments against allegations of corruption, it is more than obvious that the citizens of Kenya do not trust in the ability of the government officials to provide services without inducement in the form of bribes, CLARION (2002).

¹ The Center for Law and Research International (Clarion) Report was published in 2002, after a research done by a group of researchers inquiring into the corruption in public offices in Kenya.

Thus, with this said and discussed, the next chapter presents and analyzes data from the field in line with the literature and the theories.

CHAPTER THREE

PRESENTATION OF FINDINGS AND ANALYSIS

This chapter will present the findings from the fieldwork in Eastleigh Estate in Nairobi, Kenya. The findings will help in evaluating the assumption that the livelihood strategies of illegal Somali migrants in Eastleigh Estate in Nairobi are determined by the nature of the host-state's law enforcement practices, and the type of host-community wherein they trade or invest. The report will also show how the Somali migrants have integrated economically into the Kenyan state without legal status by circumventing state control in order to acquire, manage and sustain their livelihoods in Eastleigh. This chapter, while integrating literature review and tying it together with the theoretical framework in explaining and substantiating the findings, will fill in the existing gaps in the literature. The presentation will start by examining the role of the co-ethnic group as well as other social networks in assisting Somali migrants in Eastleigh. Subsequently, the presentation will examine the role of the law enforcement practices and the ways in which these urban migrants circumvent the law.

The role of the Kenyan Somalis and other social networks

As Landau and Monson (2008:319) note, 'Africa's urban centers have become primary nodes of trade, transit and political power, characterized by a widening range of diffuse experimentation with the reconfiguration of bodies, territories, and social arrangements'.

Eastleigh estate in Nairobi, Kenya as discussed above, elicits the kind of centre the scholars are discussing.

Following from this, an inquiry into the reasons for coming to Eastleigh was important, not only because it would give a conceptual understanding of importance of the ethnic group and the social networks in sustaining livelihoods of Somali refugees, but would also to give the background dynamics of Eastleigh. The social networks enable Somalis to settle in Eastleigh and in the attainment of their livelihoods. The Nairobi survey statistics show that 92.10 percent of the 63 Somalis interviewed had contacts with relatives in Nairobi before leaving Somalia, and 94.80 percent of 58 interviewed affirmed being encouraged or being helped by relatives and or friends in coming to Eastleigh, affirming the already mentioned role of social networks. Upon asking why they came to Eastleigh instead of anywhere else in Nairobi or the other towns in Kenya, Abdulahi (29 years) says that,

I came here because my uncle was here, and he could give me accommodation, I liked it here also because I could still eat food that I am used to, have access to mosques and I have some friends who I knew before I came and we sometimes meet and sit and chew 'miraa' which is just like what I used to do in Mogadishu.

Social networks are important to migrants because they tend to move to where they can find their relatives, friends and even country men or in the case of Somalis in Eastleigh, their ethnic group, the Somali Somalis and co-ethnic group, which is the Kenyan Somalis. This is so because of the shared religion and ethnic customs, and a shared way of life in terms of the kind of food they eat, to name but a few.

Others come in search of stability and safety, as Abokor (34 years) says that,

I came here from Somalia directly. I did not want to go to the camps as there people suffer just like in Somalia, there is little food and it is not safe. I like Eastleigh because I am able to work and get some money to send to my people, and because it just feels like being in Mogadishu but without the war...I am able to get good food, attend the mosque and I have many friends... but most importantly is that there is peace here.

This sentiment was echoed by 16 respondents as they found Eastleigh to be a suitable place because of its resemblance to the kind of lifestyles they had at home prior to the war. The Nairobi survey statistics show that 82 percent of the Somalis interviewed left their community or country of residence to escape war and conflict. These Somalis came in search of stability, safety and peace. Whether one can say they found peace, stability and safety is debatable. This is because, first and foremost, their safety is not guaranteed in that as stated above, neither the Kenyan government nor the UNHCR provide protection to urban refugees. Consequently, without protection from the government and UNHCR, it means, as stated by Campbell (2005), that these people become victims to police harassment, one of the major issues brought up by all the respondents. While this is so, the police are seen to be the state agents, just implementing the Kenyan government's laws and regulations as stipulated in the Refugee Act (2006).

There is a smaller group though that views Eastleigh as a gateway to western countries. 20 percent of the 20 respondents had the hopes of going to Europe or the United States of America. Supported by the FMSP Nairobi survey, 46.20 percent of the 143 Somalis interviewed had considered other cities while out of these 46.20 percent, 80.00 percent considered America to be the ideal place and 41.50 percent considered the United Kingdom. They therefore came to stay in Eastleigh in the hope of getting legal

documents which they can use to go either Europe or America. An example is Abdulahi Hassan (30 years), who is a co-owner of a shop in Eastleigh. He came to Eastleigh in the year 2000 in the hope of going to the United States of America, but has found it difficult to get a Kenyan passport, but says

I am in the process of getting one so that I can go to America to join my brother....but in the mean time I have to earn a living and thus I have the shop to help me.

Theories of globalization as mentioned in the literature lead to faster means of communication and sharing of knowledge. Since the Somalis are all over in the Diaspora, the ones in the western countries feed information about the first world to the ones in the third world, which in turn lead to what Horst(2006) calls ‘*Buufis*’, which she defines as the intense desire to move to the western countries to a point where it becomes a psychological problem. Some of the Somalis have managed to migrate to their preferred countries. The research will discuss later how they manage to get legal documents and how they get out of the Kenya.

