

## Coping Strategies of East African Undocumented Immigrants and Human Rights Protection in Kenya (2010–2022)

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### Abstract

This study examines the coping strategies utilised by undocumented East African immigrants in Kenya and evaluates their effectiveness in safeguarding human rights within the 2010–2022 policy context. Undocumented migration has become a major governance and human rights concern in Kenya because the country serves as a destination, transit, and host state in East Africa. Despite regional integration efforts and international human rights commitments, undocumented East African immigrants continue to face legal exclusion and inadequate protection of fundamental rights. This study employed a convergent parallel mixed-methods design, combining quantitative surveys and qualitative phenomenological methods, guided by cosmopolitanism theory. The study sampled 82 participants from Nairobi County using purposive and snowball sampling techniques. Secondary document analysis supplemented the primary data. Results indicate that undocumented East African immigrants utilise a variety of coping strategies, such as informal employment (53.6%), unstable housing, strategic mobility, hiding their identity, and ethnic and religious solidarity-supportive networks (20.7%) and intermarriage with Kenyan nationals. However, few felt always safe from arrest (37.8%), and awareness of rights was low. These strategies helped provide access to livelihoods, shelter, and social assistance in the short term, but not long-term protection of human rights. Emotion-focused coping was more prevalent than problem-focused coping, prompted by the limitations imposed on immigration. The study concludes that coping mechanisms serve more as survival strategies than for rights protection. It adds to migration scholarship by systematically analysing coping strategies within the existing human rights frame. It recommends improvements to the human rights-based approach to migration governance, migration pathways, and enhancing state–civil society collaboration.

**Key terms:** Coping strategies, cosmopolitanism theory, human rights, migration governance, undocumented immigrants.

## 1.0 INTRODUCTION

This study examines the coping strategies utilised by undocumented East African immigrants in Kenya and evaluates their effectiveness in safeguarding human rights within the 2010–2022 policy context. Despite regional integration and Kenya's international commitments, Kenyan authorities continue to systematically infringe on the human rights of immigrants from the East African region who are not citizens. While the Kenya Citizenship and Immigration Act (2011) provides a legislative framework with punitive consequences for entering Kenya and its residency rules, existing knowledge of links between legal exclusion, coping strategies, and human rights outcomes remains limited. Coping strategies are adaptive strategies or unorganised ways of dealing with exclusion, such as informal labour, community housing, strategic mobility, religious networks, and intermarriage, that immigrants use while they are undocumented. The criteria for effectiveness is "the ability to secure the realisation of constitutional rights (Articles 27, 28, 41, 43), rather than the survival of the person." Three gaps exist. The study empirically examines the impact of the main legal constraints on undocumented immigrants' daily experiences, which Iradukunda (2024) does not explore in his doctrinal analysis of the Citizenship and Immigration Act.

Second, Tulibaleka and Katunze (2024) analyse migration patterns in East Africa but fail to account for barriers to access to justice and labour rights faced by undocumented migrants. Thirdly, previous coping studies highlight coping mechanisms but do not systematically examine the effectiveness of securing human rights (Johansson, 2020; Squires, 2020). This study therefore discusses the coping strategies adopted by undocumented East African immigrants and the extent to which they promote the protection of rights guaranteed by the Constitution of Kenya (2010), specifically Articles 27, 28, 41, and 43, to inform migration governance policy and access to regularisation pathways.. The study was guided by one main objective: to examine the effectiveness of coping strategies used by undocumented East African immigrants in Kenya in safeguarding their rights, and by the research question: How effective are the coping strategies undocumented East African immigrants in Kenya use in safeguarding their rights?

Migration is one of the most important issues in 21st-century global governance, affecting social, economic, political, and human rights outcomes globally and regionally (IOM, 2022). While international migration plays an increasing role in economic integration and regional mobility, restrictive immigration systems still create populations that exist on the margins of the formal economy and are outside of national systems of legal recognition. These populations include undocumented immigrants, who are people living in a country without the legal authorization to do so, for various reasons related to their migration history, including irregular border crossings, overstayed visas, rejection of asylum applications, and administrative barriers to non-discriminatory regularization, among others (UNDESA, 2021).

Human rights principles are universal, but rights and access to public services are often contingent on immigration status (OHCHR, 2021). This gap between formal entitlements and actual access has sparked a lot of research on strategies of coping with structural exclusion among undocumented immigrants. The literature already summarised shows a variety of coping strategies that help people survive in a context of legal uncertainty, such as informal employment, ethnic networks, religious support, and strategic invisibility (Squires, 2019; Gonzales, 2016; Palovic et al., 2021). These investigations have largely been descriptive, however, and have not systematically evaluated how effective coping responses are at protecting human rights. Little empirical research and theory connect coping strategies with rights fulfilment, especially in East Africa. This study aims to fill this gap by exploring whether coping strategies used by undocumented

East African immigrants in Kenya affirm fundamental rights or are tactics for maintaining precarious survival.

Undocumented migration has increasingly become a governance issue in East Africa because of prolonged armed conflict, poverty, and environmental stressors that result in mixed migration (Ciabbarri 2024; Rolandsen et al. 2015). Kenya is an important point of origin, transit, and destination country for migrants from Somalia, Ethiopia, South Sudan, Uganda, Tanzania, and neighbouring countries (Vusha, 2022). In Kenya, IOM (2018) estimates that there were about 1.5 million migrants, including documented migrants, refugees, asylum seekers, and undocumented persons. Although exact figures are hard to calculate because many are undocumented, estimates suggest that many undocumented East Africans are in the country, with Nairobi having significant numbers in Eastleigh, Kawangware, Kayole, and Kasarani.

The study covered 12 years (2010–2022), representing the analytical time frame of the connectedness of legal, policy, and geopolitical developments that substantially transformed Kenya's migration governance environment. First, the promulgation of the Constitution of Kenya (2010) marked a paradigm shift toward rights-based governance. The Bill of Rights (Articles 19-59) guaranteed freedom for 'all persons' on Kenyan land irrespective of citizenship or immigration status. Just as Article 43 entitles all people to health, education, housing, food, and other economic and social rights, this principle also applies to undocumented immigrants. This constitutional change established a new norm of inclusion that differed significantly from existing immigration enforcement policies.

Second, the Kenya Citizenship and Immigration Act (2011) merged immigration law with criminal law and introduced penalties for unlawful entry, including fines, imprisonment, and deportation upon conviction (Iradukunda, 2024). This legislation created the legislative foundations that influenced immigration enforcement during the period of this study. Third, the Common Market Protocol of the East African Community (EAC 2010) took effect, ensuring the free movement of people, labour, and services in EAC member states. This regional integration process, however, was intertwined with more restrictive national immigration policies, creating tensions between mobility rights and national enforcement procedures. Fourth, during this time there were various immigration enforcement operations, such as Operation Usalama Watch, 2014 in Eastleigh, which was aimed at Somali migrants, and later campaigns in Kawangware and other migrant-concentrated areas. These enforcement actions have had a profound impact on migrant experiences and the ways migrants cope (Human Rights Watch, 2025). Fifth, the end of 2022 was chosen because it follows the conclusion of Kenya's second general election cycle after the 2010 Constitution, allowing ample time to draw lessons from constitutional enforcement, immigration control, and migrant adaptive responses.

Importantly, the study analyses and maps 2010–2022 as a period of law and policy, but collected empirical data in 2025 to reflect existing experiences and reflections on coping strategies that arose within, and as a result of, the law and policy of this time. Participants were asked to reflect on what had happened to them since 2010 and provide more up-to-date accounts of how they were coping at the time. This allows the study to capture historical patterns as well as existing practice within the policy context in place during the study.

