

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: KEN35127
Country: Kenya
Date: 8 July 2009

Keywords: – Kenya – December 2007 elections – Post-election violence – Ethnic Indians - Gujarati community – Tanzania – Residence Permits – Citizenship by descent

This response was prepared by the Research & Information Services Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. This research response may not, under any circumstance, be cited in a decision or any other document. Anyone wishing to use this information may only cite the primary source material contained herein.

Questions

- 1. Have ethnic Indians in Kenya been targeted or are ethnic Indians being targeted by violence? If so, by whom (e.g. a particular tribe/political group?).**
- 2. Please provide any information which addresses the issue of whether or not ethnic Indians in Kenya have been or are being targeted, especially for the period December 2007 to now.**
- 3. Would a person have the right to reside in Tanzania, if their mother was a Tanzanian citizen living in Kenya, their maternal grandmother a Tanzanian citizen and their sibling currently living in Tanzania?**

RESPONSE

- 1. Have ethnic Indians in Kenya been targeted or are ethnic Indians being targeted by violence? If so, by whom (e.g. a particular tribe/political group?).**
- 2. Please provide any information which addresses the issue of whether or not ethnic Indians in Kenya have been or are being targeted, especially for the period December 2007 to now.**

A previous research response dated 16 March 2009 cites a number of sources which provide relevant information on the post-election violence in Kenya in December 2007, and whether or not ethnic Indians were targeted (MRT Research & Information 2009, *Research Response KEN34505*, 16 March –Attachment 1).

The US Department of State human rights report for 2008 describes the December 2007 elections and the violence that occurred following the release of the controversial results. In particular, the report explains the ethnic component of the violence, stating that “mobs in opposition strongholds, such as the Rift Valley and the western provinces, violently targeted ethnic Kikuyu and others suspected of supporting the incumbent president. In retaliation, Kikuyu mobs perpetrated vigilante attacks on nonKikuyu residents in Central Province, Nakuru, Naivasha, and areas of Nairobi.”

In December 2007 the government held local, parliamentary, and presidential elections. Observers judged the parliamentary and local elections to be generally free and fair. In the presidential election, the incumbent, President Mwai Kibaki, was proclaimed the winner by a narrow margin under controversial circumstances. Raila Odinga, the main opposition candidate, disputed the results and violence erupted in sections of Nairobi and opposition strongholds in Nyanza, Rift Valley, and Coast provinces; approximately 1,500 persons were killed and more than 500,000 displaced between December 2007 and February. The violence ended in February when, as the result of an international mediation process, the two sides agreed to form a coalition government.

... The constitution and law prohibit discrimination based on race, tribe, place of origin or residence, or other local connection, political opinions, color, creed, or gender. However, government authorities did not enforce effectively many of these provisions. There was also evidence that some government and opposition officials tolerated, and in some instances instigated, ethnic violence.

... During the year postelection violence often had an ethnic component. Interethnic violence increased during the year after the December 2007 announcement of the presidential election results. In January mobs in opposition strongholds, such as the Rift Valley and the western provinces, violently targeted ethnic Kikuyu and others suspected of supporting the incumbent president. In retaliation, Kikuyu mobs perpetrated vigilante attacks on nonKikuyu residents in Central Province, Nakuru, Naivasha, and areas of Nairobi. The violence continued until the signing of a political power-sharing agreement in late February (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Kenya*, February, Introduction and Section 5 – Attachment 2).

More detail regarding the election process and political background is provided in a 2008 UK Home Office report on Kenya (UK Home Office 2008, *Operational guidance note: Kenya*, September, pp. 3-4 – Attachment 3).

International Crisis Group’s *CrisisWatch* report from 1 February 2008 also provides further detail on the post-election violence which it claims was fought “along ethnic lines” and “fuelled by longstanding land disputes and economic disparity” (International Crisis Group 2008, ‘CrisisWatch No. 54’, ICG website, 1 February http://www.crisisgroup.org/library/documents/crisiswatch/cw_2008/cw54.pdf – Accessed 4 February 2008 – Attachment 4).

In addition, Amnesty International’s annual report for 2008 highlights “widespread violence before, during and after the general elections” in Kenya. It is reported that “hundreds of people were killed, houses and property were burned by groups of armed youths across the country and thousands of people were internally displaced as a result of the violence” (Amnesty International 2008, *Amnesty International Annual Report 2008 – Kenya*, May – Attachment 5).

An article dated 2 January 2008 also describes the riots which occurred following the election in December 2007, claiming that the “election has divided Kenya along tribal lines,” resulting in “riots, death, and tribal feuding.” It was also reported that violence and looting had caused a significant number of Kenyans to flee their homes (Anisman-Reiner, V. 2008, ‘Election Sparks Violence in Kenya: Reports Estimate 300 Dead, Thousands Displaced, Riots in Nairobi’, suite101.com website, 2 January http://kenya.suite101.com/article.cfm/election_sparks_violence_in_kenya#ixzz09JyZAET8 – Accessed 10 March 2009 – Attachment 6).

Additionally, a Human Rights Watch report on the political conflict in Kenya describes the ethnic nature of the post-election violence, stating that “[t]he ethnic divisions laid bare in the aftermath of the elections have roots that run much deeper than the presidential poll...[including] long simmering grievances over land that have persisted since independence.” In addition, it is claimed that “this violence is the outcome of decades of political manipulation of ethnic tensions, and of impunity intertwined with longstanding grievances over land, corruption, inequality, and other issues.” The report does not mention the involvement or targeting of ethnic Indians or Asians, claiming that the attacks were “primarily directed at members of Kibaki’s Kikuyu ethnic group” which in turn caused reprisal attacks by “Kikuyu militias [against] other ethnic communities seen as broadly supportive of the opposition.”

Mobilized opposition supporters—especially in the Rift Valley and the slums of Nairobi—attacked those whom they assumed had voted for Kibaki, and his PNU, in large part the Kikuyu. This assigned an ethnic dimension to the violence and angry Kikuyu then fought back. Politics in Kenya has become to a large extent about competition between ethnic groups, and the 2007 election campaign had emphasized the ethnicity of the candidates and the parties. The opposition Orange Democratic Movement (ODM) built a political coalition based on the widespread perception that the Kibaki government had entrenched tribalism and governed in the interests of the Kikuyu community. The PNU, on the other hand, made Luo cultural traditions a target, claiming that an uncircumcised man could not rule Kenya. It was unsurprising therefore that the violence following the rigging should take an ethnic form.

...Around Eldoret local ODM mobilizers and other prominent individuals called meetings during the election campaign to urge violence in the event of a Kibaki victory, arguing that if Kibaki was announced as the winner it must mean the polls had been rigged and the reaction should be “war” against local Kikuyu residents.