Contrary to Horst’s (2006) suggestions and other migration studies that refugees in Third World countries look for resettlement in the western countries, there are those who move back to Africa. Though not many, there are a few who do come back. One of my respondents is an example of those who have been in the First World and came back. Marriam (36 years), who owns a chain of wholesale shops in Eastleigh, says she relocated to Eastleigh from Sweden in Europe. This is because she needed to be near home, Somalia, and being in Nairobi gives her that opportunity. She chose Eastleigh because she intended to start business to sustain her and her family’s livelihoods.

Eastleigh was the best place because of the other Somalis who were already there.

Opening a business was easy as long as the capital money is available. She states that,

It is better off here because I am able to communicate with some of my family members and relatives in the camps and back home in Somalia. Life here is very cheap and I am able to live comfortably, and my children are able to get Islamic education that was hard to find in Sweden.

Horst (2006), describes the hardship that Somalis in Minneapolis go through to earn a living, considering the expensive lifestyle there. This could be one of the many reasons that drive these refugees like Marriam back to Africa as they consider life to be cheaper in the continent. Ties to the home country, Somalia, is taken seriously by the Somalis and thus, if they are not able to communicate with their kin back home, they move back as illustrated in Marriam's case, or move to other countries that will enable them to communicate with their people. The responsibilities they have to family drives most of the decisions made by Somalis, in terms of where they move to. Horst (2006) uses the case of Somalis who have migrated from Netherlands to Minneapolis because they had difficulty in sending remittances to their relatives in Daadab camps in Kenya as well as in Somalia. While ties and transnational networks are important to these Somalis, religion also matters. In Marriam's case, she talks of her children getting Islamic education, one thing that is fundamental to Somalis because of their Muslim background. Being outside their country, they tend to move to places where they can access their Islamic education and Eastleigh gives them a place and space for this. Existing literature also shows that Somalis, mostly mothers and their children, have returned to Cairo or even Somalia from other western countries like Finland and Denmark countries due to lack of access to

Islamic education background and expenses they incur in those countries are too high, Horst (2006).

One major attraction to Eastleigh is the fact that, in as much as the starting-off jobs are not well paying, it is easy for one to progress because the Somalis in Eastleigh tend to employ their own people. Most of the respondents were first hosted by their relatives, family and friends. The Nairobi survey indicates that 35 percent were hosted by family already in Kenya, 17.5 percent were hosted by friends they knew from Somalia and interestingly so is that 16.8 percent were hosted by people they did not know, but they were Somali Somalis. The Nairobi survey data also shows that 44.7 percent of the Somalis interviewed did not work on arrival. After familiarizing themselves with the area, gradually they managed to get enough money to start their own businesses.

Social networking in terms of interacting with new members of the community in Eastleigh has helped a number of Somalis to locate their relatives abroad. Through this, they have managed to support and keep in touch with their friends and relatives back home in Somalia and in camps across Kenya. The Nairobi survey shows that 95.10% of the 143 interviewed still have household members who are still in Somalia. Hussein (27 years) story is an example of how this is done:

When the war broke out, my uncle escaped and managed to come to Eastleigh, later when my father died, he was the one to take care of us and it was hard for him because he had his own family, so he made ways for me to come join him so that I was able to help my family. So I came and he gave me a job in his shop, I saved and saved, and opened my shop, and now I brought the rest of my family, although one by one to this place, only my mother is still there (Somalia), some of my brothers and sisters have gone to America and Europe, with the help from our other relatives

and friends, and they send me money here to help me and some to send to my mother in Somalia.

Social responsibility is vital among the Somalis. Hussein's story depicts what Horst (2006) calls transnational responsibility, where family members have serious obligations to help each other. Although it is a personal choice, the Somalis are sort of compelled by their cultural, social and religious traditions to assist each other (Horst 2006). Of the 93 Somalis interviewed in Nairobi, 78.50% of them showed that they had household members in the USA or Canada and 33.30% in the United Kingdom, of whom send remittances to close family and friends in Eastleigh, the Daadab camps and Somalia.

Apart from the remittances and transnational social support depicted by Hussein's story, the social networks among Somalis in Eastleigh are very crucial. It is through social networks that the Somalis are able to run legal business as they team up with the Kenyan Somalis to aid in the registration of their businesses. Through social networks, some of these people are able to get Alien Identity cards that the government started giving in 2006. To get the document, one has to be referred to the local chief by a well-known person, meaning someone who has lived in Eastleigh for long and has acquired popularity and considered a respected member of the community in Eastleigh. The importance of social networks is not only transnational but also is vital to the Somalis' livelihoods in Eastleigh. This is because there are procedures one has to follow before engaging in a business, the major livelihood strategy for the Somalis.

The respondents explained the procedure one goes through, as they plan to start a business: One has to be accepted and acknowledged by the Somali business community which comprises of Kenyan Somalis as well as Somali Somalis who provide protection and overlook the businesses being run in Eastleigh. This can only be done by meeting the people in that committee, an appointment which is made possible through the social networks. The Somali business committee is an equivalent of a functional government, in that they give the Somali Somalis permission to open businesses, provide protection and mentor the young business men as well as negotiate with the Kenyan government on issues concerning the livelihoods of Somalis in Eastleigh. They also try to negotiate with government authorities like the Nairobi City Council on issues regarding waste management in Eastleigh. They are a bridge between the Kenyan government and the Somalis in Eastleigh. The only difference between the Kenyan government and the Somali business committee is the collection of taxes, but in a way, people contribute money to run this committee.

