Roads Towards Recognition

an exploration of the interactions shaping and negotiating
Somali refugee citizenship in Eastleigh

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Abstract

This thesis provides an in-depth exploration of the multi-level and multi-actor interactions and negotiations that have shaped refugee citizenship of urban Somali refugees living in protracted exile in Eastleigh, Nairobi. For over 28 years Kenya has been one of the major hosts for the many Somali refugees that have been displaced by ongoing civil conflict, violent insurgencies and persistent drought and shortages. The majority, around 208.000, of Somali refugees lives in the Dadaab refugee camp. However, a small but thriving Somali refugee community has preferred to settle in Eastleigh; a neighborhood in Nairobi which become notorious as 'Little Mogadishu for its booming Somali owned businesses and malls. Yet, In the context of numerous terrorist attacks claimed by Al-Shabaab, the presence of the Somali refugee community in Kenya and specifically Nairobi has predominantly been treated with hostility by the Government of Kenya. Culminating numerous security responses to relocate refugees to the camp and stop urban protection services, the life of Somali refugees seems precarious and restricted. Procedures for obtaining a legal status as un urban refugee has generally been lengthy if not impossible. As a result, there is a large population of unattended Somali refugees who remain legally in-limbo and have no right of presence in Eastleigh. Arguing that existing frameworks on refugee citizenship are not exhaustive enough to study the interactions through which refugee citizenship of Somali refugees in Eastleigh is constructed, this thesis proposes to study refugee citizenship through three dimensions; Refugee citizenship as *labeled* from above, refugee citizenship as *enacted* and *performed* from below and refugee citizenship as an assemblage of *interactions.* I conclude that since the enactment of the Refugees Act in 2006, refugee citizenship has predominantly been shaped through the security-oriented regime by the government of Kenya, restricting the legal status, presence and rights of Somali refugees in Eastleigh. In being pushed into illegality, the major concern for the interviewed Somali refugees in Nairobi is to obtain a form of authorized or unauthorized recognition. As follows, this research finds that Somali refugees have been able to contest and readdress their unwarranted citizenship status by 'enacting citizenship' through activism, and by remaining illegal and following irregular trajectories towards recognition.

Chapter outline

List of Abbreviations

AMISOM	African Union Mission to Somalia
CRRF	Comprehensive Refugee Response Framework
DRA	Department of Refugee Affairs
IGAD	Intergovernmental Authority on Development
IDP	Internally Displaced Persons
ICU	Islamic Courts Union
RSD	Refugee Status Determination
RAS	Refugee Affairs Secretariat
SLAA	Security Law Amendments Act
UNHCR	United Nations High Commissioner for Refugees

Introduction

> *"When I was living in the [Dadaab] camp, I was approached by a film company from a European country. They were shooting an item on Somalia and problems in Somalia. They told me that they would only screen the documentary in the cinemas in Europe, but it would not be posted online. I signed the agreement (…) all of a sudden they posted the documentary on Youtube, and then I felt unsafe, I felt that my security was jeopardized. I decided to come to Nairobi for security and safety reasons. I already had my documentation in the camp, [but] requested for a data transfer. (…) it took me four years to transfer my data. I was a refugee, but I didn't have the right documents for Nairobi. (…) It was tough, because every time, I met police harassment, they stop you, they ask you to produce your ID, then they say (…) "You are a camp refugee, you should go back to the camp." They attempted to threaten to take me back to the camp. So I was playing a hide and seek game with them for all those years."*
>
> *Farah, Somali refugee and activist in Eastleigh[1]*

While this was one of the many life stories I heard during my fieldwork, I find this story particularly remarkable, because it intersects with many dimensions of the life of a Somali refugee living in Nairobi. Farah's story tells us about the insecurities as an refugee, shifting from being legal and safe to illegal and unsafe or even unwanted by the authorities. Yet, it also shows that despites these conditions, Farah could play along with the boundaries of his legal status, by choosing to stay in a vibrant Somali neighborhood in Eastleigh without documentation. His story continues in this neighborhood in Nairobi, where he has now obtained his formal documentation. Out of this experience, Farah decided to become an activist and dedicate his life to defend the rights of Somali refugees who are now facing similar challenges. I would like to see these stories as the roads walked in search for recognition of citizenship as a refugee.

The reasons for Somali refugees to come to Nairobi are manifold. The majority of Somali refugees I interviewed came from the refugee camps, Dadaab and one from Kakuma, to Nairobi. A smaller number of respondents indicated that Nairobi was the first place of residence in Kenya. Either coming from the camp or straight from Somalia, Somali refugees may opt to live in the city in search for a better life and employment opportunities. Others may leave the camp for fear of persecution on the basis of their political opinion, sexual orientation or religion. Yet others are residing in Nairobi to access better education facilities. The majority of Somali refugees that come to Nairobi settle in the biggest Somali neighborhood of Nairobi;

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[1] Authors interview with Farah, Somali refugee activist (4), on 12 May 2018, Eastleigh, Nairobi

Eastleigh, also known as 'Little Mogadishu.'[2,3] Officially around 20.000 Somali refugees have been registered in Nairobi (UNHCR 2018d), but estimated numbers of undocumented refugees and migrants have ranged from 35.000 to 100.000.[4] While known for its busy, dusty commercial shopping streets and the notably one of the country's biggest informal markets, Eastleigh's environment is politically charged by mixed sentiments of the host population and government on the presence of Somali refugees living in the Nairobi. Hence, the lives of the Somali refugee community have been subjected to fear, and insecurity as their legal status remains in legal limbo and unattended or denied by the governmental authorities. As the above story by Farah narrates, whatever drives the decision to reside in Eastleigh as a refugee, acquiring rights as a refugee in Nairobi remains problematic.

For over 28 years Kenya has been hosting the majority of Somali refugees in the Horn of Africa that have been displaced by ongoing civil conflict, violent insurgencies and persistent drought and shortages (UNCHR 2017). Until now, around 208.000 Somali refugees live in displacement in Kenya, of which the majority lives in the Dadaab refugee camp (UNHCR 2018d). Consequently, the international community classified the Somali situation as a protracted refugee crisis (UNHCR 2017; NRC 2017b). Especially in the situation of the protracted encampment in Dadaab, refugees depend heavily on the financial and political goodwill of the host country and international donors (Lindley 2009; UNHCR 2017; UNHCR 2017c). Notwithstanding the harsh living conditions in which the security, movement, and freedom of refugees are restricted. In the wake of these limitations, a new trend, also known as the Global Compact on Refugees, has emerged as the dominant international policy framework towards refugee governance (UNHCR 2018a). This framework promotes the implementation of durable solutions towards refugee crises on three pillars; enhanced integration and self-reliance, resettlement and voluntary repatriation (UNHCR n.d-a). Kenya is one of the role-out countries which is to run a pilot of the Comprehensive Refugee Response Framework (CRRF).

However, Kenya's promise to increase the freedom of refugees stands in sheer contrast with its security agenda on Somali refugees. Triggered by a wave of terrorist attacks claimed on Kenyan territories since 2013, the government of Kenya has taken various security measures against Somali refugees and has treated them with suspicion (IRRI 2017; NRC 2017c). In Nairobi the urban registration was suspended per

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[2] A legal protection officer (2) from Kituo Cha Sheria stated that it is likely that the number of unregistered Somali refugees living in Eastleigh is much higher and thus invisible for the sensitization of the UNHCR.
[3] Authors interview with Yusuf Hassan, Member of Parliament Kamukunji constituency, on 14 May 2015, CBD, Nairobi.
[4] *Ibid.*

direct, followed by a security crackdown in which thousands of urban Somali refugees were forcefully relocated to the refugee camp (Amnesty International 2014; ICJ-Kenya 2015). In April 2016, the government of Kenya has ordered to close the Dadaab refugee camp on the grounds of nation security. In fear of being kicked out without any warning, many refugees residing in Dadaab had decided to return out of their own will through the voluntary repatriation program that was established in a Tripartite agreement between the government of Kenya, the government of Somalia and the UNHCR in 2013. In the end the camp was not closed, because the High Court of Kenya ruled the closure of Dadaab as unconstitutional. Yet, as if nothing happened, the government of Kenya and the international community continue to push for the 'voluntary' repatriation of Somali refugees under the promise of promoting durable solutions. However, Somali refugees in Kenya are not willing to return due to unsafe circumstances or rather because they have lived in protracted exile for most of their lives (Amnesty 2017; MSF 2016). Being unable to return to Somalia or to integrate in Nairobi, Somali refugees in Eastleigh remain 'hidden and exposed' in situations of urban poverty and state violence (Pavanello *et al.* 2010). Various case studies have highlighted the challenges of urban Somali refugees by focusing on their economic livelihoods, health or the security issues (Carrier 2016; Pavanello *et al.* 2010;). While these studies recognize that the precarity of refugee livelihoods is inextricably linked to their citizenship status as refugees, this relationship has not yet extensively been studied. How have refugee policies in Kenya influenced the legal rights of Somali refugee communities in Eastleigh? How are these policies negotiated by institutional, governmental and civic actors? And finally, how have Somali refugees responded to their refugee status? This research aims to disclose the hidden and covert strategies of Somali refugees to remain present and retains some of their rights. Therefore, the complication of this research lies exactly in the interaction between the precarious status of refugees imposed from above and the autonomous responses of urban Somali refugees, such as Farah.

Refugee citizenship may seem to be a paradoxical term, as some scholars argued that the refugee is traditionally seen as a passive non-citizen deprived from citizenship and state protection (Shaknove 1985; Price 2009; Costello). However, in recent years, scholars have argued that this view presents an incomplete depiction of refugees as agency-deprived entities without any ability to negotiate their existence and rights. Out of this critique, the school of Critical Citizenship Studies has contributed to a fascinating account of research challenging boundaries between non-citizens and citizens (Isin 2009; Isin & Nielsen 2008; Nyers & Rygiel 2012; Sigona 2015; Tonkiss & Bloom 2016; Turner 2016). Some authors have referred to 'acts of citizenship' (Isin & Nielsen 2008; 2009) or 'contesting citizenship' (McNevin 2011) or 'insurgent citizenship' (Holston 2008) to explain the irregular ways in which less-than-full-citizens (Goldring & Landolt 2013) have claimed their rights. While all of these approaches relate to the citizenship status of refugees, I argue that

so far no author has attempted to synthesize these different accounts of refugee citizenship in a comprehensive framework with the goal of explaining how refugee citizenship is shaped, regulated negotiated and contested through the multi-level and multi-scalar interactions between a variety of actors.

Therefore, I introduce an analytic framework that approaches refugee citizenship from three dimensions. First, by studying citizenship from above through processes of *institutional labelling* (Zetter 1998;2007). Then as contested through *acts of citizenship* from below (Isin & Nielsen 2008) and finally by studying citizenship through *interactions*. In combining this empirical and analytical complication, this thesis aims to answer the following puzzle statement:

> *How is refugee citizenship of urban Somali refugees living in protracted exile in Eastleigh, Nairobi, shaped and negotiated through interactions between the government of Kenya, the UNHCR, local implementing institutions and Somali refugees since the signing of the tripartite agreement on voluntary repatriation between Somalia, Kenya and the UN in 2013?*

According to the analytic frame, this research has studied refugee citizenship on four units of analysis: Somali refugees as the primary unit of analysis, the government, the UNHCR and local NGOs. With regards to the timeframe of the research, I have decided to focus on the events and developments around the presence of Somali refugees that happened since the signing of the tripartite agreement on voluntary repatriation of Somali refugees in Kenya in 2013. The signing of the tripartite agreement is relevant for the research because it marks the start of international collaboration on refugee repatriation policy between the government of Kenya, Somalia and the UNHCR and in the light of the previous terrorist attacks, a wave of securitization efforts by the government of Kenya towards the Somali refugee population. Therefore, the agreement emphasizes a definite turning point in the view on durable solutions to Somali refugee citizenship and simultaneously questions the continued presence of Somali refugees in Kenya.

In order to answer the puzzle statement, I have formulated three sub-questions. These questions have been adapted according to the analytical framework so that they each apply to one of the three dimensions of citizenship. Ensuing, this should be kept in mind when navigating through this thesis. The following chapter of this thesis will first navigate through the academic debates around citizenship studies and discuss methodological considerations and strategies underpinning this research. Chapter three will sketch a brief outline of the context of the research by discussing the history of Somali and Kenyan refugee affairs and introducing the research area of Eastleigh. Chapter four will look at citizenship from above and

aims to research the following question: *What is the current political and legal framework on the citizenship of Somali refugees and how is this upheld by the institutional agents dealing with the Somali refugee community in Nairobi?* Chapter five will elaborate on responses and strategies aimed at readdressing the precarious legal status through bottom-up practices: *Through what acts and strategies had Somali refugees in Eastleigh negotiated and contested their citizenship from below?* Chapter six will focus on the interactions between refugees and the regulating authorities by addressing the next question: *How do urban Somali refugees in Eastleigh experience their access to legal status and protection services through daily interactions with the regulating Kenyan government, UNHCR, and its implementing parties?* Finally, the conclusion will seek to answer the puzzle statement by reassembling the three components of refugee citizenship. It will also finish with a reflection on the contribution of this research on the academic debate and concludes with a set of recommendations on the urban refugee governance of Somali refugees in Nairobi.

Chapter 2 – Theory and Methodology

2.1 Academic debate

This section engages in the academic debate around the notion of refugee citizenship. It will do so by sketching an overview of the different analytical lenses applicable to the study of refugee citizenship and how these ideas are relating to each other. Arguing that existing frameworks on refugee citizenship are not exhaustive enough to study the interactions through which refugee citizenship of Somali refugees in Eastleigh is constructed, the final section introduces a more comprehensive analytic framework that is more suitable for this research.

2.1.1 A paradoxical combination: Linking modern state citizenship with refugee studies

The contemporary debate on citizenship is often centered around the relationship between the nation-state and the individual rights and responsibilities (Sassen 2002; Ong 2006). Marshall (1950 in Yuval-Davis 2006: 206), a prominent contributor to the study of citizenship in sociology, defined citizenship as *"full membership of the community, with all its rights and responsibilities,"* thereby mainly referring to the political community of the nation state and its institutions. Similarly, Janoski & Gran (2002: 13) propose to study stratifications in citizenship by differentiating between *"passive and active membership in a nation-state with universalistic rights and obligations at a specified level of equality."* On the bottom of that stratification, and this is interesting, they introduce a category of '*marginal citizens'* (*ibidem: 39-40*), who have been neglected or alienated by the system through their informal, illegal or marginal status. However, these approaches to citizenship suggest that states are neutral care-providers and that citizenship is a neutral status which is universal to all (Sassen 2002; Ong 2006; Turner 2016; Tonkiss & Bloom 2016). Yet, the popular image of the refugee is that a refugee does not have citizenship and full rights. A number of authors have coined the term "refugeehood" to the status of a refugee as being deprived of citizenship rights and legal protection under the state (Shaknove 1985; Price 2009; Costello 2017). Here, it becomes clear that there is a paradoxical element in studying refugee citizenship, for in policy and academic circles a refugee and a citizen are often seen as antipodes (Long, 2010). Henceforth, how have academics filled the gap between theories on citizenship and refugeehood? Moreover, what different approach have authors proposed to study how refugee categories of citizenship are established and negotiated?

2.1.2 Understanding refugees in the context of non-citizenship

A number of authors have argued that the creation of inclusive and exclusive categories of citizenship is the result of top-down sovereign politics and the regulation of states over human life (Agamben 1998; Duffield 2008; Hyndman 2000). In their view, non-citizenship is an expression of the deliberate refusal of citizenship rights by the nation-state which should be studied through concepts of governmentality, biopolitics, containment, and securitization. The work of Georgio Agamben (1998) on 'Homo sacer' has been an influential contribution in studies on the relation between politics, law and human life, and specifically on the (refugee) camps as *'as spaces where the world's most marginalized people are warehoused and 'managed' through humanitarian care and control'* (Sanyal 2017, 119). Agamben argues that refugees are the ultimate example of 'bare life' because they are "*subordinated to the bio-politically organized legal system's possibility to at any time decide the extent of each individual's rights"* (Ek 2006, 367). In his book, Agamben also emphasizes the 'state of exception' applied to marginalized people. He argues that unwanted people, such as migrants and refugees are not excluded from a regime *"without relation to the rule"* (Agamben 1998: 21)*,* instead rule is suspended in order maintain power over them by a new exclusionary law.[5]

A number of authors have aimed to address these associations between migration and security (Collyer 2006; Hyndman 2007; 2012; Huysmans 2006) and explored Agamben's work of 'bare life' and application the state of 'state of exception' through modern day case studies (Bhungalia 2012; Duffield 2018). Studies on securitization and the nation state are not a recent phenomenon (Collyer 2006). The Copenhagen school, in particular, has significantly contributed to this discipline by understanding how 'threats' and responses to these threats come into existence through the interaction of state and non-state actors (Waever *et al.* 1993). Hence, they propose that the state has no monopoly on defining the threat, rather security is based on a collective 'we' identity (Waever 1993) and 'can be threatened by whatever puts its "we" identity into jeopardy' (Buzan, 1993: 42).

In contrast with interpretations of the Copenhagen School, Zetter (2007) argues that securitization practices are not exclusively 'exceptional' or 'extra-ordinary' with respect to the law, but rather normalized and standardized in law and policy practices. Zetter (1998; 2007) has explained that the governmentality of refugee management is also visible in processes of labelling through law and policies. Whereas previously

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[5] Agamben (1998: 21) refers to this concept as relative exclusion: *"[T]he most proper characteristic of the exception is that what is excluded in it is not, on account of being excluded, absolutely without relation to the rule. On the contrary, what is excluded in the exception maintains itself in relation to the rule in the form of the rule's suspension. The rule applies to the exception in no longer applying, in withdrawing from it."*

more concern for humanitarian agencies, in response to new forms of global migration and increasing mobility, states have developed a political agenda that is aimed at 'restricting the movement and access' of refugees (Zetter 2007: 189). In explaining this, Zetter uses the term 'institutional fractioning' to indicate how refugee rights are continuously reduced through redefinitions in law and policy.

While relevant to understanding non-citizenship through governance structures of the nation-state, these political theories provide a somewhat limited and outdated notion of non-citizenship. The refugee camp as a metaphor of containment and undisputed biopolitical authority over the life and death of refugees has been critiqued to be inherently systemic by depicting the study subjects as agency-deprived bodies in our system of modernity (Darling 2004; Katz 2015; Minca 2015; Sanyal 2012, 636; Walters 2008).

2.1.3 Broadening the scope of life: citizenship from below

Rather than seeing noncitizenship[6] as the absence of full citizenship rights, there is an emerging academic trend which aims to study noncitizenship and in particular the practices and experienced meaning of it as an independent discipline (Tonkiss & Bloom 2016). This trend reflects the emergence Critical Citizenship Studies, which is spearheaded by a number of scholars to fill this academic gap between citizens and non-citizens (Isin 2009; Isin & Nielsen 2008; Nyers & Rygiel 2012; Sigona 2015; Tonkiss & Bloom 2016; Turner 2016). What is suggested by these authors is that we can speak of citizenship from below (Nyers & Rygiel 2012), activist citizenship (Isin 2009) or insurgent citizenship (Holston 2009) as conceptual frameworks for analyzing the presence and visibility of citizenship among those who are seen as traditionally being deprived of it. This preposition conceals Hannah Arendt (1973) influential thought on 'the right to have rights,' which she used in reference to the universal rights that all individuals should be entitled to have or claim on the virtue of being human. In that trend, I agree with Isin (2009: 383) that it is not only relevant to ask "who is the citizen?", but also to question "what makes the citizen?" In the book 'Acts of citizenship,' Isin & Nielsen (2008) argue that citizenship essentially emerges from performances, being political and the act of claiming your rights as individuals and groups in society.

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[6] There is an academic debate about the use of the concept 'non-citizenship' and noncitizenship (Tonkiss & Bloom 2016: 839 & 842). Noncitizenship is more commonly used terminology in critical citizenship, because the authors aim to move away from the binary categorization and sheer absence of citizenship that is implied in the word 'non-citizenship. They go on to reject the hyphenation of 'non-citizenship' and terms alike for it suggests exclusionary emphasis.

According to them, the study of citizenship through the lens of legality and individual agency may lead to an eschewed presentation of one of both, especially since legality is assumed to condition the possibilities of the individual. It inevitably leads to the problematic relationship between structure and agency. Studying acts of citizenship are argued, suggests a perspective that reconciles legal citizenship and substantive forms of citizenship:

> *"To investigate acts of citizenship in a way that is irreducible to either status or practice, while still valuing this distinction, requires a focus on those moments when, regardless of status and substance, subjects constitute themselves as citizens or, better still, as those to whom the right to have rights is due."* (Isin 2008: 18).

Authors have widely applied these frameworks to study refugee and migrant citizenship, contributing to a rich description of case studies in various settings. Some authors, for example, have focused on migrants and refugee activism and resistance to exclusionary politics (Ataç 2016; Darling 2006; McNevin 2014; Nyers & Rygiel 2012) or explored the meaning of belonging among refugees in the UK in constructing alternative notions of citizenship (Yuval-Davis 2006). Particularly interesting and related to the performance and governance of citizenship is the application of mobility studies in understanding how citizenship is experienced and even negotiated in autonomous mobilities of migrants (McNevin 2011; 2014; Nyers 2015). In her book 'Contesting citizenship' McNevin (2011:9) challenges the realm of citizenship and political belonging to the nation-state by focusing on irregular migration and 'those who are transnationally mobile.' For instance, in her research of the Sans-Papiers of France, she studies how migrants may challenge 'common sense' representational dimensions of citizenship by staying underground and unregistered. Likewise, Rygiel (2011: 157) speaks of 'strategies of disembodiment and invisibility' when referring to the more mundane and everyday tactics and logics of migrants to navigate in restrictive regimes of citizenship. Finally, Papadopoulos *et al.* (2008) have coined the term politics of 'escape' to refer to the everyday informed and incidental strategies of migrants to remain present or 'imperceptible' whilst being irregular.