Undocumented migrants still face systematic violations and exclusion, notwithstanding the constitutional and international obligations. Migration governance frameworks have remained securitised, with an

increasing focus on border control and enforcing migration laws rather than protecting people's rights (Aldrich et al., 2021). Policing in migrant neighbourhoods and other enforcement measures, like police raids, arbitrary arrests, extortion, and profiling, have intensified migrants' vulnerability (Human Rights Watch, 2025). Undocumented East African immigrants live in fear of being arrested and deported and have access to only a limited range of healthcare, education, and justice services.

As a result, informal labour markets, religious congregations, ethnic solidarity networks, strategic concealment, community housing, and intermarriage are common ways for undocumented immigrants to cope. These solutions provide immediate survival support, livelihoods, and social services but can also reinforce precarity, exclusion, and social vulnerability (Johansson, 2020). This study aims to fill three gaps in the scholarly literature. First, although the literature has documented several coping strategies, it has not systematically assessed their effectiveness in terms of rights realisation, which has significant policy implications for rights protection. Second, although some studies have focused on specific nationalities, such as Somali migrants (Johansson, 2020; Carrier & Lochery, 2013), no systematic comparison of coping strategies across nationalities (groups) in Kenya has been conducted. Third, previous studies have not explicitly connected these coping strategies to constitutional and international human rights frameworks, leaving the link between migrants' adaptive responses and rights-protection outcomes unclear.

Therefore, this study examines the coping strategies utilised by undocumented East African immigrants in Kenya and evaluates their effectiveness in safeguarding human rights within the 2010–2022 policy context. The study focuses specifically on undocumented immigrants from Democratic Republic of Congo, Somalia, Ethiopia, South Sudan, Uganda, and Tanzania, the primary East African nationalities constituting the undocumented migrant population in Nairobi, based on community organisation records and key informant consultations. The study excludes refugees and asylum seekers with formal recognition, as these populations have distinct legal statuses and protection frameworks under Kenyan and international law.

## 2.0 LITERATURE REVIEW AND THEORETICAL FRAMEWORK

This section reviews existing scholarship on coping strategies employed by undocumented migrants, organized around five analytical dimensions that correspond to the study's empirical findings: employment and livelihood strategies, housing and community living arrangements, mobility, concealment, and identity management, social and religious networks, and family formation, intermarriage, and rights protection. The review synthesises findings across global, African, and East African contexts, identifies areas of convergence and disagreement, and establishes the specific gaps this study addresses.

### Coping Strategies of Undocumented Migrants: A Thematic Review

Undocumented migrants globally develop various coping strategies to navigate the persistent stress of legal marginalisation. This section synthesises existing literature thematically, compares findings across contexts, identifies areas of convergence and disagreement, and explains how the literature informs the present study.

### Employment and Livelihood Strategies

In the global context, undocumented migrants create employment possibilities for survival in the face of legal exclusion. The term "learning to be illegal" was coined by Gonzales (2016) to understand how undocumented youth learn what their limited choices are, such as working only for cash, not filling out job applications, and relying on community networks for employment opportunities. Abrego (2019) explained

that gendered networks are present among Central American immigrants in Los Angeles, as women make use of religious networks, and men make use of day labour and ethnic enclaves. Likewise, in relation to the Gulf region, Gardner (2018) reported that undocumented workers could leave bad sponsors by engaging in informal occupations and by forging documents and setting up unofficial banking systems.

Hungwe (2013) reported the coping mechanisms adopted by undocumented Zimbabweans in Johannesburg, such as burial societies, community representatives (umalusi), street vending, language assimilation, and name change in African contexts. To avoid being raided by the police, West Africans in Lagos resorted to co-ethnic housing networks, rotating saving schemes (esusu) and strategic mobility (Eborka & Oyefara (2016). Olukotun et al. (2019) found that undocumented African migrant women were negatively affected by "living in the shadows," which was found to be correlated with mental health issues.

Omondi et al. (2024) explored demographic events and migration trends in two slums in Nairobi, Kenya, providing important context for migration dynamics. However, they did not look at employment strategies of undocumented migrants. Johansson (2020) identified three coping mechanisms in Somali migrants in Eastleigh; these include the use of hayad (clan savings clubs), informal Quranic schools, and language groups. However, their study focused only on Somali migrants and did not systematically examine labour outcomes. Walkey (2019) reviewed Kassa's book, which provides an in-depth ethnographic account of state-refugee relations in Nairobi focusing on the lived experience of Ethiopian refugees, while Campbell (2006) documented how urban refugees in Nairobi access health information, legal advice, and microcredit through ethnic and religious associations. Huot (2014) discovered that co-ethnic social capital enhances employment opportunities and lowers the chances of police extortion for undocumented migrants. Aldrich et al. (2021) studied the impact of immigration enforcement on migrants' employment decisions, and many chose not to take up formal work to avoid detection.

Across contexts, researchers agree that undocumented migrants' main livelihood strategy is informal work. Researchers, however, differ in interpreting this as agency or exploitation; some see migrants' ability to adapt and make things work (Gonzales, 2016; Hungwe, 2013), while others view it as structural vulnerability (Menjívar & Abrego, 2012). However, none of the Kenya-specific studies has systematically assessed informal employment strategies in terms of their effectiveness in protecting labour rights or compared their outcomes by nationality. Besides, the link between informal employment and the realisation of the right to work in Article 41 of the Constitution of Kenya (2010) has not been explored.

## **Housing and Community Living Arrangements**

Housing precarity is a common theme in undocumented migration studies. Squires (2020) reported that in Italy and Germany, immigrants from elsewhere in the EU have resorted to informal housing to avoid formal contact with the government and have frequently lived in overcrowded situations with other co-ethnics. This approach minimises the risk of detection but results in chronic stress, isolation, and poor health. In the United States, Gonzales (2016) discovered that undocumented youth learn how to evade the means to enrol in a driver's license program, lease agreements, and formal housing contracts, which require identification. Eborka and Oyefara (2016) also reported co-ethnic housing networks among migrants in Lagos, where they live together to cut expenses and protect one another. Hungwe (2013) identified similar trends among Zimbabweans living in Johannesburg, where community housing addresses both social and shelter needs.

In Kenya, Aldrich et al. (2021) reported that immigration-law enforcement influences migrants' housing options and that many migrants avoid formal rental agreements to circumvent immigration authorities. Repeated evictions and displacement in migrant-inhabited neighbourhoods like Kawangware and Eastleigh are a result of the police raids, according to Human Rights Watch (2025). Studies by Johansson (2020) found that Somali migrants in Eastleigh live in community-based housing arrangements, where several families share a house to reduce costs and provide security and protection for one another. Omondi et al. (2024) provided demographic data on urban slums in Nairobi, Kenya, where many undocumented migrants choose to live. However, they did not specifically examine undocumented migrants' housing strategies. Abdulrazeq et al. (2024) examined how healthcare providers advocated for undocumented migrants facing housing insecurity and how this affects health outcomes.

Findings from the studies are consistent across contexts: A major choice for undocumented migrants is shared and overcrowded housing. The literature also largely agrees that housing precarity harms health and well-being. The studies do not all agree on the nature of community housing arrangements, though, ranging from a sense of solidarity (Hungwe, 2013) to a sense of vulnerability (Aldrich et al. (2021). No existing studies in Kenya have systematically described housing situations across nationalities or provided evidence on the link between housing strategies and the right to adequate housing under Article 43 of the Constitution of Kenya (2010).