Mohamed (28 years) described how he started his business, after being hosted by a cousin upon arrival in Eastleigh. The cousin got him a job in a friend's supermarket. There, he interacted with several influential people and that is how he acquired business skills. With enough money to start a clothing shop, first he had to meet the committee of the Somali Business community, as he puts;

It is very important to know those big people; they are the ones who take care of the businesses here. They will help you to get to know how to go about the registration and everything and whenever you encounter a difficulty like your shop being broken into they are the ones whom you tell.

Being illegal migrants, the Somalis are not eligible for employment in Kenya, so they invest in their own informal businesses to earn a living. This is a major livelihood strategy for the Somalis living in Nairobi. As the survey data showed, 37.5 percent of the 144 Somalis interviewed were self-employed in that they run small businesses to earn a living, although 43.80 percent were not employed. 33.10 percent of 142 Somalis interviewed said their preferred income-generating activity is “self employment” usually running businesses. Their businesses are termed as informal but are formal in all measures of a formal business. Most have their businesses registered with the Kenya Revenue Authority, they pay the Nairobi City Council to acquire a license to run their businesses, and have customers from all walks of life shopping in their malls and shops. The report argues, therefore, that the Somalis are operating more or less legally yet they do not have legal status in Kenya. It is unclear whether if they receive documents i.e. legal papers, the Somalis will change anything they are doing now. There are those of course who are operating illegally. This is the group that has not registered their businesses with relevant authorities but they still manage to get by.

Business is usually registered through the Kenyan Somalis if a Somali migrant is undocumented, or they pay a bribe to the officials involved in registrations of companies, Kenya Revenue Authority (KRA). This is the role that the Kenyan Somalis play, when it comes to acquisition of these livelihoods. Since they possess Kenyan citizenship, it is not hard for Kenyan-Somalis to register businesses on behalf of their kin from Somalia. Usually, this middleman assistance is done with an agreement; some form of payment maybe carried out, because it is a tedious process to register a business. Adam (33 years)

gives his side of the story, although this is more or less what happens when even Kenyan citizens need to register a business with the Kenya Revenue Authority (KRA):

I started my business but I was harassed by the KRA and City Council Askaris (Police) very much, so I got a well established Kenyan Somali businessman to help me register. I had to give a lot of money for the registrations and everything, but I also had to give money as a token of appreciation, but it is too much, but what can we do, we have to so that our lives can be better.

This token he mentions was in essence a bribe that he paid to get someone to register the business. This somehow confirms the argument that legal status will enhance the livelihoods of Somalis and their survival in Eastleigh as they will be able to register the businesses by themselves.

One outstanding finding in the research was that, in as much as the illegal Somali migrants used the Kenyan Somalis to register their businesses, there were other Kenyan citizens who were involved in helping the Somalis who operated unregistered businesses to get supplies for whichever goods they traded in. For example, Said (37 years), whose business was not registered, used a company to import goods for his business. Thus he said;

“There is this company called Nairobi Cargo, which supplies me with what I sell. I just go there, and I order what I need and I pay money, and then I wait and they bring. All I worry about is the KRA officers who come around and also the City Council people, but those you just give money and they leave you alone, although they come back all the time, so I am planning to get the business registered.”

It is therefore evident that it is not only that the Somali earn their livelihoods by sourcing assistance not only from their kith and kin people but from other ethnic groups and agents of the state who accept bribes so as to turn "the other way" from the unregistered businesses. Another source of help to register business comes from fellow Somali Somalis who have acquired nationalities in other countries, but have moved back. Though very few, this group easily gets their way around as they have legal papers and are able to get work permits. One of the respondents had a Swedish passport and thus registration of business for her was not difficult. She also confirms that she has helped a couple of her relatives to register their businesses.

The newcomers usually start off as hawkers. This group does not need any kind of registration of business as they walk around with their wares on hand. They are the ones who suffer mostly from arrests as being on the streets exposes them to the police who are always on patrol in Eastleigh. As Salim (32 years), who owns a clothes shop, said:

I started off as a hawker selling belts and hats on the streets because I did not have money to rent a stall, and I had no one to help me, you know all my relatives died in the war and I have not been able to locate the rest abroad, the police arrest you all the time and you have to give money for them to let you go, they are the biggest problem we have here those ones. My friends sometimes would pay the police to let me go when I do not have money.

The businesses are mostly started with one's own money saved through working for others, or hawking in the streets or through remittances from relatives abroad. In line with Lindley (2007), Campbell (2005, 2006) and Horst (2006) findings, remittances are another form of a livelihood strategy among the Somalis in Eastleigh as some families

just depend on the money sent by their relatives from abroad for their daily bread. It is even through remittances that some of the businesses were started. Thus, remittances play a major role when it comes to the Somali livelihoods. The remittances go further as the Somalis in Eastleigh are better off than those in the camps and in Somalia they also, thus, remit to help their relatives there.

Mohamed an interviewee estimates that 85 percent of the Somalis in Eastleigh get money from abroad, 15 percent run businesses but they also get remittances from relatives abroad. This is slightly different from the findings of FMSP descriptive statistics which indicates that, of 145 interviewed during the Nairobi survey, 65.50 percent receive money from outside Nairobi, of which 72 percent comes from close relatives abroad, and 56.8 percent receive the money monthly. 80.2 percent of these remittances come from United States of America and Canada. One outstanding issue is how, in some cases, the businesses actually belong to relatives abroad who appoint one of their relative to run the business and take care of everything on the ground. Mostly, this is done to benefit the said relative but those abroad also benefit from it when business is good. This was the case with three of the respondents, and an example is Alwi (25 years) story:

My two brothers and sister who are all in America used to send me money, and that is how I got out of the camp, when I got to Eastleigh, I got a job in one of our family friend's clothes shop, but the money was too little to survive on and I kept asking for more from them, so they decided to save up for up to a year and they sent me the money that was enough to start this shop that I have, and in turn now we help each other in sending money to our other relatives in the camps and in Somalia, I also help them out when they are in trouble there in America.