2.1.4 Towards assembling a conceptual framework for 'refugee citizenship.'

While the combination of citizenship and refugees have often been studied in academic circles, I argue that the plurality of approaches on refugee citizenship mentioned above have diffused a clear understanding of refugee citizenship. Yet, all these different concepts contribute to a complex assemblage through which refugee categories on citizenship are shaped. Here, I would like propose an alternative lens on the study of refugee citizenship that combines most of the above mentioned approaches in one analytic framework, namely, refugee as an assemblage *of people, institutions, law, policies, organizations and the relational dynamics that trigger responses and practices between them* (Goldring & Landolt 2013; 2016). Citizenship as an assemblage acknowledges the complex 'constellation' of institutions, actors, and practices through which the legal status is negotiated and contested in authorized and unauthorized ways (Goldring & Landolt 2013; 2016).

However, because their framework of assemblage *"intentionally moves away from a focus on precarity or a narrow concern with specific categories of noncitizenship and instead highlights relations across categories of noncitizenship"* (Ibidem 2016: 856-7), I argue that the processes of noncitizenship formation are not operationalized in enough detail by using these narrowly defined approaches in critical citizenship studies. For example, the framework can be perfectly complemented by Isin's (2008) 'Acts of citizenship' or Zetter's (1998; 2007) framework on 'labelling refugees.' Concluding, so far no author has attempted to synthesize these different accounts of refugee citizenship in a comprehensive framework with the goal explaining how refugee citizenship is shaped, regulated negotiated and contested by a variety of actors. It is precisely this academic gap that reveals the potential of this research.

2.2 Conceptualizing refugee citizenship

In this thesis *refugee citizenship* will be used as the main analytical frame to analyze the dynamic and multiple relationships between the rights of urban Somali refugees and the national and international polity and regulation of this community (Figure 1). The analytic outline of this thesis is mainly drawn from Isin & Nyers (2014) two-way analysis of citizenship; top-down and bottom-up. Accordingly, the dimensions of Citizenship will be seen from above, by looking at the political and legal governing structures and implementation practices negotiating the rights and duties of refugees, and from below, through the conceptual framework of 'acts of citizenship' (Isin & Nielsen 2008; Isin 2009). In addition, this thesis draws on Goldring & Landolt's (2013) notion of conditionality of noncitizenship. Following their argumentation to understand the construction of citizenship as an assemblage (Goldring & Landolt 2013; 2016), this approach is useful to glue the different constitutive elements of this analytical framework together.
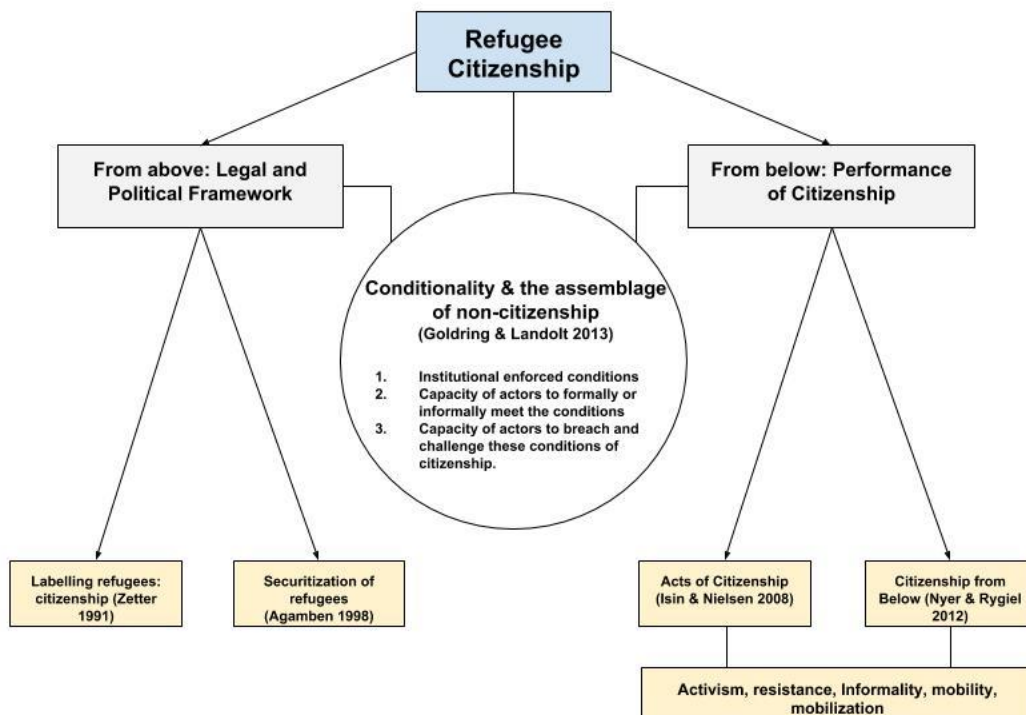

Figure 1: Refugee citizenship as an analytical framework. Source: Author

It is important to mention that the bottom-up and top-down binary is mainly functional for outlining the thesis. As argued in critical citizenship studies we have to move away from binary realities such as formal and informal, legal and illegal or citizens and non-citizens (Turner 2016). In reality, and as will be discussed in this thesis, the range of actors, sites, and scales of citizenship formation are complex and multi-dimensional. The distinction between bottom-up and top-down, then, does not aim to create contained categories, but rather facilitate perspectives through which different categories can be funneled. This analytic framework is therefore functional for its flexibility of uses and more accurate applicability by drawing in other concepts that are useful to studying refugee citizenship.

2.2.1 Citizenship from above

Isin and Nyers (2014) have provided a comprehensive and overarching definition of citizenship that allows for further analysis of its constituents parts. At the heart of the definition is the proposition that citizenship is negotiated by two dimensions: the 'polity,' or legal and political framework in which the *rights* and *duties* of the political subjects are defined, and the 'performance of citizenship.' In view of the former, citizenship finds its expression in political and legal institutions (Isin & Nyers 2014: 2), the political and legal 'toolbox' used by institutions to mediate the rights of individuals and groups in society (2014: 8) and the "*state- and government-imposed conditions associated with a legal status category (e.g., policies, rules, regulations, and associated rights)."* (Goldring & Landolt 2013: 15). Next, it is important to identify the institutional actors involved and through what practices they seek to define the outcomes of the legal status. The authors deliberate refer to 'polity' to move away from the notion that the government is the only actor who has authority over defining and granting citizenship rights.

Additionally, I will draw on Zetter's conceptual framework 'labelling refugees' to study the processes through which institutional actors are involved in shaping refugee citizenship. Zetter (1998: 44) argues that through refugee labels, one can *"pervade both social and development discourse (…) to which (…) refugees are particularly subject."* He argues that it is important to discern the processes through which refugee labels are created. How does labelling take place, in what forms, by who and with what effects? Furthermore, labelling involves the standardization of social groups into distinct categories. This is relevant to the study of the protocols and standards through which Somali refugees in Nairobi are processed in humanitarian aid programs. Institutional labels determine the terms of exchange between the refugee and institutions. On the institutional side, it provides a "categorical prescription of assumed needs" of the refugee and, hence, refugees follow these stereotypical guidelines in order to be regarded as eligible to

access those services. Then, in his revised article on refugee labelling, Zetter (2007) argues that the transformation of refugee labels have become increasingly politicized through 'institutional fractioning.' In the process of re-labelling refugees through law, policies and practice, bureaucracies *"radically transform[ed] the label 'refugee' from its Convention and conventional interpretation"* (Zetter 2007: 181 [emphasis added by author]). In other words, fractioning implies that refugees are pulled back even further into a marginalized category. As a result, refugees are restricted in making claims to their rights and entitlements because their legal rights are constantly adapted and confined in law and bureaucracy. Ultimately, this limits the chances of being recognized and renders any attempt to dodge or resist these categories as criminal or deviant acts (Zetter 2007: 189). This approach repeats Agamben's (1998) argumentation of exclusionary politics, the 'state of exception' and production of 'bare life,' as it provides a tool to analyze how citizenship rights of unwanted populations are continuously reduced or treated with exception.

2.2.2 Citizenship from below
The book "Acts of Citizenship" by Isin and Nielsen (2008) provides a good starting point for conceptualizing 'acts' in relation to citizenship shaped from below. The authors define 'acts of citizenship' as:

"those acts that transform forms (orientations, strategies, technologies) and modes (citizens, strangers, outsiders, aliens) of being political by bringing into being new actors as activist citizens (claimants of rights and responsibilities) through creating new sites and scales of struggle." (Isin & Nielsen 2008: 24).

This definition conveys a number of conditions that render an act as political and transformative with respect to citizenship status. First of all, someone can become a citizen by 'acting as a citizen' in new ways. In other words, acts of citizenship involve transforming the actor into a political being that challenges its 'modes of being political' and given 'script' (Isin 2008; 2009). Being political involves making *claims* on rights, activism or simply performing a different 'script' than the conventional passive notions of a noncitizen. Secondly, the act needs to provoke new 'sites and scales of struggle.' By 'creating a scene' and disturbance, it renegotiates the boundaries and definition of citizenship rights (Isin 2009: 379). These sites may pertain to political participation, security, belonging, identity, but "bodies, courts, streets, media, networks and borders have also become sites of contestation." (Ibidem: 371). Finally, it means that the transformation does not necessarily come from within the law. Acts of citizenship can also be found legitimate and meaningful when unlawful, illegal or when enacted by subjects whose status has not been

formally recognized. When successful, these acts may trigger the social transformation of the norms, values, and ideas underpinning refugee citizenship.

Regarding the *forms* of being political, I interpret that the authors (Isin & Nielsen 2008) aim to study the *why, what and how* of performing citizenship. The aspect of *orientation "raises the question as to what accounts for the subjects refusing, resisting or subverting"* (Ibidem, 38) and can be found in the *intention, motives, and purposes* of the actor. *Strategies* can be understood as the arrangements and plan to realize the orientation; the *reasons, manoeuvres, and programs.* Lastly, *technologies* refer to the *tactics, techniques, and methods* the actor deploys and describes how they aim to achieve their agenda. In this research forms of being political, *orientations, strategies, and technologies,* can be used as an analytical tool to understand the motivation for urban Somali refugees to become politically engaged or to understand how their responses and strategies may impact their social positioning in society. It also allows penetrating even deeper into the meaning of citizenship by asking questions that pertain to these specific events and acts.

2.2.3 Assembling refugee citizenship from above and below

In order to investigate how refugee citizenship is assembled, I have selected parts of Goldring's and Landolt's (2013) framework that particularly focus on 'interactions.' The authors have defined *"non-citizenship as an assemblage of legal status in which the boundaries between citizenship and non-citizenship can be contested, breached, negotiated, and altered by different combinations of actors, across a variety of institutional sites and at different scales"* (*Ibidem* 2013: 4). Following the research question, this thesis is mainly interested in understanding how boundaries of refugee citizenship are negotiated through interactions. This will be studied by using the following concepts.

To start with, I draw on Goldring & Landolt's (2013: 3) concept of *'conditionality of presence and access.'* The first dimension, conditionality of presence *"refers to the insecurity and contingency surrounding an individual's ongoing presence, and includes the formal and practical conditions that must be met in order to retain some form of legal status and/or remain present in a jurisdiction."* The dimension of access relates to: *"the multi-actor negotiations required to secure resources or public goods, whether or not these are formally defined as a right of the precarious non-citizen."* The work of conditionality is relevant to the study of Somali refugees in Eastleigh because it acknowledges the complex pathways through which the Somali refugees are navigating their authorized or unauthorized presence and access to the rights and status

associated with a 'less-than-full' precarious citizenship status (Ibid.). Furthermore, conditionality is associated with the effort of the individual to 'work' for negotiated outcomes or 'claims of deservingness.' (Goldring & Landolt 2016: 857).

Secondly, Goldring and Landolt (2013: 4) on "*trajectories and negotiations within and across legal status categories.*" These trajectories can be studied by following how refugees navigate in and out of the law and policies, and how they interact with institutions and other actors along these trajectories. Finally, refugee citizenship reveals observable "inter-scalar tensions" when focusing on the top-down structures and institutional processes in relation to the individual and everyday '*interactions*' and actions from below (*Ibidem 2016: 857).* This links perfectly with Isin's (2009) 'new sites and scales of struggle.'

2.3 Methodology

This section discusses the methodological considerations and research design underpinning this thesis. In addition, it will give an account of the techniques used to gather and analyze the data and highlight the limitations and ethical questions encountered during the fieldwork.

2.3.1 Research Method

This research is built around a qualitative research strategy in which academic knowledge is produced through an inductive dialogue between theory and evidence. This dialogue is facilitated by a particular ontological and epistemological view that should be recurring in the theory, analytical framework and methods deployed to study the social order. The myriad of refugee rights and refugee citizenship is often seen as a given status, defined by external features that make up a structure of legality and polity (Isin & Nyers 2014). In the case of this thesis, which aims to decompose the structural conditions and actor driven practices shaping 'refugee citizenship,' I have adopted an ontological understanding in which the individual and the structure can be reconciled. Therefore, this research is primarily focused on the interaction between regulatory conditions or institutions and individual behavior. Giddens' (1979) theory on structuration is particularly useful when aiming to tackle the discrepancy between 'theories of action and institutional theories.'[7] This lens emphasizes the processes through which a social phenomenon or system, such as refugee citizenship, is (re)produced in interactions between individual actors and institutions.

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[7] In his theory on structuration, Giddens (1979, 49) coins the term 'duality of structures' to explain that individual actors are both a product of the system and are simultaneously able to (re)produce or contest it.

The analytical frame deployed in this research stands in line with this ontological premise. I have decided to focus on the process of labelling of refugees (Zetter 1998), the construction of (non)citizenship from below (Isin & Nyers 2014, Isin 2008) and on the refugee citizenship as an 'assemblage' of interactions (Goldring & Landolt 2013). The social constructionist lens underpinning these conceptual frameworks suggests that subject categories, such as 'refugeehood' or 'refugee citizenship,' are not only produced within the structure of society through rules, laws and norms. They are also produced through practices and performances of the subject itself (Bryman 2012: 33). In the same ontological trend, this research makes use of a performative lens, both as a methodology and as an analytical frame, to study the symbolism of repetitive meaning of the performance of acts of the research subject.[8] While applying a performative lens is challenging, it also yields innovative methods and can generate alternative findings. Beyond text analysis and personal narratives of interviews, the scrutiny of acts and bodily expressions of movement can provide even richer descriptions of experiences of the various Somali residents in Eastleigh. This will be delved out in further detail when analyzing how refugees creatively perform a different 'script' than inscribed by regulatory frames in their movement (Nyers 2015) and ways of being political (Isin & Nielsen 2008). The epistemological aim of this research is first and foremost interpretive; it seeks to understand the processes through which refugee citizenship is made. In other words, it aims to interpret how 'being refugee' is performed, experienced and negotiated through the reality of the refugee itself and through interactions with the regulatory institutions. Simultaneously, these individuals can hardly be studied without a descriptive and observational analysis of Eastleigh's vibrant, complex, diverse and cosmopolitan community and context. The combination of both provides a rich ethnographic constellation of the unique case of Eastleigh's Somali refugees and the significance of their daily strategies of survival in relation to their 'citizenship' status.

2.3.2 Research design & Techniques

In this thesis, a number of data collection techniques have been applied to answer the research question. Most of the data has been gathered through *ethnographic fieldwork* which I conducted during a period of 2,5 months among the Somali refugee community living in Nairobi. An ethnographic investigation of the lived realities of urban Somali refugees in Eastleigh is useful to provide a rich understanding of the experiences of policies on the ground.

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[8] Performativity is a phenomenological approach to studying social subjects, and allows to understand the *"structures of consciousness as experienced through the first person point-of-view"* (Stanford Encyclopedia of Philosophy, 2013). The term has been popularized in academia by Judith Butler (1990), who provided a revolutionary definition of performativity of gender roles in society in her book 'Gender trouble: Feminism and the Subversion of identity.'

I mainly gathered data through *in-depth* and *semi-structured interviews* during the fieldwork in Nairobi. In total, I conducted thirty-three interviews with respondents. Most interviews were conducted in person, with the exception of two interviews with experts that were taken over the phone. In-depth interview techniques allowed me to gain a deep understanding of the experiences, personal narratives, motivations and strategies of Somali refugees in Eastleigh. Besides Somali refugees in Nairobi, I interviewed members of the host community in Eastleigh. In addition, I conducted interviews with a number of protection officers of the United Nations High Commissioner for Refugees (UNHCR), staff members of International Non-Governmental Organizations (INGOs) and local Non-Governmental Organizations (NGOs), think tanks, human rights organizations, representatives of Community-Based Organizations (CBOs) and Dutch diplomats with knowledge on the Somali refugee situations in Kenya and the horn of Africa. The figure below shows the categories of informants in a chart:
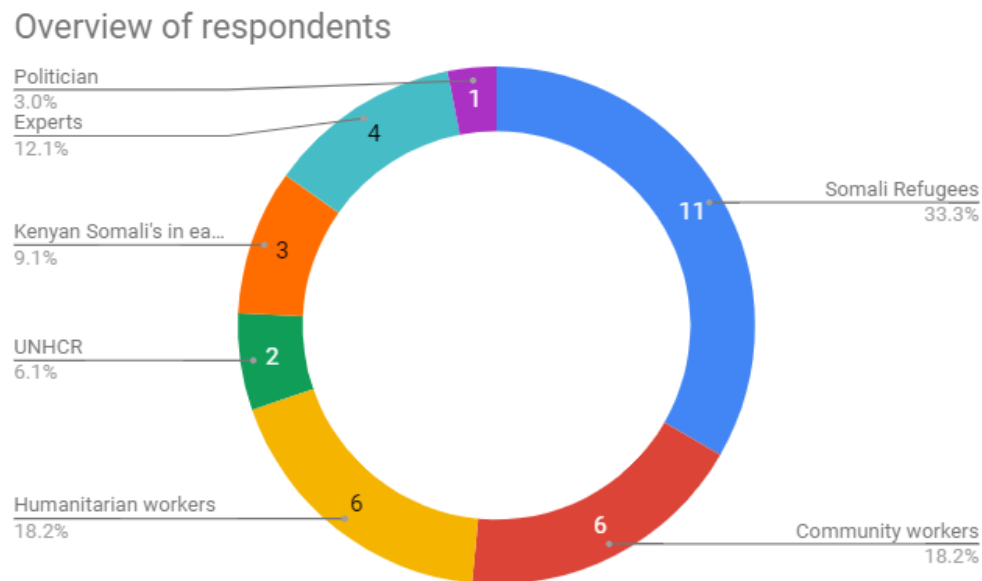
Figure 2: Number of respondents per categories

Furthermore, I managed to organize two short group discussions with visitors of a youth center for education and culture in Eastleigh with a Somali refugee background. The session aimed to discuss collective features such as feelings of identity and belonging as a refugee in Eastleigh and experiences with government or police officials.

The many informal conversations and daily *participatory observations* in the research area of Eastleigh, but also in the greater metropolitan region of Nairobi, helped me to comprehend the local context, norms and dynamics in a culturally distinct environment. I kept a daily journal in which I collected

all of my field notes, observations and experiences of the day. A specific research technique I applied for the purpose of studying the experiences of living and movement of Somali refugees in Eastleigh was mobile ethnographies (Novoa 2015). [9] I applied this technique by asking informants if I could walk along with them so I could observe, ask and gain a 'first person' 'experience of what life and movement in Eastleigh looks like for the refugee informants. [10] Then, I observed a number of groups in closed settings such as community meetings, woman group sessions and youth gatherings in Eastleigh.

Besides, the use of interviews and observations, another major part of my data collection strategy is the *policy, document and media analysis.* In acquiring a critical understanding of the regulatory, institutional framework on Somali refugees in Kenya and Nairobi, I analyzed various policy documents, law statutes, court cases, public statements, reports and other communicative media in which institutional actors were represented.[11] The analysis also includes a condensed media analysis of social media movements led by Somalis. It was challenging to find sources directly related to the current legal and political perspective on urban Somali refugees in Eastleigh. In fact, a lot of information is not shared publicly, and Kenyan authorities and the UNHCR are not fully transparent about their agenda on urban refugees. Therefore, as a valuable complement to the policy analysis, I investigated the current policy on urban Somali refugees through formal interviews with community workers, and representatives of the government, UNHCR, and NGOs.

2.3.3 Sampling methods

As this research aims to understand refugee citizenship on various levels, a variety of sampling methods and categories have been used to identify sources of data. Besides the selection of people, space, context and time, sampling includes a process of 'data saturation' in order to get *"a reliable sense of the thematic exhaustion and variability within [the] data set."*(Guest *et al.* 2006: 65 in Bryman 2012: 426). In this research, I have applied 'theoretical sampling' as the general sampling method (Glaser & Strauss 1967). It

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[9] Mobile ethnographies refer to *"a mobile participant-observation with a particular focus on mobile phenomena."* (Novoa 2015: 100). It includes 'walking with' the respondent, 'co-present immersion' and 'participation-while-interviewing' in which the ethnographer engages with the worldview and mobility patterns of the respondent and may employ a number of techniques along the way (Urry 2007: 40 in Novoa 2015: 99).

[10] Authors note: for example, when I was guided around by a respondent in Eastleigh, I was brought to the exact location where the informant got arrested by the Kenyan police forces among with a number of other people. This was striking because on broad daylight, and along the main bustling shopping street, it was unimaginable for me that at night time the scenery could be totally different.

[11] Court cases proved to be particularly useful, because they clearly articulate the standing point and legal and political claims of the competing participants in court.

is an important process in grounded theory because it includes the refinement of operational categories that have been derived from theory through a reiterative process of data sampling and collection. I applied this during the fieldwork by using the themes and topics presented in conversations and interviews to inform and refine concepts and questions.