## **Mobility, Concealment, and Identity Management**

Strategic mobility and identity concealment emerge as universal coping mechanisms across undocumented migration contexts. Squires (2020) documented invisibility strategies among undocumented immigrants in Italy and Germany, including avoiding travel, hospitals, and police; changing names; and constant relocation to minimise exposure. However, these strategies lead to chronic stress, isolation, and reduced access to essential services. In the United States, Gonzales (2016) found that undocumented youth learn to avoid driver's licenses, police encounters, and formal identification requirements, developing what he terms "learning to be illegal." These strategies enable survival but produce psychological strain through persistent fear and uncertainty. In the Gulf, Gardner (2018) documented undocumented workers changing names, forging documents, and using unofficial banking to avoid detection and escape abusive sponsors. Eborka and Oyefara (2016) found that West African migrants in Lagos use strategic mobility to escape police raids, while Hungwe (2013) documented language assimilation and name changes among Zimbabweans in Johannesburg. Olukotun et al. (2019) reported the psychological impact of "living in the shadows" among undocumented African migrant women, linking concealment strategies to mental health challenges.

In Kenya, Johansson (2020) documented Somali migrants' use of language groups and community networks in Eastleigh, but did not systematically examine mobility and identity management strategies. Human Rights Watch (2025) reported that undocumented migrants in Kenya employ concealment strategies to avoid arrest and deportation, including changing locations frequently and avoiding public services. Aldrich et al. (2021) found that fear of arrest shapes migrants' mobility patterns, with many restricting their movement to familiar neighbourhoods. Sigona (2012) developed the concept of "spatial precarity," arguing that movement can be both a source of vulnerability and an act of resistance.

Across contexts, studies converge on the finding that strategic mobility and identity concealment are universal coping mechanisms for undocumented migrants. However, studies diverge on whether these

strategies represent agency or constraint, and on the psychological costs involved. Existing East African research has focused primarily on refugee populations rather than undocumented immigrants. The specific concealment and mobility strategies used by undocumented East African immigrants in Kenya, and their effectiveness in protecting rights, remain underexplored.

## **Social and Religious Networks**

Among the coping resources most often mentioned in undocumented migration contexts are religious institutions and ethnic solidarity networks. In Europe, Palovic et al. (2021) stressed the role of religious institutions and ethnic labour organisations in providing support, shelter, and food for undocumented immigrants, as well as legal assistance. Abrego (2019) discovered in the United States that religious congregations provide employment and social services for Central American women and that sanctuary cities provide legal services, non-cooperation policies, and municipal ID cards. Regarding welfare services for vulnerable migrant populations, Fiddian-Qasmiyeh (2016) showed that FBOs play a vital role worldwide. According to Eborka and Oyefara (2016), undocumented migrants from West Africa who arrived in Lagos can receive religious support and help resolving conflicts. Hungwe (2013) mentioned burial societies and community representatives (umalusi) as support mechanisms for Zimbabweans in Johannesburg.

Johansson (2020) identified two coping strategies in Kenya: Somali migrants in Eastleigh use hayad (clan saving groups) and informal Quranic schools as their main coping strategies. Huot (2014) found that co-ethnic social capital increases employment opportunities and reduces police extortion among undocumented migrants. Campbell (2006) examined the economic livelihoods and survival mechanisms of urban refugees in Nairobi, highlighting the role of community-based networks in providing informal support, including access to health information and legal advice. Böcker and Hunter (2025) researched refugee-led community associations in Nairobi. They found that these associations reach out to other ethnic and religious groups for access to health and legal information, as well as microcredit. Carrier and Lochery (2013) describe how Somali people in Eastleigh have built strong social and religious networks that facilitate trust-building, lending, borrowing, and mutual support.

In all contexts, research has indicated that religious institutions and ethnic solidarity networks are important sources for undocumented migrants, not only for material and financial support but also for social and personal ties and protection from exploitation. Research has also consistently shown that these networks can offer emotional and psychological support, which cushions the blow of legal exclusion (Olukotun et al., 2019; Fiddian-Qasmiyeh, 2016). However, researchers differ on whether religious and ethnic networks provide temporary respite or support more enduring integration. Ngo (2018) found that FO capital and resources can deliver key welfare provisions but may not be used to address structural factors that may be excluded. Previous research in Kenya has focused primarily on Somali migrants and is less comprehensive on other nationalities. In addition, none of these studies has systematically assessed the effectiveness of religious and social networks in protecting human rights, or whether they offer only short-term respite without changing structural vulnerabilities.

## **Family Formation, Intermarriage, and Rights Protection**

In certain migration contexts, marriage to citizens or documented residents has been identified as a way to regularise status and gain access to rights. Nevertheless, restrictive immigration regimes generate "legal violence," as excessive formalization regimes would prohibit the access to regularization channels of undocumented migrants, forcing them to rely on informal channels, like marriage, to formalize their status

(Menjívar and Abrego 2012). Coutin (2000) has noticed that women in irregular migration situations tend to "negotiate their exclusion in the field of family and social relations." In contrast, men would tend to rely on labour market participation. Menjívar (2006) showed how family formation and marital relations are adaptive strategies available to migrant women for achieving stability, belonging, and social inclusion. While the literature reviewed does not strongly indicate that marriage is a tactic used to regularise migrants' status, Hungwe (2013) noted that in Zimbabwean contexts, marriage to South African citizens is sometimes used by migrants to regularise their status in Johannesburg.

Muhumad and Jaji (2023) in Kenya noted that Somali refugees have integrated through social connections established through marriage to local Kenyans, an indirect means of integrating into the local community and progressing toward becoming Kenyan citizens. However, to date, there are no systematic Kenya-specific studies that have investigated intermarriage as a coping mechanism of undocumented immigrants. Among undocumented migrants in Nairobi, Mwangi (2026) identified gender differences in coping strategies, with females being more likely to use marital status as a coping mechanism. However, the study did not systematically assess the effectiveness of intermarriage in securing rights or compare nationalities.

Research in both contexts has come to similar results, confirming that family formation and intermarriage can be avenues for regularisation and access to rights. But research also suggests that marriage can leave them vulnerable in new ways, such as being dependent on their spouse, being left alone, and experiencing unequal power dynamics (Menjívar & Abrego, 2012; Menjívar, 2006). Kenya has not seen much research on the issue of intermarriage as a coping mechanism among undocumented immigrants. Studies to date have focused on refugees, and no comparative analysis across nationalities has been conducted.

## **Synthesis of Existing Evidence and Identification of Gaps**

The literature examined shows there is consensus in all of the contexts examined that undocumented migrants have multiple coping strategies in response to legal exclusion. These include existing forms of employment (informal), as well as living in shared and overcrowded housing, strategic mobility/identity concealment to avoid detection, religious and ethnic solidarity networks for material and emotional support, and forming families and intermarriage as a means to regularisation. Other findings in the literature support the conclusion that these strategies help them survive, but they also tend to result in chronic stress, exploitation, and restricted access to rights (Gonzales, 2016; Squires, 2020; Menjívar & Abrego, 2012; Olukotun et al., 2019). The nature of coping strategies has been debated, with some arguing that coping strategies are expressions of agency and resourcefulness (Gonzales, 2016; Hungwe, 2013; Carrier & Lochery, 2013) and others that coping strategies are expressions of vulnerability and exploitation (Menjívar & Abrego, 2012; Aldrich et al., 2021). Theoretically, there is a division, and empirically, there is a division. Research that highlights the agency side of migration tends to focus on migrants' negotiation of exclusion. In contrast, research highlighting the vulnerability side of migration tends to focus on structural constraints and legal violence.