... Even before Mwai Kibaki was officially declared the winner of Kenya’s presidential vote, parts of Kenya’s Rift Valley erupted into widespread inter-ethnic violence. The delays in the counting of votes and rampant rumors about the imminent rigging of the election sparked attacks primarily directed at members of Kibaki’s Kikuyu ethnic group. That violence in turn spawned a series of ethnic-based reprisal attacks in other parts of the country, with Kikuyu militias attacking other ethnic communities seen as broadly supportive of the opposition. Up to 500,000 people have been displaced in this violence and over 1,000 killed (Human Rights Watch 2008, ‘Ballots to Bullets: Organised Political Violence and Kenya’s Crisis of Governance’, March, pp. 2-4, 35 – Attachment 7).

Three articles cited in the research response mentioned earlier outline the impact of the post-election violence on ethnic Indians living in Kenya. One article from 10 January 2008 claims that ethnic Indians in Kenya “are constant targets of violence not because of any particular anti-Indian feeling, but because they are the richer of the species.” However, it is argued that in the context of the election-related violence involving the Kibaki and Odinga people,

Indians are not necessarily being targeted since they are “not particularly close to either” group.

In the latest round of violence and tribal warfare, reports appeared to the effect that Indians in Kenya were being targeted. This may not be true in the context of the Kibaki vs Odinga situation as the Indians are not particularly close to either.

Indians are constant targets of violence not because of any particular anti-Indian feeling, but because they are the richer of the species. They have bigger homes and more wealth for the looters and the thieves. Kenyans, who serve in these homes, are witnesses to conspicuous consumption by the Indians. Many homes resemble Hindi movie sets the Kenyans watch with envy every day.

Many Indians are honest businessmen, who have made money by the sweat of their brow. But envy and greed on the part of the Africans make them ready targets of violence. Kenyan Indians have so many interests in the country that they consider a few robberies and deaths acceptable risks (Sreenivasan, T P 2008, ‘Violence in Kenya: A plague in paradise’, *rediffNews*, 10 January <http://www.rediff.com/news/2008/jan/10tps.htm> – Accessed 10 March 2009 – Attachment 8).

An article dated 2 January 2008 reported that Indians were safe from the riots, even though their shops had been looted, quoting the Minister of State for External Affairs Anand Sharma as saying that ethnic Indians had not been targeted:

All Indians in Kenya are safe but some of their shops have been looted in the widespread violence that has rocked the African nation, the External Affairs Ministry said in New Delhi on Wednesday.

The Centre is monitoring the situation in Kenya, which hosts about 75,000 Indians, and the High Commission in Nairobi is in touch with the community groups, said the ministry.

“There is no report of any person of Indian origin having been subjected to any violence or injuries,” External Affairs Ministry spokesman Navtej Sarna told reporters amid concerns about the safety of the Indian nationals in Kenya.

He, however, noted that some cases of looting of shops and commercial establishments have been reported.

The Indian High Commission is engaged with the Indian community leaders, including those in other cities like Mombassa, Sarna said.

The spokesman pointed out that the violence was not targeted against Asians or Indians and was a result of the internal situation in Kenya.

Tens of thousands of people have been forced to flee their homes amid brutal post-election violence in Kenya that has claimed over 300 lives and threatens to descend into full-scale tribal conflict.

Minister of State for External Affairs Anand Sharma said that the Indian community has not been targeted but some of their business establishments have been hit.

He added that the Kenyan authorities have assured that the Indians will be protected (‘Indians in violence-hit Kenya safe: Government’ 2008, *rediffNews*, 2 January <http://www.rediff.com/news/2008/jan/02kenya.htm> – Accessed 10 March 2009 – Attachment 9).

Another article from 2 January 2008 also cites Union Minister of State for External Affairs Anand Sharma as stating that Indians in Kenya are not being specifically targeted. However, the article also claims that “since post-election riots broke out in Kenya, the Gujarati diaspora has been living in fear;” and quotes Swami Prashant Swaroop Das, who expresses concern for the security of the Gujarati people in Kenya, stating that “[e]ver since the post election riots broke out rival groups have got a chance to attack Gujaratis once again.”

Union Minister of State for External Affairs Anand Sharma today said that the Indian community in Kenya is not being targeted in particular.

“I admit there has been damage to property in Kenya, but I must add here that Indians are not being targeted specifically,” Sharma said.

“Violence is taking place there and Indians living out there are also suffering. But the people living in Mombasa and other such places are being provided with aid,” he added.

Meanwhile, priests in Ahmedabad held mass prayers for the restoration of peace in Kenya, which witnessed post election violence and has a large India diaspora.

Expressing concern over the grim situation faced by the Gujarati community in Kenya, Swami Prashant Swaroop Das said, “Ever since the post election riots broke out rival groups have got a chance to attack Gujaratis once again. Our temple authorities are providing food shelter and other basic facilities as well as proper safety measures. We have also arranged a special vehicle to shift the riot-hit to our temple.”

Ever since post-election riots broke out in Kenya, the Gujarati diaspora has been living in fear. Hundreds of Gujarati businessmen have taken shelter in a temple in the Kenyan town of Kisumu. Offices and factories belonging to Gujaratis had been looted and their houses attacked by residents.

With defeated Kenyan presidential challenger Raila Odinga sticking to his guns after an allegedly rigged election and freshly re-elected President Mwai Kibaki vowing to assert his authority, the east African nation is locked in a crippling crisis.

Scores of people were killed and several thousand have fled after President Mwai Kibaki was declared the winner in a disputed election. The estimated death toll has risen to about 250 till today (‘Indian community in Kenya not facing ire, says Anand Sharma’ 2008, Thaindian News website, source: ANI, 2 January http://www.thaindian.com/newsportal/india-news/indian-community-in-kenya-not-facing-ire-says-anand-sharma_10011086.html – Accessed 10 March 2009 – Attachment 10).

Similarly, the following article describes the fear experienced by the Gujarati people in Kenya, despite claims from a spokesman for the External Affairs Ministry, Navtej Sarna, that “the violence was not targeted against Asians or Indians, but was a result of the internal situation in that country.”

Despite a police ban to hold rally in violence-hit Kenya, Opposition leader Raila Odinga is all set to hold a rally here today.

Security has been beefed up around the venue where Odinga will address the rally.

According to media reports, over 300 people were killed and at least 70, 000 people have left their homes following clashes between Odingas supporters and police after the presidential election result was declared on Sunday.

Odinga has reportedly boycotted reconciliation talks with Mwai Kibaki who won the presidential election on December 27.

Meanwhile, Gujarat Chief Minister Narendra Modi has urged Prime Minister Manmohan Singh to issue emergency visas to violence affected Indians in Kenya who want to return to the country temporarily.

Ever since post-election riots broke out in Kenya, the Gujarati diaspora has been living in fear. Hundreds of Gujarati businessmen have taken shelter in a temple in the Kenyan town of Kisumu. Offices and factories belonging to Gujaratis had been looted and their houses attacked by residents.

There are about 43,000 Gujaratis in Nairobi and about 3,000 in Kisumu.

On Wednesday, External Affairs Ministry spokesman Navtej Sarna said, There is no report of any person of Indian origin having been subjected to any violence or hurt.

He also said that the government was monitoring the situation in Kenya, which hosts about 75,000 Indians, and the High Commission in Nairobi was in touch with the community groups.