Then, the sample area for this research is in Nairobi, and more specifically in Eastleigh, a neighborhood mainly inhabited by Somali Kenyans and Somali refugees and migrants. Eastleigh is a conglomeration of three wards situated in the constituency of Kamukunji within Nairobi.[12]
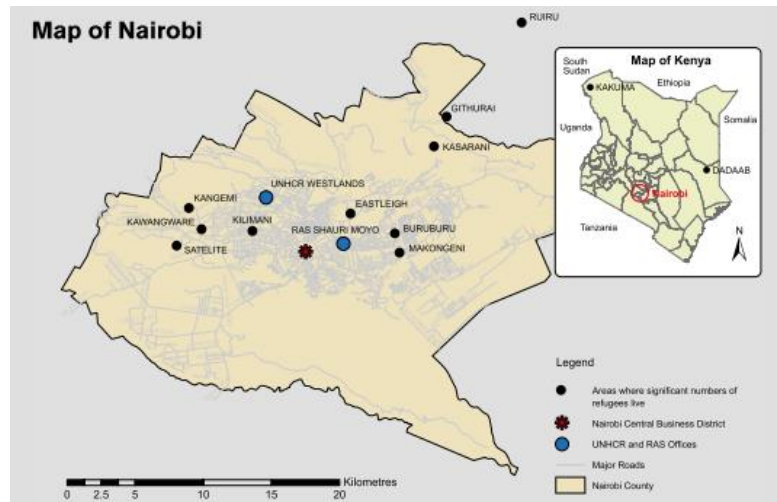
Figure 3: Map of Nairobi and location of research area Eastleigh. Source: NRC 2017.

Accessing the Somali refugee community in Eastleigh appeared more difficult than anticipated. Out of necessity, I decided to adapt my sample strategy and aimed to access the Somali refugee community in Eastleigh through the various NGOs and organizations working on refugee protection in Eastleigh. This strategy was more fruitful since all organizations had established links with community representatives. In this way I managed to speak both to NGO staff members working on refugee policies, the front officers implementing these policies, who again linked me with local refugee leaders, representatives, and activists. Through these channels, I finally managed to arrange interviews with Somali refugees in Eastleigh. Moreover, I was already treated with a greater degree of trust because I was introduced via an entrusted and respected member of the refugee community. While I heavily depended on the good will of others in this process of convenience and snowball sampling, this dependency has been beneficial to a better holistic understanding of the implementation of refugee protection across various layers and the interaction

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[12] Eastleigh is divided in three sections: Section I - Eastleigh North (Juja road), Section II - Eastleigh Airbase (east), Section III – Bordering Jogoo Road and circumpassing Pumwani.

between various actors. On hindsight, the emphasis on interactions in the analytical framework I introduced in this thesis is a reflection of this process.

Finally, the category of Somalis in Eastleigh needs further clarification. Eastleigh hosts many Somalis, referring to the geographical or cultural appropriated identity of people from Somali ethnicity. Among this group, one can distinguish between Kenyan Somalis, who are either born with Kenyan nationality or have been naturalized as citizens, Somali refugees and asylum-seekers who have entered Kenya and are formally or informally residing under refugees, and Somali migrants in Kenya, who have legally or illegally entered the country. It is difficult to distinguish between the final two categories, as migrant and refugee categories are easily mixed when the recognition of status depends on the legality of presence, which is a difficult status to obtain in Nairobi.

2.3.4 Limitations

First of all, one of the biggest challenges as a researcher is to be as accurate and authentic as possible in the translation of data to argumentation. This challenge is mostly evident in the *credibility* of the research (Guba & Lincoln 1985 *in* Bryman 2012). Not yet acquainted with the customs, practices, and norms of Eastleigh's culturally distinct environment it was challenging to ensure that my personal interpretation of reality was in line with the reality of the respondents. In order to overcome personal bias in data collection, I often sought for confirmation among my respondents to verify if my interpretation was credible from the respondent's point of view.

As previously indicated, getting access to respondents in the Somali refugee community required trust-building which was challenging within the restricted timeframe. In the end, I conducted a total of 11 interviews with refugees of which the majority was conducted in the last weeks of my stay. This restrained the ability to cross-verify my findings immediately with other respondents in the initial phase of the research. Furthermore, while the area felt very accessible and generally safe during the daytime, I was informed by my respondents that the streets of Eastleigh are better to be avoided after sunset because of the increased gang and police presence. I was not aiming to put myself or other informants at risk, but there was a limitation of not being able to observe the police operations that formed a major insecurity for many of the Somali refugees in Nairobi.

In general, language did not pose a barrier in the daily navigation in Nairobi and the data collection. The majority of people in Eastleigh and Nairobi were able to communicate in English. However, I shortly realized that my reach within the refugee community was significantly reduced because of poor understandings of local languages. I was therefore only able to target the advantaged group that was able

to communicate in English through better educational opportunities or simply a longer process of integration. Underlining the link between legal status and opportunities for work, education and hence exposure to outsiders, language barriers specifically revealed a blind spot; it left me oblivious of the most vulnerable categories among the Nairobi's urban refugees. Reminiscing about the moment that I considered to make use of external interpreters, out of financial considerations I eventually decided to accept this limitation. On hindsight, this decision has also been beneficial to the overall trustworthiness and credibility of the research. Quality over quantity, being the sole conductor of the interviews provides the necessary flexibility and autonomy to get into detail and build a rapport with the respondents.

2.3.5 Ethics

As a researcher and ethnographer, it is important to be aware of the impact of your presence and actions in your research environment and hence your position as a researcher. Particularly relevant to the context of this research, Mackenzie *et al.* (2007) stressed the importance of ethical relationships when conducting research with refugees in conflict and crises situations. The authors raise two major issues: first, the process through which consent can be ethically obtained and second, to fully consider the capacity of the refugee to have autonomy.

First of all, it was important to build awareness of the political sensitivity and 'illegality' around the presence of Somali refugees in Eastleigh. On that note, it was an advantage to be an independent researcher because it was perceived less risky for respondents to interact with me. Contrarily, being affiliated with organizations could lead to the expectation of the refugee respondent that participation in the research may benefit their status or jeopardize their full capacity to be autonomous. I tried to deal with this by being sincere about my intentions with this research and by upholding the anonymity of the respondents during the fieldwork. Besides the respondents with a public function, all respondents have been named under a pseudonym to safeguard their anonymity.

During the research I realized that the reluctance of refugees in Eastleigh to communicate with me is also an internal protection mechanism. For example, the group discussions with young Somali refugees was not dynamic, but dominated by a sense of discomfort, but also 'fear' and 'pain' to bring up sensitive topics. This concords with Thomson's (2013) ethnographic explorations on the problem-solving networks of unaccompanied young Somali women in Eastleigh' which emphasizes the strategic choice of being silent and muted to maintain their safety and security.

Finally, ethics ask for awareness of the power of knowledge production in social research and positioning as a researcher. As the author of this thesis, I am aware that an academic debate about the meaning and formation of citizenship is extremely politicized and colored by bias. To clarify my position; as researchers, we carry the responsibility to be subjective and critical towards the production of academic narratives that suggest that academic knowledge is detached from bias, discrimination or racism. These narratives have gradually settled as objectivities through the constant objectifications in social research, by social researchers on these same phenomena. I can only re-emphasize that *'citizenship is fundamentally about political struggles over the capacity to constitute ourselves as a political subject'* (Isin & Rygiel 2014: 8). It's in the definition:

"We use 'ourselves' here to indicate that as authors we do not see ourselves independent from these struggles, and also to emphasize that the constitution of political subjectivities is always simultaneously individual and collective struggles."

Chapter 3 – Context

3.1 History of Kenyan and Somali refugee affairs

In the history of Kenyan and Somali refugee affairs, there have been three main phases of displacement and conflict in Somalia prompting mass displacement (Lindley 2009).[13] The first phase started in the 1990s when Mohamed Siad Barre, the former President of Somalia between 1969 and 1991, was ousted. With the sudden power vacuum and the collapse of the Somali state, warlords engaged in violent civil warfare in the competition for resources and power. Pushed by an additional drought, the humanitarian crisis in Somalia and international displacement grew in even greater proportions. This also set the trend of displaced Somalis seeking for asylum in Kenya. The second phase marks a relatively quiet development characterized by stabilization of power relations. However, this also creates the conditions for the rise of religious fundamentalism when the Islamic Courts Union (ICU) took victory over the US-backed warlords (Dersso 2009). Finally, the emergence of fundamentalism conflated the local conflict dynamics with the global War on Terror (Lindley 2009). While already present since the 1990s, Al-Shabab, "the youth," only becomes significant when they fraction from the ICU in 2006 in an attempt to siege Mogadishu and occupy the South-Central territories of the central government (Dersso 2009). Their stronghold lasted briefly, but it did mark the beginning of a nation-wide upsurge of Al-Shabaab fractions which only demised in 2011, with the involvement of international peace operations in Somalia (CFR 2018). Since the collapse of the state, the situation in Somalia has been one of ongoing conflict and political instability (NRC 2017). A recent report (ACLED 2017: 3) indicates that Somalia leads as the country with the highest frequency of violent interactions on the African continent of which the majority is *"due to Al Shabaab's attempts to dismantle any sign of functioning central or regional governance."* However, whereas the scale of conflict may be large, the trend of conflict is more localized (Menkhaus 2014). Again, this phase of conflict coincided with increased drought pushing over 511.000 Somalis across the border to Kenya (Lindley 2009) (see figure 2).

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[13] Whereas Kenya's inception of Somali refugees only really took flight after the 1990s, the origins of the conflict date back to colonial struggles, institutionalized clan-divisions and post-independent totalitarian rule by Mohammed Barre (Dersso 2009).

Kenya has responded to the Somali refugee crisis by establishing the Dadaab refugee camp, situated within proximity from the North-Eastern Kenyan-Somali border. While the population reached a zenith in 2012 (463,000 registered refugees and asylum-seekers), the current number of registered Somali refugees in the Dadaab refugee camp has dropped to 208.000 (UNHCR 2018d).[14] In addition, approximately 10% of the Somali population lives in Nairobi. However, the Kenyan refugee policy towards Somalis has blended with its security agenda (NRC 2017, IRRI 2017), specifically with regards to the Somali refugees in Nairobi after a number of terrorist attacks. As a result, Kenya's recent trend in policy toward Somali refugees has focused on the encampment and repatriation of Somali refugees. It is exactly within this context in which this research aims to study the citizenship rights of Somali refugees in Eastleigh.
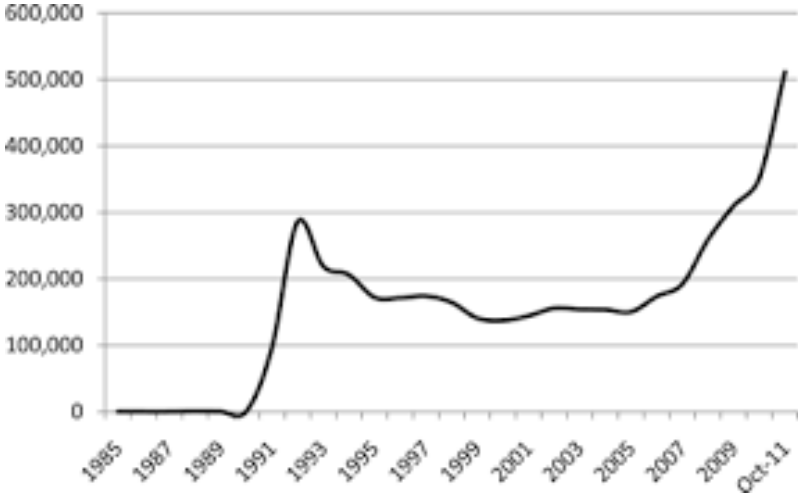

Figure 4: Displaced Somali population in Kenya 1985-2011. Source: Lindley 2009

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[14] The exact reason for the drastic decline of this number is unclear as only 80.533 Somali refugees in Kenya have been repatriated to Somalia, resettlement remained low and naturalization in Kenya has been extremely rare (UNHCR 2018d).

3.2 Eastleigh: a regional Somali refugee hub

"Eastleigh is one of the biggest economies in the country now; it is so big, you can't believe it. No one has done a thorough study, but it is certainly one of the biggest economic hubs in Kenya; if you leave out the central business district, I doubt there's any other business district in Kenya that can compete with Eastleigh in terms of the volume and capital that goes around on a daily basis. it's massive." [15]

Yusuf Hassan, MP Kamukunji, Nairobi CBD

This research would not be complete without a brief introduction of Eastleigh, one of Nairobi's most bustling neighborhoods which is home to the majority of urban Somali refugees in Kenya. From my point of view, the number of superlatives in the above quote does exaggerate the scale of Eastleigh's dynamics. As a matter of fact, a whole book has been dedicated to understanding how Eastleigh has developed into successful Somali dominated regional and global hub (Carrier 2016).

Also dubbed as 'little Mogadishu,' Eastleigh is the beating cultural and economic heart of the Somali community in Nairobi. The estate that is now known as Eastleigh was initially established in the early 20th century as a speculative investment to sell plots in the rapidly expanding colonial capital of East Africa. Failed to sell the plots to European settlers, Indians and, to a smaller extent, Somalis were the first ethnic groups to build property in the area. It was not until the 1990s that the ethnical landscape of Eastleigh started to change when Somalia was dragged into a deep crisis that has continued to displace populations until now. Plagued by the civil war, violence, insecurity, and drought, the numbers of Somali refugees seeking asylum in Kenya began to grow significantly. Also in Nairobi, where Eastleigh in particular became home to a large number of Somali refugees.

From the 1990s onwards, Eastleigh's Somali business community has thrived enormously. Attracting commodities from other manufacturing hubs overseas, such as Hong Kong, Dubai, and Mumbai, Eastleigh transformed into an informal market where almost everything can be bought in one of the many small-retailer shops. Simultaneously, Eastleigh's landscape transformed through the real-estate development and the construction of numerous malls lined-up along Eastleigh's first avenue. Eastleigh's Somali refugee population heavily depends on the informal economies, but simultaneously fed by the presence of the Somali community through remittances from overseas diaspora.

Radicalization among youth in Nairobi is a widespread problem, and membership is not only limited to extremist religious groups but also includes criminal gangs and political groups.[16] The presence of these

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[15] Authors interview with Yusuf Hassan, the Member of Parliament for Kamukunji, on 14 May 2015, Eastleigh, Nairobi.
[16] Authors interview with staff member community health worker (3), on 7 May 2018, Eastleigh, Nairobi & authors interview with Community Worker (2), on 8 May 2018, Eastleigh, Nairobi.

groups has promoted a landscape of violence in Eastleigh, which has been visible through numerous terrorist attacks, the criminal activities and vigilantism of gangs and electoral violence and ethno-political divisions (IRRI 2015; Im *et al* 2017). Efforts of the (military) police to repress these groups have only fed elements of violence in Eastleigh and as will be explained in further detail, promoted the securitization interventions directed towards Somalis. The result is that Eastleigh, despites being known as a bustling economic center, also has the reputation of being violent and dangerous.

Figure 5: Eastleigh's first Avenue. Source: Mohamed

Chapter 4 – Citizenship from above: the institutional authorities on refugee regulation

According to the analytical framework, this chapter will elaborate on the first tier of refugee citizenship: citizenship from above. The formation of refugee citizenship will be discussed through closer analysis of the *legal and political framework* and the *implementation and regulation* by the institutional actors. The legal and political coordination is studied on three levels, each represented by a specific group of actors: The international institutional framework with the UNHCR as the main organization, national refugee policies and regulation by the Kenyan Government and local institutional actors such as NGOs and legal protection agencies. Because the final category, the local NGOs, works in the extension of the UNHCR mandate and policy agenda, I will only discuss their practices in this chapter.

As discussed previously, it is argued the legal status of refugees is defined by the political and legal 'toolbox' and practices of governance institutions (Isin & Nyers 2014: 8). In the theoretical chapter, the term 'polity' (Ibidem 2014) is used to refer to the structure of law and politics that condition the access to citizenship status through any authority that has the capacity to define 'the rights and duties' of the political subject and grant citizenship rights (Goldring & Landolt 2013: 15). These conditions are found in the policies, law statutes, regulations, rights and treaties associated with refugees and their status as acknowledged in international, national and local governance circles (Goldring & Landolt 2013). In studying the underlying assumptions of public policy on refugees, Zetter's concept of the process of refugee labelling will be applied (1998, 2007). Therefore, this part aims to tackle the following question: *What is the current political and legal framework on the citizenship of Somali refugees and how is this upheld by the institutional agents dealing with the Somali refugee community in Nairobi?*

Consequently, there are a couple of legal underpinnings in these legal documents that will be taken into account when discussing the polity in perspective of each level of analysis. First of all, what is the definition of refugees in law and to what extent are they protected under the law? Secondly, it is relevant to map out what institutional and political bodies have been established in these statutes and to have a full spectrum of their responsibilities and tasks. Finally, what are the current legal and political agendas of these institutions and how has this been implemented?

4.1 Legal framework & policies

4.1.1 UNHCR

In the context of international legal protection frameworks on human rights, the 1951 United Nations Convention relating to the Status of Refugees is the most fundamental legal instrument on refugee protection. The Convention was the first international effort aimed at providing a definition and framework for refugee rights to ensure a basic set of human rights for persons of concern. It has also set the agenda for international proliferation and normalization of these conventions in transnational agreements on refugee governance and national constitutions.[17] Under Article 1 of the UN Convention on the Status of Refugees the following definition of a refugee is provided:

> *"a person who is owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable, or owing to such fear, is unwilling to return to it."* (UNHCR 1951: 14).

Hence, for refugees, host countries and the international aid community it is important to consider what durable solutions can be provided for refugee populations living in protracted exile. Ultimately, 'solving' the problem of refugee displacement is a process of restoring citizenship (Long 2010: 233). In her article, Long argues that because of this strong association between 'durable solutions' and the restoration of rights and dignity, durable solutions became instrumental to creating an image in which refugeehood is clearly associated with the idea of *'the deprivation of liberal citizenship'* (2010: 233). In policy circles there are three forms of durable solutions that are applicable to refugee situations (UNHCR n.d.-b). The first solution is repatriation, meaning facilitating the return of refugees to their country of origin. Secondly, resettlement, referring to the option to be transferred to a third country in which you will first settle under refugee status with a fair chance to be naturalized as a citizen in the case of good conduct. Somali refugees are popular candidates under resettlement programs,[18] which explains how the diaspora became widely represented across the globe. The third solution local integration aims to create conditions under which refugees can gain a larger set of rights by allowing them to, at least partially, be integrated as members in society. Ideally, this would imply that refugees can obtain residency as citizens.

The United Nations High Commissioner for Refugees (UNHCR), sometimes together with local agencies and governments, plays a crucial role in the management, protection, and control of populations in exile. As is

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[17] Refugees Act, 2006 and the OAU Convention on the Status of Refugees.
[18] Statistical summary shows high number of accepted resettlement case among Somali refugees UNHCR (2018d).

outlined in the international treaties formed under the 1951 UN convention on refugees, the UNHCR is mandated with *"promoting international instruments for the protection of refugees, and supervising their application."*(UNHCR 1951: 4).[19] It also recommends nation states to co-opt in the UN's contemporary roadmap on refugee protection and governance. The New York Declaration for Refugees and Migrants flags an innovative breakthrough in the international and national approach to refugee protection (UNHCR 2018). Adopted by the member states of the UN General Assembly on September 2016, the declaration promotes the implementation of the Global Compact on Refugees, a state-of-the-art policy framework which proposes alternative approaches to the current way in which many countries are implementing their refugee policy. The global compact consists of two parts: the Comprehensive Refugee Responsive Framework (CRRF) and program of action including guidelines for the implementation of the CRRF.[20] In search for well-supported sustainable responses to emerging and protracted refugee crises, the CRRF has four objectives: It aims *"to ease pressures on countries that host a large number of refugees, to enhance refugee self-reliance, to expand access to third-country solutions, and to support conditions in countries of origin for return in safety and dignity."* (UNHCR 2018: 5).[21] Additionally, regarding the first objective, the framework seeks to enhance a multi-actor and stakeholder approach and engage the private sector in humanitarian responses through investment programs.[22] These objectives stand in line with the three approaches on durable solutions (repatriation, resettlement and local integration) that have been adopted in the Kenya Refugees Act 2006 and UNHCR policies framework. The framework provides workable responses for host nations and refugees, preceding and alongside repatriation as a solution which can only be realized under safe and stable circumstances in the country of origin. Involved actors should aim to avoid dependency on humanitarian aid and help *"refugees thrive, not just survive"* by allowing newly arrived refugees to integrate and participate in society instead of living restricted lives in camps (UNHCR 2018b).

4.1.2 Government of Kenya

In Kenya, the citizenship rights of refugees are legally determined by national and international legislation. As signatory state of the 1951 UN Convention relating to the status of refugees, its 1967 convention, and the 1969 African Union Convention, the government of Kenya bears the responsibility to provide a protection infrastructure for persons seeking exile and those residing in the country. Although Kenya has

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[19] OAU Convention and Protocol Relating to the Status of refugees, Introductory note (1951).

[20] A final draft on the Global Compact on refugees, including the CRRF and Programme of action, has been delivered by the UNHCR on the 26 June 2018.

[21] "The overall objectives of the CRRF are four-fold: to ease pressures on countries that host large number of refugees, to enhance refugee self-reliance, to expand access to third-country solutions, and to support conditions in countries of origin for return in safety and dignity." (UNCHR 2018)

[22] The Global compact on refugees 2018, section III, A, 3.1-3.2

been hosting refugees since the late 20th century, it is important to mention that prior to the enactment of the Refugee Act 2006 there was no national legal structure or policy on the rights of refugees on Kenyan territory. In this legal void, the UNHCR had the main responsibility of refugee protection and registration of refugees. This even lasted until 2014, when the Government of Kenya indicated to take a more prominent role in domestic refugee affairs. In sum, these three juridical frameworks form the legal backbone upon which the rights and duties of refugees are given a formal meaning. Upon comparison, the OAU and Kenya refugees act 2006 have not only integrated the most crucial protection elements of the UN Convention. These legal frameworks have also defined these categories in more detail, and exactly within the 'standardization' and coding of these refugee categories, the legal boundaries and components of refugee citizenship are created (Zetter 1998).

