

# Hidden and exposed: Urban refugees in Nairobi, Kenya

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### **About the authors**

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### **About the Humanitarian Policy Group**

The Humanitarian Policy Group at ODI is one of the world's leading teams of independent researchers and information professionals working on humanitarian issues. It is dedicated to improving humanitarian policy and practice through a combination of high-quality analysis, dialogue and debate.

### **About the International Rescue Committee**

The International Rescue Committee (IRC) responds to the world's worst crises and helps people to survive and rebuild their lives. Founded in 1933 at the request of Albert Einstein, we offer lifesaving care and life-changing assistance to refugees forced to flee from war or disaster. At work today in over 40 countries and 22 US cities, the IRC restores safety, dignity and hope to millions who are uprooted and struggling to endure. The IRC leads the way from harm to home.

### **About the Refugee Consortium of Kenya**

The Refugee Consortium of Kenya is a national Non-Governmental Organisation (NGO) whose mission is to promote and protect the rights of refugees and asylum seekers and internally displaced persons in Kenya and within the East Africa Region. It was registered in Kenya in 1998 to respond to the increasing complex and deteriorating refugee situation in Kenya and in the region through legal aid and psychosocial services to refugees and asylum seekers, advocacy, research and documentation.

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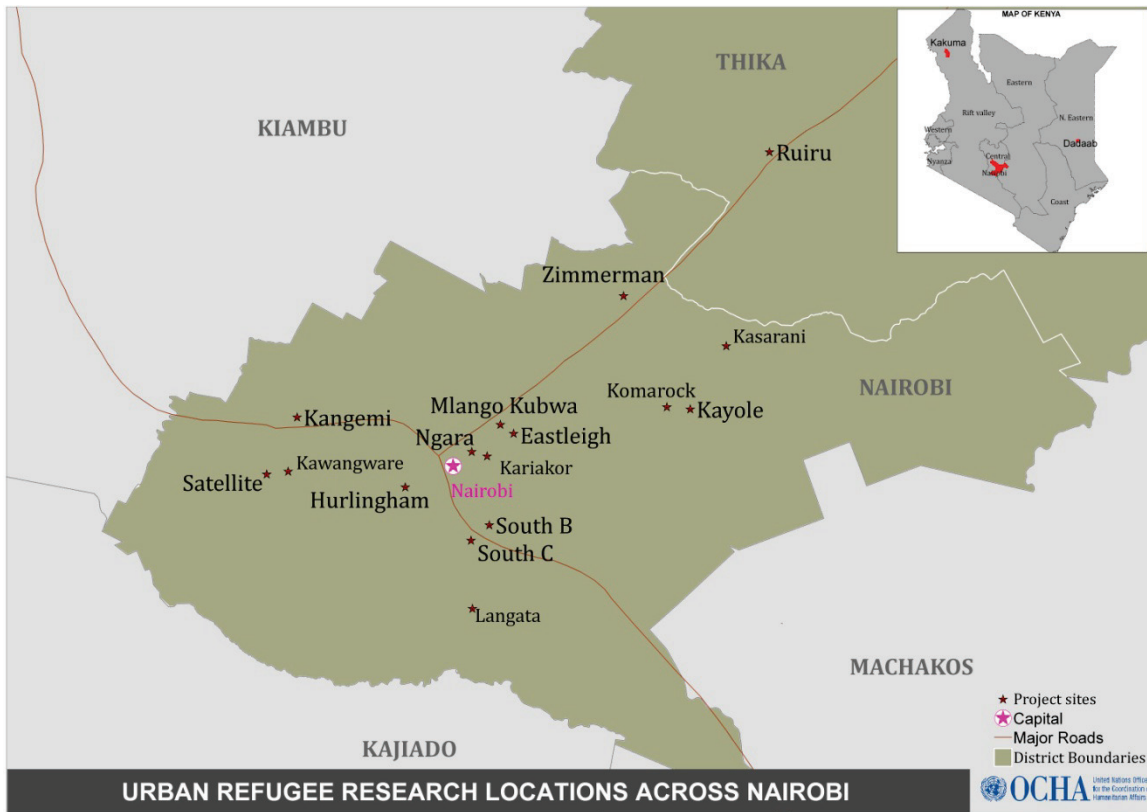
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## Acronyms

ARP	African Refugee Programme
EAC	East African Community
FBOs	Faith-based Organisations
FGDs	Focus Groups Discussions
GoK	Government of Kenya
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit
DRA	Department for Refugee Affairs
HPG	Humanitarian Policy Group
IDMC	Internal Displacement Monitoring Centre
IDPs	Internally Displaced Persons
IRC	International Rescue Committee
JRS	Jesuit Refugee Services
MIRP	Ministry of State for Immigration and Registration of Persons
NARAP	Nairobi Archdiocese Refugee Assistance Programme
NGO	Non-Governmental Organisation
OLF	Oromo Liberation Front
RCK	Refugee Consortium of Kenya
RSD	Refugee Status Determination
SGBV	Sexual and Gender- Based Violence
TFG	Somali Transitional Federal Government
UAMs	Unaccompanied Refugee Minors
UNHCR	United Nations High Commissioner for Refugees
WTK	Windle Trust Kenya

Figure 1: Map of Nairobi





## Executive Summary

The traditional image of life in tented, sprawling camps no longer tells the full refugee story. As the world urbanises, refugees too are increasingly moving to built up areas – including large towns and cities. Today, almost half of the world's 10.5 million refugees reside in urban areas, with only one-third in camps (UNHCR, 2009). Refugees move to the city in the hope of finding a sense of community, safety and economic independence. However, in reality, what many actually find is harassment, physical assault and poverty. Yet there has been scant research into their situation and funding and resources available to assist urban refugees are limited.

In Kenya, a country that today is home to more than 374,000 refugees (UNHCR 2010), there has been significant attention on the plight of refugees living in overcrowded camps such as Dadaab in the east of the country. Yet there has been little focus on the growing number of refugees living in its urban centres. Indeed, the exact size of the refugee population in the capital city Nairobi is not known. Official figures suggest there are around 46,000 refugees in Nairobi (UNHCR 2010), however unofficial estimates are nearer 100,000 (RCK, 2008; Dix, 2006). Despite these high numbers, both quantitative and qualitative information available on these populations is scarce. Urban refugees are dispersed over big cities, often highly mobile and reluctant to come forward for support due to fears that they could be deported or sent to refugee camps. This makes them a largely 'invisible' population, despite their significant need for protection and other support mechanisms.

It is in this context that the Humanitarian Policy Group (HPG) at the Overseas Development Institute (ODI), the International Rescue Committee (IRC) and the Refugee Consortium of Kenya (RCK) undertook this exploratory review to develop a clearer understanding of the profiles and challenges of urban refugees living in Nairobi. This working paper also attempts to better understand the policy framework for refugees in Kenya and current assistance available to them. It will contribute to a larger research initiative<sup>1</sup> led by HPG that focuses on the phenomenon of

displacement in urban areas, across a number of countries.

A team of two international researchers from HPG along with local enumerators gathered the field information over three months. The research team used several instruments and tools to collect information on a wide range of issues related to the urban refugee situation, including document analysis, focus group discussions and personal interviews with key informants.

The review highlights the vulnerable position of many refugees living in Nairobi. Refugees are regularly subject to harassment and extortion, especially by the Kenyan police force. According to Somali and Ethiopian refugees living in Eastleigh, they are stopped by the police on a daily basis and threatened with detention, regardless of whether they have appropriate documentation or not. Refugees reported being targeted for extortion by police officers, who demand bribes from refugees they detain often unofficially on the streets, while many said their communities have been victims of verbal, physical and sexual abuse at the hands of the police.

Refugees and asylum-seekers of all nationalities and regardless of legal status also reported being exposed, like Kenyans, to high levels of criminal violence. For the thousands of Rwandese, Congolese and Burundians who live in predominantly Kenyan neighbourhoods, violent crime and robbery at the hands of organised criminal networks was highlighted as a significant protection threat.

The urban refugee situation in Nairobi is Pan-African and complex in nature, with refugees from eight countries represented. Official and anecdotal information indicates that the Somali population is the largest followed by Ethiopians, Congolese, Sudanese, Ugandan and Rwandese, while smaller refugee groups residing in Nairobi include those from Eritrea and Burundi. The various refugee nationalities live throughout the city; those from Somalia, Ethiopia and Eritrea mainly live in Eastleigh and those from other communities are dispersed throughout many of the lower income areas.

1. <http://www.odi.org.uk/programmes/humanitarian-policy-group/focus-displacement-migration-urbanisation.asp>

Reasons for coming to Nairobi vary, but most urban refugees said they were looking for greater livelihoods opportunities and increased security. Many reported feeling unsafe in Kenya's large refugee camps of Kakuma and Dadaab, where security incidents including rape and killings have been recorded. Many others reported the frustration of having to live in camps where there is virtually no chance of employment and climatic conditions are harsh, and so they moved to urban areas to seek economic independence in the hope of a better life.

The rights of such refugees to move freely within Kenya and reside in urban areas are currently unclear. In 2006, the Government of Kenya (GoK) did pass a Refugee Act that sets out the legal and institutional framework for managing refugee affairs. Whilst the Act was largely welcomed by civil society and represents a step in the right direction, it has been undermined by a lack of institutional capacity, and the absence of a clear national policy outlining the necessary steps for its implementation. In practice, this means that many refugees have different types of documentation and many are not sure what papers they should apply for or how to apply. This confusion is further compounded by fears voiced by many refugees that they may be deported or sent back to the camps when brought in contact with the authorities – again a by-product of a lack of clarity around refugee status.

Such confusion over refugee status and documentation means that many urban refugees find it difficult to access formal employment in Nairobi, whether in the private or public sector. Yet the findings of this review indicate that refugees do make a contribution to the local and national Kenyan economy through informal employment and businesses. This could be further harnessed if there were greater initiatives to support refugee livelihoods.

While the analysis shows that urban refugees and poor Kenyans often share the same problems – including precarious living conditions in overcrowded slums and poor access to inadequate health and education services – refugees do face particular disadvantages. Urban refugees often pay higher rents than Kenyans, are charged more for public health services and some schools request an 'admission fee' before admitting refugee children, despite the fact that primary education is meant to be free to all.

This study also found that humanitarian agencies and civil society organisations have supported refugees in Nairobi by improving access to services, providing legal assistance, counselling and livelihood opportunities, and providing training to the police to better understand refugee rights. However, these national and international efforts are limited by a lack of available funding and resources dedicated to aiding urban refugees, as well as minimal research into the specific refugee population and their needs. In the absence of substantial outside assistance, refugees have developed their own limited coping mechanisms to support their communities.