This is a type of remittance that has not been explored by many studies, for example the studies mentioned above. Remittances sent to relatives and family in the western countries, though not on a regular basis, happens. The FMSP survey also showed that 38.6 percent of the 145 interviewed send money outside Nairobi, 50 percent of these people send money on a monthly basis, and 25 percent send money for special needs. 100 percent send the money to friends and family and relatives in Somalia.

Integration

Lindley (2007) finds Somalis to be socially integrated. This study also confirms this as the Somalis can be said to have integrated well into the Kenyan society because they have no problems with the locals. They live together; they employ the locals to work for them and are both benefiting in a symbiotic manner. As Mudey noted:

Look at us here, that person carrying goods into the shop is a Kenyan. Without them we would not be doing what we do and without us they would not have bread on the table. Look at the shoppers most of them are Kenyans from all over the country, if these people were not coming here we would not be here, Kenyans are very peaceful people that's why we can survive here.

Marriam said:

'My house help is a Kenyan. Some of my neighbors are Kenyans and we live together and we do not fight. We have no problems with Kenyans at all and they have no problems with us either.'

Although Campbell (2006) only mentions that the refugees in Eastleigh are economically-integrated, this study finds these refugees also socially integrated. Thus, they are economically and socially integrated and lack the third type of integration which is legal integration. It would then be imperative that these Somalis get their legal status in

order to achieve the full definition of integration defined by Crisp (2004) in Campbell's (2006) study. The FMSP survey also confirms some form of social integration by the Somalis in that 76.5 percent of the 81 interviewed have paid or hired Kenyans of a different tribe to work for them. These results are substantial enough to measure the level of social integration by the Somalis in Eastleigh.

How the illegal Somali migrants circumvent state control

As an illegal migrant in Eastleigh, life can be very difficult because one has to always try and evade the police on patrol. The police know that the Somali Somalis are not supposed to be in Eastleigh and thus, they cash in on that. The Refugee Act (2006) states,

Section 3 (1) Any person who has entered Kenya, whether lawfully or otherwise and wishes to remain within Kenya as a refugee in terms of this Act shall make his intentions known by appearing in person before the Commissioner immediately upon entry or, in any case, within thirty days after his entry into Kenya. Sect 3, (3)no person claiming to be a refugee within the meaning of section 3(1) shall merely, by reason of illegal entry be declared a prohibited immigrant, detained or penalized in anyway save that any person, who after entering Kenya fails to comply with subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months, or both."

The FMSP Survey indicates that of the 143 interviewed, 62.9 percent have not presented themselves to the UNHCR, and 69.9 percent have not presented themselves to the Kenyan authorities like immigration offices. 95.9 percent of 145 interviewed do not have permits showing that majority of them are illegal migrants, thus the police take advantage of the situation.

Instead of the police adhering to these rules, they take bribes from these illegal migrants on arrest and they get released before being taken to a police station. This situation could be said to be working well for the Somalis in as much as it is a major obstacle to their thriving livelihoods. Most of the time, even if one has some sort of documentation, the police still ask for bribes and disregard the said documents. Abokor narrates his story on how the police treated him in Eastleigh, when he first arrived:

The first time I got arrested, the police asked me where I am from, and when I said Somalia they asked me for my passport, which I did not have. They then put me in the police van and inside they started shouting at me, and I did not know what they were saying as they were speaking in Kiswahili. They then asked for money if I did not want to be taken to Pangani police station. I only had Ksh 200 [\$3], and I told them so but they refused. All this time they were just driving around Eastleigh arresting others like me. They then told me to give what I had and they dropped me where we had reached, and they told me the next time they get me they will take me with them.

Similar stories were given by all of the respondents with amount they gave out ranging from Ksh200 (\$3) to 2000 (\$25).

The police harassment is so grave to the extent that they have a sort of a cartel around Eastleigh which targets certain people, especially the businessmen. They therefore arrest what they call the ‘small fish’ and instead of asking for a bribe, they try and extract information from them about the targeted person whom, after gathering whatever information they need, they release the one arrested. Said, who has not registered his business, narrates how he has to pay off the police every time his goods are delivered by the cargo company.

“One of my people who I work with was arrested one day, and the police asked him for the papers, and he had one of those alien cards. The police refused to recognize it, and they told him that he has to be taken to the police station for being here illegally. He tried to negotiate with some money but they refused and he was taken to Pangani. He was put in the cell, but someone came and told me they had taken him. I went there with money to bail him out but they refused saying he will be taken to court and then deported. In the cell, the police were asking him information about me and my business and they were beating him up, he said everything he knew and they let him go. The next day at night when the lorry arrived from Mombasa with my goods, the police came and demanded a lot of money or they would arrest me. It has been like that since, I always have to pay, and this happens to most of us in business.”