For instance, the Refugees Act 2006 has invoked a 'process of constitutionalisation' and the refinement of policies relating to legal status, rights and duties and registration procedures for refugees in Kenya (Garlick *et al.* 2015: 3). The Refugees Act largely accedes to the provisions of international protocols aimed at protection and recognition of the needs of refugees. In addition, the act establishes the Department of Refugee Affairs (DRA), which is mandated with the full responsibility for the registration procedures, support, and protection for refugees and asylum seekers. Another important element of the 2006 Refugees Act is the subdivision of refugee status in two categories: *prima facie* and *statutory* refugees.[23] This is an important contribution to refugee law, which has not been included in the 1951 UN Convention. The *prima facie* status is a collective status often provided to groups and designed to provide immediate solutions to the mass-influx of persons that have sought asylum on the basis of objective circumstances and external threats in the country of origin (UNHCR 2015).[24] Other than the *statutory* status, which requires asylum-seekers to undergo status determination to determine the individual fears for persecution, *prima facie* status is granted by group identity such as nationality when dangerous circumstances in their country of origin have been determined. Somalis seeking asylum in Kenya was recognized as *prima facie* refugees until 2016. Furthermore, refugees are protected against forceful expatriation by the contracting state under the principle of non-refoulement.[25] Juridically speaking, refugees in Kenya appear to be well protected under international and national law and constitution.

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[23] The distinction between prima facie and statutory definitions was first inferred in international treaties under the 1968 AU Convention Governing the Specific Aspects of Refugee Problems in Africa under Article 1.2. The 2006 Refugees Act has included the prima facie status by grounding adopting its definition in Article 3 on the meaning of a refugee.
[24] Refugees 2006 Act, Article 3.
[25] *Ibid.,* Art. 18: "[n]o person shall be refused entry into Kenya, expelled, extradited from Kenya or returned to any other country or to subjected [sic] any similar measure" [Emphasis added].

Kenya exclusionary politics and securitization

The waves of terrorist attacks on Kenyan territories claimed by Al-Shabaab between 2011-2015 have triggered the Government of Kenya to undertake legal and political measures against the increased security risk. The Government of Kenya has made a number of amendments to the constitutional law which particularly targeted the rights and freedom of refugees under the Refugees Act 2006. As will be shown below, Somali refugees, in particular, have been the target of 'exceptional' rule and suspension of law (Agamben 1998; Ek, Collyer 2006)

First of all, while Kenya's Refugee Act largely accedes to the UN Convention relating to the Status of refugees, the definitions of legal protection for refugees show a number of aberrations that are important to mention. The Minister for Interior and Coordination of National Government has been given the supra-legal authority to make regulations and amendments for better implementation of the Refugees Act.[26] When carefully reading the specific areas and grounds on which this legal regime creates room for political intervention, the Refugees Act shows numerous contradictions with international legislation. For example, the Minister may consider if refugees are to be recognized as *prima facie* or *statutory refugees,* and *"may at any time amend or revoke such declaration."*[27] On the basis of Article 19 and 20 of the Refugees Act, such withdrawal or amendment may be exercised on individual refugee status *"where there are reasonable grounds for regarding that person as a danger to national security or to any community of that country."*[28] Also in contradiction with the 1951 Convention,[29] the Refugees Act restricts the freedom of settlement and movement by requiring refugees to remain detained in the designated areas, which are the refugee camps.[30] Following, the act condemns that any refugee who remains unauthorized outside the designated camp area commits an offence and is therefore liable to a fine or imprisonment.

After a number of terrorist attacks in Kenyan cities in 2012, the government of Kenya announced a directive ordering the enforcement of the encampment policy with immediate effect (Goitom 2016). In July 2013, the directive was found unconstitutional after a court ruling, in which civil society actors, NGOs, and refugees challenged the government. Shortly after, on September 21st, 2013 the Westgate terrorist

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[26] Refugees Act 2006, Art. 26(1)(2).

[27] *Ibid.*, Art. 3(3).

[28] *Ibid.,* Art. 19 & 20 (1).

[29] 1951 Convention and 1967 Protocol Relating to the Status of Refugees, Art. 26 States that "each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances." Following Art. 26, Art. 31 (1)(2)poses that the "Contracting state shall not impose penalties or restrict movement of refugees on account of their legal presence."

[30] Refugees Act 2006, Art. 16(2)a

attack led to more commotion surrounding the presence of Somali refugees in Nairobi. Then, in March 2014, a second directive ordered to close all urban registration centers and demanded the direct return of to urban refugees to the camps on the grounds of national security threats.[31] In the same year, December 22nd, the government of Kenya constitutionalized these security measures under the Security Laws Amendment Act (SLAA). This amendment effectuated a number of key restrictions to the rights of refugees in Kenya, particularly Somalis living in urban settings. First, it legally enforces the encampment policy and justifies the deportation of refugees to camps. This also poses serious restrictions on the freedom of movement. Secondly, the act permits the government to prescribe the number of refugees allowed to live in the camps at any time, which in this case stated that: *"The number of refugees and asylum seekers permitted to stay in Kenya shall not exceed one hundred and fifty thousand persons."* [32] In 2014, the UNHCR (2014b) estimated the number of refugees and asylum seekers in Kenya to be 575,334 of which the vast majority is from Somalia.[33] In practice, enforcement of this provision would imply to forcefully expatriate more than 400.000 refugees and would violate numerous protections under Kenyan and international law. These provision under 'SLAA' were filed and challenged at the High Court of Kenya and were eventually found "unconstitutional, and therefore null and void" in 2015. Efforts by Kenyan authorities to curb the presence of Somali refugees continued by Joseph Nkaissery's, the Cabinet's Secretary of the Interior, announcement to revoke the prima facie status of Somali refugees on April 27[th,] 2016, followed by his official statement to close the Dadaab refugee camp. As is stated an official government statement:

> *"For reasons of pressing national security that speak to the safety of Kenyans in a context of terrorist and criminal activities, the Government of the Republic of Kenya has commenced the exercise of closing Dadaab Refugee Complex. (…) This decision has been made by Government reflecting the fact that the camps have become hosting grounds for Al Shabaab as well as centres of smuggling and contraband tradebesides being enablers of illicit weapons proliferation."* (Cabinet Secretary 2016)

- Joseph Nkaisserry Cabinet's Secretary of the Interior, 11 May 2016

In combination with the latter, and previous efforts to expatriate the Somali refugee population, the suspension of the prima facie status is problematic. Not only is it more difficult for Somali refugees to be acknowledged with refugee status. It also indirectly judges that conditions in Somalia have stabilized, since a prima facie status is given on the basis of objectively found dangerous circumstances in the country

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[31] Press statement by Cabinet Secretary for Interior & Coordination of National Government on refugees and national Security Issues on 26th March 2014
[32] Security Laws (Amendment) Act No. 19 of 2014, Art 48
[33] In 2014 a number of 424.638 Somali refugees and asylum seekers in Kenya were registered with the UNHCR. (UNHCR 2014b).

of origin. These legal adjustments point at well-considered 'alternations' in the legal and political framework governing the presence and movement of refugees, '*exceptionally*' applied to Somali refugees by indicating a 'green light' for repatriation to Somalia and a 'red light' for them to enter Kenya. It also disrupted all registration procedures by dismantling the Department of Refugee Affairs (DRA) and establishing the Refugee Affairs Secretariat (RAS) as the new state body authority which will gradually take full responsibility for refugee affairs in Kenya. Obviously, the announcement to close the Dadaab refugee camp evoked national and international outrage. It also triggered NGOs, CSOs, and human rights organization to write numerous reports on human rights violations, write open letters to the government and file petitions against the state (Amnesty International 2017; NRC 2017c). So far, the final judgement on the 9th of February 2017 by the High Court of Kenya blocked the plans of the government to close the camp, arguing that it was in violation with the principle of non-refoulement. Furthermore, the government's measurements were not 'proportional' to the threat, especially since no clear links between refugees and recent attacks had been established (Goitom 2017). What the announcement of closure did accomplish was the Government's call for financial aid in 'fast-tracking' the repatriation of Somali refugees and providing asylum for the remaining 600.000 refugees in the country (Cabinet Secretary 2016). As the next section will illustrate, since 2016 the Government of Kenya has received a lot of international financial support in the implementation of the durable solutions agenda that seems to be the new paradigm through which the Government of Kenya has cloaked its securitization agenda.

Paradigm Shift: towards durable solutions

> '*the rationale is that there is no need for registration of refugees in Dadaab because the majority of Somali refugees are going back to their country.*'
>
> *- Interview UNHCR protection officer*

The labels, norms, and policies on Somali refugees show conflicting interests between the security-based approach of Kenyan authorities and rights-based approach of international institutions. Despites these different orientations, one point of agreement is to invest in durable solutions to the protracted refugee crisis. The durable solution agenda[34] has become the main approach for protracted refugee situations and conflict in the horn of Africa and is part of a larger institutional shift in global refugee governance. As a member state of the UN General Assembly, the Government of Kenya has committed itself to the Global

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[34] The durable solutions agenda aims to provide long-lasting solutions through integration and absorption in the host community, resettlement and voluntary repatriation and emphasizes 'self-reliance' and increased 'citizenship' rights such as employment and freedom of movement and settlement.

compact on refugees by participating in a CRRF pilot program as one of the roll-out countries (UNHCR 2018b). A similar trend of commitment can be witnessed among neighboring countries in the horn of Africa. The Government of Kenya was strongly involved in the Inter-Government Authority on Development's (IGAD) special summit on solutions for the protracted Somali refugee crisis in March 2017, in which the Nairobi Declaration on durable solutions (Nairobi Action Plan) for Somali refugees was adopted. In the Nairobi Action Plan (IGAD 2017: 12-13) the Government of Kenya does not only present solutions to repatriation, but has also pledged a concrete plan on how to improve the citizenship rights of Somali refugees by *inter alia* facilitating access to education, health, and work permits, *"enhancing self-reliance and inclusion measures"* and *"facilitate the legal status for refugees with claims to citizenship/residency through marriage and parentage."* In sum, these developments suggest a strong commitment of cooperation within the international community and of the Government of Kenya to profoundly revisit their approach to refugee protection. This could ultimately bring sustainable solutions for Somali refugees living in protracted exile.

Accordingly, the GoK has set forth to engage in the application of comprehensive responses. In a public statement the UNHCR and Government of Kenya stated that they *"are exploring concrete ways to gradually transform the current Kenyan encampment policy towards a policy of settlement options in designated areas."* (UNHCR n.d.-c) Currently, all eyes are on the innovative pilot program of the Kalobeyei settlement in Turkana County, a project under the County Integrated Development Plan (CIDP) launched by initiative of the government of Kenya which has been dubbed as becoming 'a model camp in Africa' for sustainable refugee integration (Turkana County Government 2016). According to the Head of Kakuma Office, Honorine, *"Kalobeyei is not a refugee camp but an integrated community where the refugee and the host community live in harmony, do business, attend school together, and have access to services being offered by UNHCR through its implementing partners"* (UNHCR 2017). In attempts to downscale the size of the Kakuma refugee camp, Kalobeyei is planned to host up to 60.000 refugees (UNHCR n.d.-b). From Dadaab, only the 1,400 only non-Somali refugees are to be relocated to the settlement. Following the research conducted in the Kakuma camp which emphasized the market opportunities for the private sector, these prestigious projects are sponsored by a number of key private partnerships such as MasterCard, Safaricom, Equity Bank (UNHCR n.d-b).[35] The International Development Association (IDA) of the World Bank has granted the government of Kenya $100 billion to assist the implementation of the CRRF by

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[35] The EU has committed €15 million (Sh 1.6B) towards the programme as part of the EU Regional Development and Protection Programme (RDPP) in the Horn of Africa

enhancing the capacities of host communities to address challenges of protracted refugee crises through this integrated area based programs (World Bank 2017).

Figure 6: A view on Kalobeiyi Settlement, situated 22km outside the Kakuma Refugee Camp, Kenya. Source: UNHCR.

Interestingly, through analysis of policy documents, reports, public statements and project plans by the UNHCR (2015; 2018b; n.d.-a), IGAD (2017), World Bank (2017) and Government of Kenya (2016), it can be asserted that the prioritized approach to durable solutions for Somali refugees is the enhanced *voluntary repatriation*. In these documents durable solutions for the Somali refugees population are not linked with integration-based programs or self-reliance. In respect of the Kenya governments policy long term policy on the Dadaab refugee camp, a UNHCR protection officer in Nairobi expressed during an interview that: *"the rationale is that there is no need for registration of refugees in Dadaab because the majority of Somali refugees are going back to their country."*[36] This rationale is confirmed during Kenya's president Uhuru Kenyatta recent speech in his meeting with Antonio Guterres, UN Secretary General. The president expressed that:

> *"Our policy has been clear for some time. The events that led to the establishment of Dadaab are a terrible tragedy. The best response to that tragedy is to help the refugees to return and rebuild their nation. That is Kenya's policy, and our efforts to hasten the repatriation and resettlement of the refugees continue."*

Counting from December 2014 onwards, already more than 75.297 Somali refugees have 'voluntarily' repatriated from Kenya. This number includes the upsurge of roughly 66.000 refugees that departed to

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[36] Authors interview with UNHCR Protection officer (1) on 26 April 2018, Westlands, Nairobi.

Somalia since 2016, after the GoK threatened to close Dadaab, world's biggest refugee camp on Kenyan soil, back then hosting the over 330.000 Somali refugees (UNHCR 2018d). Notwithstanding the increased 'willingness' of Somali refugees to return to their homeland and rebuild their nation, various reports have indicated that for many Somali refugees in exile return is not an option (Amnesty International 2017, MSF 2017). Furthermore, while still residing in Dadaab and particularly in Nairobi, Somali refugees would benefit from increased rights and access to social services. For the government of Kenya, there is a practical advantage in the focus on repatriation as a durable solution that may be part of an underlying political agenda. Integration and resettlement, as opposed to repatriation both require States to grant citizenship to outsiders and embrace them as full-fledged members of society (Long 2010). Otherwise than is suggested by international and national on repatriation, voluntary repatriation is no guarantee that a Somali refugee, upon return to its homeland, will be (re)admitted into the social and political community. As various reports have stated, the integration into Somalia has been a challenging process for many returnees, and many refugees find themselves returning to *"a context of a protracted situation of internal displacement in Somalia, where there are more than two million IDPs due to conflict and drought displaced upon return"* (Amnesty 2017). Furthermore, a survey conducted in the by MSF (2016) in July 2016 finds that 86.4% of Somali refugees did not intend to move to Somalia, because they felt Somalia was still unsafe. Concluding, in the light of the securitization agenda of the Kenyan authorities the voluntary nature of Kenya's push towards repatriation of Somali refugees is highly debatable.

4.2 Implementation

This part focuses on the ways in which the UNHCR, government of Kenya and NGOs have implemented their policy frameworks on governing urban Somali refugees in Nairobi. I am particularly interested in the type of practices employed by these actors and in what ways the implementation of these practices upholds similar representations of Somali refugees. When juxtaposing the practices of these actors, this research finds that the protection efforts of the UNHCR and its implementing partners are in contrast with, or sometimes even nullified by the securitization practices by the government of Kenya towards Somali refugees. The result is a set of contrasting, but sometimes also complementing practices by these actors.

4.2.1 UNHCR

In Kenya, the UNHCR supervises the international conventions and assist signatory states in their process of refugee protection. In the case of Kenya, in the past 20 years the UNHCR has taken responsibility for refugee protection by managing the Refugee Status Determination (RSD), but since 2016 it has been gradually transferring this mandate on to the Government of Kenya, the Refugee Affairs Secretariat (RAS)

to be specific. In practice, the UNHCR has a two-tiered approach towards Somali refugees. On the one hand, it indirectly promotes urban refugee citizenship and provides protection through the implementing partners. Contrarily, the UNHCR works within the mandate of the Kenyan government and has to follow their political outline on urban refugees. I will discuss these two tiers in more detail.

Focusing on the first tier, the UNHCR takes a humanitarian approach to deal with the presence of urban refugees in Nairobi since it is within their mandate to provide protection to asylum-seekers and refugees. In accordance with the CRRF, the UNHCR sees an urban refugee as self-sufficient and independent from external aid and thus has the resources to live outside the camp.[37] I take this as the dominant label through which the UNHCR sees urban Somali refugees. As stated during an interview with a UNHCR protection officer:

> *"If you're able to sustain yourself in Nairobi you can stay. But when you can't and are destitute, you are directed to stay in the camps."* [38]

Zetter (1998: 44) has argued that it is important to identify the procedures through which refugee labels are created and enforced, standardized and designated into distinguishable categories through public policy procedures. I argue that one way in which the government has been reaching out to urban refugee populations is through the management of refugee status determination (RSD) procedures. This procedure is a vital protection mechanism for urban refugees because it provides legal recognition and refugee status to the asylum seeker which comes with an entitlement to rights and protection under the national and international law. Without it, an urban refugee is illegal and cannot make any appeals on legal protection.[39,40] While the UNHCR has attempted to uphold this responsibility since 2012 the registration procedure for refugees in Nairobi has been inconsistent and more absent than present (NRC 2017).[41]

Kenyan authorities have suspended the RSD activities in Nairobi several times since the wave of terrorist attacks in 2012. Furthermore, since 2016, all registration services in Nairobi have been stalled in the transitional process of transferring RSD responsibility from the UNHCR to RAS. Because prior to the establishment of RAS the Kenyan authorities have barely been involved in refugee protection, taking full

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[37] Authors interview with UNHCR Protection officer (1) on 26 April 2018, Westlands, Nairobi.
[38] *Ibid.*
[39] Authors interview with legal protection officer (2) from Kituo Cha Sheria on 8 May 2018, Pangani, Nairobi.
[40] The exact criteria and standards for the registration assessment in Kenya depend on the *prima facie* and *statutory* status of the refugee.
[41] Authors interview with UNHCR protection officer (1)(2) on 26 April 2018, Westlands Nairobi; legal protection officer (1)(2) from Kituo Cha Sheria, on 8 May 2018, Pangani, Nairobi.

responsibilities proved to be challenging. Already in 2015, a UNHCR assessment on the process of transition to the full and independent exercise of refugee affairs led by Kenyan authorities, emphasized that is paramount work on transitional incapacities and limited labor resources within the DRA to prevent any delay in registration procedures. However, as was confirmed in an interview with a UNHCR protection officer, the registration of refugees in camps, but also urban settings has been delayed.[42] During the same interview, it was admitted that the UNHCR recognizes the refugee registration procedure in Nairobi as 'a humanitarian problem.'[43] The suspension of urban registration has created a huge backlog in pending registrations, which is, as the following chapters will show, problematic for the safety and security of undocumented asylum seekers or those still waiting for documentation.

Acknowledging this problem, the UNHCR has attempted to ensure the protection of Somali refugees despite the government's efforts to curb this. For example, when Cabinet Secretary revoked the prima facie status of Somali refugees, the UNHCR and the Government of Kenya made an informal agreement to continue to register Somali refugees through prima facie RSD processes. This is relevant because it reflects the different perspectives of the UNHCR and government of Kenya, but also the capacity of the UNHCR to negotiate on the terms of refugee governance with the government of Kenya.

Furthermore, an interesting outcome of the interviews with authorities involved in refugee registration is that there was a general unclarity about the current institutional procedures of the RSD for urban Somali refugees. When asked about the possibility to register as an urban refugee and the responsibilities of the UNHCR and government in this process, respondents from the UNHCR and NGOs gave different answers. For example, the UNHCR indicated that all refugees were sent to Kakuma because the government was still planning to close Dadaab[44] whereas other representatives from NGOs indicated that Somali refugees were exclusively sent to Dadaab. The UNHCR indicated that as of November 2017, urban refugees can register in Nairobi, but are 'directed' to the camps and are only allowed to stay in Nairobi under the exemption.[45] On a very rare basis, RAS issues documents in Nairobi.

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[42] Authors interview with UNHCR protection officer (1)(2) on 26 April 2018, Westlands Nairobi.
[43] Ibid.
[44] Ibid.
[45] Ibid.

4.2.2 Government of Kenya

The government of Kenya has predominantly implemented its policy and law on urban Somali refugees through securitization practices. This is most visible in the augmented presence of (military) police in Eastleigh and security operations aimed at curtailing terrorist threats in urban areas. Since the various terrorist motivated attacks in Nairobi, and even in Eastleigh, the government has drastically increased its grip on the urban Somali refugee population.[46] Furthermore, there is a constant trend of police harassments and arbitrary arrest in Eastleigh (NRC 2017; Campbell 2006). These police corrupted activities are directed at Kenyan Somalis as well, but Somali refugees are more vulnerable to these practices because they are prone to arrest for the unlawful presence or 'invalid' documentation. However, during the fieldwork, it was also emphasized by humanitarian workers that the government can easily switch in its position and practices towards refugees in Nairobi. A staff member from a local NGO explains:

> "As far as there has not been an Al-shabaab attack in Kenya, somehow the government is really soft on refugees. Even kenyans, nobody has issues with whoever. But if there was an attack, like recently, there was that attempted attack. It was said that the attempters were attacking the High Court and Parliament. After that, it has been reported to us by the community navigators and other protection monitors that the presence of police in Eastleigh, where most Somalis are residing has been higher than normal. Some of the nights they move door-to-door looking for the occupants. What the police will do, they will arrest, and when you give a bribe, they will release you. But that does not mean they will not re-arrest you. So it's not the most stable relationship, it is based on happenings."[47]

From April until May 2014, the security tensions between refugees and Kenyan authorities culminated in a large scale securitization practice led by the Kenyan police and military called, Operation Usalama Watch. The government of Kenya referred to it as a "peace watch," to clear segments of terrorist groups among Nairobi's refugees. However, human rights organizations and activists condemned it as a "sanitation" operation and a crackdown on human rights of refugees in Eastleigh, as thousands of Somali refugees were swept from Eastleigh's streets, arrested and detained without any legal procedure (Amnesty International 2014; ICJ-Kenya 2015; NRC 2017a; 2017c). What followed was the forceful deportation of thousands of Somali refugees in Nairobi to the refugee camps in Kenya. A reported number of 356 Somali asylum seekers without formal claims on refugee status, were *refouled* to Somalia against the international convention (Amnesty International 2014). Usalama Watch 'disproportionately' targeted Somali refugees in this operation, and the act was said to conflate anti-terrorist sentiment with anti-Somali sentiments. A refugee

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[46] For example, the Westgate terrorist attacks in Nairobi in 2013, the Likona Church attack in Eastleigh in 2012, a car explosion in front of the Starehe police division on April 23rd, 2014 in Pangani, neighboring Eastleigh. For a full list of terrorist attacks in Nairobi consult:

[47] Authors interview with staff member NGO (2), humanitarian worker, on 11 April 2018, Kileleshwa, Nairobi.

activist living in Eastleigh stated that the operation was "well- planned" and "singled out" Somalis as the operation mainly targeted Eastleigh's refugees:

> *"Don't think that Usalama watch just was a coincidence. It was a well-planned operation. All the logistics were ready. When the police entered Eastleigh at 10 AM as many people as possible were arrested and taken to the lorries that were ready to deport."* [48]
>
> **Abdullahi, Somali refugee activist**

Figure 7: Police rounding up the streets of Eastleigh during Operation Usalama Watch in 2014. Source: Daily Nation

However, it should not be implied that all departments in the government of Kenya are promoting exclusive policies towards refugees. In 2016, the Members of Parliament proposed an amendment to the Refugees act 2006 which is largely conducive to increased citizenships rights of Somali refugees in Kenya. Furthermore, since 2016 the government of Kenya has pledged to increase its involvement in urban refugee registration and protection. In interviews, some humanitarian workers indicated that this could signal a changing attitude towards urban refugees from within certain segments within the government. NGO workers also indicated that it would be probably better if the government would be the only responsible actor in refugee affairs. Yet, because no government officials have been interviewed in this thesis, it is difficult to determine if the increased involvement of Kenyan authorities are genuine or driven by a security perspective.