The life of an urban refugee in Nairobi is therefore extremely challenging. Despite their long-standing presence and active contribution to the economy, the great majority of refugees interviewed did not feel assimilated into the fabric of Nairobi society. Exposure to police abuses and extortion, lack of access to employment and basic services, discrimination and xenophobic attitudes are among the main factors hampering such integration. However, the majority of Nairobi's urban refugees are overwhelmingly unable to return home due to ongoing insecurity in their countries of origin and resettlement options to a third country are limited and unattainable for most refugees. Protection and support must be provided to vulnerable refugees, irrespective of where they are located. The rights of refugees should not be determined by where they are located.

## Recommendations

The report focuses its recommendations on three key areas: refugee protection, livelihoods and service delivery.

**1. Protection:** The issues of police harassment and community violence come out as the most critical protection concerns facing refugees in Kenya.

- All support must be given to ongoing Kenyan reforms known as Agenda 4, in particular the section that addresses the need for systematic reform of the police.
- The GoK must address, in line with its obligations under refugee law, the current confusion regarding the legal status of refugees living in Nairobi, which exacerbates their vulnerability and provides an opening for abuse. Donors should support efforts to train police forces and government departments on refugee rights and refugee documentation.

- UNHCR and the GoK should work together to improve the Refugee Status Determination system, which is currently backlogged and inefficient.
- Humanitarian and development organisations must continue and increase the provision of legal aid services to refugees.
- Humanitarian and development organisations need to use innovative strategies to bring together urban refugees and the surrounding Kenyan communities to increase dialogue and cultural exchanges, all leading to mutual understanding and respect.

**2. Livelihoods:** This report indicates that refugees living in Nairobi significantly contribute to the urban economy. This contribution should be recognised and supported.

- The humanitarian community needs to conduct formalised studies to better grasp the reality of the urban economy and how best to support it.
- With a better understanding of this area, the humanitarian and development community can support the GoK in enhancing the self-reliance of refugees as a means to promote durable solutions.

- The donor community must recognise the shifting of refugees from a predominately camp setting to urban areas and develop policies and provide funding to address this reality.
- The GoK should resume issuance and renewal of Class M work permits for refugees, allowing them to legally access a wider range of job opportunities.

**3. Service delivery:** It is currently unclear for many in the humanitarian and development community how to best provide services to refugees living in urban centres.

- Humanitarian and development organisations should urgently design models to pilot alternative interventions that address the specific and complex needs of refugees in Nairobi.
- Humanitarian and development organisations should work closely with the United Nations and the GoK to ensure coordinated and comprehensive services are provided to address the needs of both refugees and the Kenyan community amongst whom they live. Such services should understand and provide for the specific needs of refugee women and girls.



# 1. Introduction

In recent decades many cities and towns have seen dramatic population increases. Although Sub-Saharan Africa is the world's most rural region, it is estimated that more than half of the population will be living in urban areas in two decades' time (UNHCR, 2006). One prominent feature of increasing urbanisation is the flow of refugees to urban areas triggered by conflict and natural disasters. Today, almost half of the world's 10.5 million refugees are thought to be residing in cities and towns, with only one-third in camps (UNHCR, 2009). An estimated 51% of the world's Internally Displaced Persons (IDPs) live in urban areas (USCRI, 2008; UNHCR, 2008; IDMC/NRC, 2008).

Kenya has seen a large-scale influx of refugees, mostly triggered by the protracted humanitarian crises in neighbouring countries. In 1988 Kenya hosted around 12,000 refugees, most of them Ugandans living in Nairobi (UNHCR Nairobi, 2004, in Campbell, 2006). Today it is home to some 380,000 registered refugees, making it among the top ten major refugee hosting countries in the world (UNHCR, 2009a; 2009b). Unlike the thousands of refugees living in Kenya's four refugee camps, refugees in urban areas are a largely 'hidden' population: little is known about their numbers, profile, status, location and livelihoods. In Nairobi, refugees have been absorbed into the urban fabric, are dispersed over the city and are highly mobile. In 2006, the number of refugees living in the capital and officially registered with the United Nations High Commissioner for Refugees (UNHCR) was 32,000. Today the number has risen to 46,316 (UNHCR, 2009b), but the real figure could be as high as 100,000 (RCK, 2008; Dix, 2006).

This report argues that the refugee experience in Kenya is no longer solely played out in camps, and that responding to the needs of urban refugees represents a growing challenge for state authorities and development and humanitarian actors. Refugees living in Nairobi are not receiving the same level of attention or assistance as their camp counterparts. Although the phenomenon of urban displacement is starting to receive greater attention from international humanitarian agencies and policy-makers, a knowledge gap remains. This exploratory review seeks to address

this gap and support the Government of Kenya (GoK) and national and international NGOs in the design of effective programmes to better meet the immediate and longer-term needs of Nairobi's refugees.

The research has been jointly undertaken with the International Rescue Committee (IRC) in partnership with the Refugee Consortium of Kenya (RCK). Its overall aim is to explore the assistance and protection needs of urban refugees in Nairobi and investigate the policy and operational challenges that confront aid agencies when responding to these needs. The report provides recommendations on how to better help these populations within wider strategies of assistance to vulnerable urban communities. This exploratory review is a pilot for a three-year joint research project that the Humanitarian Policy Group (HPG) is undertaking in partnership with the Internal Displacement Monitoring Centre (IDMC) and the ICRC. The broader project aims to explore the phenomenon of displacement in the urban environment and the implications and challenges that displacement-affected communities pose for humanitarian action.

## 1.1 Methodology

Data for the report came from primary and secondary sources. Primary data collection was carried out between September and November 2009 by an experienced team comprising two international researchers and four local enumerators – one Kenyan Somali and three refugees (from Rwanda, Somalia and Ethiopia).

The enumerators initially conducted a profiling exercise, visiting 16 neighbourhoods in Nairobi to identify locations where in-depth fieldwork could subsequently take place. The team contacted local institutions, such as hospitals, churches, NGOs and offices of local chiefs, to inform them about the study, gather preliminary information on the refugee situation and ask them to nominate potential interviewees for more in-depth interviews. Likewise, the enumerators approached refugee community leaders, explained the research purpose and sought their support and input for the same.

The preliminary profiling exercise also included 22 initial focus group discussions (FGDs) with refugees and Kenyans, both in Nairobi and in the refugee camps of Kakuma and Dadaab. A further 14 interviews were carried out with key respondents.

As a result of the profiling exercise, seven locations were selected for the in-depth fieldwork: Eastleigh, Satellite, Kawangware, Kayole, Ruiru, Githurai and Kangemi. These locations were selected due to the presence of large concentrations of refugees, including the main nationalities in Nairobi. Considerations with regards to access to communities were also taken into account, as some communities were reluctant to participate in the research as they feared that doing so would expose them to the authorities.

During the main body of research, the team interviewed those people recommended during the profiling exercise as well as participants selected at random, either at public spaces like market places or within their homes. Individuals who asked for compensation were not interviewed. In many cases, those who participated were able to introduce the researchers to acquaintances who then also consented to be interviewed. This method was particularly useful with Congolese and Rwandese refugees who were generally less inclined to be interviewed at random. Researchers also used their personal contacts within communities to find willing interviewees, while in the Dadaab and Kakuma camps the team was similarly assisted by refugees who work with INGOs to implement their programmes.

The team conducted a weekly review of information gathered to identify any data gaps and conducted follow on interviews as necessary. Subsequently, to ensure that there was a realistic representation of the different refugee populations by nationality and gender, additional interviews and FGDs were conducted for targeted groups.

In this way, the team conducted 47 qualitative semi-structured interviews and FGDs with a wide range of refugees, including youth, men, women, elders, business owners and petty traders in Somali, Ethiopian, Sudanese, Rwandan, Congolese and Burundian communities. Seven FGDs were also conducted with Kenyan communities and six FGDs, facilitated by IRC and RCK staff, were conducted in Dadaab and Kakuma camps. In addition, 36 interviews were held with key individuals from the government, national and international NGOs, UN agencies, legal advisers, health workers, teachers and police officers. In total, there were 398 participants – 203 Male and 195 Female. Categorised by nationality this includes: 141 Somalis, 60 Kenyans, 45 Ethiopians, 38 Rwandese, 45 Sudanese, 49 Congolese, 18 Burundians, and 2 Eritreans.

Secondary data was gathered through an extensive review of available literature on displacement in urban areas in general, and an in-depth study of existing material, programme documents and articles on refugee populations living in Nairobi. However, it is worth noting that there is relatively little literature available on the urban refugee issue, which is globally under-researched.

## 2. Background

### 2.1 Main refugee groups

The largest group of refugees in Nairobi are of Somali origin. Somali populations have had a lengthy history of migration to Kenya, and have long-established important trade networks (Campbell, 2005). Refugees started arriving in large numbers in the early 1990s, following the collapse of Siad Barre's regime in 1991 and the subsequent humanitarian crisis in Somalia. According to UNHCR, there are 20,111 registered refugees and asylum-seekers of Somali origin in Nairobi, the great majority in Eastleigh district (UNHCR, 2009b). This figure does not include many thousands of unregistered refugees. Some estimates put the number of Somali refugees in Eastleigh at 60,000 (Lindley, 2007).

Ethiopians are the second largest nationality. According to UNHCR, 12,257 refugees and asylum-seekers of Ethiopian origin have taken up residence in Nairobi (UNHCR, 2009b). They belong to various ethnic groups, primarily Oromos and Amhara, and a small number of Anuak. The great majority of Oromos and Amhara live in Eastleigh, while the majority of the 24 Anuak families<sup>2</sup> living in Nairobi are found in Ruiru, a peri-urban settlement 35km from Nairobi. Eastleigh has also attracted refugees from Eritrea and Sudan, as well as from countries in the Horn of Africa and Central and Southern Africa (Campbell, 2006). Other population groups include thousands of refugees

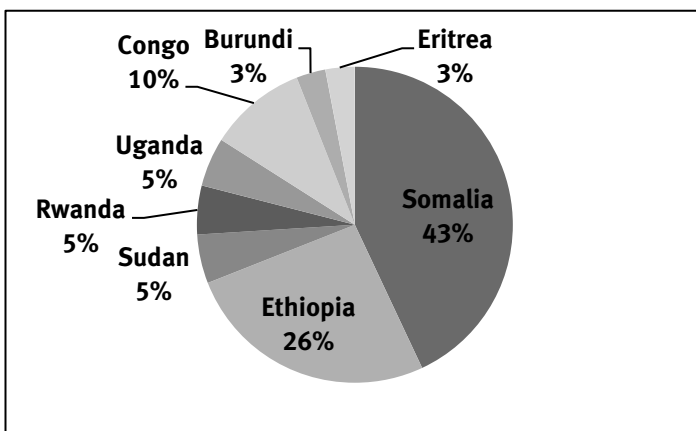
from the Great Lakes region.<sup>3</sup> Nairobi officially hosts 4,598 Congolese, 2,266 Rwandan and 1,202 Burundian refugees and asylum-seekers (UNHCR, 2009b). In contrast to Somalis and Ethiopians, who tend to concentrate in Eastleigh, these groups are spread out across several neighbourhoods, including Satellite, Kawangware and Kangemi, and are often dispersed among Kenyan nationals. Likewise, Sudanese tend to be found scattered in several locations, including Githurai, Ruiru and Eastleigh.