Sarna also pointed out that the violence was not targeted against Asians or Indians, but was a result of the internal situation in that country ('Kenya in ferment, Modi wants emergency visas for Gujaratis' 2008, *Asian News International (ANI)*, 3 January – Attachment 11).

In addition, the following article cites Indian community elders, who claim that "Indians have not been targeted by either side in the violence between rival political groups...over disputed election results."

Calm returned to Kisumu in western Kenya on Friday, a town where hundreds of Indian families briefly took shelter in temples and mosques amid raging violence. But 600 families have been temporarily airlifted to neighbouring Uganda.

Community elders said the statements by Gujarat Chief Minister Narendra Modi and the Congress party, and incorrect Indian media reports had put them at risk — it would make them stand out and make them appear as adversaries. Indians have not been targeted by either side in the violence between rival political groups — also from different tribes — over disputed election results.

"All this is wrong, we have not been targeted — and this could put us in more danger," Chotu Pabari, 60, told the *Hindustan Times* from Kisumu. "It is very calm, very peaceful now. People are cleaning and opening their shops. The security is quite good. We don't know what can happen, but we are hoping for the best."

Around 15 Indian-owned shops in Kisumu were among those looted, Pabari said, and five were burned, possibly when police fired tear gas shells into buildings to quell rioting mobs. Hundreds of Indians left their homes and stayed for a couple of nights in a local Swaminarayan Temple, an Aga Khan Foundation-owned complex and a mosque.

With normalcy returning, most of them had now returned home.

But some had temporarily relocated to Uganda, funded by community donations. "More than 600 families have been airlifted to (the Ugandan capital of) Kampala," said Madhukant Shah, trustee of the United Business Association, a largely Indian-dominated conglomerate of 2,000-odd companies.

Violence erupted as soon as results of national elections were announced. Supporters of Raila Odinga, the defeated opposition leader, say the polls were rigged by President Mwai Kibaki. But since Kibaki belongs to Kenya's largest tribe, the Kikuyu, and Odinga is from the second-largest Luo tribe, the violence took on a deadly tribal colour.

Most Indian community leaders have been reluctant to take sides, and the Hindu Council of Kenya angered a lot of people by announcing that the elections were fair and that the losers should seek redress from the courts.

"Their view does not represent the views of the South Asian community in Kenya. We are solidly with the people of Kenya who demand a just and peaceful resolution to the conflict," said Zahid Rajan, editor of the Nairobi-based Awaaz magazine.

The Indian community is among the most prosperous in Kenya and many of its members are now organising relief efforts for thousands of other displaced Kenyans, said Rajan.

The United Business Association also began fundraising efforts to help victims of the violence countrywide.

The violence in Kenya had become a political issue in India. Modi in Ahmedabad, and the Congress party in New Delhi, asked the government to take steps towards the safety of the Indian expatriates.

Rajan said the reports of Indians being targeted were "completely untrue ... Hundreds of Kenyans have become victims of the violence and the Asians are among them" ('Kenya quietens, Indians safe' 2008, *Hindustan Times*, 4 January – Attachment 12).

An article in *The Hindu* dated 3 January 2008 similarly presents claims of the Hindu Council of Kenya that reports of Gujaratis being targeted are untrue. For example, "[a]ccording to the Hindu Council, there has been no loss of life or injury to any Asian in Kenya."

Amid reports from Kenya about persons of Indian origin being targeted in the violence across the African country over election results, the government on Wednesday said no deaths had been reported from the Indian-origin community but admitted to loss of property.

Late in the night, the government got a fresh despatch from the Indian High Commissioner in Nairobi quoting a Hindu Council statement confirming the same. According to the Hindu Council, there has been no loss of life or injury to any Asian in Kenya.

Further, the Hindu Council, according to a late night update by the External Affairs Ministry, has specifically mentioned that reports appearing in the Indian media about Gujaratis being targeted or an Asian being killed are untrue. Earlier, addressing a press conference, External Affairs Ministry spokesman Navtej Sarna said High Commissioner P. S. Randhawa's report made it clear that the violence was neither targeted at the Asian community nor persons of Indian origin in particular ('Indians in Kenya not targeted: MEA' 2008, *The Hindu*, 3 January – Attachment 13).

An article dated 27 January 2008 also quotes a representative from the Hindu Council of Kenya, Muljibhai Pindolia, who claims that "[t]he Indian community has not been targeted by the violence but has been caught up in the looting, burning of cars and destruction of property."

Indians in the port city of Kisumu fear that the post-election unrest that forced them to flee their homes and take refuge in temples may erupt again.

The city, said to be a stronghold of Kenyan opposition leader Raila Odinga, has been hard hit by violence and looting since Odinga accused President Mwai Kibaki of rigging the December 27 election.

Speaking from Nairobi, Muljibhai Pindolia, a trustee of the Hindu Council of Kenya, told the Sunday Times Extra: “The Indian community has not been targeted by the violence but has been caught up in the looting, burning of cars and destruction of property.

“Most of the Indians living in Kisumu are businessmen who have had to abandon their businesses and flee their homes.

“Residents lived in the Swaminarayan temple for a week at the height of the unrest. Others fled to Tanzania and Uganda.

“The situation is still unsettled. The fear is there that people will come back to loot, kill and destroy. Kisumu has been badly affected because it is an Odinga stronghold and his supporters are angry.”

Pindolia said the council was in constant contact with the community.

...“Most of the businesses are completely looted, and many vehicles have been burnt, which we don’t understand. Looting we can understand, because people were desperate for goods, but burning and destroying property is something we can’t comprehend.”

He said people had been trickling back to their homes over the past two weeks. “We are still in fear. Until there is a final settlement between the factions, we feel the situation might erupt again” (Govender, S. 2008, ‘Kenyan Indians fear more violence’, *The Times (South Africa)*, 27 January – Attachment 14).

However, other articles claim that Indian-Kenyans have been the most severely affected by post-election riots. Despite the denial by authorities that Indians have been targeted in post-election violence, Ankita Bhattacharjee argues that “[t]his...is not the first time that the community had been targeted by mob violence in Kenya...And this time too, like in the past, there are speculations that the Kenyan-Indian community was targeted for economic and political reasons. One of the reasons could be their closeness to President Mwai Kibaki and his party in the elections.”

The post-election riots that broke out in Kenya January this year crippled the country’s economic and political life extensively. The most affected, however, were the People of Indian Origins (PIOs) or the Indian-Kenyans who have always been the mainstay of the Kenyan economy.

After the heat and dust of the rioting subsided, it became clear that the shops and houses of the Indian-Kenyans community were (some allege systematically) burnt down. Hundreds of Gujarati entrepreneurs took shelter in the Swaminarayan temple in the worst affected area in Kisumu. Thousands of them fled Kenya to the neighbouring east African countries of Uganda and Tanzania. The loss to the community is estimated to be over Rs 500 crore. Today, even after a disquieting calm has returned to the country, they live in fear and a great sense of anxiety about their future in a country which they adopted as their own long time ago.