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[48] Authors interview with Abdullahi, Somali refugee activist (1), on 9 April 2018, Eastleigh, Nairobi.

4.2.3 NGOs

While NGOs and local legal institutions do not have the legal and political authority or mandate to define the legal status of Somali refugees, they have an important role in the enforcement of the policy framework on refugees. Since 2009, the UNHCR has taken the commitment to increase involvement with the urban refugee population in Nairobi (UNHCR 2011). Under this initiative, the UNHCR has commissioned a number of national and international NGOs to improve the quality of community outreach on various fields.[49][50] Most of these NGOs have local satellite offices in or around Eastleigh and have established links with members of the refugee community to build rappel with community dynamics.

This research argues that even though NGOs work within the mandate of the government, their policies and practices show a bifurcated trend. Therefore, this group is considered as a category of analysis on itself. One the one hand, NGOs are restrained to work within the protocols of the UNHCR and can therefore only assist refugees who have been registered with urban documentation by the UNHCR in Nairobi. Therefore, undocumented refugees remain largely unattended. On the other hand, the NGOs have taken a more pro-active approach in defending the rights of refugees when placed at stake by the securitization practices of the government. They play an important role as watchdogs of refugee policy and implementation practices in Kenya. For example, local legal protection agencies such as RCK and Kituo Cha Sheria have successfully fought the legal amendments curbing the rights of urban Somali refugees public through public litigation cases with the High court of Kenya (Goitom 2016). In this way, these agencies have proved themselves crucial in defending the citizenship rights of Somali refugees against the governments' attempts to curb them through the encampment policy, intended closure of the Dadaab refugee camp and dismissal of the *prima facie* refugee status of Somali refugees.

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[49] Authors interview with UNHCR protection officer (1)(2) on 26 April 2018, Westlands Nairobi.
[50] The practices of these organizations ranges from legal protection and representation in court (Kituo Cha Sheria and the Refugee Consortium of Kenya), livelihood and capacity development (HIAS), health services (IOM) or education (Xavier Project).

4.3 Reflection: classifications of refugee citizenship

This chapter explored the current political and legal framework on the citizenship of Somali refugees through the analysis of law, policies and implementation practices of the government of Kenya, the UNHCR and implementing partners. It can be concluded that each of these parties upholds different approaches and towards the governance of Somali refugees and have therefore given them different labels. This research finds that the UNHCR approaches refugees from a humanitarian and rights-based perspective, illustrated by its efforts to push for a new global agenda (CRRF), durable solutions (UNHCR 2016) and a greater degree of self-dependency of refugees, specifically for those in urban centers. The dominant label for Eastleigh's refugee community is, therefore 'the self-reliant' urban refugee.

In addition, I argue that the government's legal and political approach towards Somali refugees is layered and has produced hierarchical classifications of refugee citizenship. On the one hand, the government has acceded to the international Comprehensive Refugee Responsive framework (CRRF) by participating by engaging in innovative refugee responses and enlarging the rights of refugees. On the other hand, the government of Kenya has an outspoken securitization policy towards Somali refugees and upholds an official encampment policy. Somali refugees are therefore labelled as 'terrorists' or 'camp refugees' or 'returning refugees.' This stands in contrast with the role-out of cutting-edge pilot programs and large-scale investments aimed at enhancing self-reliance among refugees in the Kalobeyei camp. In the selective application of the above approaches, Somali refugees have been excluded from these first-rank qualities and have been largely treated with suspicion or even violence. Besides securitization efforts, the dominant approach for durable solutions for Somali refugees is not integration, but return to Somalia which not coincidently coincides with the plans of the Kenyan state to close the Dadaab refugee camp, hosting the majority of Somali refugees in Kenya. As indicated in the dissertation on urban citizenship among Ethiopian refugees in Nairobi, Kassa (2013:168) also mentioned that the national political and legal infrastructure of the Kenyan nation-state, *"speak[s] inclusion and Practice[s] exclusion."*

In the same trend, this chapter shows that the Kenyan government has gradually altered the Kenyan Refugees Act with the aim of obtaining more control over the movement and lives of refugees. Zetter (2007) has referred to the gradual adaptation of refugee law and policy practices as 'institutional fractioning.' According to the author, governments deviate from conventional frameworks of refugee protection by fractioning the law in attempts to control refugee populations, making it difficult for refugees to access their rights. I argue that these aberrations in law have created openings for the political misuses of the government that have led to systematic incidents and human right violations of Somali refugees in

Kenya. Furthermore, I contend that the 'institutional fractioning' of refugee law exemplifies how the lives of refugees are suspended by a 'state of exception' (Agamben 1998) in Kenya's regulation of refugees. This shows that refugee law is not just objective, but is a legal instrument that can be used to 'the convention of' states and international agencies. However, I am particularly skeptical on Zetters (2007) use of the word 'conventional' in relation to the convention, and its implementing agents. The use of conventional renders the UN as a neutral and innocent actor that only works for a humanitarian agenda. As just has been outlined in the shortcomings of their practices, this is not the case. Furthermore, this chapter finds that institutional fractioning is not only negotiated by the state, as is argued in his article (Ibidem) but can also be negotiated by non-conventional institutional actors.

Consequently, NGOs have played an important role contesting the exclusion of Somali refugees living in Eastleigh. NGOs have aimed to enlarge the legal and political recognition of Somali refugees which has sometimes successfully negotiated the presence of the Somali community in Kenya. While these NGOs are limited by protocols in their outreach, their cooperation with Somali refugees in extending the refugee citizenship of displaced Somalis in Eastleigh, reveals a label that has not yet been explored in this thesis, the 'activist refugee.' It is exactly this dimension to which I will turn now.

Chapter 5 – Citizenship from below

As a response to studying refugee citizenship from above, this chapter will study the various acts and strategies through which Somali refugees in Eastleigh, also in collaboration with Kenyan Somalis, have asserted their claims on citizenship, have dealt with their precarious refugee status or aimed to improve their situation. Using Isin & Nielsen's (2008) approach the first section looks at the intentions, strategies, and techniques of various acts from within the community of Eastleigh. Arguing that acts do not have to be expressively political in order to be transformative, the second section aims at unrecognized, informal and less-visible strategies of survival among Somali refugees in Eastleigh.

5.1. The solution from within: activism in Eastleigh's community

In order to answer the above question, the concerned activist respondents have been asked about their *orientation,* or motivation to engage in activism. As has been stated earlier, the *orientation* of the act "*raises the question as to what accounts for the subjects refusing, resisting or subverting*" (Isin & Nielsen 2008: 38) and can be found in the *intention* and motivation of the actor. In the interviews, the activists brought forward three main important motivations for being involved in activism. The most prominent motivation, which also resonated as a main concern among the other refugee respondents, was the wish for *recognition*; legally, socially and culturally. Focusing inwards, the activist also expressed the intrinsic motivation to act in *solidarity* with the refugee community. Finally, some refugee activist explained that their acts were driven by the aim to increase *self-representation*. Taking this motivation as a yardstick, the following part will focus on numerous acts by Eastleigh's community members aimed at having a political or symbolic impact on the rights of Somali refugees in Nairobi.

5.1.1 The advocacy of refugees

In total, five interviews were conducted with Somali refugee activists in Eastleigh. Most of them had received training with NGOs as para-legals or community workers. All of them expressed an intrinsic motivation to engage in activism and improve the human right conditions of the refugee community in Eastleigh. Often this motivation was informed by personal experiences of injustice which they aimed to overcome in *solidarity* with current and future generations. Having the faced many adversities in the camp and in Eastleigh, Abdi, an activist with recognized refugee status in Nairobi, explained that his personal experiences motivated him to involve himself in activism: *"Since I had been a victim and had the same experience, I decide to make advocacy for these people [refugees]. Because I had that knowledge and that activeness, so I just volunteered to speak up for those who cannot speak."*[51] Much of the work of the

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[51] Authors interview with Abdi, Somali refugee activist (2), on 20 April 2018, Eastleigh, Nairobi.

interviewed Somali refugees centers around legal recognition and protection of Somali refugees. A legitimate focus, since their illegality and precarious situation as undocumented refugees is a major concern among Somali refugees in Nairobi. In addition, a number of activists expressed the importance of *self-representation* in their activities. Furthermore, activist, but also community workers and refugee representatives expressed an overall discontent with the allocation of aid services and funds by regulating authorities, including NGOs assisting refugees in Eastleigh. The respondents stated that after all those years, the real issues, referring to for example legal recognition or lack of education, were still not addressed adequately by the authorities that claimed responsibility for refugee protection. As chapter four indicates, a many protection mechanisms for refugees have been largely absent. RSD procedures were often suspended, and the securitization practices of the government created more suspicion of authorities among Somali refugees than trust and faith. Also, during the interviews with representatives from humanitarian organizations it was emphasized that they depended on the protocol and mandate of the UNHCR and the government in the implementation of their urban refugee program in Eastleigh. However, informants in the Eastleigh refugee community remained skeptical about the reach of refugee aid programs. Especially when referring back to operation Usalama Watch in 2014, the overall sentiment was that they felt abandoned by protection agencies and unwanted by the Government of Kenya. A female refugee respondent remarked that she had not seen any protection agency nor the UNHCR intervene during the mass police searches and arrests.[52] For these reasons, the activist stated that they felt entitled to fill this implementation gap by undertaking the initiative themselves. When asked for the importance of advocating for self-determination Abdinasar, one of the activists, metaphorically described this as asking someone to scratch your back, while you are the only one who can find the sweet spot:

> *"[W]hen you feel like your back is itching, you ask others to scratch, but they don't know.*
> *You alone know where it is itching, it will take some time but you can reach it, the problem*
> *we know and the solution will come." [emphasis added].* [53]

Together with Farah, another refugee and activist from the community, he had worked out two *strategies* to work out their intentions. The first political act aimed to establish a Community Based Organization (CBO) led by refugees and advocating and operating purely for the rights of Somali refugees in Eastleigh. This CBO would work on protection issues of refugee in direct interaction with the community. They argued that with their experiences as trained paralegals, links with institutional partners and cultural and social proximity to the Somali refugee community their aid delivery would be more effective than the

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[52] Authors interview with Amiina, Somali Refugee (2), on 13 April, Eastleigh, Nairobi.
[53] Authors interview with Abdinasar, Somali Refugee Activist (3), on 12 March 2018, Eastleigh, Nairobi.

services currently provided by the UNHCR and its implementing partners. Abdinasar argued that there is a lot of potential in Eastleigh's refugee community that has not yet been utilized. This CBO could function as a platform to accelerate talent in the community and show an alternative image of Eastleigh's refugees. For Abdinasar it is important to be vocal about their intentions and be visible *"so that the ordinary Kenyan man can appreciate, instead [hearing] of some negative news that this community is not doing good to the country."[54]*

The second act also focuses on enlarging self-governance among Somali refugees in Eastleigh and aimed to organize elections to form a committee of representatives specifically for the non-Kenyan Somali Community in Eastleigh. In Kenya, refugees have do not have the rights to participate in national elections, and external elections exclusively for urban refugees have not yet been standardized. On a smaller scale, the UNHCR and RAS have organized elections for urban refugee Somali communities to appoint a community leader. This representative carries out the task to report issues of refugees in urban areas and is the main extension of the UNHCR, RAS and its implementing partners. However, this committee will take the responsibility to advocate for the rights and represent the needs of the Somali migrant community in Eastleigh. Every Somali will be able to participate in the elections as long as they carry the Somali nationality through a Somali passport, ID, Refugee certificate, mandate or alien card. These elections automatically confer a 'citizenship' status for non-national Somalis in Eastleigh who have voted. Replying to the question why Kenyan Somalis were excluded from both initiatives, one of the activists replied the following:

> *"[P]ure Somali citizenship in Kenya. (…) It means that the Solution has to come from our own. We share maybe the ethnicity, but we are different. We come from another background. We have common features, but we don't have common problems. They are highly educated here; they have more chances than us, they live in their own country. That's the biggest advantage they have."* [Emphasis added][55]

Refugee activist and resident Abdinasar

Another way in which the activist challenged the notion of political passiveness of Somali refugees is through defending refugee rights in court. For example, Abdinasar told about his effort to defend a Somali refugee in court who had been detained for his illegal presence as a refugee in Nairobi after being arrested when the police stopped a matatu and for a 'touting' incident.[56] The police useds touting, which is officially illegal, as a 'legal offence' to arrest or bribe people during police patrols. It was only then that the police

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[54] Authors interview with Abdinasar, Somali Refugee Activist (3), on 12 March 2018, Eastleigh, Nairobi.
[55] I*bid*.
[56] *Ibid.,* Abdinasar referred to touting as the act of promoting your services out loud in public, most commonly associated with the everyday business of matatu conductors trying to attract customers: "town town".

found out that one of the passengers was an undocumented refugee. The concerned refugee had fled from Somalia one week ago. He had told the court that he intended to appear at the registration desk the day after he had gathered enough information on the procedure. The court's judgement underlined that unlawful presence as a refugee on Kenyan territory might lead to detainment and ultimately the expulsion to Somalia. Being upset about the court's denial of the good intention of the refugee, the activist had planned to present an appeal to the judgement at the court. For the refugee activist, the act of appealing conveyed a greater symbolic message:

> *"It will show how refugees solve their issues themselves. See I'm a refugee, I learned, I'm here almost more than 24 years. Now, this is a good thing to report, because it shows a refugee trained as a paralegal and goes to represent his community members in court. (...) And the court accepts that a refugee can seek to readdress a judgement in Africa. (...) Kenya has given us a right, and I say this is a right. A constitutional right, to defend my fellow refugees as a person, not citizenship, as a human."* [57]
>
> Refugee activist and resident Abdinasar

When I met with the activist the next day, he told me that his appeal was dismissed and that he was not able to defend the young refugee that day. The plans for the other two initiatives, the Somali community elections, and the CBO, were recently drafted and far from being implemented. Yet the activists emphasized the importance to play with the notion of 'pure Somali citizenship in Kenya' and to continue pushing for their rights despite many setbacks. For them, all these efforts eventually advocate for the neutralization and greater degree of freedom for Somali refugees in Nairobi.

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[57] Authors interview with Abdinasar, Somali Refugee Activist (3), on 12 March 2018, Eastleigh, Nairobi.

5.1.2 Counter extremism and radicalization: community initiatives

This research finds that respondents of Eastleigh's host community have also tried to negotiate the position of Somali refugees. Somali Kenyan's have actively engaged in community programs that aimed to counter extremism and radicalizations and therefore negative stereotypes on Somalis. In the interviews, many Somali refugees in Eastleigh expressed that their everyday experiences have been dominated by insecurities, stigmatization and securitization practices of the government. The government of Kenya has problematized the presence of refugees in Eastleigh, stating that the extremist activities of refugees pose a threat to national security and therefore all refugees need to be contained in gazetted areas (Goitom 2016). The community initiatives presented below are relevant to understanding the citizenship and rights of Somali refugees because they aim to eradicate two interlinked sources of insecurity of refugees in Eastleigh. One the one hand, it addresses extremism and radicalization of youth in Eastleigh, everyday instances of exclusion and violence and change the negative perceptions of ethnic Somalis. On the other hand, it deals with the securitization interventions of the police and government of Kenya in Eastleigh which are founded on the fear of terrorism among Somalis in Eastleigh.

In interviews with representatives of community centers, it was explained that unemployment, police harassment and a fragmented sense of belonging continuous discrimination and stigmatization among the Somali youth in Eastleigh fueled feelings of disparity and grievances towards the state and society. Similarly, a representative of rights organization Kituo Cha Sharia explains that education is a key challenge for future generations of refugees in Nairobi: *"The only implementation partner we have is Xavier project, but they have a very limited capacity to take per year, 30 students. Around 2017, 270 students applied, only 30 were taken. Now you can imagine what will happen with the 240 students. If they spent a year or two being out of school, we are losing these children."*[58] According to one of the community workers, these conditions have made it relatively easier for criminal and extremist gangs to recruit youth. Whereas, the government has associated the presence of refugees in Eastleigh with Islamic extremism and terrorism, in numerous conversations with Somali residents in Eastleigh it was argued that refugees are the least likely group to associate with terrorist groups because these groups are responsible for the insecurities that displaced them in the first place. When asked about the involvement of refugees in terrorism, one peace activist in Eastleigh explained that refugees only want to build up a peaceful live in Eastleigh and have too

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[58] Authors interview with legal protection officers (2) from Kituo Cha Sheria, on 8 May 2015, Pangani, Eastleigh

many insecurities to involve in terrorism: *"if they are caught doing a crime [they'll] be automatically deported back to Somalia."*[59]

One of the activists, a Somali Kenyan, living in Eastleigh expressed that even as a Kenyan national he has been harassed by the police and has been called a terrorist, refugee or both, on the basis of his ethnicity: *"Because of association with refugees, even Kenyan Somalis are reduced from their citizenship, they are pushed into a specific category."* [60]Being motivated to change these negative perceptions and promote peace between the Somali community and Kenyans the activist decided to start his own human rights organization in Eastleigh. In the conversation, he explained that his achievement was that he managed Somalis and Kenyans to show unity instead of violence during the peace conferences and debates he facilitated in Eastleigh and universities in Kenya. Other programs specifically aimed at changing the dynamics within the community. In one of the interviews with a representative of a CBO in Eastleigh aimed at youth empowerment, the respondent explained that youth groups are important because they give the youth a sense of belonging and collectivity from which they are otherwise deprived. Another program aimed to bring harmony and build trust between the police and the community of Eastleigh facilitating dialogue and activities of exchange between both.

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[59] Authors interview with Kenyan Somali activist in Eastleigh (1), 15 May 2018, Eastleigh, Nairobi. Emphasis added by author.
[60]*Ibid.*

5.1.3 Somali movements on Social media

Another strategy through which the community of Eastleigh has tried to break with the negative stereotyping and securitization of ethnic Somalis in Eastleigh is through media campaigns. The online campaigns #KenyaI'mnotaterrorist[61] and #Kasaraniconcentrationcamp[62] were direct responses against the security crackdown on Somali Kenyans and refugees living in Eastleigh during Usalama Watch. The campaigns aimed to create awareness on the incidents of ethnic profiling and discrimination towards Somalis following the terrorist incident in the Kenya and Nairobi in 2013 and 2014. Launched on Tumblr and Twitter by a rights activists and residents of Eastleigh, the #KenyaI'mnotaterrorist campaign called Somali residents in Eastleigh to send in photos whilst presenting a quote of their experiences of ethnic profiling or discrimination on
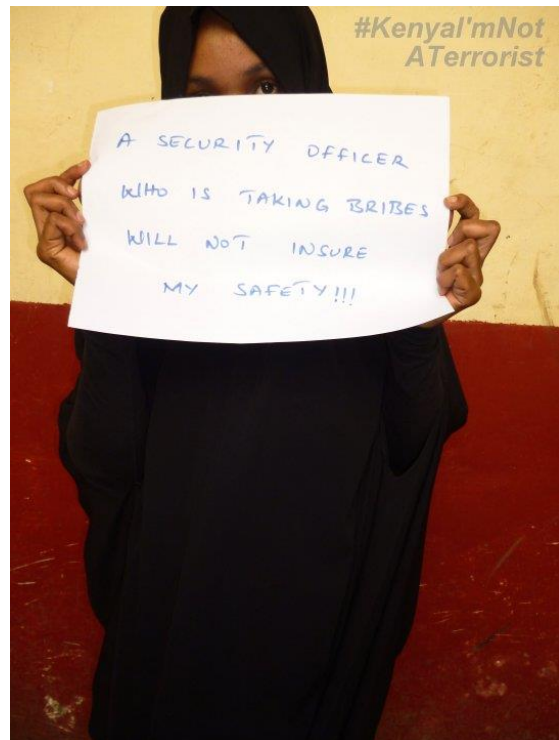
Figure 8: A picture featured in the #KenyaI'mnotaterrorist campaign.

Source: https://kenyaimnotaterrorist.tumblr.com/

a white piece of paper (see figure 7). Most of the quotes rejected the constant police harassment and bribes, but also referred to the unfettered accusations of terrorism which the Somali community in Eastleigh has been subjected to. One of the photos shows a young Somali woman looking straight into the camera while holding a piece of paper, stating: *"being a refugee does not make me a terrorist."* (KenyaI'mnotaterrorist 2014).