### 2.2 Why the city? Push and pull factors

While Kenya has never officially enacted a policy stipulating it, since the early 1990s the country has in practice required refugees to reside in camps. There are currently four camps in Kenya, three located around Dadaab, near the Somali border in north-eastern Kenya, and one in Kakuma in the north-west (HRW, 2009 and 2002). Together, these camps are home to 88% of Kenya's refugees. There are however a number of administrative exceptions to the 'encampment policy'. These include refugees undergoing resettlement interviews or processing, needing specialised medical or psychological care, pursuing further education or facing serious security threats in the camps (HRW, 2002: 160). In practice these exceptions are implemented arbitrarily and on an *ad hoc* basis, and it is difficult for refugees to leave the camps. For its part, UNHCR requires asylum-seekers and refugees to reside in the camps unless one or more of the aforementioned administrative exceptions to the 'encampment policy' apply. Similarly, most humanitarian organisations have concentrated their assistance in the camps. Refugees wanting to live in Nairobi must confirm that they understand that they are not provided with material assistance by UNHCR, and that they must be 'economically self-sufficient' (HRW, 2009).

Despite the GoK's 'encampment policy' and the lack of assistance outside of the camps, refugees are increasingly seeking refuge in Kenyan cities and towns, including Nairobi,

Figure 2: States of origin of refugees in Nairobi



Source: UNHCR, 2009b

2. Interview with Anuak community representative in Ruiru, Nairobi, October 2009.

3. In this study, the term 'refugees from the Great Lakes region' refers to refugees of Congolese, Rwandan and Burundian origin.

Mombasa, Kisumu, Kisii and Nakuru. Findings from the FGDs in Nairobi and the camps, as well as interviews with humanitarian actors, highlight five main factors encouraging people to quit the camps: security threats, lack of adequate education and medical services, limited livelihood opportunities and harsh climatic conditions. In terms of security, refugees in Nairobi, particularly women, were concerned about the level of sexual violence and killings in the camps, particularly in Dadaab. This is confirmed by reports from UNHCR, which state that cases of sexual violence have increased, from 103 in 2007 to 219 in 2008, with 79 cases of rape (IRIN, 2009). Several humanitarian organisations also pointed to violence in the camps, often related to tensions between different clans and ethnic and political groups. There have also been reports that al-Shabaab, a Somali Islamic militant group, is recruiting young men in the camps. The Kenyan government is accused of doing the same on behalf of the Somali Transitional Federal Government (TFG) (HRW, 2009a), and is claiming UN and international backing despite the fact that recruitment in refugee camps contravenes international law (Ibid.). There are also tensions with local communities surrounding the camps, in particular over natural resources. Disputes between the local Turkana community in Kakuma and Sudanese refugees have led to several reported killings over the last decade (IRIN, 2003).

Many men leave the camps and move to Nairobi in search of better economic opportunities. Kenyan labour law does not allow refugees working in the camps to earn salaries; instead, they are only permitted to receive 'incentives' from UN agencies and NGOs. These are well below the norm for an equivalent Kenyan member of staff's salary. As of early 2009, refugees in Kakuma earned between KES 1,800 and KES 5,500 (about \$23–\$71) per month, compared to KES 35,000 to KES 120,000

(\$450 to \$1,500) for Kenyans (World Refugee Survey, 2009). Another common push factor is the lack of secondary education and medical facilities in the camps. In Dadaab, 15% of the camp population are estimated to be out-of-school youth (DANIDA and MIRP, 2009). Living conditions more generally are poor. Camps are becoming increasingly overcrowded, particularly in Dadaab, where the population grew by 20% in 2009 following an influx of Somali refugees forced out by deteriorating security conditions at home. Dadaab is currently hosting four times more refugees than it was originally designed to hold (OCHA, 2009).

The main pull factors drawing people to urban areas include livelihoods opportunities and the possibility of greater security. Many refugees engage in petty trade or gain employment in small and medium-sized businesses, despite official prohibitions against this. Some have relatives or connections already living in Nairobi, and use these networks to find work and accommodation. Somali refugees in particular exploit family or other networks in Eastleigh, to the extent that many Somalis head straight for Nairobi and do not go to the camps at all. Others who go to the city temporarily for medical assistance or further education often stay on; young people in particular are unwilling to return to life in the camps. Refugees used to living in urban areas in their countries of origin may also be more reluctant to stay in the camps (Pirouet, 1988, cited in Wagacha and Guiney, 2008), while city life offers greater independence and a consequent sense of self-worth and dignity (Wagacha and Guiney, 2008). For some, protection is another concern. Although there are high levels of crime and violence in Nairobi, Oromos and Amharas told the research team that they felt more secure in the relative anonymity of Nairobi.



## 3. The legal framework for refugees in Kenya

### 3.1 The Government of Kenya Refugee Act

In 2006, the government of Kenya passed a Refugee Act implementing the 1951 United Nations Convention Related to the Status of Refugees, the 1967 Protocol and the 1969 OAU Convention. The development of the Act followed a period of sustained advocacy by UNHCR and civil society organisations, including RCK. The Act classifies refugees into two main groups, statutory refugees and *prima facie* refugees, and lays out the conditions for the exclusion and withdrawal of refugee status. This includes those who have committed crimes either outside or within Kenya, have dual nationality and are able to seek refuge in their second country of origin, or people from places where the conditions for seeking refuge no longer exist.

The Refugee Act also established a Department for Refugee Affairs (DRA) within the Ministry of State for Immigration and Registration of Persons (MIRP). DRA has responsibility for the administration, coordination and management of issues related to refugees. Its remit includes developing policies, promoting durable solutions, coordinating international assistance, receiving and processing applications for refugee status, registration, issuing identity cards and travel documents and managing the refugee camps. A Refugee Affairs Committee, also established under the Act, is responsible for advising the Commissioner for Refugees. It comprises a range of government officials, including provincial administrators, police officers and representatives of the MIRP, the Ministry of Foreign Affairs, the Ministry for Local Government, the Office of the Attorney-General, the Ministry of Finance, the Immigration Service, the Ministry of Internal Security, the National Security Intelligence Service and the National Registration Bureau. The Act also states that it should include representation from the host community and civil society.

The Act also determines the parameters for the Refugee Status Determination (RSD) process through which applications for refugee status are assessed. Upon entry into the country, asylum-seekers have up to 30 days to report to reception centres set up by the DRA. Their details are subsequently recorded and they are issued with an Asylum Seekers Certificate which provides

protection against arrest as an illegal migrant. Asylum-seekers are subsequently interviewed to ascertain why they are seeking refuge. If refugee status is granted, it allows refugees and their families (if present during the RSD process) to remain in Kenya until it is safe for them to return to their country of origin or move to a third country. If asylum-seekers are denied refugee status, they have recourse to an Appeals Board and, if unsuccessful, to the High Court. If these appeals are rejected they have 90 days to leave the country. If granted asylum, refugees receive a Refugee Identification Pass and can apply for a Convention Travel Document, which enables them to travel abroad without a passport. Those considered by the DRA to have a legitimate reason to leave the refugee camps should receive a Movement Pass.

Although the Refugee Act sets out the legal framework governing refugees and establishes the institutions and procedures to implement it, in practice there is inadequate capacity and will to ensure its effective implementation. The DRA has a limited number of staff, many of whom are just starting to gain operational experience in dealing with refugee issues. More broadly, there is no national refugee and asylum policy to assist with the implementation of the Refugee Act, and there is some confusion about the government's official position. According to the 'encampment policy', the government expects refugees to stay in camps to facilitate their protection and assistance needs and to safeguard national security. However, while the Refugee Act implicitly accepts this policy by outlining the procedure for appointing Refugee Camp Officers, it does not state which categories of refugees should reside in camps, or which areas should be designated for such settlements.

### 3.2 The role of UNHCR

UNHCR is responsible for the RSD process. However, the large numbers of people seeking asylum in Kenya has put significant pressure on the agency, and the system is subject to significant delays. Many wait between six and 24 months for a decision on their status. Initial steps are underway to enable the DRA to start taking over the RSD process, as envisioned in the Refugee Act. The Danish government is funding a project to assist the DRA to develop a national

refugee policy and build its institutional capacity (DANIDA and MIRP, 2009).

With regard to encampment, UNHCR has revisited its 1997 policy statement on refugees and has developed a global 'Policy on Refugee Protection and Solutions in Urban Areas' (UNHCR, 2009). This recognises the trend towards urbanisation and the increasing number of refugees living in towns and cities, and seeks to ensure that urban areas are recognised as legitimate places for refugees to reside and exercise their rights. It also commits UNHCR to maximising the 'protection space'<sup>4</sup> available to refugees and the humanitarian agencies supporting them (UNHCR, 2009). The policy recognises the need for adaptation to the specific circumstances of particular countries and cities. In terms of implementation, UNHCR has developed an urban refugee programme for Nairobi, in discussion with civil society organisations. This has led to the creation of five

thematic groups to tackle issues related to registration, fostering constructive relations with refugees, livelihoods, access to healthcare and education, durable solutions and advocacy around freedom of movement.

Implementing UNHCR's urban refugee policy will be difficult without a clear government position on refugee status, and on the right of refugees to live in urban areas. In fact, in interviews for this review DRA officials had reservations about the new policy, and expressed concerns that it would be implemented without consultation and prior to the development of a national Kenyan policy. They also felt that UNHCR might be giving refugees the wrong message with regard to their entitlement to move to Nairobi, and seemed concerned that the provision of assistance in urban areas by humanitarian agencies might act as an additional inducement for refugees to leave the camps.