This however is not the first time that the community had been targeted by mob violence in Kenya. In 1982 there was a similar widespread looting of Asian shops and homes and assaults on the Indian women. And this time too, like in the past, there are speculations that the Kenyan-Indian community was targeted for economic and political reasons. One of the reasons could be their closeness to President Mwai Kibaki and his party in the elections.

Second, many believe, is certainly their growing economic success as compared to the natives.

...The Indian Community in Kenya has always been a confident group with their looming success in business. They have been able to maintain their identity and have kept themselves aloof from the native population. The fact that the Indians had achieved economic success led to the feeling of antagonism among the natives.

...The authorities have denied that the recent post-election violence targeted the Asian community but the fact remains that the community which suffered the most in the recent riots were the Indian-Kenyans (Bhattacharjee, A. 2008, 'Trapped in violence: Indian Diaspora in Kenya', Observer Research Foundation, 17 March – Attachment 15).

In addition, another article from 3 January 2008 quotes Gujarat Chief Minister Narendra Modi as stating that "Gujaratis are the main target of attack in the post-poll rioting and violence in Kenya." However, he also claims that "[t]he Gujarat government has still no knowledge of any Gujarati having been killed due to violence."

Gujarat chief minister Narendra Modi has asked Prime Minister Manmohan Singh to arrange for providing emergency visas to those Gujarati Indians who wish to come back to India immediately from riot-torn Kenya.

In a letter to Singh on Wednesday, he said, "If necessary, special plane facilities from Nairobi to Ahmedabad should be arranged for those wanting to return".

Modi criticised the government of India for failing to share information about the safety of Gujaratis living in Kenya to their relatives back home. He said, "Gujaratis are the main target of attack in the post-poll rioting and violence in Kenya. Their relatives in Gujarat are obviously concerned about their wellbeing. Yet, it is unfortunate that they are unable to know how things are in Kenya".

Modi said, "The Gujarat government has still no knowledge of any Gujarati having been killed due to violence. However, we do know that the Gujaratis' property has been the main target of attack. Many of these people want to return home, even if temporarily. If necessary, special transportation facilities from different parts of Kenya should be immediately arranged for Nairobi so that they can come to India safely" ('Modi to PM: Help Indians return' 2008, *The Times of India*, 3 January – Attachment 16).

However, in a more recent article dated 17 January 2009, Kenyan Prime Minister Raila Amolo Odinga stated that "people of Asian origin who live in Kenya live as equal member of the society...Gujaratis and Indians are very much welcome in Kenya. They are welcome to live and work just like any other community."

Kenyan prime minister Raila Amolo Odinga tells Shyam Parekh that many Gujaratis have contributed to his country's freedom struggle...and Gujaratis are part of Kenya's history

DNA INTERVIEW

...Cultural exchange between India and Kenya has been on for a very long time now. My father (former vice president of Kenya Ajuma Jaramogi Oginga Odinga) came to India in 1953 to sign a cultural exchange agreement. So many Kenyans found their way to Indian universities in 1950s. These pioneering Kenyans who had come to India had formed the nucleus for the Kenyan battle of Independence that took over from the outgoing colonial masters. Since that time the ties continue. After Kenya became independent, diplomatic ties were established and many more students came to India. Indian lecturers from different

universities have come to teach in Kenya. Baroda, of course, has special ties with Kenya. There are two big Indian banks in Kenya – Bank of Baroda and Bank of India. These ties need to be expanded and continued. India is a popular destination among Kenyan students because there is no language barrier. English is common. Besides, Kenyan students find India cheaper than the UK. So I am confident that India will continue to be a destination for the Kenyan students seeking knowledge.

Is Kenya safe for Gujaratis, who have bitter memories of Uganda?

Since Independence, our society has been very united. Kenyans fought against colonialism, under which we had kind of racial segregation. After Independence, we decided to develop a non-racist, non-sexist society, since then we have remained a united and secular society. So people of Asian origin who live in Kenya live as equal member of the society. Actually, we never thought of them as Asians, we thought of them as Kenyans of Asian origin. Kenyans have condemned what was happening in Idi Amin's time. Many an Asians who were expelled by Uganda found sanctuary in Kenya. Some of them stayed back. Gujaratis and Indians are very much welcome in Kenya. They are welcome to live and work just like any other community. I must say that many Gujaratis have contributed to our freedom struggle. People like Appasaheb Pant, Ambubhai Patel actually made great sacrifices. I want to say that the Gujaratis are a part of the Kenyan history! (Parekh, S. 2009, 'Gujaratis are welcome in Kenya', *DNA - Daily News & Analysis*, 17 January – Attachment 17).

Further information regarding the treatment of ethnic Indians in Kenya since December 2007 could not be found among the sources consulted.

However, a 2005 report published by Minority Group International made the following observations about the Asian community in Kenya:

Kenyan Asians also point to their distinctiveness, yet they want to be recognized as Kenyans. The need for recognition is universal and many groups resent being treated in the census as 'others'. In some communities this 'non-recognition' is aggravated by what they claim is their poverty and lack of development; indeed they sometime attribute the latter to the lack of recognition. Asians, on the whole a prosperous community, complain that their contribution to Kenya's political and economic development is not acknowledged.

... Another grievance, that of exclusion from public employment (strongly voiced by Asians), should be solved through fair and non-discriminatory employment.

... When the majority Africans came to power, Kenyans of non-African origin became politically marginalized. Asians, for example, becoming vulnerable. While Asians are central to the economy, they exercise relatively little influence in the public domain (Odhiambo Makoloo, M. 2005, 'Kenya: Minorities, Indigenous Peoples and Ethnic Diversity', Minority Rights Groups International – Attachment 18).

In addition, a previous research response dated 28 September 2007 provides information on the treatment of Indians and Asians in Kenya prior to the December 2007 elections, citing a number of relevant sources (RRT Research & Information 2007, *Research Response KEN32371*, 28 September – Attachment 19).

For example, the US Department of State human rights report for 2001 outlines "popular resentment" towards Asians living in Kenya "among citizens of African ethnicity [and] persons of African descent." However, no particular group or tribe is mentioned:

There is widespread resentment among citizens of African ethnicity toward Asians living in the country. The Asian community constitutes between 0.5 and 1 percent of the total population and consists of second and third generation Asians with full citizenship and a smaller body of recent immigrants. Many persons of African descent resent those of Asian descent for their affluence, and for their reluctance to assimilate African culture and to employ blacks, particularly in management positions. They also see Asians as taking jobs and commercial opportunities away from Africans. The involvement of some Asians in corrupt activities along with government officials further fuels popular resentment. Politicians, both opposition and ruling party, from time to time appeal to majority prejudices by attacking Asian citizens, accusing them of exploiting and usurping the natural inheritance of African citizens. Chenge Mbitiru, DP M.P. from Laikipia West, has called Asians “the greatest economic enemies” of the country and in 2000 called for “Kenyan” to isolate “Asians” unless the government acts to constrain them. The M.P. reportedly said that President Moi should consider expelling Asians “or allow the Kenyan people to force them to leave through mass action.” However, no action was taken in response to the M.P.’s statements, and he did not make any subsequent similar statements (US Department of State 2002, *Country Reports on Human Rights Practices for 2001 – Kenya*, March, Section 5 – Attachment 20).