Interesting information gathered in Eastleigh is how it is not only the police who are bribed. There are cartels that have been formed by some local bandits, usually the loaders and downloaders of cargo. As a businessman, one has to employ these people to do this work and pay them so that they do not report to the authorities and to the police as well. When the shipment comes in, they are the only ones who work. They apparently also provide protection and provide information on the police plans to raid one's premises. Hassan, a wholesaler describing Eastleigh as jungle where the phrase 'survival for the fittest' applies, talks of how these bandits approach you when they have a lot of information at hand about you. *“They ask you for work to download your cargo when it comes through, which is usually at night. If one does not agree, police harassment will never stop. Once they are employed, the police never come around, may be once in a while but these people let you know in advance that the police might come, but one buys this kind of information by paying these bandits”* as he puts it. The survey also shows that one of the major reasons Somalis dislike Eastleigh is corruption that goes on in the place as 58.6 percent of 145 interviewed said.

The CLARION (2002), Jacobsen (2005), Lindley (2007) have discussed the bribes to police but the bribes to these other bandits terrorizing the Somalis in Eastleigh have not been discussed. These same people harassing them are the same people who are providing security for them. In the sense, the Somalis pay these people so that they protect them from the police and thieves. Mohamed described the police as not being different from the thieves because then they use authority to demand things from you while the latter just threaten you.

The major challenge the Somalis face in Eastleigh is the security issue. The businessmen keep their money in other bigger business areas, which are relatively safe because they hire their own security, but sometimes they also get robbed. This is because, as illegal migrants, they cannot open bank accounts, although a bank for the Somalis has been opened in Eastleigh to provide for the traders. Crime in Eastleigh is rampant because it is not reported to the authorities, thus cannot be curbed. This is due to the fear of police or government officials.

Families, especially women, have security problems in their homes as well, not only in the business area. Servants are usually locals, whom they employ on a permanent basis, and thus, may get to know family secrets like where money is kept, since they live in the same house as their employers. Many a times, these workers end up robbing these families of their valuables. On the one hand, the families cannot do anything about the crime since they are not legal in Kenyan and are thus unable to trace the person. On the other hand, they cannot report to the police as well because they fear the police. 42.80 percent from survey said that they do not report robbery to police, 75 percent of the 60

interviewed saying that that the police would not help, while 25 percent of these believe police are involved in the crime too. 54.5 percent of 145 have been victims of crime.

Acquisition of legal papers

As stated throughout the paper, the population sample is that of undocumented migrants and thus, they lack legal documents to be in the country although there are some papers provided by both the UNHCR and the government of Kenya. Below are some of the papers that the population sample had.

UNHCR identification cards

The UNHCR provides identification cards for the refugees in the camps only, although when one needs to travel to other parts of the country for education purposes or seeking medical treatment or any other urgent issue they are allowed to use this identification. Thus, in Eastleigh, they are those who possess these cards although since they have been out of the camps for long periods, these documents could be said to be null and void. This document does not allow them to work or register business or get employment.

Alien identification cards

This type of legal document was introduced by the government in March 2006, and could allow the migrants to get employment or register business but lasts for two years only, without the option of renewal. It also came with conditions that the people eligible were those who have been in Eastleigh for six or more years. One was supposed to get permanent residence upon the card's expiry date. To date, this has not been implemented.

The worst-case scenario is that these people got the real cards in early 2008 when the card was almost expiring, thus proving not so helpful. Not all the migrants got these cards when they were being given out. It is estimated that 25,000 Somalis in Eastleigh got the document. That is how most of them managed to register their businesses to sustain their livelihoods.

National identification cards and Kenyan Passports

Through whatever means and ways, some of these people have the Kenyan National Identification cards and some have the Kenyan passports. But, as Ahmed (31 years), says:

It is of no use to get one of those because first it costs a lot of money to buy one from some people in those departments, and then even if u have it here in Eastleigh the police will still harass you whether you have it or not, it is even much easier not to have because then they will just ask for something small and they leave you alone. If you have it they will start questioning you how you got it because they know you are not Kenyan, not even Kenyan Somali...I do not know how this people know but they do and they will ask for a lot because they will accuse you of being crooked.

From the survey, 42.8 percent of the 145 interviewed had unofficial charges to government officials to get ID documents, 42.1 percent had paid someone outside the government to help get the ID documents. Although from this case, it is clear that as a Somali in Eastleigh, it does not matter what type of legal papers one has, whether valid or not, it will not protect you from the police. 12.4 percent of the 145 interviewed have had their documents destroyed or taken by the Kenyan government authority.

Passports from other countries

Only one respondent Marriam, had a passport from one of the European countries, which she mentions has helped her a lot in terms of her business registration and to get a work permit, but it does not protect her from the local authorities like the police. She narrated her story:

I have been arrested several times by the police and whenever I show them my passport, that's when they even ask for more money because they think just because you are from Europe you must be having a lot of money. They asked me for a yellow book (yellow fever certificate) which I did not have and therefore I had to pay them. These people just get excuses to get money from us.

On asking whether being given refugee status would make a difference, all the respondents responded in the affirmative, although with a lot of reservation in line with Kenyan government policy of encampment. Most feared that getting the status might mean going back to the camp. Therefore, they suggested that the status be given but they should be allowed to stay in Eastleigh and be allowed to work and register their businesses. Interestingly, the respondents suggested that the police should be made to respect these papers if they were given, citing that the police was the biggest problem they are facing in terms of extortion and harassment.

Challenges faced in Eastleigh

(i) Overpopulation

Eastleigh is overpopulated and housing is scarce, which leads to even more congestion. Resources such as water and electricity are also scarce, due to overpopulation. Their children get admitted to schools as there are four public primary schools around

Eastleigh, but the quality of education is sub-standard because there are too many children attending these schools. This has led to congestion in the schools as well. It is hard for the Somalis to be treated in government hospitals but private hospitals are available, although they are too expensive for them.