4. 'Protection space' denotes 'the extent to which a conducive environment exists for the international recognised rights of refugees to be respected and their needs met' (UNHCR 2009: 4).

## 4. Refugee status and protection implications

The lack of a clear policy for clarifying and implementing the Refugee Act has created confusion over the legal status of refugees, their documentation and their associated rights. As stated in the Refugee Act, refugees should have an Asylum Seeker Certificate if they are going through the RSD process, a Refugee Identification Pass if they have been granted asylum and a Movement Pass if they have permission to leave the camps. In practice, however, refugees may also have a range of other documents:

- Alien Cards. These are issued by MIRP. They give refugees the same status as other aliens, but do not confer refugee protection.
- Appointment Letters. These are issued by UNHCR to people with appointments to begin the RSD process. Appointment Letters in theory provide temporary legal status, but they do not explicitly state that the holder is protected until the vetting procedure has concluded.
- UNHCR Mandate Refugee Certificates. These are issued by UNHCR to people who have been granted asylum through the RSD process. They provide the necessary legal status for refugees.
- In addition, the Immigration Act grants class M work permits to refugees who have fled to Kenya because of well-founded fears of persecution at home. Permits are renewable every two years.

Conversely, many displaced people in Nairobi have not registered upon entering Kenya and therefore have no official documents at all. Refugees interviewed with no documentation claimed that they did not register due to a lack of information on the process, concerns that they might be deported if they were unsuccessful, the cost of repeatedly travelling to UNHCR offices and fears of arrest. Many are also put off by the length of time the RSD process entails. Others do not register because they have acquired false documentation, particularly Alien Cards and Kenyan identity cards.

### 4.1 Police attitudes towards refugees in Nairobi and implications for refugees' protection

Interviews and focus group discussions with refugees in Nairobi attest to deep-rooted suspicions and negative perceptions of refugees among police officers in the city. There is a widespread belief within the police that refugees should be restricted to camps, and there is little understanding of the reasons why they might want to reside permanently in Nairobi. Police officers also typically assume that refugees are criminally minded, while Somalis in particular may be suspected of links with terrorist organisations.

Another problem is that police officers, particularly in the junior ranks, seem unfamiliar with refugee documentation and are usually highly suspicious of the validity and authenticity of refugees' documents. Although UNHCR routinely passes copies of its documents to police stations in Nairobi, staff turnover and a lack of training mean that many officers do not have the necessary knowledge and awareness to properly police areas with large refugee populations. According to a commander interviewed in Kasarani police station, there have been instances when refugees have been arrested and taken to court, only to find that they were in fact in Kenya legally and had a valid document.

Language barriers, lack of knowledge of their rights and how to uphold them, fears of exposure and previous traumatic encounters with police authorities in their countries of origin or in Kenya all make refugees very nervous around the police. This, coupled with a lack of familiarity with the legal system makes them prone to seek on-the-spot solutions with individual officers, rather than taking matters up with higher authorities. The focus group discussions indicated that newcomers are particularly vulnerable as they are less familiar with police encounters in Kenya, might be less fluent in Kiswahili or English and are in general disoriented by their recent displacement experience.

Focus group discussions with refugee communities in Eastleigh revealed widespread patterns of abuse and extortion, with refugees

being routinely stopped, arrested and charged with 'idling with intent of committing a crime' or being an 'unlawful presence'. Arrests are almost always made with a view to extorting money from detainees, who are usually released once a bribe has been paid. Allegedly, so lucrative is extortion in Eastleigh (a legal advisor we spoke to called it a 'green pasture' for the police) that officers not based in the district often come to 'work' there specifically to extort money from refugees. This practice intensifies on Fridays, as more police officers are lured to Eastleigh to look for extra money for the weekend.

According to all the refugees interviewed in Eastleigh, patrols and searches are deliberately arranged to maximise bribe-taking. For example, men are mostly targeted during the day, while women are usually targeted at night, because police officers know that families and communities fear the possibility of sexual abuse and are willing to pay substantial amounts of cash to release a woman. According to one refugee, a Somali man, police officers demand around 2,000 KES (\$28) for a woman, and around 1,000 KES (\$14) for a man. If refugees refuse or cannot pay the bribe, they are jailed. If they are still unable to pay they are taken to court. As the case escalates, higher and higher bribes are demanded. There were also allegations of officers stealing valuables such as jewellery and mobile phones, and respondents of both sexes reported violence during identity checks and arrests, including kickings, slaps, beatings and verbal and sexual abuse. The majority of Oromo and Somali refugees said that, when stopped or arrested, they did not confront the police because doing so would only make matters worse. Many do not report police abuses because they do not know how, and are afraid that doing so would further jeopardise their precarious legal status.

The five police officers interviewed admitted that extortion of refugees was a problem within the force, but maintained that the situation was improving and that the police were working to tackle corruption. One told us that the police were trying to find creative solutions, including allowing refugees to carry photocopies of documents to prevent corrupt officers from destroying the originals. It is also worth noting that refugees from the Great Lakes region we interviewed told us that police harassment and extortion had significantly decreased with the end of the Moi regime in 2003, to the extent that they were now rarely stopped. It should also be said that extortion is a problem for

many Kenyans as well, albeit the bribes they pay seem to be much lower than the rates in Eastleigh, and their more straightforward documentation (in most cases all they need to produce is a valid Kenyan ID card) makes them less vulnerable to accusations that their papers are invalid or fake.

A senior officer we interviewed refuted many of the accusations made by refugees, claiming that, if they have the appropriate documents, most police officers would not harass them and they should therefore have nothing to fear. Even in cases where refugees were arrested and brought to the station, the officer claimed that their documents would always be verified for authenticity and, if the documents were deemed valid, they would be released. Refugees without valid documents are taken to court and either deported to their country of origin or returned to the camps. Other officers, however, told us that in most instances cases were resolved on the spot, and refugees were only rarely taken to a station. More broadly, while several senior officers told us that they were well aware of the Refugee Act and knew how to treat a refugee, an officer at Kenyatta International Conference Centre police station admitted that neither he nor most of his colleagues understood how to handle refugee cases, and were unclear about the laws governing refugee affairs. He added that he had not received proper training on refugee issues.

Although police harassment seems to affect different groups in different ways, it is clear that fear of the police is restricting refugees' freedom of movement around Nairobi. Many refugees in Eastleigh rarely travel outside of the neighbourhood, and refugees without documentation minimise travel both outside and within Eastleigh, preferring to remain at home as much as possible. In the words of one elderly Somali man, 'not documents but only money saves us from suffering in Eastleigh'. While Sudanese and Anuak refugees we spoke to seemed confident walking around Ruiru and Githurai, and reported little harassment by the police, even these groups do not travel around Nairobi as much as they would like. Respondents from all nationalities reported feeling exposed when travelling to and from UNHCR offices in Nairobi, with several saying they had been harassed and arrested by the police. Somalis, Ethiopians and Sudanese felt especially at risk because of their physical appearance. This problem is compounded by the length of time administrative functions such as the RSD process or mandate renewal take to complete, which often

requires numerous journeys to UNHCR offices over an extended period.

#### 4.2 Other protection threats affecting refugees in Nairobi

Like Kenyans, refugees of all nationalities, regardless of their legal status, are exposed to high levels of criminal violence. The most notorious and extensive gang in Nairobi is the *Mungiki*<sup>5</sup> group, a politico-religious band characterised by a revolutionary ideology based on a return to Kikuyu traditions and opposition to modernisation. Since the 1980s, the *Mungiki* has transformed itself into an organised criminal network engaged in ‘business’ activities, including the forceful management of part of the public transport system, levying illegal taxes and extorting protection money from large sections of Nairobi’s informal settlements, mugging and carjacking. Members have also been responsible for murders and physical and sexual assaults (UN-HABITAT, 2007: 308; Katumanga and Cliffe, 2005).

Refugees in Eastleigh complained that, while the police were the main perpetrators of violence in the community, robbers and armed criminal groups also posed significant threats to their personal safety. Conversely, the majority of respondents from the Great Lakes region reported that, while police harassment and detention did not pose serious threats, they lived in constant fear of violent crime. In Kangemi and Kayole, many respondents identified the *Mungiki* as the main perpetrator of attacks, armed robberies and extortion, against refugees and Kenyans alike. In Githurai and Ruiru, Sudanese refugees felt particularly vulnerable because of the general perception among Kenyans that they are especially wealthy thanks to their access to remittances and relief aid. Ethiopian Anuak refugees indicated that robbery and criminal violence posed a constant threat to their personal safety because of their strong resemblance to the Sudanese, and added that violence also affected their Kenyan neighbours.

Interviews with Oromo refugees living in Nairobi pointed to an additional source of insecurity and threats. While there is no documented evidence, these refugees reported living in fear of being abducted, forcibly repatriated, injured and killed by Ethiopian intelligence officials active in

5. Mungiki is a Kikuyu word meaning ‘united people’ or ‘masses’.

Eastleigh. According to RCK data, from January till July 2009 among all nationalities, the largest numbers of refugees seeking RCK advice on security threats deriving from Governments of their country of origin were logged by Ethiopian refugees (see Table 1 below).

**Table 1: Total number of refugees seeking RCK advice on security threats from Governments of their country of origin, January – July 2009**

Nationality	Number of refugees seeking RCK legal advice
Ethiopian	1,687
Somali	1,036
Rwandan	314
Congolese	148
Burundian	110
Sudanese	83

Source: RCK database

#### 4.3 Community responses

Refugees in Eastleigh have devised a number of responses to minimise the threats they face. Because of the heightened risks that women face at night, one strategy widely employed by Somali and Oromo women is to avoid walking in the street after 6 pm. In case of absolute necessity, women take a baby with them, in some cases borrowed from a neighbour, or a pregnant woman, as this acts as a deterrent against police attention. As discussed above, refugees who do not hold any documentation try to minimise their movement outside their homes to reduce the risk of arrest.

Refugees in Eastleigh also pointed to a number of containment strategies aimed at reducing or simply living with ongoing threats. Somalis and Oromos mentioned a well-established group protective strategy devised to ensure the prompt release of a refugee detained by the police. For example, if a refugee and especially a woman is stopped in the street, community members passing by immediately start to collect bribe money in an attempt to prevent detention. Similarly, if refugees are detained in Pangani police station or in other locations in Eastleigh or Nairobi, relatives or friends who receive a phone call from the detainee immediately start collecting money from other relatives, neighbours and community members. Once they have the required amount, they travel to the police station or

wherever the refugee is held captive to offer money officers in exchange for his or her release.