Similarly, a Canadian IRB report quotes an assistant professor in political science at the University of Ottawa, who in 2002 noted a “definite resentment of Asian Kenyans by African Kenyans.” In 2005, the same professor indicated that “the situation of Asians in Kenya has not really changed.”

No recent information on the situation of Sikhs and other people of Indian origin, including their treatment by government authorities and by other Kenyans, could be found among the sources consulted by the Research Directorate. However, in 8 September 2005 correspondence sent to the Research Directorate, an assistant professor of political science at the University of Ottawa who has published extensively on Kenya indicated that, in general, the situation of Asians in Kenya has not really changed, even under the new regime [that came to power in December 2002]. He explained that Asians are still “subjected to widespread resentment” by other Kenyans and that they “remain easy targets for petty or semi-organized crime” (Assistant professor of political science 8 Sept. 2005).

In other correspondence sent to the Research Directorate on 16 September 2002, the same professor stated that

[t]here is definite resentment of Asian Kenyans by African Kenyans, for the most part because of the Asian community’s wealth. Many Asians are in financial partnership with senior KANU [Kenya Africa National Union] officials, which also breeds resentment from opposition supporters (though some Asians contribute to the opposition also in order to hedge their bets). Asians are obvious targets for petty or semi-organized crime. Those Asians that oppose the government are certainly potential targets for government-sponsored violence (hard to prove, since it would probably be disguised as “private” violence), but then that would not clearly be because of their ethnicity per se.

However, the report also includes the following information from the Yale Center for the Study of Globalization, which claimed in 2004 that the Indian community in Kenya was not subject to violent discrimination:

In a paper published on 9 April 2004 by the Yale Center for the Study of Globalization, Kenya was described as “an exceptionally tolerant society” where the Indian minority is an “economically prosperous community” that is not subjected to the “violent discrimination” that Indians in Uganda faced under Idi Amin” (Immigration and Refugee Board of Canada

2005, KEN100466.F.E – Kenya: Situation of people of Indian origin; whether Sikhs are treated differently than other people of Indian origin; state protection available to people of Indian origin (September 2002 – September 2005), 12 September – Attachment 21).

In addition, the US Department of State report for 2004 suggested a decrease in the discrimination experienced by Asians as compared with previous years:

Unlike in previous years, there were no reports of violence or discrimination among citizens of African ethnicity toward Asians living in the country (US Department of State 2005, *Country Reports on Human Rights Practices for 2004 – Kenya*, February – Attachment 22).

The more recent US Department of State human rights reports (2007 and 2008) do not mention any evidence of discrimination against the Asian or Indian community in Kenya.

3. Would a person have the right to reside in Tanzania, if their mother was a Tanzanian citizen living in Kenya, the maternal grandmother a Tanzanian citizen and their sibling currently living in Tanzania?

No definitive information could be found amongst the sources consulted regarding the residency rights in Tanzania of relatives of Tanzanian citizens or permanent residents.

However, the Tanzania Citizenship Act of 1995 outlines the requirements for a person to be deemed a ‘citizen by descent’ of Tanzania, indicating that a person born after 26 April 1964 can be deemed a citizen by descent if either their father or mother was a Tanzanian citizen “otherwise than by descent” on the date of the person’s birth:

6. Every person born outside the United Republic on or after Union Day [the twenty-sixth day of April, 1964] shall, with effect from the date of his birth, be deemed to have become and to have continued to be, and with affect from the commencement of this Act shall become and continue to be, a citizen of the United Republic if at the date of his birth his lather [sic] or mother is or was a citizen of the United Republic otherwise than by descent, subject to the provisions of section 30 (United Republic of Tanzania 1995, ‘The Tanzania Citizenship Act 1995’, Parliament of Tanzania website, Sections 3 and 6, pp. 4, 6 <http://www.bunge.go.tz/Polis/PAMS/Docs/6-1995.pdf> – Accessed 2 July 2009 – Attachment 23).

A 2001 report on citizenship laws similarly outlines the requirements to become a citizen of Tanzania, including citizenship by descent, however states that if a child is born outside of Tanzania after 9 December 1961, their father must be a citizen of Tanzania in order to acquire citizenship by descent:

TANZANIA (Formerly Tanganyika and Zanzibar)

CITIZENSHIP: All laws are based upon the Tanzanian Citizenship Act No.6 of October 1995. (UKC-Commonwealth Nation)

- **BY BIRTH:** Birth within the territory of Tanzania, either before or after independence, does not automatically confer citizenship.
- **BY DESCENT:**
 - Person Born before December 9, 1961:

- Person living in Tanzania, who was either a citizen of the United Kingdom and Colonies (UKC) or a British Protected Person (BPP) and at least one of whose parents was born in Tanzania.
- Person born abroad, who was either a citizen of the UKC or a BPP and whose father was eligible for Tanzanian citizenship.
- Person Born after December 9, 1961:
 - Child born in Tanzania, at least one of whose parents is a citizen of Tanzania.
 - Child born abroad, whose father is a citizen of Tanzania.
- **MARRIAGE:** A foreign woman who marries a citizen of Tanzania may register for citizenship.
- **BY NATURALIZATION:** Tanzanian citizenship may be acquired upon fulfillment of the following conditions: Person is 21 years old, has renounced former citizenship, and has resided in the country for at least five years.

DUAL CITIZENSHIP: NOT RECOGNIZED.

Exceptions:

- Tanzanian child born abroad who obtained the citizenship of the country of birth is allowed to retain the dual citizenship until age 21. Then, one citizenship must be chosen or Tanzanian citizenship will be revoked.
- Tanzanian who marries a foreign national and involuntarily acquires spouse's citizenship is allowed to retain Tanzanian citizenship (United States Office of Personnel Management Investigations Service 2001, 'Citizenship Laws of the World', Multiple Citizenship website, March, p. 195 <http://www.multiplecitizenship.com/documents/IS-01.pdf> – Accessed 2 July 2009 – Attachment 24).

It should be noted that, like Tanzania, Kenya does not recognize dual citizenship, and “requires anyone maintaining dual citizenship to forfeit their Kenyan citizenship or renounce their citizenship of another country” (Karuri, B. 2009, ‘Guest Commentary: Why Kenya Should Adopt Dual Citizenship’, *Global Atlanta*, 19 June <http://globalatlanta.com/article/17406/> – Accessed 2 July 2009 – Attachment 25).

Tanzania's Ministry of Home Affairs website outlines the visa requirements for people wishing to enter the country, and indicates that Kenyan citizens do not require a visa to enter Tanzania as Kenya is a Commonwealth country:

1. Entry requirements

Foreigners seeking to enter the United Republic of Tanzania should be in the possession of valid passports or any other travel document. The passport or any other travel document is to be presented to the Immigration Control Officer at any entry point, such as Border station, Airport or Harbour. The travel document must be presented along with one of the following:

- A valid visa or
- A residence permit or
- A pass

N.B: A visitor must also present an onward or return ticket together with proof that he/she has sufficient funds to support himself or her self while in Tanzania.