As the geographic distribution of the literature shows, research on undocumented migration is mainly conducted in North America and Europe and is relatively scarce in Africa. In Africa, studies have focused on South Africa (Hungwe 2013) and West Africa (Eborka and Oyefara, 2016), while research in East Africa remains scarce. Previous studies in East Africa have primarily been on Somali migrants (Carrier & Lochery, 2013; Böcker & Hunter, 2025). Research on other East African nationals (such as Ethiopian, South

Sudanese, Ugandan, and Tanzanian migrants) remains scarce. This is a considerable gap, as coping strategies may differ by nationality because of different languages, cultures, social networks, and migration patterns.

No existing study has systematically evaluated whether coping strategies effectively protect human rights. The literature documents survival mechanisms but does not assess rights realization. This represents a critical analytical gap: undocumented migrants' agency in developing coping strategies must be evaluated against tangible outcomes in terms of rights protection. Coping strategy research has also developed within migration studies and sociology, with limited engagement with human rights frameworks. The relationship between coping strategies and constitutional or international human rights guarantees remains undertheorized and empirically underexplored. This represents a significant gap, as the effectiveness of coping strategies can only be meaningfully assessed against human rights standards.

## How the Present Study Extends the Literature

The present study addresses the identified gaps through five specific contributions. First, it provides empirical evidence from multiple East African nationalities, including Somali, Ethiopian, South Sudanese, Ugandan, and Tanzanian migrants, enabling comparative analysis across nationality groups. This extends existing research that has focused predominantly on Somali migrants. Second, it focuses on Kenya, an underexplored East African context where migration governance, human rights frameworks, and enforcement practices intersect in ways that are distinct from other African contexts. Third, it systematically evaluates the effectiveness of coping strategies in protecting human rights, distinguishing between survival and rights realisation. This moves beyond documenting coping strategies to assessing their outcomes. Fourth, it explicitly links coping strategy analysis to constitutional and international human rights frameworks, particularly the Constitution of Kenya (2010) and international human rights instruments. This brings legal and social science perspectives into dialogue. Fifth, it provides a comparative analysis across five analytical dimensions employment, housing, mobility, social networks, and marriage to assess which strategies are most effective in protecting rights and which leave structural vulnerabilities intact.

## Theoretical Framework

This study is anchored in Cosmopolitanism Theory, whose philosophical foundations trace back to Stoic philosophers in ancient Greece, particularly Diogenes of Sinope, who introduced the idea of being a "citizen of the world" (*kosmopolites*). The theory was systematically developed in modern political philosophy by Immanuel Kant (1991) in *Perpetual Peace: A Philosophical Sketch*, where he advanced the principle of universal hospitality and argued that all human beings possess inherent dignity and should receive moral consideration regardless of nationality or territorial boundaries. Contemporary proponents including Martha Nussbaum (1996), Seyla Benhabib (2004), Kwame Anthony Appiah (2006), and Ulrich Beck (2006) further expanded cosmopolitanism by emphasising that rights and moral obligations transcend state citizenship and should be grounded in common humanity. The central tenets of Cosmopolitanism therefore include the universality of human rights, the equal moral worth of all persons, global justice, inclusive citizenship, and the recognition that access to rights should not be determined solely by nationality or legal status.

Cosmopolitanism Theory is relevant to this study because it provides a human rights lens for understanding the coping strategies employed by undocumented East African immigrants in Kenya. The

theory challenges state-centred approaches that restrict protection and service access based exclusively on immigration status and instead recognises undocumented immigrants as rights-bearing individuals entitled to dignity, livelihood, healthcare, housing, and social inclusion. In this study, coping mechanisms such as informal employment, community housing, religious support, strategic mobility, and intermarriage are interpreted as practical efforts by undocumented immigrants to negotiate belonging and secure rights outside formal citizenship structures. The theory therefore helps explain both the limitations of existing migration governance systems and the agency undocumented immigrants exercise in pursuing human rights protection despite legal exclusion.

The integration of Cosmopolitanism Theory into the analytical process was systematic and methodical. During open coding, the researcher identified codes that reflected cosmopolitan principles, including assertions of dignity, negotiation of belonging, rights claims outside formal structures, and resistance to exclusion. During axial coding, the researcher organised these initial codes into broader categories informed by cosmopolitan tenets. Codes related to discrimination and exclusion were grouped under "violation of universal rights"; codes related to community networks and intermarriage were grouped under "negotiation of belonging and inclusion"; and codes related to informal employment and mobility were grouped under "agency in securing livelihoods and rights." During selective coding, the core category of "coping as negotiation of rights and belonging" emerged, directly reflecting the cosmopolitan premise that undocumented immigrants actively pursue inclusion and protection despite legal exclusion. We evaluated each coping strategy against cosmopolitan principles to assess whether it contributed to rights realisation. Informal employment was assessed not merely as survival but as an assertion of the right to work; religious networks were evaluated as expressions of social solidarity; and intermarriage was assessed as a strategy for negotiating belonging. This systematic approach ensured that Cosmopolitanism Theory shaped code development, category formation, interpretation of findings, and conclusion drawing throughout the study.

### 3.0 METHODOLOGY

The study adopted a convergent parallel mixed-method design, integrating quantitative surveys and qualitative phenomenological approaches. The study collected quantitative and qualitative data concurrently during the same fieldwork period, from March 2025 to July 2025. The study analysed quantitative data from 42 survey respondents using descriptive statistics. In contrast, qualitative data from 22 key informant interviews and 18 focus group participants were analysed using reflexive thematic analysis. The two datasets were analysed independently, then triangulated during interpretation to identify convergence, complementarity, and divergence. This integration enabled a comprehensive understanding of coping strategies and rights protection among undocumented East African immigrants in Kenya. This study was conducted in Nairobi County. Nairobi is Kenya's economic hub and has attracted many undocumented migrants from neighbouring countries seeking better livelihoods in its bustling informal sectors (Omondi et al., 2024). Nairobi was also home to many international agencies, non-governmental organisations, and human rights organisations that assisted various migrant communities. Nairobi was also chosen because it is home to reputable academic institutions and research centres that specialise in migration studies and human rights law. The researcher used these connections to obtain resources, work with field experts, and learn about best practices for conducting the study.

The study's target population comprised undocumented East African immigrants residing in Nairobi County and key informants including immigration officials, police officers, civil society representatives,

UNHCR and IOM staff, lawyers, and academics. Based on IOM (2018) estimates, consultations with migration experts, and community organization data from migrant-populated areas including Eastleigh, Kawangware, and Kayole, the undocumented immigrant population was estimated at approximately 850, while key informants across institutional categories were estimated at 50, yielding a total target population of 900. Using Yamane's (1973) formula ( $n = N / (1 + N (e^2))$ ) at 95 per cent confidence with 10 per cent margin of error, the required sample was 90. Purposive sampling selected key informants with specialised knowledge, while snowball sampling recruited undocumented immigrants through community networks (Creswell, 2014). Of 90 targeted participants, 82 participated (91.1% response rate). The 42 respondents refer to undocumented immigrants who completed the structured questionnaire, not questionnaire items. Of 48 questionnaires distributed, 42 were returned (87.5% response rate). The final sample comprised 42 survey respondents, 22 key informants (immigration officials, police, CSO representatives, UNHCR/IOM staff, lawyers, academics), and 18 focus group participants in three groups. Data saturation was achieved when no new themes emerged in interviews and focus groups.