Respondents confirmed that everyone within the community generously contributes. As one Somali refugee man said: 'today it happened to him, tomorrow it can happen to me'. Because of the frequency of these incidents, bribe payments represent a large portion of a refugee's income. One Oromo refugee estimated that he paid up to 4,000 KES (\$55) a month in police bribes. Given that the average income of refugees is between \$50 and \$100 a month,<sup>6</sup> this is a significant expense. Some refugee communities have

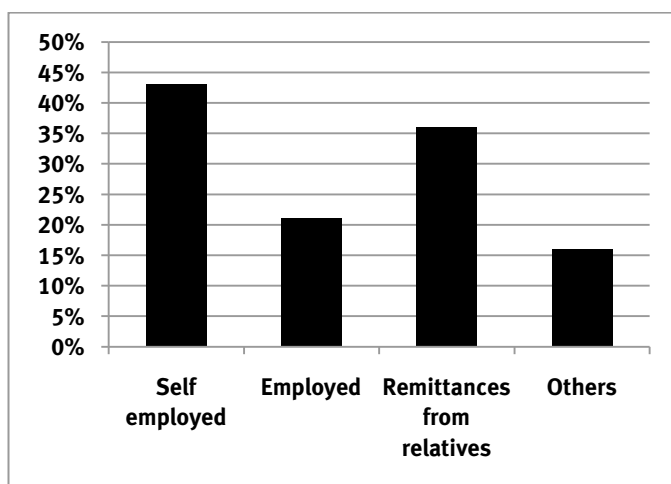
arranged an informal deal with the police whereby they pay regular monthly bribes to prevent abuses. In one Somali neighbourhood in Eastleigh each household contributes 100 KES (\$1.40) a month as a regular payment to the police to forestall night patrols and house searches. Although refugees from Great Lakes countries are not victims of continuous police harassment, they still take precautions when coming across police officers in the street. One widespread tactic is not to speak in French or Kinyarwanda among themselves, to avoid attracting police attention, or changing routes and trying to avoid being seen.

## 5. Access to livelihoods opportunities and basic services

### 5.1 Refugees and the informal economy

The livelihoods of urban refugees are diverse, and include work in the informal sector as labourers, running small businesses and reliance on overseas remittances and community support networks (Wagacha and Guiney, 2008). According to RCK data, 21% of refugees in urban areas are employed, while 43% are self-employed and 36% depend on remittances from relatives living abroad, as shown in figure 3 below.

**Figure 3: Sources of livelihood for urban refugees in Kenya**



The great majority of refugees who have access to work are engaged in the informal economy. Semi-skilled and unskilled refugees are involved in the same type of work, mostly casual labour and petty trade. This includes jobs as shoe shiners, shop attendants, mechanics, waiters, car washers and herdsmen in peri-urban areas. Labourers are paid between \$50 and \$150 per month, but they have to work every day and have no days off. The majority of those who have lived in Nairobi for more than two years are self-employed through petty trade (Wagacha and Guiney, 2008). For example, several Somali refugees in Eastleigh have roadside stands where they sell fabrics, undergarments, scarves, shoes, toiletries, crockery, music tapes, fruit and vegetables and electronics. Many are engaged in the lucrative business of selling *mira'a* (Campbell, 2006), a herbal stimulant (also called *khat*) that is widely grown and used in East Africa and the Arabian Peninsula.

A small number of refugees are involved in small businesses, such as kiosks and restaurants, driving taxis and *matatus* or local buses and running hairdressing salons and camera shops. Hairdressing appears to be a particularly popular trade amongst Congolese refugees, both women and men. Congolese are also popular as musicians and tailors, both amongst refugees and with local communities. Ethiopian refugees, particularly Amhara, seem to have been more successful than others in the catering and beauty business, as well as in running *matatus*. Eastleigh is also home to many Somali-owned telephone call centres and internet cafes (Campbell, 2006).

Women mainly engage in petty trade, domestic labour and tea and coffee making. They generally lack access to capital or credit to acquire business licences and formalise their businesses, and have to rely on men to borrow cash and/or material on their behalf. Women also tend to lack marketing, management and organisational skills (RCK, 2008), although some have received training and start-up capital from NGOs or faith-based associations (especially the Catholic Church), and have been able to start dress-making businesses. Several women's groups have been supported through revolving funds, as discussed below.

Access to employment is often determined by refugee status. *Prima facie* refugees have traditionally been considered as irregular migrants, and are largely confined to the informal economy. The Refugee Act subjects refugees to the same wage-earning employment restrictions as other foreigners, and calls upon the Commissioner to ensure that refugees' economic activities do not have a negative impact on host communities. Refugees are required to obtain work permits, which cost KES 50,000 (\$700) and are valid for two years (World Refugee Survey, 2009). (Rwandans are exempted from the need for work permits following a reciprocal agreement between Rwanda and Kenya in November 2008.) The Immigration Act grants class M work permits to refugees recognised by the Kenyan government prior to 1990. The Ministry of Immigration stopped issuing these permits in 2004, but announced that it would start issuing them again in December 2008 in an attempt to stop the proliferation of forged documents. However, at the time of writing class M work permits were still not being issued.

A major constraint for many refugees is that they lack the official documents they need to obtain work permits. One way around this problem for new arrivals is to find work with family or community networks, which are usually flexible about paperwork. In Eastleigh, Somalis control most businesses, making it very difficult for other nationalities to find jobs. In other cases, however, work is not necessarily confined to kindred groups: Ethiopian refugees involved in small businesses, for example, hire Kenyans as well as Ethiopians to cater to the different needs and expectations of prospective customers. A number of Congolese refugee businessmen interviewed noted that hiring Kenyans can be a way of gaining a better understanding of local markets. They added that refugees tend to accept any level of payment or salary, even if they know that their work is worth more. Refugees working in the informal sector often rely on Kenyan partners to register small businesses (World Refugee Survey, 2009).

## 5.2 Social and financial capital

Refugees who are unable to find work in Nairobi tend to rely on better-off members of their communities for support, particularly food and accommodation. Somali refugees in Komarock, Githurai and Kayole often ask for community contributions when they are out of money, or go to the mosque to ask fellow Somalis for help. Interviews with Ethiopian and Somali refugees highlighted that some unaccompanied refugee minors (UAMs) often move from house to house to obtain food and shelter. Congolese and Sudanese UAMs appear to have established community arrangements whereby refugees of the same age and gender take care of each other. Whilst new arrivals can usually rely on the support of their communities, refugees from minority groups or of mixed ethnicity (e.g. Ethiopian-Eritrean or Tutsi-Hutu) can be isolated and enjoy limited support (Wagacha and Guiney, 2008).

A significant proportion of refugees receive overseas remittances.<sup>7</sup> Whilst it was impossible for the study team to gauge the level and reach of these remittances, it was clear that many refugees in Eastleigh have at some point received money from relatives overseas. In many cases families rely on husbands, brothers or adult children to send remittances, primarily from Europe and North America, but also from Australia, South Africa, the

Gulf and the Middle East. Somalis and Ethiopians tend to receive money through the *hawala* system.<sup>8</sup> Remittances can arrive on a regular, often monthly, basis, or they can be more *ad hoc*, both in size and frequency. Among the refugee communities interviewed monthly transfers are usually between \$50 and \$200, though this has been decreasing over the last couple of years as a result of the financial crisis in the United States and Europe. In some cases remittances have stopped altogether. Several refugees interviewed said that Somali girls have had to drop out of school or university because the remittance money that had previously paid their fees has dried up. The fall in remittances has left some families unable to meet their basic living expenses. Moves to tighten up the *hawala* system since 9/11 have put further strain on remittances by capping the maximum single transfer through the system at \$500.

Remittances are used to purchase equipment and materials for businesses, pay house rent and buy food. Sudanese refugees in particular also use remittances to pay school fees. Many Somali businessmen in Eastleigh told us that they used money from the Somali diaspora as start-up capital to develop their businesses. For poorer refugees, remittance money is often their only source of income. If the money is sufficient, remittances tend to be shared with close relatives and other needy members of the community. The role remittances play in recipients' livelihoods obviously varies considerably depending on the size and regularity of transfers. For some, remittances are extremely volatile and can stop abruptly if relatives abroad are ill, lose their jobs or die. In some cases, remittances are solicited only in response to a particular crisis, for example business failure, ill-health or a legal problem.

## 5.3 The impact of refugees on the urban economy

Throughout the 1990s Somali refugees transformed Eastleigh from a primarily a residential area into a vibrant commercial and business centre, housing import-export businesses, retail outlets (from small-scale hawking and street stalls to shopping malls), real-

8. *Hawala* is an informal, trust-based transfer system widely used by Somalis worldwide for business transactions and remittances (Savage and Harvey, 2007; Horst, 2002). A *hawala* agent or *xawilaad* collects money from customers and instructs a trusted contact in the destination area to pay the intended recipient; the debt between the agents is then settled via trade transactions (Lindley, 2008).

7. A third (36%), according to RCK (RCK, 2008).



estate agencies, hotels, lodges, *mira'a* stalls, cafes and restaurants and international money transfer and exchange services (Lindley, 2007). The economic transformation of Eastleigh has brought 'tremendous competition to the marketplace, pushing out many Asian retailers, who had hitherto controlled the business' (Campbell, 2006: 402). The retail malls in Eastleigh are not just used by individual consumers. Larger commercial businesses and medium-sized traders also rely on retailers in Eastleigh for a wide variety of goods, ranging from hardware to electronics and fruit and vegetables. Meanwhile, hundreds of smaller shops, again run predominantly by Somalis, sell electronic goods, kitchenware, furniture, clothes and other items. Almost every business- and shop-owner employs at least one Kenyan (as a cleaner or watchman for instance), in part to mediate with the police in case they visit the shop.

The contribution refugees make to the Kenyan economy is also evident in the cattle trade, particularly cross-border trade with Somalia. Somali cattle traders bring livestock from Somalia for sale in markets in northern Kenya, such as Garissa, and onwards to Nairobi. Such cross-border trade plays a major role in linking refugees (especially Somalis) with diaspora and home communities. Somali businessmen have also built on relations in neighbouring countries to establish regional trade networks, selling everything from shoes to clothes and perfume. As the global Somali diaspora has grown over the last 15 years, still more capital has flowed into Eastleigh in particular (ibid.).

There has been very little effort to boost the productive potential of refugees and further strengthen their involvement in the urban economy. Only the Jesuit Refugee Service (JRS) and African Refugees Talents are known to have programmes aimed at developing the skills of urban refugees and facilitating market access for their work.