2. Visas

A visa is a permission granted to a foreigner who intends to enter into Tanzania for business, holiday, studies or conduct research or any other approved activities. Visas should be obtained at Tanzania Embassies/High Commissions abroad or at the entry point.

After entering country, the visitor with a visa may then obtain from the Immigration Control Officer, a pass or any other authority to stay in the country.

3. Who requires a visa?

All foreigners from no-Commonwealth countries are required to have a valid visa unless their countries have visa abolition agreement with Tanzania. Exceptions: Citizens of Commonwealth countries are not required to obtain visa, unless they are citizens of the United Kingdom, Canada, Nigeria, India, Pakistan or The Republic of South Africa, Australia and New Zealand. However, the list may change from time to time (United Republic of Tanzania 2008, 'Visas Information', Ministry of Home Affairs website http://moha.go.tz/index.php?option=com_content&view=article&id=42&Itemid=100 – Accessed 2 July 2009 – Attachment 26).

In addition, the Tanzanian Immigration Act of 1995 outlines the documents required to enter Tanzania and the various classes of residence permits required in order to live in the country:

15--(1) Subject to subsection (2) and (3), no person to whom this section applies shall enter Tanzania from any place outside Tanzania or remain in Tanzania unless-

- (a) he is in possession of a valid passport and
- (b) he is the holder of or his name is endorsed upon, a residence permit issued under the provisions of this Act; or
- (c) he is the holder of, or his name is endorsed upon, a pass issued under the provisions of this Act.

...Class of residence permit

18.-(1) There shall be three classes of residence permits to be known respectively as Class A permits, Class B permits and Class C Permits.

(2) Residence permits shall be issued for any period not exceeding three years and may be renewed for any period not exceeding two years by an endorsement of renewal endorsed on it by the 'Director but so that the total period of the validity of the original permit and W its renewals shall not in any case exceed five years.

(3) The power to issue any class of permit shall be vested in the Director.

Class "A" Residence permit

19.-(1) A person, other than prohibited. immigrant, who intends to enter or remain in Tanzania and engage in trade, business, profession, agriculture, animal husbandry, prospecting of minerals or manufacture may, if the Director thinks fit, be granted a class A permit if-

- (a) such person or some other person on his behalf furnished security by depositing with an immigration officer such sum as in the opinion of the immigration officer, is sufficient to cover the cost of returning him, his wife and dependant children, if any, to his country of origin or, in the discretion of the immigration officer, to some other country into which he may be admitted, together with a further sum not exceeding twenty-five per centum of such first-named sum; or

(b) he furnished security by entering into a bond with one or more sureties to be approved by the immigration officer for an amount calculated in accordance with paragraph (a).

(2) A person to whom a Class A permit has been granted shall be permitted to enter or remain in Tanzania subject to such conditions relating to-

- (a) the area within which he may reside;
- (b) the kind of occupation or business (if any) in which he may engage, and the restrictions prohibitions or limitations subject to which he may engage therein; and
- (c) the duration of his residence in Tanzania, as may be specified in the permit by the Director.

(3) Where any person to whom a Class A permit has been granted-

- (a) fails or ceases to be engaged in the trade, business, profession or other occupation specified in the permit, or
- (b) engages on any terms, in any trade, business profession or occupation other than the trade, business, profession specified in the permit, the permit shall immediately cease to be valid and the presence of that person in Tanzania shall, subject to the other provisions of this Act, be unlawful.

(4) A person, other than a prohibited immigrant, who resides in Tanzania for ten or more years and whose contribution to the economy and whose well being of Tanzania and Tanzanians respectively either in trade, business, profession, 'agriculture, animals husbandry, prospecting of minerals or manufacture is of immense and great value may, if the Director thinks that that person's contribution is still valuable and in demand and subject to the other conditions under this section, be granted a class A permit for another period to be determined by the Director.

Class 'B' Residence permit

20.-(1) A person, other than a prohibited immigrant, who has been offered a specified employment in Tanzania and the Director is satisfied that he possesses the qualification or skill necessary for that employment and that his employment will be of benefit to Tanzania, may, if the Director thinks fit, be granted a Class B permit subject to condition that the employer shall, before entry into Tanzania of that person and his dependants, if any, or before he is granted the permit, give the security for the permit and for any other purposes as the Director may determine.

(2) A person to whom a Class B permit is granted shall be permitted to enter or remain in Tanzania subject to any conditions in respect of any of the matters referred to in paragraphs (a), (b) and (c) of subsection (2) of section 19, or any other matter, which the Director may specify.

(3) Where any person to whom a Class B permit has been granted-

- (a) fails or ceases to be engaged in the employment specified in the permit, or
- (b) is engaged, on any terms, in any employment other than the employment specified in the permit,

the permit shall immediately cease to be valid and the presence of that person in Tanzania shall; subject to the other provisions of this Act, be unlawful.

(4) Where the presence of a person in Tanzania becomes unlawful by virtue of the provisions of subsection (3), the employer specified in the permit of that person shall, within a period of thirty days from the date on which the holder fails or ceases to be employed by that employer, report that failure or cessation to an immigration officer; and any employer who refuses or fails to comply with this subsection shall be guilty of an offence.

21.-(1) A person, other than prohibited immigrant, who is not granted a Class A or Class B permit may, if the Director thinks fit, be granted a Class C permit subject to any condition in respect of matters referred to in paragraphs (a) and (b) of sub-section (1) of section 19, or any other matter, as may be specified by the Director.

(2) A person to whom a Class C permit is granted shall be permitted to enter or remain in Tanzania subject to such conditions as may be specified by the Director (United Republic of Tanzania 1995, 'The Immigration Act 1995', Parliament of Tanzania website, Sections 15, 18-21, pp. 10, 13-15 <http://www.parliament.go.tz/Polis/PAMS/Docs/7-1995.pdf> – Accessed 3 July 2009 – Attachment 27).

The Ministry of Home Affairs website also describes the procedures for obtaining a residence permit, which are necessary for people wishing to reside in Tanzania:

PROCEDURES FOR ISSUANCE OF RESIDENCE PERMIT CLASS “A” AND “B”

1. Types of Residence Permits

All foreigners intending to reside in the United Republic of Tanzania for investment, business or work or any other acceptable purpose are issued with residence permits.

There are three types of Residence Permits:

- Class A: Issued to employed foreigners
- Class B: Issued to foreigners employed by companies or institutions
- Class C: Issued to other foreigners such as missionaries, students, volunteers, researchers or retired persons.

The authority to issue Residence Permits is vested to the Director of Immigration Services. Applicants who are not satisfied with the Director's decision may appeal to the Minister of Home Affairs while they are outside the Country. Applications for Residence Permit Class B and C should be submitted while applicants are outside the country.

2. Requirements for obtaining Residence Permit Class A

Residence Permit Class A may be issued to foreigners intending to invest in prospective areas such as: Industry, Mining, Forest, Social services and business.