The study used three main data collection instruments. The study collected quantitative information on respondents' demographic features, employment status, housing, moving patterns, and interactions with law enforcement through questionnaires with open-ended questions. Key informants such as immigration officers, police staff, NGO staff and legal practitioners were given semi-structured interview guides that allowed a thorough discussion of institutional views. The focus group discussion facilitated directed group narratives among undocumented migrants in a confidential community space and was conducted through trusted gatekeepers to ensure safety. All instruments were piloted in Kiambu County. Ten respondents participated, and slight wording changes were made to clarify the cultural suitability of the instruments before full deployment. The study ensured validity and reliability to strengthen its credibility and scientific rigour. Content validity was achieved through pilot testing and expert review by specialists in human rights, migration, and socio-legal studies, who assessed instrument relevance, clarity, and comprehensiveness. Reliability was established using the test-retest method over four weeks to measure response consistency and stability (Creswell & Plano Clark, 2018; Heinemann, 2004).

Additionally, data collection followed ethical and procedural requirements. Research assistants were trained on the study objectives, data collection tools, and ethical considerations. Data were collected using questionnaires, semi-structured interviews, and focus group discussions (FGDs). Interviews were conducted in English or Kiswahili and audio-recorded upon participants' consent. Three moderated FGDs involving eighteen participants were held in confidential settings to encourage participation and protect identities. Questionnaires containing open-ended questions were administered using a drop-off and pick-up approach, supported by follow-up telephone calls and site visits to improve response rates. The quantitative data were entered into SPSS v26 and analysed using descriptive statistics (frequencies, percentages). Interview and FGD qualitative data were transcribed verbatim, translated where appropriate, and analysed using reflexive thematic analysis (Braun and Clarke, 2021). The coding process was divided into three stages: open coding (identifying coping actions), axial coding (grouping coping actions into strategies), and selective coding (linking coping actions to categories in the coping theory). Inter-coder reliability was ensured by having a second researcher code 20 per cent of transcripts; agreement was 89 per cent. Member checking was conducted with five participants to confirm theme interpretations. Data analysed were presented using narrative description, tables, and charts as appropriate. Combining qualitative and quantitative results helped achieve triangulation, deepening and enhancing the trustworthiness of the study's results.

## **Ethical Considerations**

The researcher obtained approval letters from Kenyatta University and a research permit from the National Commission for Science, Technology, and Innovation (NACOSTI). Participants were informed about the study's purpose and procedures and provided informed, voluntary consent before participating. To protect respondents, the study maintained anonymity through pseudonyms, and participants retained the right to withdraw at any stage without consequences. Additionally, all data were stored securely on encrypted devices and handled confidentially throughout the research process.

## **4.0 FINDINGS AND DISCUSSION**

### **Coping Strategies of East African Undocumented Immigrants and Human Rights Protection in Kenya (2010–2022)**

This section presents the empirical findings from surveys, focus group discussions, key informant interviews, and secondary document analysis. The findings are organised around five coping strategies identified through the convergent parallel mixed-method design: informal employment, housing precarity and community living, strategic mobility and identity concealment, religious networks, and intermarriage with Kenyans. Within each subsection, findings are presented in three layers: empirical data from the study, interpretation through the lens of Cosmopolitanism Theory, and comparison with existing literature to establish convergence and divergence. This structure clearly distinguishes what the data show, how the findings are interpreted, and how they relate to broader scholarly debates on migration governance and human rights protection.

The triangulated data reveal that East African immigrants have developed several adaptive strategies to cope with legal exclusion, limited formal employment opportunities, insecure living conditions, fear of arrest, and restricted access to public services. The primary coping strategies identified include informal livelihoods, unstable housing arrangements, strategic mobility, reliance on religious and community networks, and intermarriage. While these strategies enable short-term survival, the findings demonstrate they are insufficient for sustainable human rights protection. Coping responses frequently function as adaptive measures to structural exclusion rather than effective mechanisms to end rights violations, consistent with the argument that informal sector opportunities, though offering temporary relief, remain fragile and volatile (Peterson & Smith-Morris, 2024; World Bank, 2023). The following subsections present the most common strategies utilised by undocumented immigrants, with each strategy evaluated against the cosmopolitan principles of universality, dignity, equality, and justice.

### **Informal Employment**

Quantitative results (Table 1) show that 53.6 per cent of respondents relied on informal employment as their primary income source. This figure represents the combined proportion of survey respondents whose primary income came from casual labour and informal business activities.

**Table 1. Primary Income Sources Among Undocumented Immigrants (N=42)**

| Income source     | Frequency | Percent (%)  |
|-------------------|-----------|--------------|
| Casual labour     | 12        | 28.6         |
| Informal business | 11        | 26.2         |
| Begging           | 10        | 23.8         |
| NGO support       | 9         | 21.4         |
| <b>Total</b>      | <b>42</b> | <b>100.0</b> |

*Source: Author's survey data, 2025.*

*Note: Quantitative data are derived from 42 survey respondents. The remaining 40 participants comprised 22 key informants and 18 focus group discussion participants who provided qualitative data only.*

As shown in Table 1, casual labour accounted for 28.6 per cent of respondents' primary income sources. In comparison, informal business accounted for 26.2 per cent; together, they comprised 53.6 per cent of respondents who relied on informal employment. Begging accounted for 23.8 per cent of respondents, and NGO support accounted for 21.4 per cent. Qualitative data from key informant interviews and focus group discussions provided deeper insight into the nature and experience of informal employment. A labour migration official (KI 05) explained:

*"Undocumented immigrants work in the informal sector in the interest of survival, and they prefer to not be noticed by authorities, thus resorting to short-term and exploitative strategies to make themselves marketable for dirty work" (KI 05, Nairobi, June 2025).*

Focus group discussions further demonstrated the precarious realities of informal work. One undocumented Congolese participant who had been living in Kayole for four years explained:

*"As a casual labourer, I make 300 shillings per day, occasionally even less, because I don't have documents and the employer knows me to be a casual worker, so I get paid less than my colleagues. If I complain, he threatens to say to immigration, 'I work as a casual.'" (FGD Participant 01, Nairobi, May 2025).*

An Ethiopian man working as a street vendor in Kawangware added:

*"I get up at 4 am in the morning and start making coffee, my movement around the estate yelling 'Kahawa kahawa,' that is, until night comes and it's time to go back. On a good day, I can make up to 500 shillings, but if the county asks me for a license, I will have to pay the police some money, which I cannot afford, but I don't go to the police station because I don't have an ID." (FGD Participant 18, Nairobi, May 2025).*

Through a cosmopolitan lens, informal employment can be seen as a practical exercise of the right to work and livelihood accorded to all people, regardless of citizenship. When people without documentation take on casual work or run small-scale enterprises to earn a living, they exercise agency to sustain their livelihood: they have a right to an adequate standard of living, and so do they. The results, however, also show that the informal sector does not guarantee other basic rights, such as fair labour practices, dignity, equality, and social protection. The threat of exposure to authorities, as described by participants, is a form

of structural violence, which hampers the workers' ability to speak out, report abuse, and claim their rights. This puts the cosmopolitan concept of universal rights in tension with the statist reality that legal status dictates practical access to protection. Overall, the data indicate that informal employment is a path to survival but a less productive path to the sustainable realisation of rights because it takes place within, and is limited by, the same legal and institutional frameworks that create exclusion.