#### **5.4 Links with refugee camps**

Money, food, goods and people flow regularly between Nairobi and the refugee camps in northern Kenya. Urban refugees send money and clothes to their families in the camps, who reciprocate by sending grain and other food items to the city. Links between the city and the camps have been harnessed for business purposes by Somali entrepreneurs, who have set up a

successful transport business between the two locations. Most refugees we spoke to were uncomfortable admitting that they had links with people in the camps and that they still held camp ration cards. However, goods originating from the camps, including food (e.g. cooking oil) and non-food items (e.g. stoves and plastic sheeting carrying the UNHCR logo), were clearly on sale in Nairobi at the time of the study. Congolese refugees, particularly the Banyamulenge, said that they had no links with the camps and felt very unsafe there. Conversely, Somalis and Oromos maintain strong social and economic links with their relatives in the camps. Oromo refugees told us that they collect money, clothes, medicines and rations from their community in Nairobi and send contributions to the camps whenever they hear that their fellow refugees are in need of help.

People travel between Nairobi and the camps for a number of reasons: to support their communities, for business, to exchange information, for medication, card revalidation and enumeration and to seek resettlement. A large number of Amhara in Nairobi have their cases under review at Kakuma refugee camp. They therefore give their ration cards to relatives or friends in the camps, who take their rations in return for timely information on important events such as card revalidation and head counts. It is more difficult and risky to travel between Nairobi and Dadaab than between Nairobi and Kakuma because of police restrictions. Dadaab's close proximity to Somalia and the high military presence in the area has meant that harassment on the Nairobi–Dadaab route appears to be much more pervasive. Refugees need to have a valid travel document from UNHCR to travel between Nairobi and Dadaab, or they must be prepared to pay substantial sums at roadblocks, ranging from 200 KES (\$2.80) to 1,000 KES (\$14) per person per roadblock, to bus drivers and conductors, who act as intermediaries between the police and refugees without documents.<sup>9</sup>

#### **5.5 Shelter**

Living arrangements and accommodation vary across refugee communities in Nairobi, depending on income and the length of time the refugee has been in the city. Areas are chosen on the basis of a range of criteria, including security, proximity to relatives and affordability. Data from RCK (2005) shows that 80% of refugees live in permanent

9. Data from interviews with refugees.

houses and 16% in semi-permanent dwellings, with the remainder in temporary quarters or other housing structures. Only 2% own their own home or any other form of property, though wealthy entrepreneurs were reluctant to disclose information on their property holdings. Refugee communities interviewed for this review appeared to be living in rented accommodation, often of the worst type. Most refugees rent rectangular sheds constructed out of corrugated tin sheets, with limited or no piped water or electricity. These are divided into a single row of five to seven rooms, each with a door to the outside and with tin, wood or cement walls dividing the rooms (HRW, 2002). There is usually a single pit latrine for all occupants to share (Wagacha and Guiney, 2008). Rent for rooms for one person ranges from 800–1,500 KES (\$11–21) a month in Satellite and Githurai. Rooms shared by a family of five people (usually 15 ft x 15 ft) range from 3,500 KES (\$49) in Githurai to up to 14,000 KES (\$196) in Eastleigh.

In theory, there is no difference in rents, leases and notice periods (usually three months) between refugee and Kenyan tenants. However, in practice refugees are clearly charged more and Kenyans complain that, in areas inhabited by refugees, prices tend to be higher. Examples of discrimination were also widely reported. A number of Congolese refugees interviewed felt that they were perceived by Kenyans as being wealthy since they come from a country rich in minerals, and because of the ‘fashionable’ way they dress. They were therefore often asked to pay higher rents and other expenses related to housing. Somalis are also charged more, as they are often perceived by the wider Kenyan population as being successful entrepreneurs or in receipt of remittances. The findings of this study indicate that, in Ruiru, a Kenyan would pay 1,500–1,700 KES (\$21–23) per month, while for the same room a refugee would pay 2,500 KES (\$35).

Kenyan landlords interviewed in Komarock said that their business had benefited from the arrival of the refugees, as they can now charge three times what they were charging before. They also observed that Somali refugees normally pay their rent on time, though they disliked the fact that many tenants of Somali origin had a tendency to fight, let accommodation fall into disrepair and transfer tenancy or sub-let without notifying the landlord. Refugees in Komarock complained that rents were excessive, and that better-off refugees, especially Somalis, offered landlords a higher

price to have access to a particular accommodation (e.g. a spacious room). In these cases many landlords will evict the occupants without any notice. This is said not to happen if the family in question is Kenyan.

Many refugees interviewed complained that they were struggling to pay their rent; young Somalis in Eastleigh told us that that often skipped meals to pay rent. Refugees in Ruiru and Eastleigh said that landlords would lock them out of their homes until rent was paid (Kenyan tenants suffer the same treatment). For those who cannot afford any accommodation, there are only two temporary shelters citywide, for refugees and Kenyans alike. Although a small minority receive support from international organisations, the Church, mosques or local foundations, UNHCR provides no housing assistance to refugees aside from a handful of houses and a single accommodation centre for 190 high-risk security cases (HRW, 2002).

#### **Box 1: Renting in Eastleigh**

Many landlords in Eastleigh are happy to rent accommodation without a regular contract, as long as three months’ rent is paid in advance. Refugees who do not have legal documents often ask other refugees to sign the tenancy agreement on their behalf. This usually generates a mark-up on rent as refugees with no legal documents will usually be asked to pay a higher price than agreed on the tenancy agreement. This seems to have become a lucrative business, especially among Somali refugee communities in Eastleigh. Somali refugees with legal papers often rent accommodation from Kenyan landlords and then sub-let it to paperless refugees. Kenyan landlords, often of Kikuyu origin, are aware of these transactions but do not question the sub-letting as they prefer to deal with reliable intermediaries. Somali sub-letters also prefer to deal with Somali middlemen rather than Kenyan landlords directly.

## **5.6 Access to services**

### *5.6.1 Education*

While the GoK guarantees the right to free primary education to both refugees and nationals, many refugees lack awareness of their rights and are unable to exercise them. In addition, while in some areas primary schools welcome refugee children, in others they request an ‘admission fee’, often in the form of a bribe for the headmaster, who otherwise would find excuses not to admit refugee children (World Refugee Survey, 2009 and study data). Poor refugees also find it difficult to access education due to the cost of transport,

books, uniforms, desks and school fees (Dix, 2006).

Refugee families need official documentation to ensure that their children can access the primary education system, for example a form of identification for the child's guardian or parent and the child's birth certificate (Burton and Guiney, 2008). In some public schools in Eastleigh up to 70% of children are from refugee families, though in most cases children prefer to hide their refugee status and speak and act like Kenyans to avoid stigma and discrimination.

Some refugees prefer to send their children to schools based on the curriculum and language of the country of origin, as in the case of Great Lakes refugees. Refugee-school certificates are however not recognised by the Kenyan Ministry of Education. Refugee children whose parents favour religious teaching as opposed to secular courses usually attend faith-based schools (such as *madaris*).<sup>10</sup> *Madaris* are often attended by Ethiopian or Somali children who do not have the legal documents to access Kenyan public schools or cannot afford the costs associated with them. Critics of *madaris* point to their focus on religious instruction at the expense of other subjects. UNHCR and GTZ have advocated for the inclusion of *ma'alims* (*madari* teachers) in public schools so that children can still receive an Islamic education, but within the formal education system and its wider curriculum.

Very few refugee children attend secondary schools, largely due to costs, which are also prohibitive for poor Kenyans. The cost of a secondary public school in Satellite is KES 3,000 (\$42) per month, plus KES 100 (\$1.40) in administration fees. Secondary private schools are much more expensive, at an average of KES 21,000 (\$293) per term plus costs for school supplies. If parents cannot afford to educate their children, they may consider returning to a refugee camp, where primary and, on a limited basis, secondary schooling is offered for free.

A number of organisations assisting refugees with tuition support and vocational training, including the African Refugee Programme (ARP)-Great Lakes, the Faraja Society, JRS, the Nairobi Archdiocese Refugee Assistance Programme (NARAP), Windle Trust Kenya (WTK) and GTZ. To be eligible for

tuition fee payment, refugees often need to have been in Kenya for at least a year.

### 5.6.2 Health

Like Kenyans, refugees have access to public clinics on payment of a one-off registration fee of 20 KES (\$0.28). Refugees must also pay for drugs and treatment. Only a handful of asylum-seekers are eligible for free medical care through a referral system from UNHCR and its implementing partners. Health services for children below the age of five are free of charge, as are tuberculosis control and family planning.

Most refugees use the city council-run health centre in Eastleigh, but the clinic is under-staffed, there is no laboratory service and drugs are insufficient. According to UNHCR, new partnerships have been established with clinics in Kasarani, Karen, Dagoretti, Ruiru and Donholm. Working in collaboration with UNHCR and GTZ, the Eastleigh centre has a nurse who can refer refugee patients for further treatment at Kijabe, Aga Khan, Mbagathi District and Kenyatta National Hospitals. Mandated refugees are given a form assuring that GTZ will pay for medical services, so that when they reach the hospital they can be seen without any request for payment. However, this service is available only to refugees mandated by UNHCR; individuals with cards issued by DRA are not allowed to use it. Like other foreigners, most refugees pay double what Kenyans are charged for medical treatments at hospitals. Most refugees find the cost of treatment and drugs prohibitively expensive, and often have no choice but to go untreated.

In some cases the community contributes towards the costs of medical care. Among Somalis, this collective contribution is called *sadaqa*. Contributions from relatives abroad are also solicited in serious cases. Otherwise, only limited assistance is available. Congolese and Rwandan refugees in particular were angry at the treatment and services provided by UNHCR. Many reported being turned away when they approached UNHCR for assistance with referrals and medical costs. In the past UNHCR provided health care for pregnant women, but this service ended five years ago and is currently only available at the health centre in Eastleigh. As a result many poor refugee women deliver their babies at home, with no medical supervision. Many children born at home are unregistered and so do not have a birth certificate. The Kenyan government has made significant efforts to ensure access to antiretroviral (ARV)

10. *Madaris* is plural for *madrasa*, the Arabic word for school.

medicines for HIV-positive individuals. However, to be eligible a patient must have a permanent residence so that they can be traced if they stop taking the medicine. This stipulation means that many urban refugees are denied treatment (Wagacha and Guiney, 2008).