...2.2 Applicants who would like the names of their dependant wife and children to be endorsed in their permits must produce a proof of relationship preferably marriage certificate and birth certificates for their children.

2.3 There is a fee of US \$ 1600 for a Class A permit, which is generally valid for two years. Permits can be replacement for an additional two years for US \$ 1600.

2.4 US \$ 20 has to be paid for all types of permits as a fee for Re-entry Pass in respect of each permit holder and his/her dependant(s) endorsed in each permit.

Requirements for obtaining Residence Permit Class ‘B’

Residence permit Class B is issued to foreign expatriates with rare profession to obtain in the country to work for the companies in the country.

...If dependants are children under 18 years and intend to attend schools or colleges in Tanzania, they should apply for Class 'C' Permit special for students (United Republic of Tanzania 2008, 'Residence Permits Information', Ministry of Home Affairs website http://moha.go.tz/index.php?option=com_content&view=article&id=38&Itemid=137 – Accessed 2 July 2009 – Attachment 28).

In addition to these residence permits, dependant's passes can be "issued to people who would like to stay in Tanzania while depending on their relatives with residence permits. These include children less than 18 years old, spouses, the aged, and people unable to support themselves" (United Republic of Tanzania (undated), 'Residence Permits', National website of the United Republic of Tanzania <http://www.tanzania.go.tz/permits.html> – Accessed 6 July 2009 – Attachment 29).

Information received by the Immigration and Refugee Board of Canada in 2003 regarding the permanent residence status of a Tanzanian citizen's foreign spouse may be of some relevance. The report indicates that Tanzanian immigration law does not make provisions for permanent residency, with those residing in Tanzania either citizens or holders of temporary residence permits:

"Permanent residence status in any form is not yet part of our law. A person is either a citizen (by birth, descent or naturalization) or an alien whose presence in the country is determined by factors provided for in the immigration law. Residence Permits irrespective of class in Tanzania have a validity not exceeding five years. Upon presentation of convincing reasons a person may re-apply for another term of permit again not exceeding five years.

"... living in a common law relationship with a Tanzanian citizen, or a marriage relationship generally does not confer any right, let alone permanent residence status. Social relations have no effect on our immigration or citizenship law.

"... legality of stay in Tanzania by a foreigner is dependent on conditions prescribed in the permit. Each residence permit issued is subject to the conditions prescribed from time to time in respect of the class of that permit in question. A permit shall cease to be valid and the presence of the holder thereof shall be illegal in Tanzania if the conditions prescribed therein are contravened.

"... marriage relationship is not one of the conditions for issuance of permits unless the applicant is a female dependent of a Tanzanian husband. Hitherto, in our law a foreign husband cannot be a dependent of his Tanzanian wife.

"... We are currently in the process of revisiting and amending our laws to cope with changes both internal and external. Externally we are harmonizing our laws with our partners in the East African Community (EAC) and SADC. Permanent Residence status is being considered to be introduced among other matters" (16 Apr. 2003) (Immigration and Refugee Board of Canada 2003, *TZA41547.E – Tanzania: Follow-up to TZA40622.E of 6 January 2003 on whether a national of the Democratic Republic of Congo (RDC) living in a bona fide marriage with a Tanzanian national for over three years qualifies for permanent residence status in Tanzania; measures that must be taken; and circumstances under which permanent residence status may be denied*, 15 May – Attachment 30).

Furthermore, a number of articles indicate that following Kenya's election in December 2007, Tanzania experienced an influx of Kenyans crossing the border between the two countries, the majority of whom were of Asian origin:

The government yesterday confirmed reports that scores of Kenyans fleeing post-election violence in their country were crossing over into Tanzania.

Public Safety and Security minister Harith Bakari Mwapachu said in an interview with this paper in Dar es Salaam that dozens of Kenyans have been crossing the border separating the two countries since the violence erupted at the end of last week.

He said some of those on the run following the political unrest, mainly blamed on the widely disputed results of last Thursday's general election that saw President Mwai Kibaki controversially declared the winner and swiftly sworn in, streamed in through Mara, Kilimanjaro and Tanga regions.

However, the minister declared that security organs were "alert and vigilantly monitoring every little move to ensure that Tanzanians and their property are in safe and sound condition".

He added that all relevant agencies in border districts had been alerted on the situation in Kenya and how it could develop and were on permanent standby and ready to chip in as appropriate if need be.

"We held talks with Inspector General of Police Said Mwema this morning and we have given special instructions to all border regional police commanders in connection with the developments across the border," explained Mwapachu.

"The immigration and the military are all monitoring and assessing the situation around the clock. We have not as yet closed the border but we will take more stringent measures should the influx pose a threat to the peace prevailing in our country and security of our people and their property," he added.

Asked on the level of the measures taken so far to curb the influx of the Kenyans, most of whom he said were of Asian origin, the minister pointed out that the number of those in flight was still too small for the government to come up with too serious action.

According to the minister, the government has already identified an area in Arusha for settling Kenyan refugees "should their numbers climb to levels calling for such action". Arusha Regional Police Commander Matei Basilio said in another interview with The Guardian that the number of Kenyans entering the country through the Namanga border post was still tolerably small.

However, he added that a number of Kenyans of Asian origin who had fled before Thursday's election were still in the region waiting for the situation back home to improve. "We have launched massive patrols around all border villages. All security groups in the region have had an audience with the regional commissioner and brainstormed on the situation," noted the RPC.

...Contacted for comment, Tanga Regional Police Commander Simon Sirro said the number of Kenyans moving into Tanzania was now smaller than obtained before the election.

"Only a few Kenyans from Mombasa have been coming to visit their relatives in Tanga. The residents of the two cities have a lot in common, chiefly thanks to close cross-border family links," he explained.

He also said security was tight around the region, “with the anti-robbery squad, the Immigration Department and other state security and law-enforcement agencies doing their utmost to ensure that the influx does not jeopardise peace and security in our country.

“The RPC said they had combed guest houses in the coastal city and its suburbs for more than three times “until we satisfied ourselves that there are no illegal immigrants anywhere around.”

He added that security agents would maintain patrols around the borders to arrest any situation that might threaten law and order. Meanwhile, Mwinyi Sadallah reports from Zanzibar that the Tanzanians from Pemba Island currently living at Shimoni in the Kenyan port city of Mombasa have requested the government to provide them with transport to enable them return home following the turmoil in Kenya.

...But Pemba North Regional Commissioner Dadi Faki Dadi said he was yet to receive any requests from Tanzanians from Pemba or elsewhere keen to flee Shimoni.

...Dadi explained that they were monitoring the movements of every person entering the region ever since the recent eruption of violence in Kenya “to ensure that those getting in abide by our laws, rules and regulations.”

“Most of the people who have fled into Pemba from Mombasa are living with their relatives because they have their origins here. They are not refugees,” he said.

“The regional security committee discussed the movements of these people between Pemba and Mombasa. Should there be any suspiciously massive influx of people from the latter point, we shall ensure that they reside here in accordance with our laws, rules and regulations of the country,” he added.