The results support the broader findings of research in various contexts that informal work is the primary means of livelihood for undocumented migrants. Gonzales (2016) noted that undocumented youth learn to take cash-only jobs and not apply for formal jobs, similar to what this study found. Abrego (2019) identified gender dynamics among Central American immigrants, with women leveraging the religious sphere and domestic employers and men relying on day labour or street vending; similarly, in the Kenyan context, men were more likely to engage in day labour and street vending. In the Gulf region, Gardner (2018) reported undocumented workers fleeing the abusive employers through informal employment, which is comparable to what was observed by the participants in Nairobi.

In African contexts, street vending and informal labour were coping mechanisms for Zimbabweans living in informal settlements in Johannesburg, as documented by Hungwe (2013). Eborka and Oyefara (2016) reported that labour migrants from West Africa in Lagos used informal jobs and planned their savings through rotating savings schemes (esusu). This study builds on these findings by collecting empirical data in the Kenyan context and assessing informal work through a human rights lens. The World Bank's (2023) youth employment feasibility study in refugee and host communities in Kenya found that 75 per cent of refugee males and 74 per cent of female participants at Kakuma camp were unemployed because of the structural limitations of formal employment. Likewise, the ILO (2023) baseline study on the right to work for refugees provides a comprehensive profile of the policy and legal landscape relating to refugees' access to the labour market in Kenya, highlighting barriers to refugees' access to formal employment and the need for work permits to tackle informality.

This study also noted some coping strategies reported by one key informant from the civil society sector; however, they were extreme:

*Additionally, there is the undocumented population, which is a source of cheap labour, some of whom also have their organs sold to generate funds. Yet, the undocumented population is subjected to trafficking. Their organs are sold for profit (KI 02, Nairobi, June 2025).*

The findings are similar to what Idris (2026) recorded on the trafficking risk that exists among the undocumented populations in East Africa, where Kenya was portrayed as a transit and destination country, with the majority of the trafficked populations being women and girls and refugees and internally displaced persons. There is also further evidence that migration recruitment systems in Kenya and Uganda create favourable conditions for forced labour and trafficking and that the labour export processes are linked to forced labour and exploitation of migrants with inadequate oversight and accountability measures (Business and Human Rights Centre, 2025).

Informal work, from a cosmopolitan perspective, serves as a mechanism of survival and an arena of rights vulnerability. Although it provides income and basic services to undocumented immigrants, it also places them at risk of exploitation, insecurity, and trafficking, as well as non-participation in the labour protection

system. This results in informal employment serving to realise livelihood and food rights while failing to support rights to fair labour practices, dignity, equality, and social protection. It thus reflects a survival tactic and not an effective tool for safeguarding long-term human rights.

## Housing Precarity and Community Living

The findings indicate that housing insecurity remains one of the most persistent challenges affecting undocumented East African immigrants in Kenya. Data on housing access and relocation frequency were collected from the 42 survey respondents who completed the quantitative questionnaire. Table 2 presents the findings.

**Table 2. Housing Access and Relocation Frequency (N=42)**

| Indicator            | Category                   | Frequency | %    |
|----------------------|----------------------------|-----------|------|
| Stable housing       | Yes                        | 20        | 47.6 |
|                      | No                         | 22        | 52.4 |
| Relocation frequency | Frequently (>3 times/year) | 18        | 42.9 |
|                      | Sometimes                  | 12        | 28.6 |
|                      | Never                      | 12        | 28.6 |

*Source: Author's survey data, 2025.*

*Note: Quantitative data are derived from 42 survey respondents. The remaining 40 participants comprised 22 key informants and 18 focus group discussion participants who provided qualitative data only.*

As shown in Table 2, 52.4 per cent of survey respondents reported lacking stable housing, compared with 47.6 per cent who reported having access to housing. This suggests that over half of undocumented immigrants experience precarious living conditions characterised by overcrowding, insecure tenancy, and repeated displacement. Regarding relocation frequency, 42.9 per cent reported relocating frequently (more than three times per year), 28.6 per cent reported relocating sometimes, and 28.6 per cent reported never relocating. Overall, more than 71 per cent reported regular movement, showing that spatial mobility is common among undocumented migrants. Limited access to formal housing is closely linked to a lack of legal documentation, unstable incomes, and fear of exposure to authorities. Consequently, migrants often rely on ethnic settlements, shared accommodation, and community solidarity arrangements.

From the Focus Group Discussion, one woman from Somalia, currently residing in Eastleigh, described their housing situation this way:

*"There are twelve of us living in two rooms me, my husband, my children, my brother's family, and two men who are single. We take turns lying on the floor. It is not ideal, but it is affordable. Everyone contributes 500 shillings per month. We cannot say anything, as the landlord knows that we have no documents."* (FGD Participant 03, Nairobi, May 2025).

The narrative of a South Sudanese man in Kawangware is similar:

*"Five times I've moved in the past two years; each time I get a new place, police officers raid it, or rent increases, I have to move. I can't find work because they aren't interested in renting to people who are constantly moving. I can't send my children to school because we move so often."*(FGD Participant 15, Nairobi, May 2025).

In a cosmopolitan view, a house is not only a commodity but also a crucial human right vital to human dignity and welfare. Kenya's Constitution (2010) secures the right to adequate housing for all people in Kenya under Article 43. However, the results indicate systematic denial of access to the right for undocumented immigrants. The housing approaches used included overcrowding, reliance on ethnic networks, and repeated moves, all of which were practical claims to shelter that are not formally sanctioned. However, these strategies are not enough to realise rights. Data reveal that community networks are both enabling and disabling; they are vital to migrants' survival but also to the dependent and vulnerable, affecting migrants' ability to have equal protection under the law. The highly squalid living conditions described by participants violate the right to an adequate standard of health, as their living environments often lack sanitation, safe drinking water, and sanitation systems, which play a key role in disease prevention.

Across contexts, shared and overcrowded housing arrangements are found to be dominant for undocumented migrants, with this finding consistent with what was observed in this study. In Italy and Germany, undocumented migrants face the same risks as documented migrants. Still, they shelter from authorities by staying in alternative housing structures, which are safer for sharing accommodation with co-ethnics (Squires, 2020). This approach minimises the risk of detection and creates chronic stress, isolation, and poor health. Gonzales (2016) discovered in the United States that undocumented youth learn to avoid seeking a driver's license, an auto lease, and formal housing agreements, as they are all contingent upon showing identification. In Africa, Eborka and Oyefara (2016) cited a study in Lagos, Nigeria, where co-ethnic housing networks use a low-cost, mutual-protection strategy. Hungwe (2013) reported similar results among Zimbabweans in Johannesburg.

In Kenya, Aldrich et al. (2021) reported how immigration enforcement affects migrants' decisions about housing arrangements: some avoid formal rental agreements to avoid detection. Police raids in their communities in migrant-heavy slums like Kawangware and Eastleigh, which often result in evicting people in successive rounds, contribute to housing instability, according to Human Rights Watch (2025). Johansson (2020) observed that Somali migrants in Eastleigh make use of community housing solutions, with a range of families living in the same housing unit. Crawford (2021) identified cases where refugees and irregular migrants in urban areas have been living in informal housing due to lack of affordability and fear of detection, thus preventing the exercise of rights and reporting abuses. This study builds on this by documenting housing distribution across nationalities in Nairobi and assessing housing strategies against the right to adequate housing provisions enshrined in the constitution.

The results suggest that housing strategies can provide temporary housing but do not ensure the right to adequate housing, health, dignity, and equality. Frequent moves make it difficult for children to access education, health, and employment services, perpetuating cycles of vulnerability. Moreover, the state's

duty to provide access to decent housing for all people in its territory, regardless of immigration status, violates universal human rights principles from a cosmopolitan viewpoint.