Gaining national and international attention, the focus of the #Kasaraniiftar[63] Kasaraniconcentrationcamp tag was more focused on showing the injustices of the mass detainment of Somali refugees in the Kasarani stadium after being rounded up from Eastleighs streets the during police raids of Usalama Watch (Migiro 2014; Adida 2014). #Kasarani*Iftar* aimed to collect money to provide Somali refugees in the Kasarani 'concentration camp' with Iftar, a community meal, during Ramadan. These

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[61] For more content of the #Kenya'Imnotaterrorist campaign consult the official website http://kenyaimnotaterrorist.tumblr.com/
or Twitter feed https://twitter.com/search?q=KenyaImNotaTerrorist&src=typd.

[63] #Kasaraniiftar, refers to *iftar,* the act of helping in solidarity.

online campaigns showcase how the reach and velocity of social media and online platforms have creatively been used to spread a counter-narrative on the dominant media headlines that justified the discriminate police raids against ethnic Somalis and refugees during Usalama Watch. These campaigns reflect the solidarity within the Somali community through a collective outcry of both Somali Kenyans and refugees. As small or insignificant they may seem, these hashtags reflect leading critical voices from Eastleigh's community in discontent with government and police practices. They are significant because aim to transform the perception of Eastleigh's landscape of violence and moreover they defend the rights of Somali refugees.
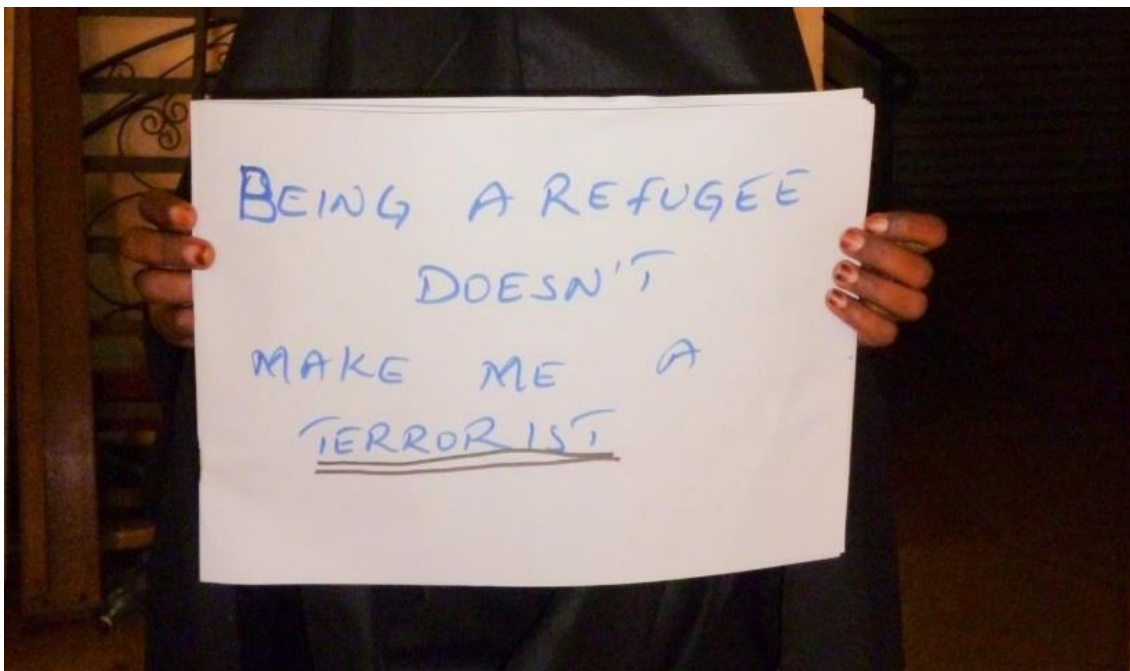

Figure 9: A picture featured in the #KenyaI'mnotaterrorist campaign. Source: https://kenyaimnotaterrorist.tumblr.com/.

5.2 Unrecognized adaptation strategies of Somali refugees in Eastleigh

> " *The Eastleigh story is one of mobility in the sense of migration and dreams of migration but is also one of social mobility and dreams of social mobility. Indeed, there is an 'Eastleigh Dream' whereby small-scale retail enterprises can be transformed into business empires.*"

> - *'Living the Eastleigh dream' Neil Carrier (2016: 135)*

For the residents of Eastleigh, the dream of success is a tangible dream. It is present and visible in the built environment, the malls, the hotels, the daily delivery of commodities and goods from fully loaded trucks arriving from Mombasa, Garissa and beyond, the diversity of trade from China, the Arabian peninsula, India, the long avenue packed with street vendors, daily customers and the black matatu's commuting between town and Eastleigh touting for passengers. During my time spent in Eastleigh, many Somalis refugees living in exile have shared their dreams and aspirations with me. Some spoke of a return to the homeland, others about making it here as a business man, then some dreamed of resettlement or would risk taking the 'dangerous' route to Libya to cross the Mediterranean. In the meantime, whilst awaiting that dream to become a reality, many Somalis roam around in Eastleigh. Reality is that it is difficult to pursue this dream through legal trajectories, without legal status and work permit; two documents which have been inconsistently issued to Somali refugees residing in Eastleigh (NRC 2017). As became evident during the fieldwork, many Somali refugees depend on informal mechanisms as a protection mechanism to survive on a day to day basis. The following part will address the role of informality in the refugee's efforts to establish a way of living in Eastleigh, and beyond.

5.2.1 Informality as a protection mechanism

Close to one of the community centers on Eastleigh first Avenue, which I visited frequently, I became friends with a group of Somali boys who were working in a bag shop, one of the many in this part of town. All of the five boys came from Somalia, and the youngest of them had just arrived in Nairobi three weeks ago. One of the most present boys of them was 'Casho,'[64] a young Somali nicknamed after his skillful selling techniques which brought in a lot of money. He had lived in Kenya as a refugee for ten years, first in Dadaab then Kakuma, before coming to Nairobi. Starting with nothing, he told me that he had a number of low-paid jobs as a waiter and carrier before he finally started to work in the bag shop, where his earnings were sufficient to send a share of his money to his family in Kakuma and one share to his family in Somalia. The remaining amount was enough to get by, but would not allow him to save any credits.

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[64] Authors interview with Casho, Somali refugee (5) on 5 May 2018, Eastleigh, Nairobi.

The situation of Casho sketches the profile of many young Somalis in Nairobi. Being restricted to access formal documentation for work and residence in Eastleigh, I was told that many Somali refugees find employment in the informal sector or start a small business as street vendors themselves. One respondent argued that there is no aid dependency in the city because refugees in Eastleigh are expected to proof that they can live self-sufficient and should otherwise return to the camp.[65] Indeed, Eastleigh's streets are packed with informal activities and street hawkers. One shop-owner in Tansim Mall on Eastleigh's first avenue clarified that daysellers on the street compete with the shop owners in the malls. Shop owners can optimize their profit by raising their selling prices, but also pay higher taxes and rent to run their businesses. The street hawkers do not have a permit and sometimes make 50 KSH (€ 0.40) profit over an item they have sold for 150 to 350 KSH (€1.20-3.00). Yet, even when working informally, it is difficult to run a business. Many self-employed Somali refugees in Kenya pay 'tax' and informal charges to the Kenyan authorities in order to obtain permission for work (Betts et al. 2018). Whilst being in Eastleigh, I've seen numerous attempts by the police to remove street vendors. However, erasing these informal activities from the scene of Eastleigh and Nairobi is an infinite job, and appeared more symbolic than actually effective. In some cases, I saw people packing up and running away to reorganize their stalls 300 meters down the street.

Another element of informality is the importance of social networks and ties which functioned as an informal safety net for the majority of refugees in Eastleigh. In a similar way, the majority of refugees I interviewed explained that they depended a lot on their family and clan ties when they initially came to Nairobi. When first arriving in Eastleigh most respondents had friends, family or far acquaintances in Eastleigh who to took care of them, offered them accommodation and helped them with finding a job. As surprised as I was that the refugees, even the more vulnerable among which unattended woman with families, were able to pay rent in Eastleigh's booming real-estate, I found that most refugees have access to

Figure 10: A clothing shop in one of Eastleigh's malls.
Source: Mohamed

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[65] Authors interview with Abdi, Somali refugee activist (2) on 30 April 2018, Eastleigh, Nairobi.

financial support and remittances from family or relatives abroad. Furthermore, respondents often emphasized that the supportive mentality of Somalis stems from religious and cultural motivation. According to them, being Muslim, Somali or being from the same clan is a virtue under which one is naturally entitled to collective protection and recognition. As one of the Somali respondents explains *"we Somalis, we have a culture and religion which is very powerful. Whenever someone comes and visits, and will tell you'll have a problem, you will at least try to assist him. You will look for someone with the same tribe."*[66] As such, in a group conversation with refugee youth which spoke about feelings of belonging it was also emphasized that they could easily blend with the Somali population in Eastleigh and because of the cultural proximity, they felt comfortable and at home. When asked about the integration of Somali refugees in Eastleigh, the member of Parliament argued that:

> *"to start saying Somalis stand on this side, Kenyan Somalis stand on this side, it doesn't work for me. I take them all together, and for me actually, I see that as a natural process of integration. Legalistically I may not be able to help them that much, but socially and economically we are integrating. That is happening irreversibly on the ground level; there's nothing one can do about it. Because you cannot stop people from marrying, associating economically forming partnerships and so on."* [67]

Despites its informality, it should be recognized that Eastleigh is of great economic importance for the municipality of Nairobi, as it accounts for at least 25% of Nairobi's tax revenue (Kamukunji Outlook 2012) in a country that is alleged to have the biggest informal economy of Africa. Alongside Kenyans, Somali refugees also contribute to this economy. A recent report on refugee economies (Betts et al. 2018) shows that 55% of Somali refugee business men in Nairobi are paying government taxes which is only 5% lower than the average percentage among Kenyans. According to the Parliamentarian of Kamakunji, Yusuf Hassan, the political community is very much aware of the *'positive and transformative role of Eastleigh in the economic wellbeing of the country.'*[68] According to the MP, Somali refugees have socially and economically already integrated and are just waiting for formal recognition. Many Somali refugees in Eastleigh earned their credits and recognition a long time ago:

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[66] Authors interview with Barqwaardo, Somali refugee (3), on 13 April 2018, Eastleigh, Nairobi.
[67] Authors interview with Yusuf Hassan, the Member of Parliament of Kamukunji, on 14 May 2015, Eastleigh, Nairobi.
[68] *Ibid.*

"I've been MP for six years now. I see that they are very resilient resourceful, productive people, who are not being able to get the recognition and the status that they deserve. That has been my biggest frustration. Because they do not need to be in the limbo position that they are in, this country needs them, they have proven more than they can do that they belong here, there is no return, the children were born here. The grand-children are now born here, they have invested in this country."[69]

Yusuf Hassan, MP of Kamukunji, Nairobi

This thought links with the concept of *"moral frameworks of deservingness"* and the idea that refugees have to work in order to deserve a legitimate entitlement of legal status (Goldring & Landolt 2016: 857). In other words, migrants must prove themselves 'deserving' of regularization (Nyers & Rygiel 2012: 81). When analyzing the discursive frames used by refugees, politicians and governments and international aid organizations the image of the 'self-reliant refugee' is a recurring trend.[70] As is suggested in the quote by MP Yusuf Hassan, has argued that despite their efforts, refugees have 'not [been] able to get the recognition and status that they deserve.'[71] Refugees have fulfilled their responsibility of being 'self-reliant' and tax paying citizens, and by doing so, they have performed a 'script' which challenges their state of deprivation.

5.2.2 Playing with the system: informal presence as a 'choice'

In a number of interviews with refugees, but also community workers dealing with refugee protection it was suggested that Somali refugees in Eastleigh deliberately remain under the radar as undocumented refugees. Instead of aiming solely for legal recognition, these refugees may see informal presence as a 'choice.' I hyphened the word 'choice' because being undocumented is also a structural condition in which many refugees have been forced to live in. Having limited opportunities to be regularized, the 'choice' to refrain from registration and remain undocumented is worth exploring.

First of all, during an interview with two protection officers from Kituo Cha Sheria,[72] it was explained that the illegal presence of Somali refugees is not always fully on account of the regulating authorities. Some Somali in Eastleigh, mainly minors, may not register out of a misconception of the meaning of documentation and others out of a general fear for registration. These refugees may not dare to appear, because they have been living in Eastleigh illegally whilst being registered in Dadaab or having no documentation at all. One of the protection officers argues that *"they [undocumented refugees] may not*

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[69] Authors interview with Yusuf Hassan, the Member of Parliament of Kamukunji, on 14 May 2015, Eastleigh, Nairobi.
[70] See Chapter four.
[71] Authors interview with Yusuf Hassan, the Member of Parliament of Kamukunji, on 14 May 2015, Eastleigh, Nairobi
[72] A legal NGO in Kenya working on human rights issues and provide legal aid to vulnerable groups in society.

associate the importance of having that document. They don't have that well-balanced idea of what it means to have the document at hand."[73] Undocumented refugees thus have a fear that they will automatically be detained and deported (back) to a refugee camp when they appear before a registering authority. A fear which is well-founded under the stories and experiences of the current encampment policies, securitization operations and incidents of deportation afflicting the Somali refugee community in Nairobi.[74] However, the protection officers explain that a refugee without any form of documentation or registration, even an appointment slip, remain in a bigger precarity:

> *"So out of that [fear], they might decide to hang around without any documents. Which is very risky. Because if they get arrested, there is no evidence that will help us to defend them. Because as much as they have the intention to seek asylum and they don't have the necessary document that will make it a challenge for us to represent them."* [75]

Furthermore, respondents showed various ways in which they reclaimed agency over their refugee status in Nairobi and managed to stay in Eastleigh without documentation. Despites being restricted in their freedom of movement (Betts et al. 2018; Campbell 2006; NRC 2017; Pavanello et al. 2010), refugees found alternative solutions to move around Nairobi and Kenya. For example, it was often mentioned that refugees travel from Dadaab to Nairobi by a movement pass or document that allowed them to visit Nairobi for education, family or health reasons. The problem is that these documents are temporal and do not authorize the residency of a refugee in urban settings. Despite having entered Kenya in search for asylum, two Somali respondents respondents indicated that they used their Somali passport to enter Kenya as a migrant because their migrant status granted them more rights, freedom, and security than their refugee status. One of them, Yusuf,[76] came to Nairobi in 2013 in an attempt to follow his brother who was selected for a resettlement program but was not accepted and instead decided to start his secondary education in Nairobi. His data was still registered in the Dadaab refugee camp, but he received a document which allowed him to stay for his education for 6 months. After these six months, he tried to register in Nairobi, but his application was refused. Finally, he explained that he took the bus to cross the Somali border to apply for a Kenyan visa which is valid for up to three months but has kept his refugee status in Dadaab.

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[73] Authors interview with legal protection officers (1)(2) from Kituo Cha Sheria, on 8 May 2015, Pangani, Eastleigh
[74] Under the encampment policy, the vast majority of Somali refugees will indeed be instructed to go to the refugee camp by the UNHCR and government and only a small number of refugees may be entitled to get an exemption.
[75] Authors interview with legal protection officers (2) from Kituo Cha Sheria, on 8 May 2015, Pangani, Eastleigh
[76] Authors interview with Yusuf, Somali Refugee respondent (1), on 25 April 2018, Eastleigh, Nairobi.

Yusuf explained that there is a greater advantage in using a Somali visa in Kenya because it provides more freedom in movement.

When asked if they had made any long term plans for settlement, the respondents gave a variety of answers. Being displaced, they were aware of the formal possibilities of durable solutions. I was often asked how the Netherlands and Europe treated refugees if governments and asylum-procedures there were more flexible than in Kenya. If I would be able to help them or send them information about the current asylum policies. I was later told by one respondent that Somali refugees are always looking for opportunities and information through friends, acquaintances abroad, friends of friends to find a crack in the system.[77] These questions are illustrative to the strategy of fact-finding through which refugees attempt to find opportunities or cracks in the system to obtain, improve or negotiate refugee citizenship. Many Somali refugees in Nairobi hope to be allowed into a resettlement program or to have a greater degree of freedom to integrate into to the Kenyan society, shows a recent study on urban refugees in Nairobi by the Regional Durable Solutions Secretariat (ReDDS 2018). In this research, the respondents in Eastleigh often did not have one preferred idea on long term settlement. The majority of Somali refugees in Nairobi I interviewed expressed that they eventually wanted to go back to Somalia, but that the conditions were too dangerous. Only one of the respondents had recently registered himself with the UN to apply for return to Somalia. Simultaneously, the majority of respondents replied that they would be content with staying in Eastleigh if their lives would not be so restricted. Yet, among the respondents Somalia was still roaming as the promised homeland, while most of them left Somalia when they were young, were born in exile and may have never been to their country of origin.

Somali refugees in Eastleigh also challenged Kenya's legal framework on refugee rights by consciously resisting or denying the possibility of registration in Kenya or Nairobi. Nairobi is an important transit point for the regionally mixed migrations flows in East Africa continuing to Southern Africa and Libya (RMMS 2017). There is autonomy of mobility and migration that conceals these individuals from (inter)national regulation of migration (Nyers 2015; McNevin 2011). Being on the move, some Somali refugees in Eastleigh use Nairobi as a temporary station to set out a strategy, earn money and to find brokers who can help them to move on. As is argued by Barqwaardo, a Somali refugee in Eastleigh, their legal situation as undocumented refugees is more complex than it may seem: *"some are in transit and want*

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[77] Authors interview with Sufiyaan, Somali refugee respondent (7), on 13 April 2018, Eastleigh, Nairobi.

to go abroad, they want to go to Libya and Europe. They don't want their data to be captured in UNHCR; some want to be Kenyan and don't want to be documented at the same time." [78]

Likewise, an expert of a think tank in Nairobi explains that non-linear migration patterns can also be seen as forms of protest challenging the international agenda on durable solutions for refugees. He continues to explain that the international community, especially the European Union, is promoting durable solution programs for refugees aimed at regional absorption in order to curb the informal flight of refugees to Europe.[79] In a sense, the 'choice' of being an illegal and irregular migration of Somali refugees can be seen as *'durable solutions from below.'* Being unable to access formal procedures for local integration, resettlement or repatriation, some refugees may choose alternative and unauthorized trajectories to restore their citizenship rights.

5.3 Reflection

Drawing on Isin & Nielsen's (2008) concept of 'acts of citizenship,' this chapter has explored how Somali refugees have attempted to shape, challenge, retain and negotiate their citizenship rights and legal through performances from below. Isin & Nielsen (2008) proposed two conditions which render acts as political and relevant to the formation of citizenship. First, the act has to be transformative and involve changing the 'script,' narrative or image of the political subject from its conventional already written script. Secondly, the act needs to provoke 'new sites and scales of struggle.' In other words, it needs to provoke change.

This chapter finds that the refugee respondents in Eastleigh, often in collaboration within Eastleigh's community or with the help of political and civil society actors, deploy strategies and practices with the aim to renegotiate their citizenship rights and challenge the dominant perception of the Somali refugee in Eastleigh. These acts were relevant because they transformed the conventional image of a refugee. First, acts which involved refugees to convey a political message challenged the image of political passiveness and non-engagement of refugees. This was particularly visible in the efforts to promote *self-governance* and activism among refugees in Eastleigh by establishing a refugee-led CBO and the first community elections for Somali migrants and refugees. The *intention of* these acts is driven by an intrinsic motivation of wanting to be recognized. Their *strategies* to achieve recognition showed the willingness of

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[78] Author's interview with Barqwaardo, Somali refugee respondent (3), 13 April 2014, Eastleigh, Nairobi.
[79] The European Union has invested €170 billion to tackle instability and irregular immigration in the horn of Africa. (European Commission 2016)

refugees to participate and be observable or outspoken. Likewise, the online social movements against negative stereotypes, discrimination and state violence towards Somalis in Eastleigh. Simultaneously, the above acts also claim political citizenship rights because they challenge the 'script' of the non-political and non-participating refugee.

However, I also point at a limitation of the empirical use of 'acts of citizenship' when studying marginalized communities. In Isin & Nielsen's (2008) view, acts of citizenship are actor-driven and convey the political aim with the result of an 'accomplishment' that evokes change or transforms the doer into *being political* (Ibidem: 23). First of all, I argue that refugee citizenship can also be enacted *for* refugees by other parties that act in *solidarity* with refugees. For example, acts of solidarity acts have created new 'solidarity networks' and therefore enlarged the sites and scales of struggle. This is illustrated by the social media campaigns and various community based initiatives aimed at changing perspectives and narratives on Somali refugees and nationals.

Secondly, I agree with McNevin's critique that acts of citizenship are essentially interpreted "through the language of citizenship, a language embedded in a specific mode of political belonging that cannot, therefore, capture all ways of being political." (McNevin 2011: 100). In this way, the author reproduces conventional boundaries of refugee citizenship, and the omits modes of being political that are performed beyond, after or in rejection of citizenship (McNevin 2011, Turner 2016: 144; Papadopoulos and Tsianos 2008). As explained in this chapter (6.2) in attempts to remain present not all refugees can or choose to be visibly political, but rather remain silent, informal, undocumented (Thomson 2013) or 'imperceptible' (Papadopoulos and Tsianos 2013). Irregular migration, informality, self-sufficiency and the choice of being undocumented are all examples of innovative and creative scripts of refugee citizenship. The performative dimension of these scripts contests the dominant policy framework on Somali refugees in what I've coined as 'durable solutions from below.'

Chapter 6 – Everyday interactions in refugee citizenship

Pertaining to the third sub-question, this chapter aims to understand refugee citizenship through the lens of interactions. After having discussed refugee citizenship from above and below, I will now turn towards understanding the multi-level and multi-actor negotiations and interrelationships shaping refugee citizenship. I draw on Goldring & Landolt's (2013; 2016) work to study refugee citizenship as an assemblage contingent upon the 'conditionality of presence and access.'