(ii) Environmental hazard

Poor hygiene is another problem that the residents of Eastleigh face. Sewage flows all over the place due to lack of proper drainage. The relevant city authorities do nothing about it because they blame the migrants for the congestion in Eastleigh. The hawkers all over the streets make the situation worse by throwing garbage all over the place. The Somali business community and the government authorities have been working on a plan to keep Eastleigh clean, but it has not been implemented so far.

(iii) Lack of business skills

Most of the Somalis who come to Eastleigh have no business skills and invest in any venture they think will bring money without considering the risks involved. As long as one has capital, they immediately start the business and sometimes they end up losing everything to fires, theft or just lack of proper planning that may lead to loss of business. This is supported by the Nairobi survey statistics done on the Somalis in Eastleigh and the results were that 78.60 percent had no formal schooling but some had primary education. Only 32.4 percent had received additional training. There are adult schools mushrooming in Eastleigh that teach English and business skills, which is proving helpful to these Somalis.

DISCUSSION OF FINDINGS

The findings of the report have discusses how the Somali migrants were able to integrate economically into the Kenyan state it has shown the livelihood strategies of Somalis in the absence of legal status. It has also shown that these refugees have integrated because they have a common ethnicity or social networks with Kenyan-Somalis who are part of the host community. The findings are hereby discussed using the theories brought forward in the theoretical framework as well as the literature review.

Spatial control

That the Somalis in Eastleigh are able to survive and have thriving livelihoods despite their illegal status, is an indicator of a breakdown in the Kenyan government's law regulation and implementation system. As discussed earlier, the Kenyan government has put in place an encampment policy, yet, the Somali migrants still manage to circumvent this law. This befits Torpey's (1998) argument that, by monopolizing the legitimate means of movement, the state, in turn, generates a group of illegal migrants who try to oppose the monopoly, in this case, the Somalis in Eastleigh. The illegal Somalis in Eastleigh are the by-products of the Kenyan government's measures to curb illegal migration. As Landau and Monson (2008) note, the interactions of illegal immigrants with citizens and authorities consistently 'fragment and destabilize systems of authority and power' (2008:319). The findings show that the Somalis have managed to circumvent Kenyan laws and have thriving livelihoods in Eastleigh. This puts Eastleigh in the context of African urban areas which have been defined by Landau and Monson (2008:319) as

areas that have become primary nodes of trade, transit and political power, characterized by a widening range of diffuse experimentation with the reconfiguration of bodies, territories, and social arrangements.

Challenging state sovereignty

As shown by the findings, Somalis have used their social networks to establish themselves in Eastleigh without legal status or any assistance from the Kenyan government or UNHCR. Among themselves, they have built a system that governs them. For example, the Somali business community acts as a mediator in that they forward complaints and requests between the illegal Somali migrants and the Government of Kenya. The findings, depicts how the Somali community acts like a ‘government’ in Eastleigh as it is through them that the Somali migrants can have thriving livelihoods. The Somali business community provides protection to their people and deal with any kind of social problems. It is in this regard that the Latham’s (2000) theory is relevant in discussing this type of society. Latham notes that there are other sources of power as well in the form of ‘social sovereignties’ embedded in other agents or structures of society. The Somalis, as depicted from the findings, can be or are part of these social sovereignties as they have taken up aspects of sovereignty. This is akin to what was described in the findings whereby, the survival tactics and livelihood strategies of Somalis are achieved through their own social networks systems. Latham (2000) uses the example of global financial networks and markets as trans-boundary and how they map out the social terrain that facilitates the exchange of currencies, financial instruments and modes of information and knowledge. This does not limit or exclude the state. Rather,

they overlap and interact with each other and thus form the various social sovereignties he discusses (2000:8-9).

Although they are able to operate without legal status, they still need and use the Kenyan government systems in place to achieve their goals. An example of this is the fact that Somalis are required to register their businesses. To avoid harassments from the law enforcement systems, they need legal status. This is congruent with Latham (2000) argument that, in as much as these social sovereignties challenge the state's sovereignty, the state is still important.

Findings of this report and the literature review indicate loopholes and gaps in the implementation of the Kenyan government's laws and regulations. This report on Somalis in Eastleigh was an attempt to provide an insight into how or where the gaps came from. The Police force, as an enforcement arm of the legal system in Kenya, has the mandate to patrol the Kenyan territory. In as much as they try to implement the law, the Police also misuse or abuse their authority, by, for example, harassing the migrants in Eastleigh and accepting bribes. Although the bribes are essentially what migrants depend on in order to survive in Eastleigh and acquire their livelihoods, migrants still find it difficult to pay bribes to Police on a day-to-day basis.

Das (2004) provides a conceptual framework that helps to explain how rules and regulations are enforced by the state agents (police, army and immigration officers), when she discusses both the "bureaucratic" mode of the state and the "magical" mode of state. Das (2004) demonstrates how state power and sovereignty can be embedded, not in the obvious places, but in the normal day-to-day lives of people. She writes;

An attention to the sociologic through which claims to sovereignty are made and sustained, on the one hand, and the authority of the state as literalized in

everyday contexts, on the other, might help us see the state as neither purely rational-bureaucratic organization, but as a form of regulation that oscillates between rational mode and a magical mode of being (Das, 2004:225).