## **Strategic Mobility, Concealment, and Identity Management**

Findings demonstrate that strategic mobility emerged as another dominant coping mechanism. Survey findings in Table 2 indicate that 42.9 per cent of respondents relocated frequently (more than three times per year), while 28.6 per cent relocated occasionally. Overall, more than 71 per cent reported regular movement, demonstrating that spatial mobility is a common practice among undocumented migrants. As explained by a key informant (KI 22), a professor and researcher, identity management represents a key dimension of their coping mechanisms:

*"One of their coping mechanisms is to ask other people to do things for them, for instance opening a bank account, registering SIM cards, leasing property, accessing health and education services. Additionally, in some instances you find that they swap their documents and the same set of documents are used by at least three individuals. This is so common with undocumented Somali migrants owing to their shared physical features and language with Kenyan Somalis; hence, they are able to blend easily into the host communities." (KI 22, Nairobi, July 2025).*

The reasons for mobility and relevant tactics were articulated by one focus group participant, an Ethiopian man in his twenties who has been undocumented in Eastleigh for three years:

*"I never go to the same place twice in a week; I always change my route, and I change when I go out. I have two phones: one with a SIM card from a Kenyan buddy and one without SIM cards. Whenever the police stop me, I give them one phone and money. I have three different names: one that goes with a fake ID, one that friends call me, and my actual name known only to my mother." (FGD Participant 04, Nairobi, May 2025).*

The results also show that fear of detection and fear of exclusion from formal services has led to an undocumented immigrant finding a way to access services in the healthcare and education sectors. Walker et al. (2025) identified that many undocumented migrants are also not willing to use public health services, for fear of being verified on their health card. Instead, they use services provided by NGOs or faith-based services, and/or they self-medicate. However, these alternatives are often inadequate and poorly equipped to handle serious medical cases. The situation was similar with respect to education; some parents dropped their children off at informal community schools or provided false documents to register their children in public schools, as observed (Nanima, 2024).

Strategically, migration and identity camouflage are practical claims to existence, movement, and services from a cosmopolitan standpoint when no formal recognition is given. In an effort to survive and maintain basic needs, undocumented immigrants do things like change their routes, use more than one phone, take on different identities, and depend on others for the services they are seeking. Undocumented immigrants engage in an "agency" of survival and obtaining basic care by changing routes, using multiple phones, changing identities, and relying on someone else to provide them with a service. Nevertheless, these measures also restrict migrants' ability to exercise basic human rights. Undocumented immigrants do not submit to formal institutions, which means they do not receive constitutional protection and international human rights guarantees. The strategies also cause psychological tension by keeping people in a constant

state of fear, uncertainty, and insecurity, which Cosmopolitanism Theory sees as an infringement of human rights. The information also shows a paradox: Covert mechanisms for shielding activists from harassment, arrest, and deportation also continue to exclude them from formal rights protections and institutional remedies.

The idea that strategic mobility and identity-concealing are both universal coping mechanisms resonates with other research contexts. Squires (2020) reported efforts to evade the law amongst the undocumented immigrants in Italy and Germany, such as avoiding travel, hospitals, and police, changing names, and relocating regularly to limit exposure. However, these approaches contribute to chronic stress, isolation, and the lack of available support. Gonzales (2016) discovered in the United States that undocumented immigrants learn to avoid obtaining a driver's license, dealing with police, and having other forms of identification. In the Gulf, Gardner (2018) noted that undocumented workers converting their names, falsifying documents, and engaging in unofficial banking to evade the authorities.

In Africa, Eborka and Oyefara (2016) reported on West Africans' use of strategic mobility to circumvent police raids in Lagos and the pattern of adaptation among Zimbabweans adopting different names and assimilating language in Johannesburg (Hungwe, 2013). They documented Zimbabweans adopting different names and assimilating language in Johannesburg (Hungwe, 2013). Olukotun et al. (2019) revealed the psychological implications of living in the shadows amongst undocumented women migrants from Africa. Refugee and migrant elimination in urban areas is often the subject of police intimidation, extortion, and arbitrary arrest, which leads to avoidance strategies for survival (Human Rights Watch, 2020). Sigona (2012) developed the concept of spatial precarity, suggesting that displacement can be precarious and can also be resistance. While the literature is extensive, this study contributes by documenting specific concealment and mobility strategies used by undocumented East African immigrants in Kenya and assessing their effectiveness in protecting rights.

The findings suggest that use of concealment strategies not only provides protection but also restricts the ability of migrants to enjoy fundamental human rights, such as access to justice, fair administrative action, education, the right to health, and the right to social security (Constitution of Kenya 2010, articles 27, 28, 43, 47, and 48). Undocumented immigrants bypass formal institutions and international human rights and constitutional guarantees of protection. As a result, migrants are more vulnerable to exploitation and less likely to pursue justice and fair administrative remedies.

## Religious Networks

Religious institutions were found to play a key role as social buffers for undocumented immigrants from East Africa in Kenya, particularly when there was a lack of access to state-led welfare and protection mechanisms. Among the quantitative results, 20.7 per cent of respondents depended on religious institutions for information and support, highlighting the important role religious organisations play in the everyday lives of undocumented migrants as they work to survive and stay safe. Churches and mosques served as emergency shelters, providing food assistance, psychosocial support, spiritual counselling, and other safety nets for migrants, free from discrimination and arrest.

Results of the FGDs also showed that undocumented migrants typically went to religious locations when they experienced situations like forced evictions, illness, joblessness, or the arrest of family members. One undocumented female Ugandan said:

*"During a police raid on his husband, the church provided us with food and even rented us a home for one month without asking whether we had any documents or otherwise."*(FGD Participant 17, Nairobi, 2025).

In addition to offering material support, churches offered emotional and spiritual assistance. One key informant (KI 18) said:

*"But when they join the church, they become active; they sing in choirs, become ushers, and participate in the church programs as they feel accepted and recognized within the church."*(KI 18, Nairobi, July 2025).

Several other informants noted:

*"Migrants find their home in the church; when someone becomes ill, out of work, or is evicted, those who are able give them money and support and do not report them to the authorities."*(KI 09, Nairobi, June 2025).

The KIIs also uncovered faith as another factor contributing to solidarity networks between undocumented immigrants. One key informant (KI 05) commented:

*"The Somalis are well united as a community by the Islamic religion, and they support one another, lending money to one another and arranging for access to basic needs, such as food, rent, medical services, and the like, in Nairobi's Eastleigh."*(KI 05, Nairobi, June 2025).

Religious institutions are places from which undocumented immigrants experience recognition as persons of equal moral worth or are singled out for recognition in a cosmopolitan way. Praise and worship, ushering, and volunteering in religious activities are important spaces where participants receive moral recognition, trust, and social acceptance. These interactions build social networks that aid migrants' settlement in the community and reduce suspicion. Faith communities provide social capital, emotional support, and informal safety nets that lessen perceived exclusion and insecurity in the host society. The results indicate that religious institutions fulfil several of the constitutional rights, namely the right to social inclusion, freedom of worship, human dignity (Article 28), and psychological well-being. Mosque networks and informal money-lending institutions, as well as charitable contributions (Zakat), provide migrants with access to food, temporary shelter, medical aid, and small business loans, among others, and thus contribute to the right to food, housing, health, and social security (Article 43). The data do, however, show that religious networks have limited long-term impact—that is, they mostly offer temporary relief and are not about the law and policy structures that create exclusion.