Because its beyond my capacities to discuss all facets and relations of the assemblage of refugee citizenship, I have selected the relations that were most thickly described by respondents in this research. As such, it seeks to understand how Somali refugees experience their citizenship rights as an urban refugee in Eastleigh through daily interactions with institutional, state and legal practices. This chapter will thus build on chapter four by focusing on the refugee's everyday experiences of implementation of the legal and political framework by the UNHCR, NGOs and Kenyan authorities. The first section will focus on the experiences of interaction in protection based implementation and the second on security-based implementation. Therefore I aim to understand How urban Somali refugees in Eastleigh experience their access to legal status and protection services through daily interactions with the regulating Kenyan government, UNHCR, and its implementing parties? In addition, it seeks to produce a richer understanding of the meaning of documentation and refugee citizenship rights through the narratives of refugees.

6.1 Access or denial of legal documentation and protection services

Somali refugees in Eastleigh depend on the UNHCR, Government of Kenya or NGOs for accessing legal documentation and refugee protections services. Those services may vary from RSD procedures, applying for documentation, legal protection in court or for protection for specific vulnerable refugee categories, such as AIDS/HIV patients, LGBTI community or political persecution persons. Many evaluation reports on the governments and UNHCRs policy on urban refugees by human rights organizations have stressed the urban registration as a key challenge for Somali refugees living in Nairobi (Campbell 2006; NRC 2017a; 2017b; Amnesty International 2017; UNHCR 2016; ReDDs 2018). In a similar trend, this research finds that refugee respondents experienced difficulties in accessing legal documentation and protection services. Access was restricted, regulated and sometimes even denied by the responsible authorities.

A number of experiences were repeated during various conversations and interviews with Eastleigh's, refugees, residents and local community workers involved in refugee protection. First of all, respondents expressed that the process of registering, obtaining documentation and accessing services as

a refugee was often lengthy, bureaucratic and the procedures were unclear. Upon entering Kenya, asylum-seekers are required to present themselves at a protection desk of the UNHCR or Government of Kenya after which they received an appointment slip or asylum-seeker certificate. Asylum-seekers are required to finalize their registration within the validity of these documents or when expired apply for a new one in time.[80] However, the majority of respondents indicated that they had to survive without possessing a valid document for months or even years because the RSD was suspended or stalled. The respondents also expressed that they experienced a lot of delays in their application procedures because they were constantly referred back and forth between the UNHCR and the DRA.[81] In the same story mentioned in the beginning of this chapter, the respondent continues to share his encounters with the UNHCR and DRA: *"Finally, I go to UN to ask for data transfer, they send me to the DRA. When I get there they tell me the same thing, to go the UN for documentation."* After many attempts to communicate with the UNHCR protection unit, the respondent explained that he already felt like giving up when finally assigned to a protection officer that provided him with an exemption letter. The exemption letter allowed him to obtain his legal refugee status at the Kenyan authorities. In an interview, a UNHCR protection officer admits that the transfer of RSD procedures to the Government of Kenya, the disbandment of the department of refugee affairs and interruptions of registration has caused a lot of unclarity among the Somali refugee population:

> *"The Somali community has seen the UNHCR as the main actor since the early 1990s, but after this transition to RAS, this doesn't instantly seek into the consciousness of the Somali community. For many people, the UNHCR is still the main responsible organization for the legal recognition of refugees mainly through the process of RSD."[82]*
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> **UNHCR protection Officer, Westlands, Nairobi**

Furthermore, protection services were said to be absent within Eastleigh and difficult to access because of the physical distance and travel expenses to reach the offices. While the UNHCRs implementing partners are often the first helping hands for urban refugees and have satellite offices neighboring Eastleigh, matters concerning registration and legal documentation are only dealt with at the UNHCRs headquarter in Westlands, approximately 10 km into town. A report by NRC (2017), states that besides struggling to pay the travel fee, Somali refugees avoid traveling out of the fear of being targeted by police and asked for documentation whilst not having completed their registration yet.

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[80] Expiration date may vary per document. Some of the documents are valid until the next scheduled appointment, others have a fixed term of six or twelve months. Consult Appendix IV for a Glossary of documents (NRC 2017:6-7).
[81] Their applications were most likely running during pre-transitional periods and transitional periods when the UNHCR and Government of Kenya had suspended their registration services numerously over the years.
[82] Authors interview with UNHCR protection officer (1), on 26 April 2014, Eastleigh, Nairobi

Thus, in attempts of being formally recognized as refugees, which is a required legal condition by Kenyan law, undocumented Somalis residing in Nairobi are continuously restrained by policies and procedures of the authorities. These insecurities of access and presence do not only translate into a precarious legal status but are also felt and embodied in the daily encounters and practices with regulating authorities. The experiences of endless waiting and being shuttled around are linked to the immobility as a lived experience of bureaucratic governmentality (Conlon 2011). During the fieldwork, I also experienced this sense of immobility when I lined up at the wrong entrance gate for an interview at the UNHCR headquarters and was treated under the same suspicion as all the other people, assumingly refugees, who had been waiting for admission. A resident and community worker of the IOM health department in Eastleigh, explains that this is a result of the limited protocols under which implementing partners have to operate:

"Each organization has its own policies and protocols." Limitation is that they work with a certain quantity, an amount to support. They don't support all cases. They help one, but can't help another… they would look for other organizations but will tell that it's not in their mandate to help such kind of cases. So they are referred to other organizations, but these organizations could say the same."[83]

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[83] Authors interview with Hodam, Community Health worker of IOM (1), on 2 May 2018, Eastleigh, Nairobi.

6.2 Safety and security: interactions between police agents and Somali refugees

"refugees in Kenya are not respected by the government, whether you have a document or not, it's all about the money and how much their pockets are filled"[84]

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Isaaq, Eastleigh

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This research affirms that daily interactions between the government of Kenya and the urban Somali refugees characterized by feelings of hostility, suspicion, and fear. The government of Kenya has largely abstained from refugee protection services and instead gave orders for augmented (militarized) police presence and securitization operations in Eastleigh. Operation Usalama watch has been the most radical intervention in Eastleigh aimed at 'sanitizing' the neighborhood from the refugee population by deporting them to the camps or even back to Somalia.

During my first day in Eastleigh I was surprised to see how a fully armed military officer was not treated with suspicion at all and even shook hands with locals. I remember thinking that perhaps symbols of violence had been so present that they were normalized in everyday interactions. Numerous respondents in Eastleigh experienced less tension in Eastleigh between the police and refugees in recent years and explained that nothing on the scale of Usalama Watch had reoccurred. However, the vast majority of respondents in Eastleigh, specifically refugees, experience police harassment by the police of police harassments. They also explained they generally feared the police after having experienced their violent character during the Usalama watch operation. Specifically, at night, Eastleigh transforms into a policed area, attracting police lorries even from other constituencies rounding up people in Eastleigh. While police harassment and violence is a widespread problem among marginalized communities in Nairobi, Somalis in Eastleigh are specifically targeted. Somali residents in Eastleigh explained that the police refers to them as 'walking ATMs' and 'easy targets' because they instantly pay for their freedom. Somali refugees are often arrested by the charge of being suspected of terrorism, but this is just an abuse of power.[85] Abdullahi, a Somali refugee, and activist in Eastleigh explains how the police usually operates:

> *"Since Usalama watch in 2014, the policing has been constant. Every night around 20-30 people are arrested. Of this number only 2-3 are taken to court, the rest will just pay the bribe to get free. Those who are taken to court are not accused of not having the right documents; the will focus on petty crimes; for example, you were on the streets late at night and were drinking alcohol. (…) The bribe can be around 300-500USD, but also just what's in your pockets."* [86]

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Abdullahi, Eastleigh

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[84] Authors interview with Isaaq, Kenyan Somali activist (1), on 15 May 2018, Eastleigh, Nairobi.
[85] Authors interview with legal protection officer (2) from Kituo Cha Sheria, Pangani, Nairobi
[86] Authors interview with Abdullahi, Somali Refugee activist (1), on 9 April 2018, Eastleigh, Nairobi.

The above quote gives the impression that police arrests in Eastleigh are mainly motivated by the corruption of overworked and underpaid police officers[87], rather than law enforcement or security concerns. Nevertheless, arrested Somali refugees who are unwilling or unable to pay a bribe to end up being detained or spending the night in prison.[88] In these situations, legal protection officers from local NGOs play an important role in mediating between the police and refugees. A representative from Kituo Cha Sheria explains that they do daily visits to police stations and courts to the defend the rights of detained refugees:

> *"Even refugees who are undocumented are outside the armpit of UNHCR, because how would they know them if they're undocumented. But everyday if you go to Pangani police station or Shauri Moyo, you'd find these undocumented that have been detained by the police."[89]*

6.3 Meaning of documentation

> *"When you have a refugee card in Kenya it's like you have a sense of belonging to Kenya. It's a document that protects my rights; if I don't have that card, the Kenyan police will extort money from me, they will harass me they will abuse my human rights."* [90]
>
> **Refugee and Activist, Eastleigh**

When asked why it mattered to be in possession of the right documents, respondents in Eastleigh replied that without documentation life in Eastleigh can be very challenging. For Somali refugees in Eastleigh, and arguably for refugees at large, having documentation and authorized legal status is paramount. Out of the stories and experiences shared by the Somali refugee respondents, legal documentation provides security, certainty, legal protection on many fronts. Documentation is key for maintaining your livelihood accessing additional documents and services such as social rights such as education and work permits. Without it, you are more easily excluded from doing business. For example, recently some refugees among which Somalis have been blocked out of MPESA[91] because the government found out they held fake

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[87] In many informal conversations people made reference to relationship between police corruption and the poor salary and working conditions of police officers.

[88] Authors interview with legal protection officers (2) from Kituo Cha Sheria, on 8 May 2015, Pangani, Eastleigh

[89] *Ibid.*

[90] Authors interview with Farah, Somali refugee activist (4), on 12 May 2018, Eastleigh, Nairobi.

[91] MPESA is a mobile money transfer technology which is an essential part of everyday financial interaction of people living in Nairobi.

documentation or no documentation at all.[92] Also, even for refugees in Nairobi who have an urban refugee card, work permits are rarely issued by the government of Kenya, states a report by the NRC (2017).

Additionally, undocumented Somali refugees are more prone to police harassment and even face the risk of deportation to the camp. As a result, argues a Somali resident and community worker from the IOM, these undocumented individuals rather avoid interaction with the police or avoid exposure to any form of interaction at all.[93] Amiina, a documented refugee in Eastleigh, explained that her sister has been residing in Eastleigh without any documentation and does not dare to leave the house or walk around with anyone because of her fear for being arrested:[94]

> *"She [her sister] came from Dadaab with a travel document. It expired. You can live here without that, but with fear. So she always stays and assists me with cooking, but she stays home. If I told her 'go and buy something from the shop,' she says 'no I cannot go there.'"*

> *Somali refugee, Eastleigh*

Besides the practical advantages of documentation, refugee respondents also linked a refugee document with a sense of belonging and being recognized. As illustrated in the examples above, it becomes clear that before coming to Eastleigh, refugees have been denied the rights of protection and peaceful existence more than once. First, in Somalia, where their own citizenship wasn't worth anything and where they instead were driven into exile. Then some found refuge in the refugee camps in Kenya, where they also lived in harsh conditions, are restricted in their movement within contained areas of the camp and where they may feel that their safety is not ensured by the presence of Al-Shabab or risk of rape and sexual based violence. Finally, when making it into Eastleigh, the taste of freedom is bittersweet and compromised. Many refugees continue to live in fear for arbitrary police arrests, detainment and deportation as their right to be present is still jeopardized. One refugee, who fled with his family to Kenya when he was five years old, expressed that the feeling of constant denial of citizenship rights made him feel like he didn't belong anywhere:

> *"[I]dentity is complex because you might feel like you do not belong here. Since you don't hold any rights to participate in society, but simultaneously you also don't feel like you're Somali because you've never been there. (…) I don't have Kenyan citizenship, which will make me different from opinion, from participation in elections, all those things will be different from the rest because you're*

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[92] Authors interview with Legal Protection Officer (2) from Kituo Cha Sheria, on 8 May 2018, Eastleigh, Nairobi.
[93] Authors interview with Community Health worker of IOM (1), on 2 May 2018, Eastleigh, Nairobi.
[94] Authors interview with Amiina, Somali Refugee (2), on 13 April 2018, Eastleigh, Nairobi.

not part and parcel of the community living in Nairobi. (...) we're here to stay and to survive. Since you don't have an impact on anything, you can't give our opinion. You'll not feel like you're a resident of Eastleigh, because you lack the important documentation [Kenyan citizenship]." [95]

Abdi, Refugee resident in Eastleigh,

While this respondent had already obtained his refugee card in Nairobi a number of years ago, he still indicated that he felt excluded. This seems to stand in contrast with the other respondents, who attached a positive meaning to having a document and explained it increased their feelings of belonging. How, then, can these different accounts can be understood in view of one another? Yuval-Davis (2006: 202) explained that identity constructions could be collective and individual, relate to the past, present or future status and can, therefore, *"shift and change, be contested and multiple."* Likewise, Yuval-Davis (*Ibidem*: 202) emphasized that constructions of belonging are *"narratives, stories people tell themselves and others about who they are (and who they are not)."* These stories, she continues, represent *"processes of being and becoming, belonging and longing to belong. This duality is often reflected in narratives of identity."* In relation to the legal status of Somali refugees in Eastleigh, the feelings of belonging can now be understood as a process of transition towards increased feelings of security and recognition instead of an ultimate legal status that has to be achieved. Most Somali refugees I interviewed in Eastleigh experienced similar threats and restriction along their quest for legal recognition. However, for those who lived or are still living in Eastleigh as undocumented refugees, the exposure of insecurity and fear is experienced more intensively. Being without legal documentation, then, implies living in an increased state of precarity. I deliberately use 'the precarity of legal status' (Goldring and Landolt 2013) to imply that documented and undocumented, or legal and illegal Somali refugees are situated in the same spectrum of precarious citizenship.

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[95] Authors interview with Abdi, Somali Refugee activist (2), 30 April 2018, Eastleigh, Nairobi.

6.4 Reflection

Using Goldring & Landolt's (2013) approach on the *'conditionality of presence and access,'* the interactions discussed this chapter mainly demonstrate that the presence and access to security and safety of Somali refugees were restrained. I argue that legal documentation can be seen as a catalysator for negotiating presence and access as an urban refugee in Eastleigh. Relating to the conditionality of presence, legal documentation provides a minimum degree of protection which allows to *"retain some form of legal status and remain present in a jurisdiction"* (Ibidem: 3). For Somali refugees in Eastleigh, documentation legalizes ones rights of being present and ones freedom of movement. Perhaps that is why refugees explained that documentation gave them a sense of belonging. With reference to access; legal documentation is an important mediator in *"multi-actor negotiations required to secure resources or public goods."* (Ibidem:3). In this research, respondents revealed the difficulties of not being able to access work permits, education, health services, without documentation. Furthermore, aid workers expressed that they were unable to assist undocumented refugees because they undocumented refugees fall outside of the UNHCR mandate.

As Abdi has explained in the above quote, the definition of refugee citizenship by the possession of legal documentation is still limited and not satisfactory. He suggests that as refugee, he cannot make any claims to being part of a larger political community, not in Eastleigh, not in Kenya and not in Somalia. He cannot make any claims to the right of belonging, nor claims to participate in elections and or being political. This research finds that this view of refugee citizenship is a reality, which is luckily contested and negotiated by acts and initiatives that claim forms of citizenship through the joint efforts of Somali refugee activists, residents of Eastleigh, community based organizations (CBOs) and human rights agencies and NGOs.[96]

Nevertheless, this chapter shows that interactions between Somali refugees and the government of Kenya, UNHCR and NGOs are rather limited or even absent. Even NGOs interact with a select group of activists and refugees. This raises the question to what extent Goldring & Landolt's (2013) focus on interactions in conditioning the presence and access are still relevant to the study of Eastleigh's refugee community. However, the absence of interaction has rather triggered my attention. I argue that the 'absence' of interaction only cultivates the imagery and meaning of the interactions in the study of refugee citizenship and assemblage as a whole. Therefore I propose the following 'dimensions of noninteraction' in studying refugee citizenship. First, the absence of 'observable' interaction does not mean that there is a

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[96] Chapter 4.2

void between actors. Rather, a problematic relationship between these actors is demonstrated. For example, the governments' suspension of urban registration is motivated by security concerns. In line with Agamben (1998), I argue that the refugee is never entirely excluded from the law or society, but remains in a state of 'relative exclusion.'[97] One may therefore rather speak of a conscious suspension of interaction rather than absence. Related to the first point, this 'absence' of interaction between actors is mediated by authorities when possible. This is demonstrated by the efforts of the UNHCR and mainly the implementing parties to fill the gap of refugee protection. Thirdly, interactions are not exclusively mediated by actors but are also observable through studying spaces and sites of interaction. Finally, noninteractions can be studied through performativity and embodiment of (power) relationships. For instance, this thesis illustrates the performative dimension of the politics of escaping and remaining undocumented (Papadapoulos *et al.* 2013), or the autonomy of movement through unauthorized trajectories (Nyers 2015), but also through performances of alternative 'scripts' in which Somali refugees represented themselves as worthy and full citizens.

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[97] Agamben (1998: 21) refers to this concept as relative exclusion: *"[T]he most proper characteristic of the exception is that what is excluded in it is not, on account of being excluded, absolutely without relation to the rule. On the contrary, what is excluded in the exception maintains itself in relation to the rule in the form of the rule's suspension. The rule applies to the exception in no longer applying, in withdrawing from it."*

Conclusion

This research aimed to address the following question*: How is refugee citizenship of urban Somali refugees living in protracted exile in Eastleigh, Nairobi, shaped and negotiated through interactions between the government of Kenya, the UNHCR, local implementing institutions and Somali refugees since the signing of the tripartite agreement on voluntary repatriation between Somalia, Kenya and the UN in 2013?* In answering this question, this thesis has also aimed to contribute to the School of Critical Citizenship Studies by proposing a comprehensive analytic framework to study the various interactions and sites of refugee citizenship. I have argued that so far, no scholar has attempted to synthesize the rich collection of conceptual approaches on noncitizenship into an analytic framework that can be applied to study refugee citizenship. Therefore, this research has proposed to study refugee citizenship through three dimensions; Refugee citizenship as *labeled* from above (Zetter 1998;2008), refugee citizenship as *enacted* and *performed* from below (Isin & Nielsen 2008) and refugee citizenship studied as an assemblage of *interactions* (Goldring & Landolt 2013).

This thesis concludes that since the enactment of the Refugees Act in 2006, refugee citizenship has predominantly been shaped through the security-oriented regime by the government of Kenya, restricting the legal status, presence and rights of Somali refugees in Eastleigh. In being pushed into illegality, the major concern for the interviewed Somali refugees in Nairobi is to obtain legal recognition either through *scripts* of refugee protocol or through activist *scripts* that challenge the stretch of legal and political boundaries of citizenship. However, a second response from below is to remain in illegality and follow irregular trajectories towards citizenship rights.

The securitization lens has not only dominated interactions between the government of Kenya and refugees, but has also prevailed over the rights-based approach of the UNHCR and its implementing partners which have been restricted to work in line with the government of Kenya. Furthermore, this thesis finds that these government-induced restrictions on Somali refugee citizenship have pervaded into law, policy, protocols and the everyday experiences of refugees in dealing with the above-mentioned regulating authorities. As a result, Somali refugees living in Eastleigh have been largely suspended from accessing legal recognition, urban registration, social rights and protection services. To provide more detail on how this conclusion has been established, I will shortly reflect on the sub-questions which have been integrated in the chapters of this theses.

The first sub-question (chapter four) aimed to understand how labels of refugee citizenship have been shaped by institutional and governmental agents dealing with the Somali refugee community in Nairobi, mainly through their political and legal framework and the implementation of refugee protocols and policies in practice. I have argued that the political and legal framework is characterized by the securitization lens through which the government of Kenya has labelled Somali refugees as 'illegal' or 'terrorists', while NGOs and the UNHCR shift between labels of 'aid-dependent' and 'self-sufficient' refugees. By using Zetter's (1998;2007) theory on 'refugee labels' this research has identified how exclusionary practices by the government of Kenya has treated Somali refugees as second-rank or even-unranked citizens by creating 'classifications of refugee citizenship.' These classifications are openly reflected in the security interventions towards Somali refugees such as operation Usalama Watch, a security crackdown on urban Somali refugees, forced deportations of urban Somali refugees or the announcement to close the Dadaab refugee camp. However, they are also hidden in durable solution agendas aimed at repatriation of Somali refugees or incremental 'fractioning' of Kenya's refugee law. Policy amendments have mainly been incentivized by a security incentives rather than based on the premise of refugee protection. Contrarily, under the Global Compact for refugees and the CRRF, the UNHCR has promoted increased self-reliance and freedom of mobility and settlement for refugees in Kenya. Likewise, NGOs have been relatively successful in *enlarging the formal and legal recognition* and have been defending the rights of urban refugees in strong cooperation with local activists and leaders.

In response to the above, the second sub-question (chapter 5) aimed to understand how refugee citizenship is negotiated and constructed from below. In the case of Eastleigh's refugee community, the depiction of an agency-deprived refugee is, I argue, far from accurate. Using the concept of 'acts of citizenship' (Isin & Nielsen 2008; Isin 2009), this research shows the various acts and strategies through which Somali refugees in Eastleigh, also in interaction with Kenyan Somalis, have asserted their claims on citizenship and aimed to readdress the precarious citizenship status imposed from above. Firstly, relating to urban Somali refugees in Nairobi, I argue that their presence outside of the camp already conveys an act of citizenship against the encampment norm upheld by the Government of Kenya. Secondly, refugees made political statements and claims on citizenship through activism and by performing alternative 'scripts' (Isin 2009) that challenge the image of the helplessness refugee. However, I contend that acts of citizenship do not have to be expressively political in order to be transformative, but can also be deliberately performed invisible to remain unrecognized under the radar. By alternating between different legal categories, this interviews shows how some Somali refugees have managed to remain present and gain access to services in Eastleigh. For example, the 'choice' of using either a refugee certificate or migrant status shows how

refugees creatively shift between identities. In doing so, using migrant identification enabled respondents to travel without any imposed legal 'restrictions', while with his refugee card he wasn't even allowed to be in Nairobi or leave the camp. Then, this research finds that for some refugees in Nairobi the 'choice' of remaining undocumented and 'under the radar' is part of a larger strategy, which Papadopoulos *et al.* (2008) referred to as 'politics of escape.' Take the example of Casho, the young Somali refugee selling bags in Eastleigh. By remaining undocumented in Nairobi, he aimed to keep his option open for a resettlement procedure in Kakuma, where he's officially registered as a refugee, and to be able to apply for asylum in another country if he would decide to travel to his family in the Netherlands.