By the ‘rational-bureaucratic mode’, she means the presence of the state in the rules and regulations in law and in the institutions that implement it (Ibid 2004:225), for example in this report, these are the legal system implemented by the police and other state agents like the officials at KRA, migration officials at department of refugees and ministry of immigration. The ‘magical mode’ refers to the distorted appearance of state power that is used in everyday life by the representation and performance of its rules ...” (Ibid 2004: 226). This has been explained in the findings on how the agents of the Kenyan government, use their authority to their own means and ends. These theories are imperative in analyzing and making sense of the events occurring between the Somalis and the Kenyan government.

CHAPTER FOUR

Conclusions

The report sought to explore the ‘legality’ of the illegal Somali migrants in Eastleigh by analyzing how they manage to integrate economically, without legal status from the Government of Kenya. Thus, the report looked into how the Somali migrants circumvent state control in order to acquire, manage and sustain their livelihoods, the role played by the law enforcement practices in Kenya in the acquisition, management and sustenance of these livelihoods, how the Somalis in Eastleigh draw on social networks as a livelihood strategy and how their affinity with the co-ethnic group (Kenyan Somalis) help in the acquisition of these livelihoods.

The report’s hypothesis was that the illegal Somali migrants in Eastleigh Estate in Nairobi Kenya are able to integrate economically into the Kenyan state, without legal status, because of poor, or lack of, Kenyan state law enforcement practices and because they have a common ethnicity or social networks with the Kenyan Somalis- the host-community. Thus findings showed that the Somalis largely depended and drew on their social networks and the Kenyan Somalis, in acquiring and sustaining their livelihoods. However, the findings also showed that they got help from other sources like the Kenyans of other tribes as well as organizations in Nairobi, when it comes to sustaining their livelihoods.

The findings also showed that, the law enforcement practices in Kenya played a major role in the acquisition and sustenance of their livelihoods. Being illegal in Eastleigh, the Somali Somalis have to ‘buy’ their legality, in that they bribe the Kenya police in the event of arrest in order to continue living in Eastleigh. Since their major livelihood

strategy is engaging in businesses, they can to bribe the Kenya Revenue Authority officials in order to register their businesses. It is evident that the government agents like the police and KRA officials, use their authority, not so much to serve the government but to serve their means and ends, as described by Das (2004).

The Somalis have managed to integrate socially and economically without legal status, meaning they are not legally integrated. One can debate whether legal status would be of any importance. The findings showed that in as much as the Somalis are able to circumvent state control through bribes, it is an issue they are not comfortable with, and they need legal status in order to stop the police harassment, in this case defined as ‘unfair treatment conducted by law officials including but not limited to excessive force, profiling, threats, coercion, and racial, ethnic, religious, gender/sexual, age, or other forms of discrimination’(WIKIPEDIA), and harassment from the local bandits.

The Somalis also need legal status in order to get security protection from the government as indicated in the findings. In an informal way, the illegal Somali migrants also pay their kin, the Kenyan Somalis in order to help them register their businesses, an issue that came up in the findings. Thus if one does not have the money to pay or bribe a relative or friend, legal status if conferred would make life easier for these Somali migrants. In a broader perspective, the Government of Kenya can benefit from the Somali livelihoods, for example, through collection of tax revenue. As it is, the Somalis have proven to be an economically sound without legal status, which is an obstacle and thus if allowed to run legally, they would contribute in building the Kenyan economy.

This report makes a contribution to the study of urban refugees who are largely undocumented and the types of livelihoods strategies they engage in. The concept of urban refugees is a fairly new phenomenon in Africa. This is because, almost all the countries, apart from South Africa and Egypt, have encampment policies in place, therefore urban refugee livelihoods are understudied.

The researcher acknowledges that the population sample in the report was small and thus that results cannot be generalized. Nevertheless, as an academic report, it is not intended to be a representative study. The results inform the reader on how the Somali migrants sustain their livelihoods in Eastleigh without legal status. It is worth mentioning that the author has no legal background and thus the report was solely based on national and international instruments of law, in regards to refugees.

Finally the report looked at the ‘legality’ of the illegal Somali migrants in Eastleigh from the migrants’ perspective. An in-depth study inquiring into law enforcement practices to give a legal perspective would shed more light into how the illegal migrants acquire livelihoods and survive in the urban areas in general.

APPENDIX**Semi-structured questionnaire**

How long have you been in Eastleigh?

Did you come from Somalia straight to Eastleigh or you went to the camp first?

Were you leaving in a town or in the rural areas while in Somalia? Did you know someone in Eastleigh and or who hosted you when you first got here?

What made you choose to come to Nairobi instead of staying in the camps or settling in the rural areas?

Do you have any family members here?

How do you sustain your day today life here in Eastleigh?

What kind of business do you own here?

How did you start the business and where did you get the funds from?

How did you register your business?

Do you have any legal papers like a passport, alien card or Kenyan national ID? If yes how was the process of getting documentation?

What challenges do you face in your day today life in Eastleigh?

Have you ever been arrested or coerced by the police or any other local authority?

How often?

How did or do you deal with the situation?

If given refugee status will it improve your life in Eastleigh or in Kenya?

How is your relation with the locals, I mean the Kenyans here?

