

## **Introduction**

Migration in the East African region is not a new phenomenon. The inhabitants of the area, mainly Bantus, Cushites and Nilotes have settled here from both northern (Sudan) and south-western parts of Africa since the seventeenth century. In 1895, the British government formally proclaimed authority over the territory. The 1896–1902 building of a railway connecting Mombasa and Lake Victoria promoted the arrival of European settlers and of Indian ‘coolies’, recruited in British India as labourers for the construction of the railway. Ugandans could be found in Nairobi as early as the 1920s engaged in clerical jobs and the media (Thuku, 1970).

Kenya was a leading refugee hosting state throughout the twentieth century. A major influx of refugees from Ethiopia occurred between 1936 and 1938. In 1959, Rwandan refugees crossed into Kenya; most of them integrated and became Kenyan citizens at independence in 1963. In 1966 waves of refugees arrived in Kenya from Uganda, escaping the authoritarian rule of Milton Obote. These were followed throughout the 1970s by others fleeing the reign of Idi Amin, and from 1979 to 1985 after Obote was reinstated. By 1988 there were approximately 12,000 refugees in Kenya, mainly Ugandans living in Nairobi. These refugees enjoyed full status rights, including the right to reside in urban centres and move freely throughout the country, the right to obtain a work permit and access educational opportunities, and the right to apply for legal local integration.

Kenya experienced its largest influx of refugees from Somalia following the collapse of that country in 1990. Sudanese and Ethiopian refugees followed after the fall of the Mengistu regime. Others from DRC, Rwanda and Burundi who had come to Kenya from 1994 onwards still remain, mainly in urban centres, although some stay in camps, from where they hope to secure resettlement to Western countries. Although Kenya has long been a safe haven in this part of Africa, the collapse of the Somali state and the increased turmoil in southern Sudan have greatly undermined Kenya’s capacity to deal with emergencies and refugee influxes, therefore relegating disaster and emergency responses to international agencies. There are also no clear policies on asylum

and the provision of services to refugees. As a result, there are inadequate annual budgetary allocations to address the plight of refugees hosted in Kenya.

Kenya has also become a source, transit, and destination country for men, women and children trafficked for forced labour and sexual exploitation. Destinations are the Middle East, other African nations, Western Europe, and North America – for domestic servitude, enslavement in massage parlours and brothels, and manual labour. People trafficked into Kenya are principally Indians, Bangladeshi, and Nepalese, coerced into bonded labour in the construction and garment industries (US Department of State, 2004). In 2005 the Kenyan Ministry of Immigration developed draft legislation to criminalise the cross-border elements of human trafficking, and the Attorney General's Office collaborated with civil society and other ministries to develop draft comprehensive legislation and to support the establishment of a code of conduct against child sex tourism. Internal discussions are being held, migration conferences organised (IRIN, 2002b; IRIN, 2005) and efforts are underway to come up with a policy document. For example the Governance, Justice, Law and Order Sector Reform Programme (GJLOS) is a Kenyan government-led sector-wide reform programme launched in November 2003. The GJLOS programme aims at supporting the Ministry of Immigration in revising and reforming laws and legislation dealing with citizenship, immigration and the registration of aliens (GJLOS, 2005). The Ministry of Immigration also plans, through this programme of reforms, to introduce a new Passport Act, which will support a National Migration and Immigration Policy.

In this chapter the current state of Kenyan migration is discussed; in particular forced migration, transit migration and labour migration. There is a review of Kenyan policy plans and laws dealing with migration, and details are given of the opinions of stakeholders as given to the authors during a visit to the country in July-August 2006.