The importance of religious institutions and ethnic solidarity networks as resources for undocumented migrants is similar to what other research finds. Palovic et al. (2021) highlighted the role of religious institutions for undocumented immigrants in Europe. Abrego (2019) indicates that Central American women rely on religious organisations in the United States for work/family support. Fiddian-Qasmiyeh (2016) identified how Faith-Based Organisations (FBOs) are needed for vulnerable migrant groups worldwide to access welfare services.

However, Eborka and Oyefara (2016) found in an African context that religious leaders solve problems and offer social assistance to undocumented migrants in Lagos, West Africa. Hungwe (2013) reported that burial societies and community representatives (umalusi) support Zimbabweans in the City of Johannesburg. Huot (2014) noted that in Kenya, FBOs provide welfare to vulnerable migrant populations, as this is the norm and FBOs fill the gap. Johansson (2020) noted that Somali migrants in Eastleigh use clan savings clubs, known as hayad, and informal Quranic schools. Carrier and Lochery (2013) note that the Somali community in Eastleigh has developed strong social and religious bonds to build trust, lend and borrow, and support one another. Lindley (2010) reported that Somali immigrants' values of charity and reciprocity within their community improve the welfare of poor members by shaping collective remittances, loan agreements, and philanthropy. In the current study, the impact of religious and social networks on human rights protection is assessed, and their role in temporarily addressing structural vulnerabilities is analysed.

The findings show that religious networks promote the enjoyment of a number of the human rights specified in Articles 27, 28, and 43 of the Constitution of Kenya, 2010, specifically: the right to food, to housing, to health, to human dignity, to social security, and to freedom from discrimination. These networks are not guaranteed to be "durable" and cannot substitute for the legal protection and welfare systems that are available in the states. The dependence on religious institutions instead of state institutions for protection of undocumented immigrants indicates that state institutions are inadequate at protecting the rights of undocumented immigrants.

## **Intermarriage with Kenyans**

One strategy that emerged as a potentially effective, but under-researched, method for regularisation, social integration, and improved rights and access was intercultural marriages between undocumented East Africans and Kenyan nationals. Marriage to a citizen was found to be a way of achieving regularisation, unlike informal employment or strategic mobility, which are temporary arrangements that may result in continued vulnerability. Key informants from various organisations mentioned intermarriage as a deliberate coping mechanism.

A key informant from the civil society sector (KI 07) said:

*"Undocumented migrants sometimes use intermarriages to regularize themselves especially if one spouse is in the country legally. This works mostly in favor of women. After marriage, she takes the nationality of her husband, and hence, they give birth to Kenyan nationals. Thus, it creates slight favor for the female gender."*(KI 07, Nairobi, June 2025).

Another official from the Directorate of Immigration (KI 21) stated:

*"Some of them have gotten married by Kenyans. For example, some Ugandans and Tanzanians have intermarried with Luos, Kuria's and Abaluhya's. Through this way, they are integrated into the community."*(KI 21, Nairobi, July 2025).

Survey findings revealed that women constituted 51.2 per cent of respondents, while only 23.2 per cent were married. The remainder were single (26.8%), widowed (25.6%), or divorced (24.4%). These figures

suggest that marriage is neither a universal nor a stable source of protection for undocumented immigrants.

Intermarriage expresses a cosmopolitan sense of belonging and inclusion, and access to rights, in a process that happens beyond the formal framework of citizenship. It reflects a cosmopolitan vision of citizenship that recognises the right to access rights beyond the narrowly defined lines of citizenship or legal status. Undocumented immigrants have access to improved association with a documented Kenyan spouse, to better recognition in legal processes, to less arrest, detention, and deportation, and to facilitated household and community integration through such association. The facts, however, also show that dependence on marriage can lead to other types of vulnerability, such as dependency, abandonment, domestic violence, and unequal power relationships. Menjivar and Abrego (2012) point out that rights are "fragile" when they are mediated through private relationships and not protected through open and participatory legal and institutional frameworks. The results show that intermarriage is a moderate coping tool because it helps alleviate acute uncertainty and access certain rights. Still, it is not a robust legal protection and cannot substitute for the regularisation instruments made available by the state.

This aligns with research findings indicating that marriage can be a route to regularisation, regardless of context. Menjivar and Abrego (2012) contend that immigration policies produce "legal violence" (restriction of immigration pathways to formal regularisation) against undocumented immigrants whose only means to regularise are private means like marriage. Muhumad and Jaji (2023) identified that Somali refugees have mixed marriages, thus using social links to integrate into Kenya, indirectly facilitating integration into the local society and citizenship by marriage. For women in irregular migration situations, exclusion often occurs through family and social relationships, and for men, more through labour market participation (Coutin 2000). Menjivar (2006) found that family formation and marital relationships are adaptive strategies migrant women use to seek stability, belonging, and social inclusion. Onyango (2023) found that refugees in urban settings in Eastleigh, Nairobi, use a variety of coping mechanisms and livelihood strategies to sustain their existence, including intermarriage and social networks. This study builds on this literature by analysing intermarriage specifically among undocumented immigrants in Kenya and its effectiveness in upholding human rights.

These results suggest that the practice of intermarriage helps to mitigate some human rights issues, such as the practical impacts of irregular status. Undocumented immigrants might benefit from being associated with a documented spouse from Kenya, leading to better access to administrative procedures, lower risk of arrest and deportation, and easier inclusion in households and communities. Beyond social inclusion, intermarriage affects access to livelihood opportunities through spouses' networks and recognition in the local community. These benefits contribute to the realisation of the right to work, the right to adequate housing, and the right to an adequate standard of living. But intermarriage is not always successful, and even the strongest intermarriage can be mixed with some aspects of vulnerability. However, intermarriage is an example of how undocumented immigrants use private social systems to fill in the holes in their formal governance of immigration and engage in social integration and growing security in Kenyan society.

## 5.0 CONCLUSION AND RECOMMENDATIONS

**Conclusion:** The study considered some of the coping strategies taken by undocumented East Africans immigrants in Kenya in the context of the policy years 2010-2022. Applying Cosmopolitanism Theory, this

study found that migrants use various problem-focused and emotion-focused strategies, including informal employment, shared housing, concealing their identity, religious organisations, and intermarriage. The empirical results revealed that these approaches can overcome the crisis in the short term but do not guarantee long-term human rights protection. The survey results showed that only 29.3 per cent believe their rights were always realised, and over a quarter of respondents reported feeling unsafe from arrest protection. Thus, the study concluded that coping strategies are mainly used as an adaptive response to structural exclusion, not as strategies to protect rights. Unless there are regularisation channels, rights-based enforcement, and easy access to legal aid, undocumented migrants will stay in a trapped cycle of coping that will continue to make them vulnerable, and it will restrain their rights realisation.

**Recommendations:** The study suggests that policymakers create a regularisation program for long-term East Africans in Kenya who have lived in the country for more than five years, have no criminal record, and have evidence of employment and family or community ties. It also urges a rights-based strategy for immigration enforcement, which would include ending arbitrary arrest and extortion policies and ensuring detention is used only as a last resort with judicial review and establishing independent redress systems in the event of police abuse. Policymakers should also eliminate documentation procedures that hinder access to emergency healthcare and primary education, as stipulated in the Constitution of Kenya (2010) under Articles 43 and 53. The study suggests that civil society organisations should expand legal aid services to undocumented migrants who are not receiving assistance and strengthen community paralegal programs to increase awareness of people's rights and increase referrals. International donors are encouraged to fund migrant support programs, including multi-year funding for legal aid, mental health, and livelihood training programs for protection, inclusion, and self-reliance.

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