The main health concerns among refugees interviewed include tuberculosis, cancer, malaria, typhoid and diarrhoea (a common condition because of open sewers in the informal settlements where refugees live). Reproductive health needs and psychological problems were

cited by many women. Oromo women were visibly traumatised by violence they had suffered in Ethiopia, including rape and torture, and complained that they had no access to psychosocial care. Similarly, Somali women in Eastleigh spoke of mental problems stemming from high levels of stress, as well as gynaecological problems, particularly infections and complications as a consequence of Female Genital Cutting (FGC).<sup>11</sup> Women interviewed in Eastleigh appeared to be largely unaware of the services available at the health centre.

11. FGC refers to the procedure involving the removal, total or partial, of the outer part of the female genitalia.

## 6. Local integration and durable solutions

### 6.1 Relations between refugees and host communities

Relations between urban refugees and local Kenyan communities differ from neighbourhood to neighbourhood. Some refugees interviewed enjoyed excellent relations, while others complained of problems ranging from discrimination and hostility to outright violence. Somali respondents reported no tensions with local Kenyan communities in Eastleigh. However, respondents from national and international NGOs reported growing xenophobia amongst Kenyans, especially towards Somalis. While such attitudes have been present since the large influx of Somali refugees in the early 1990s, they have intensified over the past decade, fed by media portrayals of Somalis as pirates, terrorists and arm smugglers. There is a growing perception, among the authorities and ordinary Kenyans alike, that Somalis represent a significant threat to national security. According to the Kenyan Ministry of State for Immigration and Registration of Persons, for instance, the influx of Somali refugees into Kenya is creating 'a major terrorism threat and putting tremendous pressure on social services and amenities'; 'extremist groups' and 'Islamic radicals may use refugee flow to smuggle weapons and people into Kenya to engage in terrorist attacks' (MIRP, 2009:15).

Kenyan communities interviewed in Eastleigh had mixed feelings about refugees in general, and Somalis in particular. On the one hand, there was recognition that, thanks to the influx of Somali refugees, Eastleigh had developed into a vibrant business and commercial hub. Refugees were not perceived as a 'burden' on the local economy, and there was appreciation of the opportunity refugees provided for local economic growth. On the other hand, the great majority of Kenyans interviewed noted that they were not directly benefiting from the refugee-driven growth of Eastleigh and complained that refugees were a close-knit group. There was resentment towards Somali business owners, who were seen as prioritising the employment of Somali refugees and only offering menial jobs to Kenyans. Respondents also complained that Somalis did not want to integrate into the local community and were not interested in joining community events, such as funeral ceremonies, or learning Kiswahili, Kikuyu and

other local languages. As individuals, many interviewees regarded Somalis as noisy, dirty and engaged in oppressive cultural and religious practices, especially towards women.

Despite their apparent linguistic, cultural and physical similarities, many Great Lakes refugees living in predominantly Kenyan neighbourhoods reported suffering discrimination, hostility and verbal abuse, often stemming from the perception that they are unfairly benefiting from NGO and UN support. To try to minimise abuse, refugees from the Great Lakes use their physical resemblance to maintain anonymity and conceal their refugee status. Young men in particular try to dress and look as much as possible like Kenyans. Many have lived in Kenya all their lives and speak perfect Kiswahili and English with a Kenyan accent. Similarly, Sudanese living in Kenyan-dominated neighbourhoods talked of tensions with local residents, and felt that there was a widespread perception among Kenyans that refugees should remain among the poorest strata of society and not have access to the same level of services and economic opportunities.

Interviews with Sudanese in Ruiru and Githurai and Congolese in Kangemi indicated that refugees are often harassed following visits of NGO personnel or others not known in the neighbourhood. Kenyan neighbours invariably assume that visitors provide financial assistance to refugee households, causing resentment and accusations of stealing international aid allocated to Kenya. One Rwandan woman complained that, following a visit by an NGO, local Kenyans threw stones and broke the window of her house while shouting 'give us the money that you just received from the UN'. Similarly, Sudanese said that they were verbally abused by Kenyans who did not understand why, five years after the signing of the Comprehensive Peace Agreement,<sup>12</sup> they were still living as refugees in Kenya.

The great majority of refugees from all nationalities said that they did not feel integrated into the fabric of Nairobi society. Oromo and Somali refugees interviewed in Eastleigh felt hopelessness and desperation, mainly because of police abuse and

12. The Comprehensive Peace Agreement between the Sudan's People Liberation Movement and the Government of Sudan was signed in January 2005.

extortion. Despite the fact that many have been living in Nairobi for decades and have established their livelihoods in the city, refugees living in Eastleigh felt that, as long as xenophobic attitudes, police abuse and lack of legal recognition persisted, local integration<sup>13</sup> was highly unlikely. Refugees from the Great Lakes and Sudan felt that lack of access to employment and basic services, in particular health and education, prevented their integration. In addition, the fact that many have to conceal their identity and status to avoid discrimination largely prevents them from feeling fully assimilated. Victims of physical and verbal abuse complained of feeling discriminated against, treated with hostility and ultimately rejected.

Fundamentally, the government does not see Kenya as a destination country, but rather a transit country temporarily hosting asylum-seekers. This is implicit in the Refugee Act, and as a result there are few activities that try to support the integration of refugees, despite their significant contribution to the local economy (Campbell, 2005; Lindley, 2007).

## 6.2 Relations among refugees

Broadly speaking, there does not appear to be any significant tension among refugees of the same or different nationality. This finding is in line with a survey carried out by RCK in 2005, which found that 79% of respondents had either good or very good relations with refugees from other countries (RCK, 2005). Where tensions existed they tended to reflect antagonisms in refugees' countries of origin.

While there is no overt conflict, Ethiopian ethnic groups living in Nairobi do not appear to enjoy entirely harmonious relations. For example, Oromos and Amhara co-exist in Eastleigh but there is limited interaction and integration between the two communities. Members of the Anuak community interviewed in Ruiru said that their poor relations with Oromos was one of the reasons they decided not to settle in Eastleigh. Refugees from the Great Lakes on the surface appeared to

13. Local integration is seen as a durable solution which combines legal, economic and socio-cultural dimensions. It is a legal process, whereby refugees attain a wider range of rights in the host state; an economic process of establishing sustainable livelihoods and a standard of living comparable to the host community; and a social and cultural process of adaptation and acceptance that enables refugees to contribute to the social life of the host country and live without fear of discrimination (Fielden, 2008a; Crisp, 2004).

be the most cohesive group, probably because of historical, cultural and language similarities. Since their arrival in the latter half of the 1990s, Burundians, Rwandans and Congolese living in Nairobi have shared informal social protection and solidarity networks and have organised themselves to establish community-based services such as francophone schools. However, while Great Lakes refugees interviewed were largely reluctant to disclose and discuss in great detail any internal tension, there were reports of friction between Rwandans of Tutsi and Hutu origin. Respondents also pointed to tensions between Rwandan Hutus and the newly displaced Banyamulenge Congolese,<sup>14</sup> who are ethnically linked to Tutsis.

A number of respondents complained of exploitation within the Somali community, whereby better-off families hired Somali girls as domestic workers and kept them in slave-like conditions. These young women were described by respondents as very vulnerable. They are usually either orphans smuggled into Kenya by other Somalis, often in return for sexual favours, or escapees from refugee camps. Once they arrive in Eastleigh they usually go to relatives or friends, and end up working in their households. Interviewees noted that, while some are treated well and are paid, many work long hours, are not paid and are subjected to physical, sexual and psychological abuse.

## 6.3 Return and resettlement prospects

In addition to local integration, resettlement and voluntary repatriation are the two other widely recognised durable solutions for the plight of refugees worldwide (Crisp, 2004; Fielden, 2008a). Resettlement is the transfer of refugees from a state in which they have sought protection to a third state that has agreed to admit them as refugees with permanent residence status (UNHCR, 2004). In urban areas it can be difficult to identify the most vulnerable refugees who should be prioritised for resettlement, as they are often the least visible and vocal (UNHCR, 2009). Voluntary repatriation to the refugee's home country is also far from easy as refugees must be able to return 'in safety and with dignity' (UNHCR, 2004), and to an environment that enables social, cultural, economic and political reintegration.

14. Since 2008 many Congolese of Banyamulenge origin have fled from the Democratic Republic of Congo because of violence in South Kivu province.

With the precarious living conditions in Nairobi and limited integration, the great majority of refugees interviewed indicated that return to their country of origin would, in theory, be their preferred solution. However, respondents also widely believed that the security situation in their country of origin was still not conducive to their return. According to UNHCR statistics, since the signing of the Comprehensive Peace Agreement in 2005, Sudanese refugees constitute the largest number of total voluntary repatriations by far. Numbers peaked in 2007, with a total of 19,237 returning from the whole of Kenya (UNHCR, 2009b). According to the same statistics, there have been no returns to Somalia and DRC since 2007, and only two refugees have returned to Ethiopia since 2007 (Ibid.). These numbers inevitably do not include the many refugees who move outside official channels (Lindley, 2009).

In the absence of security in their country of origin, the great majority of refugees from all nationalities pointed to resettlement in a third country as the most attractive solution. However, only a very small percentage of registered refugees are resettled, the majority of them Somalis (see table

2 below). According to UNHCR data on resettlement, out of a total population of 310,458 Somali refugees in Kenya, 9,552 were submitted for resettlement in 2009 (UNHCR, 2009b). Ninety-five per cent departed from the camps and only 5% from Nairobi.<sup>15</sup> Interviewees also said that the majority of resettlements of all nationalities take place from Dadaab and Kakuma camps, with only 10% originating from urban areas. For the thousands who are not registered with UNHCR and are not recognised as refugees, and thus lack the key foundation for the resettlement process, resettlement is automatically excluded.

**Table 2: Resettlement departures by country of origin**

Country of origin	2009
Somalia	9,552
Ethiopia	969
Sudan	273
Rwanda	53
DRC	409
Burundi	105

Source: IOM unpublished statistics (These departure figures also include non-UNHCR submissions by NGOs.)





## 7. Assistance to refugees in Nairobi

### 7.1 UNHCR and other aid agencies

UNHCR's new global policy acknowledges the long-standing lack of attention to urban refugees and emphasises the importance of addressing their needs in a more comprehensive manner (UNHCR, 2009). There is also a growing realisation among aid agencies that the growth in the number of refugees residing in Nairobi shows little sign of abating, and that more must be done to support them. Nonetheless, urban refugees continue to receive far less aid and support than their counterparts in camps. In addition to the registration, provision and renewal of documentation processes that UNHCR manages, humanitarian assistance today is concentrated on two fronts. On the one hand, interventions have sought to improve access to services and the provision of legal assistance and psychosocial counselling to victims of abuse. On the other, initiatives have targeted police forces and government authorities to build capacity in addressing refugee issues and strengthen protection.