REFERENCES

- Bailey, Sarah. 2004. IS LEGAL STATUS ENOUGH? Legal status and livelihood obstacles for urban refugees, Master of Arts in Law and Diplomacy Thesis. The Fletcher School
- Brenner, N. 2004. "The Globalisation Debates: Opening up to New Spaces?" Pp. 27-68 in *New State Spaces: Urban Governance and the Rescaling of Statehood*. Oxford: Oxford University Press.
- Campbell E. H. 2006. *Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival and Possibilities for Integration*, Oxford University press.
- Campbell E. H. 2005. GLOBAL MIGRATION PERSPECTIVES, Formalizing the informal economy: Somali refugee and migrant trade networks in Nairobi, No.47
- Chalfin, B. 2006. 'Enlarging the Anthropology of the State: Global Customs Regimes and the Traffic in Sovereignty', *Current Anthropology*, v. 47 (2): 243-276
- Coplan, D B. 2001. "A River Runs Through It: The Meaning of the Lesotho-Free State Border". *African Affairs*, Vol. 100: 81-116.
- Creswell John, W. 2003. *Research design: Qualitative, quantitative and mixed methods approaches* second edition, Sage Publication. Thousand Oaks London
- Das, V. 2004. "The Signature of the State: The Paradox of Illegibility". Pp. 225-252 in V. Das and D. Poole. *Anthropology in the Margins of the State*. Oxford: James Currey.
- D. Silverman.2005. *Doing Qualitative Research*, London: SAGE Publications. 2nd Ed.
- Ellsberg, Mary Carroll, Heise, Lori. 2005. *Researching Violence Against Women: A Practical Guide for Researchers and Activists/ WHO USA*.
- Franke, S. 2005. *Measurement of Social Capital: Social Capital as a Public Policy Tool, Reference Document for Public Policy Research, Development, and Evaluation* PRI Project, Canada
- Goldenberg, T. 2006. Urban Somali refugees call Nairobi's 'little Mogadishu' home, http://news.monstersandcritics.com/africa/features/article_1233394.php/urban_somali_refugees_call_Nairobis_little_mogadishu_home
- Horst Cindy. 2006. *Connected lives: Somalis in Minneapolis, family responsibilities and the migration dreams of relatives*, International Peace Research Institute, Oslo. UNHCR Research paper no. 124

- Jacobsen Karen. 2005. 'The Economic Life of Refugees, New York: Kumarian Press.
- Jacobsen Karen & Loren B. Landau. 2003. 'The Dual Imperative in Refugee Research: Some Methodological and Ethical Considerations in Social Science Research on Forced Migration'. *Disasters* Vol. 27(3)
- Kyle, D & John Dale. 2008. "Smuggling the State Back In: Agents of Human Smuggling Reconsidered". Pp. 563-569 in S. Khagram and P. Levitt (eds.), *The Transnational Studies Reader: Intersections and Innovations*. London: Routledge.
- Kyle, D & Christina A Siracusa. 2005. "Seeing the State Like a Migrant: Why So Many Non-Criminals Break Immigration Laws". Pp. 153-176 in W. van Schendel and I. Abraham, *Illicit Flows and Criminal Things: States, Borders, and the Other Side of Globalisation*. Bloomington: Indiana University Press.
- Landau, Loren B. & Monson, Tamlyn. 2008. 'Displacement, Estrangement and Sovereignty: Reconfiguring State Power in Urban South Africa'. *Government and Opposition*, Vol. 43 (2): 315-336
- Latham, R. 2000. 'Social Sovereignty'. *Theory, culture & Society*, 17(4): 1 – 18.
- Lindley Anna, 2007. New Issues in Refugee Research; Protracted displacement and remittances: The view from Eastleigh, Nairobi, UNHCR Research Paper No. 143
- Macharia Kinuthia, 2003. Migration in Kenya and Its Impact on The Labor Market; Paper prepared for Conference on African Migration in Comparative Perspective, Johannesburg, South Africa
- Machtelt De Vriese. 2006. Refugee livelihoods: *A review of the evidence*, United Nations High Commissioner for Refugees, Evaluation and Policy Analysis Unit
- Martin Terre Blanche & Kevin Durheim. 1999. Research in Practice: Applied Methods for Social Sciences. University Of Cape Town Press, Cape Town. South Africa.
- Michael Quinn Patton, 1987. How to Use Qualitative Methods in Evaluation, Sage publications, Inc., Newbury park, California.
- Michael Quinn Patton 2002. Qualitative research and evaluation methods 3rd edition. London, Sage Publications
- Peil, Margaret. 1982. 'Sampling in Social Science Research Methods: An African Handbook, (Eds) M. Peil, P.J Mitchell, and D. Rimmer, London: Hodder and Stoughton

Reimer, B, Lyons, T, Ferguson, N, Polanco, G. 2008. Social capital as social relations: the Contribution of normative structures, Journal compilation © 2008 The Editorial Board of *The Sociological Review*. Published by Blackwell Publishing Inc., 9600 Garsington Road, Oxford OX4 2DQ, UK and 350 Main Street, Malden, 02148, USA

Torpey, J. 1998. "Coming and Going: On the State Monopolization of the Legitimate 'Means of Movement'". *Sociological Theory*, Vol. 16 (3): 239-259.

Turton, D. 2005. Analysis of Refugee Protection Capacity Kenya, Strengthening Protection Capacity Project UNHCR

Reports

Centre for Law and Research International (CLARION) 2002, Report on corruption in government offices in Kenya, Published by Claripress Limited Nairobi

Namibia Institute for Democracy, Namibia's Zero Tolerance for Corruption Campaign – http://www.anticorruption.info/corr_def.htm

UNHCR (2010) Country operations profile – Kenya, URL:
<http://www.unhcr.org/cgi-bin/texis/vtx/page1?page=49e483a16>

National and International Legal Instruments

Government of Kenya, the Kenya Refugee Act 2006: Nairobi, Government Printer.

Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969

United Nations Convention Relating to the Status of Refugees, 1951