Addressing the final sub-question, this thesis explored *how Somali refugees experienced their citizenship an urban refugee in Eastleigh through daily interactions with institutional, state and legal practices.* As a Somali refugee living in Eastleigh, live can be difficult and dominated by insecurity, specifically when remaining without documentation. Refugee respondents have indicated that their contact with the Government of Kenya, UNHCR and implementing partners has been tedious. Procedures for obtaining a legal status as un urban refugee has generally been lengthy if not impossible. As a result, there is a large population of unattended refugees who remain legally in-limbo and have no right of presence in Eastleigh. Accordingly, Goldring and Landolt (2013: 3) argue that the conditionality of presence is shaped around ones capacity to meet a set of *'formal and practical conditions'* in order to *'retain some form of legal status and/or remain present in a jurisdiction.'* Notwithstanding the relevance of refugee agency in determining their migration routes, I also argue that Somali refugees in Nairobi have been pushed into illegality through exclusionary refugee policies. In other words, the agency of choosing and achieving a preferred status of durable solutions is restricted and points at the conditionality of being present in Nairobi. But how can we weigh the significance of the multi-level and multi-scalar interactions between citizenship from above and below? As the authors have emphasized in their approaches, the meaning of these interactions become observable when they collide and create 'inter-scalar tensions' (Goldring & Landolt 2013) or 'new sites of struggle' (Isin & Nielsen 2008). Throughout this research a number of these sites have been identified.

First, this thesis finds that acts of citizenship do not have to be expressively political in order to be transformative, but can also be deliberately performed invisible to remain unrecognized under the radar (Mcnevin 2014; Papadopoulos et al. 2008). Therefore this thesis proposes to see the informal trajectories and performances of Somali refugees in Eastleigh as sites of struggle that shape, contest and negotiate refugee citizenship in Kenya and beyond its borders. Similarly, this thesis also finds that it is meaningful to

study the 'absence of interaction' between actors. I proposed five dimensions of noninteraction that deal with various ways in which the relationships between refugees and authorities are rendered less visible or imperceptible. This ties in with my critique on Goldring & Landolt (2013) and Isin & Nielsen (2009) whom in my opinion have kept their scope of citizenship within the boundaries of the visible, outspoken and mainly with the aim of remaining within jurisdiction. Furthermore, in this thesis law and procedures (Zetter 1998; 2007) were identified as sites of struggle as the government and active civil society constantly struggled over the redefinition of legal categories. Zetter's approach was useful because it allowed to study 'conventional' policies or 'neutral' law as being embedded in normative and political power structures of governmental discourses such as 'moral frames of deservingness' (Goldring & Landolt 2013) or securitization.

On a critical note, I acknowledge that the proposed framework in this thesis is not waterproof. While the aim of this thesis was to overcome reductionist and introvert views of complex social relations, it is an indefinite task to include all dimensions, scales and actors in one analysis. Instead of describing too little, the framework pushed for the opposite, to the detriment of the clarity of the research. However, this thesis has also demonstrated the benefits of using interactions and assemblage as a lens, when firmly grounded in operationalizable theory. This is demonstrated by the rich dialogue between theory and evidence on refugee citizenship facilitated by the three main dimension introduced in this research.

Having watched the institutional developments on Somali refugees in Kenya from up close, I strongly recommend to persist in scrutinizing Kenya's refugee policies and the implementation of the durable solution agenda. While refugee policies promote the repatriation of Somali refugees in Kenya, the voluntary return is not a viable solution for many refugees that fear returning a politically unstable and unsafe homeland. It is therefore recommended to develop a more inclusive approach to refugee settlement in exile that embraces gradual or conditioned integration of refugees outside refugee camps. The most alarming and prominent concern regards the absence for urban refugee registration and growing number of undocumented Somali refugees that remain unattended by protection and social services. It is paramount that responsible authorities resume RSD procedures for Somali refugees as soon as possible. However, now that the Refugee Affairs Secretariat of the Kenyan government will take over responsibilities, the role of the UNHCR is also significantly downscaled. Whether this will have a positive impact on the registration procedures of urban refugees is unsure. Furthermore, if the Government of Kenya will continue to integrate the Comprehensive Refugee Response Framework (CRRF) in national policies, it has to move beyond a classified approach to refugee citizenship. Such commitment would require Kenyan authorities to allow the freedom of movement and settlement of refugees, which places the screw on Kenya's security

approach on Somali refugees and emphasis on repatriation. Nevertheless, many Somali refugees in Nairobi already acquired a degree of economic and cultural self-dependency and this should be promoted instead of restricted. Automatically, that includes increasing the citizenship rights of Somali refugees by making it easier to obtain work permits, residence permits and to have the right to move unrestricted. It also includes holding Kenya's police forces accountable for the extra-judicial harassments and extortion of Somali refugees. To bolster the already critical and engaged civil society and activists against possible political misuses, I argue that policy makers and academics should remain engaged, perhaps more in creative ways. This could be achieved by increasing and improving the collaboration between NGOs, the UNHCR, the Government of Kenya and civil society actors in Eastleigh's community or by starting new partnerships among these groups. Finally, while already acknowledged in the academic community, policy makers should be aware of the irregular and more precarious responses and migration trajectories in which refugees are pushed when placed outside of the law. We have already witnessed the resulting events when these groups reached the shores of 'fortress Europe.'

For Somali refugees residing in Eastleigh the road to legal recognition and citizenship is a long one to walk. Without any doubt, its wanderers will meet many gatekeepers along their journey, negotiating access and denial of citizenship rights. I now realize, this thesis also initiated a journey, a critical academic and socially engaged journey that sought to reinvigorate our understandings of refugee citizenship. The reader may wonder, as much as I do, if full recognition will ever be reality for the many Somali refugees I interacted with during my fieldwork. And whether or not a complete understanding of refugee citizenship can ever be established if the definition is as uncertain as reality. For both journeys, the final chapter of this thesis may feel like a cliffhanger. The answer to all of these considerations is, as always rich, intriguing and will hopefully trigger more questions, for this research has touched upon many relevant concerns that plead to be investigated in further detail by policymakers, researchers, politicians and activists alike. In conceptualizing refugee citizenship, I conclude that we should not just question whether full recognition is obtained or if the end of the road is eventually reached. Because being a refugee stops when being naturalized as a citizen. Realizing full recognition for refugees, globally, should be the aim, not the question, as todays refugees are increasingly stopped by exclusive border regimes. Sadly, full naturalization is a privilege for a minority of the current refugees. Therefore, I argue that the emphasis of research on refugee citizenship should aim to interact with the various roads towards recognition and the interactions along that road.

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Appendix I: List of interviews

Interview reference / Name	Research Unit	Organization	Date of interview	Location
Yusuf, Somali Refugee (1)	Somali refugee	-	25/04/2018	Eastleigh
Isaaq, Kenyan Somali activist (1)	Kenyan Somali resident of Eastleigh	-	18/03/2018, 15/05/2018	Eastleigh
Amiina, Somali Refugee (2)	Somali refugee	-	13/04/2018	Eastleigh
Barqwaardo, Somali refugee (3)	Somali refugee	-	13/04/2019	Eastleigh
Mohamed, Kenyan Somali (2)	Community worker in Eastleigh	-	18/03/2018	South C
Abdullahi, Somali refugee activist (1)	Somali refugee	-	09/04/2018	Eastleigh
Sufiyaan, Somali refugee (7)	Somali refugee	-	13/04/2018	Eastleigh
Country director of Danish Refugee council	Humanitarian worker	NGO	18/03/2018	Lower Kabete
Staff member of NGO (1)	Humanitarian worker	NGO	11/04/2018	Kileleshwa
Staff member of NGO (2)	Humanitarian worker	NGO	11/04/2018	Kileleshwa
Staff member of the Netherlands Embassy K	Expert	Dutch Embassy Kenya	22/03/2018	Skype, Addis Abeba
Staff member of the Netherlands Embassy A	Expert	Dutch Embassy Addis	27/03/2018	Kilimani,
Fatih, Community worker (1)	Community worker in Eastleigh	Local CBO	05/04/2018, 05/05/2018	Eastleigh
Kenyan Somali resident in Eastleigh (1)	Kenyan Somali resident of Eastleigh	Awjama Cultural Center	25/04/2018	Eastleigh
Kenyan Somali resident Eastleigh (2)	Kenyan Somali resident of Eastleigh	Awjama Cultural Center	26/04/2018	Eastleigh
Abdi, Somali refugee activist (2)	Somali refugee	-	30/04/2018	Eastleigh
Hodam, Community Health worker of IOM (1)	Community worker in Eastleigh	IOM	02/05/2018	Eastleigh
Grace, Community Health worker of IOM (2)	Community worker in Eastleigh	IOM	02/05/2018	Eastleigh
Somali refugee (4)	Somali refugee	-	03/05/2018	Eastleigh
Casho, Somali refugee (5)	Somali refugee	-	05/05/2018	Eastleigh
Abdinasar, Somali Refugee Activist (3)	Somali refugee	-	06/05/2018, 12/05/2018	Eastleigh
Ubax, Somali refugee (6)	Somali refugee	-	07/05/2018	Eastleigh
Staff member Community health worker (3)	Community worker in Eastleigh	Local Health Clinic & CBO	07/05/2018	Eastleigh
Community worker (2)	Community worker in Eastleigh	Local CBO in Eastleigh	08/05/2018	Eastleigh
Farah, Refugee activist (4)	Somali refugee	-	12/05/2018	Eastleigh
legal protection officer (1)	Humanitarian worker	Kituo Cha Sheria	08/05/2018	Pangani, Nairobi
legal protection officer (2)	Humanitarian worker	Kituo Cha Sheria	08/05/2018	Pangani, Nairobi
UNHCR protection officer (1)	UNHCR	UNHCR	26/04/2018	Westlands
UNHCR protection officer (2)	UNHCR	UNHCR	26/04/2018	Westlands
Yusuf Hassan, Member of Parliament Kamuk	Politician	National Congress - MP of	14/05/2018	CBD, Nairobi
Experts (1)	Expert	-	17/04/2018	Nairobi
Experts (2)	Expert		17/04/2018	Nairobi
Staff member of IOM	Humanitarian Worker	IOM	19/04/2018	(phone)

Appendix II: Topic Outline

Puzzle Statement:

How is refugee citizenship of urban Somali refugees living in protracted exile in Eastleigh, Nairobi, shaped and negotiated through interactions between the government of Kenya, the UNHCR, local implementing institutions and Somali refugees since the signing of the tripartite agreement on voluntary repatriation between Somalia, Kenya and the UN in 2013?

1. **What is the dominant political discourse on the citizenship of Somali refugees and how is this upheld by the institutional agents dealing with the Somali refugee community in Nairobi?**
   a. What is the current state of policies and political attitude towards urban refugee settlement, citizenship and integration in Kenya, specifically Nairobi?
      i. What various institutional and political actors are involved in urban refugee governance and their provisions of social services?
      ii. What is the current perspective of the government of Kenya on durable solutions to refugee settlement (integration, repatriation and resettlement)?

      iii. What is the process through refugee labels of citizenship are created and how is citizenship and particularly free movement of urban Somali refugees represented in through these channels?
      iv. What different legal categories and stereotypes of urban refugees are there in Nairobi? More specifically, in what categories exist in Kenya on Somali refugees?
      v. What legal protection and civil rights are available for these categories and under what conditions and requirements are they entitled to access them?
   b. How does public policy on urban refugees regulate the conditions of citizenship rights and freedom of movement?
      i. How are the government-imposed policies on urban Somali refugees enforced and regulated?
      ii. How do institutional actors control the conformity of urban Somali refugees to the rules and policies enforced by institutional agents?

2. **What are the prevalent narratives of belonging in relation to 'durable solutions to refugee settlement' as perceived and imagined by urban Somali refugees?**
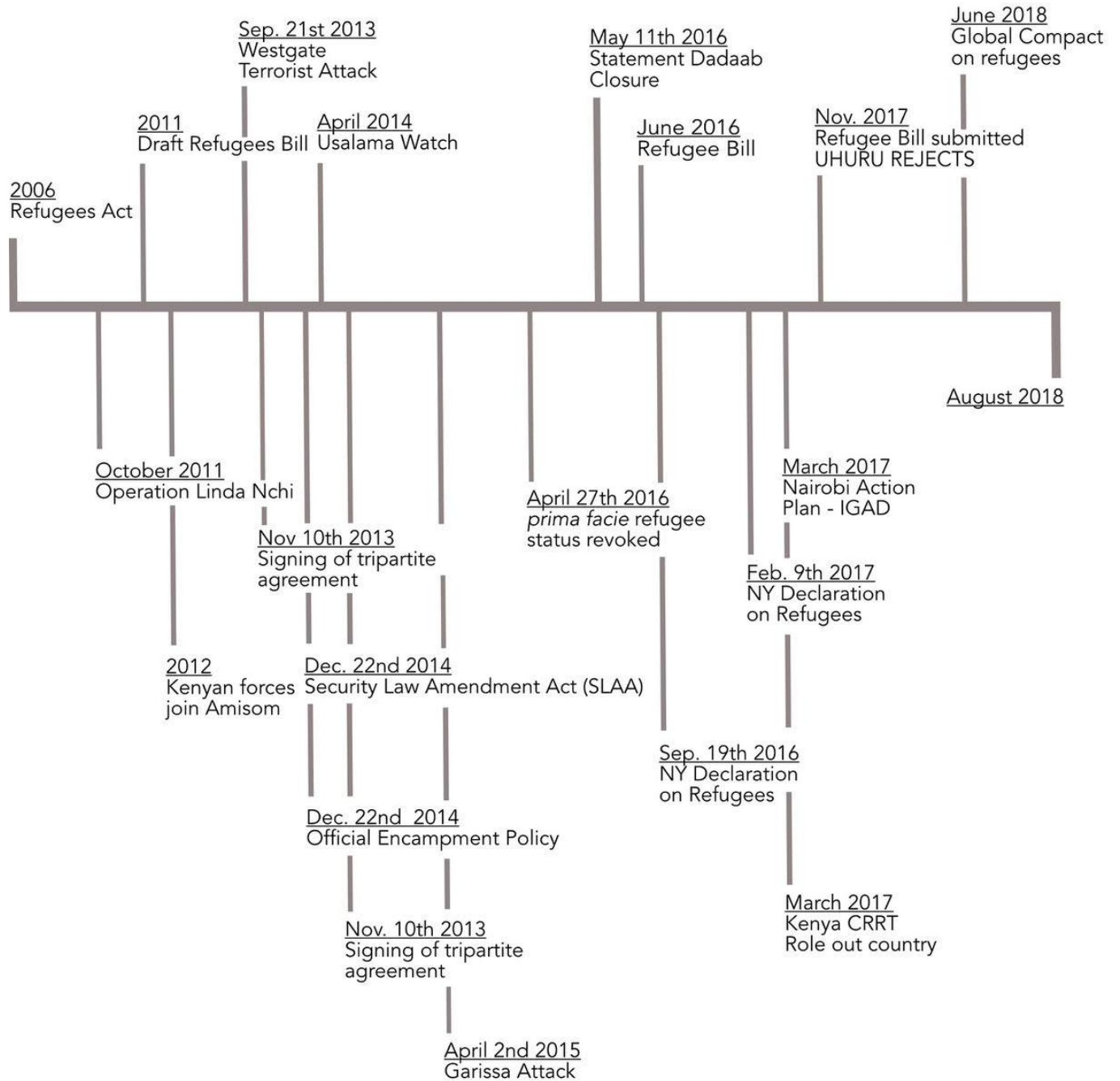
a. How do urban Somali refugees define their own identity and to what group/social category do they say they belong to?

b. How do Somali refugees perceive their own membership in society?

c. How is this identity and membership expressed and performed by Somali refugees? What is the attitude towards the different options of durable solutions among urban Somali refugees in Eastleigh?

d. How do Somali refugees in Eastleigh identity with being Somali? What meaning do they cast to their Somali identity?

e. What are the prevalent narratives and representations of the conditions of repatriation and living conditions in Somalia and through what media are they communicated?

3. **How do Somali refugees in Eastleigh experience their citizenship, rights and mobility as an urban refugee in Nairobi through "daily encounters with institutional, state, and legal practices?"**
   a. How do Somali refugees experience their access to citizenship, legal status, rights and (political) representation)?
      i. What is the meaning of obtaining legal documentation and authorized citizenship rights in Nairobi?
         1. In relation to livelihoods mobility, access to (political) representation, services (check report)
      ii. In what way do Somali refugees experience that their ways is the access to obtaining this civil status is regulated?
   b. How is movement around Eastleigh and Nairobi experienced by Somali refugees?
      i. What are everyday routes and patterns of movement are relevant for the Urban Somali refugees?
      ii. How is it felt? How do they experience their presence in space?
      iii. When, where and how do Somali refugees feel restricted or forced in their everyday movement?

Concepts: social and Political engagement, activism, coping strategies, claims-making, participation.

4. **How is refugee citizenship as inscribed by institutional authorities negotiated and contested through strategies and performances of 'citizenship from below'?**
   a. What are the coping strategies of refugees to deal with the conditions and regulations of imposed (non)-citizenship?
      i. How do Somali refugees deal with restrained citizenship?
   b. What are grass-root strategies and performances (formal and informal) are used by Somali refugees to claim their citizenship rights?
      i. How do refugees make use of social mobilization and activism to engage their rights as citizens?
      ii. What claims are made throughout these efforts?

iii. What are other forms of representation and (political) membership for Somali refugees and how do you obtain access?

Appendix III: Timeline of Refugee Governance in Kenya

Sep. 21st 2013
Westgate
Terrorist Attack

May 11th 2016
Statement Dadaab
Closure

June 2018
Global Compact
on refugees

2011
Draft Refugees Bill

April 2014
Usalama Watch

June 2016
Refugee Bill

Nov. 2017
Refugee Bill submitted
UHURU REJECTS

2006
Refugees Act

August 2018

October 2011
Operation Linda Nchi

April 27th 2016
prima facie refugee
status revoked

March 2017
Nairobi Action
Plan - IGAD

Nov 10th 2013
Signing of tripartite
agreement

Feb. 9th 2017
NY Declaration
on Refugees

2012
Kenyan forces
join Amisom

Dec. 22nd 2014
Security Law Amendment Act (SLAA)

Dec. 22nd 2014
Official Encampment Policy

Sep. 19th 2016
NY Declaration
on Refugees

March 2017
Kenya CRRT
Role out country

Nov. 10th 2013
Signing of tripartite
agreement

April 2nd 2015
Garissa Attack

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Appendix IV: Overview of legal documentation for refugees in Kenya

Source: NRC (2017a)

Glossary of Documents

- A **mandate certificate** is an A4-sized piece of paper issued by UNHCR that states the persons listed on the certificate (usually a family) are refugees under the UNHCR mandate in Kenya. Mandate certificates typically expire after two years and, in the past, could be renewed. (As of October 2017, it is not clear if they can be renewed and in the past.) Although difficult to acquire due to long wait times and other challenges, a large number of refugees hold mandate certificates. They may become less common over time as the government assumes further responsibility for RSD from UNHCR.

Example of a mandate certificate.

- An **alien card** refers to a government-issued identity card that includes a notation (either in the card's title or elsewhere) to indicate the holder is a refugee. Since 2005 they have been formally called "refugee identity cards" in Kenyan legislation. Depending on where and when the card was issued, its title could be "refugee identity card", "refugee certification", or "alien certificate". Alien cards typically expire after five years and can be renewed. Although they are common documents.

Examples of alien cards.

- An **asylum seeker certificate** is a document issued by UNHCR noting that those listed on it (usually a family) are recognised as asylum seekers by UNHCR. It is valid until the appointment date listed on it for an interview at UNHCR's offices. UNHCR may issue successive asylum seeker certificates to families, as certificates are reissued when they expire if the claim to refugee status has not yet been determined.

- A **waiting card, waiting document, or appointment slip** could refer to any number of documents issued by DRA/RAS or UNHCR. These documents usually indicate that the holder is waiting for a document, such as an alien card, that they are entitled to (but it may not state this is the case) or has an appointment for an interview as part of the RSD process. These are common documents that vary significantly in form. Some refugees may have received multiple forms, issued one after the other.

- A **refugee recognition letter** (or **notification of recognition**) is a letter issued by DRA/RAS with a validity of one year that states the holder has been recognised as a refugee by the government and is waiting for an alien card. Very few of these documents appear to have been issued, as of October 2017.

- An **asylum seeker pass** is a document issued by DRA/RAS that indicates the holder has been recognised as an asylum seeker by the government. It is valid for six months or one year. Relatively few of these documents appear to have been issued, as of October 2017.

Example of an asylum seeker pass issued by DRA.

- A **movement pass** is a document issued by DRA/RAS that requires a refugee to move from an urban area to a camp within 10 days. It is also the name used for the document DRA/RAS issues to camp-based refugees that gives them permission to leave the camp on a temporary basis.

- A **proof of registration** is a document issued by DRA/RAS that lists the members of a family registered in an urban setting. Its camp equivalent is usually referred to as a "manifest" and is very similar in form. Proof of registration documents appear to have been issued by DRA/RAS at various points, including to refugees who took part in the urban verification exercise that was carried out by RAS and UNHCR in 2016/17, as discussed below at page 19.

Example of an asylum seeker pass issued by DRA.