Assistance programmes are delivered by local and international NGOs, notably Mapendo, GTZ, JRS, IOM, IRC and Windle Trust, some of which are also UNHCR implementing partners. Assistance programmes focus primarily on health services, scholarships and the provision of safe housing for victims of domestic violence and other abuses, and for refugees who are in the process of resettlement. There is also some support to livelihoods and psychosocial assistance, though this is limited. New arrivals who have initiated the RSD process are also eligible for emergency assistance from UNHCR implementing partners for the first nine months, consisting of small-scale financial support and the provision of food and non-food items. However, the great majority of humanitarian agencies interviewed said that they were unable to properly address the protection and assistance needs of urban refugees and complained of overstretched capacity, limited resources and funding for urban programmes. A livelihoods project for refugee women run by IRC and partners, for instance, recently ended because of funding problems. In addition, the 'invisibility factor' of refugees was often cited as a major impediment to outreach and one of the reasons why responses to their needs were inadequate. As

noted elsewhere, the GoK is reluctant to support higher levels of assistance for fear of encouraging more refugees into Nairobi.

A small number of humanitarian actors have also undertaken initiatives targeted at government agencies and police forces to build government capacity to address protection issues. DANIDA is funding a project to assist DRA in developing a national refugee policy and building its institutional capacity to carry out its responsibilities as per the Refugee Act. The Danish Refugee Council (DRC), RCK and Kituo Cha Sheria have also focused on improving understanding of refugee law amongst DRA and other government departments that deal with refugees and asylum-seekers. UNHCR has led a number of private dialogues with police forces in Nairobi aimed at reducing harassment and extortion, particularly in Eastleigh. UNHCR has also conducted monthly training workshops with police officers on refugee rights, and lobbied magistrates and judicial associations to draw attention to police abuses. In an effort to clarify refugee rights under current legislation, RCK, with the support of DRC and Trocaire, has published a manual for police forces outlining key pieces of legislation and the roles and responsibilities of different actors (RCK 2009).

Aid agencies have also provided legal assistance related to registration, protection and resettlement issues. Most legal action is undertaken by Kenyan organisations, in particular RCK and Kituo Cha Sheria. The provision of legal services was highly valued by refugees interviewed. Refugees of all nationalities agreed that the legal representation provided by RCK and Kituo Cha Sheria and the psychosocial counselling and legal services offered to victims of abuse were important sources of support. Refugees highlighted that, even if their cases went unresolved, at the very least the availability of these services gave them a space for discussing and denouncing protection concerns and abuses. As well as directly providing humanitarian assistance to refugees, local and international NGOs are also involved in advocacy around urban refugee issues. Following sustained advocacy by humanitarian actors, in 2007 the government extended public health services to refugees. In 2008 UNHCR and Windle Trust successfully advocated for national universities to waive the 25% additional tuition fee that applies

to foreign nationals. As a result, in some public universities, such as the University of Nairobi, refugees and Kenyans now pay the same tuition fees.

As the mandated UN agency for refugees, refugees felt that UNHCR should be in charge of the provision of assistance and protection services, not only in the camps but also in urban areas. However, respondents of all nationalities complained that their expectations of UNHCR had not been met, and argued that even minimum levels of assistance were not provided in Nairobi. Interviewees were largely unaware of the policies and practices that dictate the provision of assistance in Nairobi, and therefore failed to fully understand the reason for what they saw as a deliberate withdrawal of help. The backlog in status determination and mandate renewal processes only exacerbates refugees' frustration. Ultimately, all refugee groups interviewed felt that UNHCR had let them down.

## **7.2 Faith-based organisations and community networks**

Given the limited assistance provided by aid agencies, faith-based organisations (FBOs) and community-based initiatives have become vital service providers to the needy refugee populations of Nairobi over the past two decades. Beyond their prominent role as centres of worship, mosques are important gathering points and provide temporary lodging for refugees in Eastleigh and other areas of the city. For example, the *imam* of a mosque in Eastleigh said that he provided help to newly arrived refugees by offering them shelter. As in

other parts of the Muslim world, Islamic forms of charity such as *zakat*, *sadaqa* and *waqf* represent important sources of support for the poorest. Similarly, churches in Nairobi have served as focal points for the collection of relief assistance for refugees, in particular Sudanese and people from the Great Lakes. For example, JRS delivers emergency parcels to its beneficiaries in six churches around Nairobi. While it is important to acknowledge the important role that FBOs and religious institutions have played in addressing the needs of refugees in Nairobi, it should also be noted that these organisations often prioritise support for their own constituencies. For example, while interviews with JRS staff confirmed that they do not select beneficiaries on the basis of faith, the great majority are predominantly Christians from the Great Lakes.

The African Refugee Program (ARP), formed in the late 1990s with the aim of providing spiritual support to its members, also provides refugees from the Great Lakes with assistance including food, shelter and education. Meetings are held regularly at local churches. Interviews with ARP group leaders confirmed that more than 80% of the total Great Lakes refugee community are members, paying a monthly contribution of 50 KES (\$7). Poor or particularly vulnerable members, for example widows or new arrivals, benefit in particular. For example, a 20-year-old Congolese man from Goma whose family had been killed during violence in North Kivu province in 2008 arrived in Nairobi in January 2009 after a strenuous two-month journey. New to the city, he received food assistance and shelter in a shared house in Satellite, paid for with ARP contributions.

## 8. Conclusions and recommendations

For the past two decades thousands of refugees have fled conflict in their home countries. Many of these people have escaped the overcrowded, underserved and insecure camps of Dadaab and Kakuma to seek refuge in Nairobi, attracted by hopes of better services, jobs and security. However, refugees living in Nairobi are confronted, not only with inadequate governmental and non-governmental assistance, but also ongoing, acute protection threats stemming both from their precarious legal status as refugees and the widespread criminal violence that threatens Nairobi's inhabitants at large. According to the UNHCR Urban Refugee Policy a refugee 'who is unable to live in decent and dignified conditions and who has no real prospect of finding a durable solution in or from their country of asylum within a reasonable timeframe cannot be considered to have found effective protection' (UNHCR, 2009: 25).

The findings of this study have shown that refugees living in Nairobi suffer from a number of acute protection risks that seriously threaten their safety and dignity. Despite the protracted refugee situation of many, local integration or resettlement opportunities remain distant prospects. Thousands of refugees, therefore, have not found 'effective protection' in Nairobi. The RSD process should lead to the recognition of refugees and their interests and rights. In reality, however, registered UNHCR refugees and asylum-seekers in Nairobi are not enjoying the protection that their status should afford them. The protection threats to which refugees in Eastleigh are routinely exposed indicate that, despite having legally recognised status, they are often still victims of abuse, harassment and extortion. Those without this status are more exposed still.

In the absence of adequate national and international attention and assistance, refugees in Nairobi have established community networks and initiatives that, over the past two decades, have provided vital social safety nets and services. Despite being a key target for routine extortion, harassment and violence, the influx of Somalis and other refugees since the 1990s has contributed greatly to the transformation of Eastleigh into a commercial and business area of central importance. Notwithstanding the deeply

ingrained prejudices and legal constraints that restrict refugees' ability to work in the formal sector, refugees have been able to engage in a wide variety of informal livelihood activities and have, ultimately, managed to survive. Refugees in Nairobi also contribute to assistance to their counterparts in the camps. The analysis of refugees' livelihoods strategies provides ample evidence of the significant untapped potential and human capital of refugee communities in Nairobi.

### 8.1 Recommendations

Given the aforementioned findings, recommendations in this report focus on three key areas: refugee protection, livelihoods and service delivery.

**1. Protection:** The issues of police harassment and community violence come out as the most critical protection concerns facing refugees in Kenya.

- All support must be given to ongoing Kenyan reforms known as Agenda 4, in particular the section that addresses the need for systematic reform of the police. The GoK must ensure harassment and abuse of refugees at the hands of the police is systematically monitored and investigated and that violators are held accountable. Donors should support more sustained efforts to train police forces and government departments on refugee rights and refugee documentation.
- The GoK must address, in line with its obligations under refugee law, the current confusion regarding the legal status of refugees living in Nairobi, which exacerbates their vulnerability and provides an opening for abuse. The ongoing development of a national policy by the Kenyan Department of Refugee Affairs (DRA) also provides a strong opportunity to enhance the existing protection environment and should clarify the current de facto 'encampment policy'. UNHCR's 2009 policy on urban refugees provides a starting point for dialogue and consultation on the subject in Kenya. Donors should support more sustained efforts to train police forces and

government departments on refugee rights and refugee documentation.

- UNHCR and the GoK should work together to improve the Refugee Status Determination system, which is currently backlogged and inefficient. UNHCR should also continue efforts to build DRA capacity to gradually take over the RSD process and related matters from UNHCR.
- Humanitarian and development organisations must continue and increase the provision of legal aid services to refugees. This should include provision of information to refugees on their rights and the mechanisms that exist to protect them.
- Humanitarian and development organisations need to use innovative strategies to bring together urban refugees and the surrounding Kenyan communities to increase dialogue and cultural exchanges, all leading to mutual understanding and respect.

**2. Livelihoods:** This report indicates that refugees living in Nairobi significantly contribute to the urban economy. This contribution should be recognised and supported.

- The humanitarian community needs to conduct formalised studies to better grasp the reality of the urban economy and how best to support it.
- With a better understanding of this area, the humanitarian and development community can support the GoK in enhancing the self-reliance of refugees as a means to promote

durable solutions. This should be implemented as part of an integrated approach that targets refugees, IDPs and the urban poor.

- The donor community must recognise the shifting of refugees from a predominately camp setting to urban areas and develop policies and provide funding to address this reality. In particular, initiatives could facilitate refugee access to financial capital and micro-enterprise development.
- The GoK should resume issuance and renewal of Class M work permits for refugees, allowing them to legally access a wider range of job opportunities.

**3. Service delivery:** It is currently unclear for many in the humanitarian and development community how to best provide services to refugees living in urban centres.

- Humanitarian and development organisations should design models to pilot alternative interventions that address the specific and complex needs of refugees in Nairobi. These models should try to harness existing community-based initiatives and integrate them into the public track, for example *madaris* and francophone schools.

Humanitarian and development organisations should work closely with the United Nations and the GoK to ensure coordinated and comprehensive services are provided to address the needs of both refugees and the Kenyan community amongst whom they live. Such services should understand and provide for the specific needs of refugee women and girls.

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