He, however, stressed that the region was yet to receive any refugees from Kenya although any genuine one coming this way will be provided with all basic needs as provided for under international (Mwalongo, R. 2008, ‘Fleeing Kenyans entering Tanzania – Tanzania Government’, Breaking News Kenya website, source: The Guardian, 3 January <http://www.breakingnewskenya.com/2008/01/03/fleeing-kenyans-entering-tanzania-tanzania-government/> – Accessed 6 July 2009 – Attachment 31).

Similarly, an article dated 7 January 2008 reported a large number of Indian-Kenyans fleeing to Tanzania to escape “the ongoing political turmoil in Kenya.” One Kenyan citizen named Mariam Ahmed explains that she fled to Tanzania as her “husband is a Tanzanian living in Zanzibar.”

At least 500 people, most of them Kenyans of Asian origin, fled into the country through the Horohoro border alone during the weekend, with the number expected to go up due to some people crossing through the Namanga, Sirali and Tarakea border posts.

Tanga deputy regional immigration officer Epafra Masaki told The Guardian team during the weekend at the Horohoro border post that about 345 people had crossed through Horohoro border by last Wednesday, running away from the ongoing political turmoil in Kenya.

“At least 200 people crossed with their private cars from Saturday to Sunday. Most of them have their documents indicating that they are in the country for holidays,” said an immigration officer who preferred anonymity.

...One of the fleeing Asians, who refused to have his name published, said, they had decided to come to Tanzania from Mombasa because of the ongoing turmoil, adding that they would remain in Tanga until the situation returned to normal.

Most of those fleeing said they were coming to Tanzania for safety reasons due to fear that the country would plunge into more political crisis following a call by opposition leader Raila Odinga to his supporters to come in millions to Nairobi's Uhuru Park for a peaceful rally and demonstration last Tuesday.

"My husband is a Tanzanian living in Zanzibar. He has told me to come with our children, Ismail and Khadija, because of the violence in Kenya," said Mariam Ahmed while showing her Kenyan passport to immigration officials at the border checkpoint.

"There are signs that the situation in Kenya today, tomorrow and the weeks to come may be worse unless the conflict between Raila Odinga and President Mwai Kibaki is resolved soon," one of the fleeing Kenyans, Anthambi Abushiri from Likoni in Mombasa, told The Guardian late on Saturday at the Horohoro border post.

However, the Immigration officer in charge at Horohoro border post, Hashim Mvogogo, told The Guardian in an interview in his office late on Saturday that, despite all the reports the situation was not alarming at the moment (Said, K. and Tanga, L. G. 2008, 'More than 500 cross into Tanzania fleeing Kenya poll turmoil', IPP Media website, source: The Guardian, 7 January <http://kurayangu.com/ipp/guardian/2008/01/07/105798.html> – Accessed 2 July 2009 – Attachment 32).

In addition, the following article indicates that many Kenyans live and work in Tanzania, however a common border precinct has been much quieter since Kenya's election, as "[b]us services to and from the Lake Zone regions of Tanzania to either Arusha or Dar-es-salaam via Kenya have been suspended pending the unrest situation in the country."

[T]he Regional immigration Officer here, Justine Kabigumira said the Namanga border precinct linking Kenya and Tanzania at Longido was still calm with no sign of mass crossing over by Kenyans.

"Kenya still come to Tanzania via Namanga but at normal rate, so far there have been no alarming number of aliens crossing over here," assured Kabigumira, adding that his office was however keeping a stern eye at Namanga area.

"Records show that only 200 Kenyans who crossed at Namanga border to Tanzania between December 16 and December 30, 2007," the Arusha regional Immigration boss pointed out.

Bus services to and from the Lake Zone regions of Tanzania to either Arusha or Dar-es-salaam via Kenya have been suspended pending the unrest situation in the country, a move which further makes Namanga to be unusually calm especially for this time of the year.

The Kenya-Uganda border was recently slammed shut following the acts of violence in Kenya.

There may be many Kenyans who either work or live in Tanzania, but only a few of them are officially known by their embassy in Dar-es-salaam. The former Kenyan High Commissioner to Tanzania, Ambassador Zacharia Muburi Muita, had revealed this two years ago.

The former envoy said only about 200 Kenyans living here had registered themselves at the country's embassy in Dar-es-salaam by mid 2006. The ambassador apparently, used to meet quite a number of his countrymen under various occasions and many of them were here legally except that they had not bothered to let their country's high commission office know of their presence in Tanzania (Nkwame, V. M. 2008, 'Tanzania: Kenya's Violence Was 'Predicted' in Arusha', *AllAfrica Global Media*, source: The Arusha Times, 11 January <http://allafrica.com/stories/200801140738.html> – Accessed 2 July 2009 – Attachment 33).

List of Sources Consulted

Internet Sources:

Government Information & Reports

US Department of State <http://www.state.gov/>

UK Home Office <http://www.homeoffice.gov.uk/>

Parliament of Tanzania <http://www.parliament.go.tz/>

United Republic of Tanzania Ministry of Home Affairs <http://moha.go.tz/>

National website of the United Republic of Tanzania <http://www.tanzania.go.tz/>

United Nations

UNHCR Refworld <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain>

Non-Government Organisations

International Crisis Group <http://www.crisisgroup.org/>

International Organization for Migration <http://www.iom.int/>

Amnesty International <http://www.amnesty.org/>

Human Rights Watch <http://www.hrw.org/>

New Internationalist <http://www.newint.org>

International News & Politics

IRIN News <http://www.irinnews.org/>

rediffNews <http://www.rediff.com/>

Thaindian News <http://www.thaindian.com/>

Global Atlanta <http://globalatlanta.com/>

IPP Media <http://kurayangu.com/ipp/>

Journals

Columbia International Affairs Online (CIAO) <http://www.ciaonet.org/>

Region Specific Links

Africa Confidential <http://www.africa-confidential.com/>

AllAfrica Global Media <http://allafrica.com/>

Africa Daily <http://africadaily.com/>

Breaking News Kenya website <http://www.breakingnewskenya.com/>

Topic Specific Links

Multiple Citizenship website <http://www.multiplecitizenship.com/>

Search Engines

Google <http://www.google.com.au/>

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)
MRT-RRT Library Catalogue

List of Attachments

1. MRT Research & Information 2009, *Research Response KEN34505*, 16 March.
2. US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Kenya*, February.
3. UK Home Office 2008, *Operational guidance note: Kenya*, September.
4. International Crisis Group 2008, 'CrisisWatch No. 54', ICG website, 1 February http://www.crisisgroup.org/library/documents/crisiswatch/cw_2008/cw54.pdf – Accessed 4 February 2008.
5. Amnesty International 2008, *Amnesty International Annual Report 2008 – Kenya*, May.
6. Anisman-Reiner, V. 2008, 'Election Sparks Violence in Kenya: Reports Estimate 300 Dead, Thousands Displaced, Riots in Nairobi', suite101.com website, 2 January http://kenya.suite101.com/article.cfm/election_sparks_violence_in_kenya#ixzz09JyZAE T8 – Accessed 10 March 2009.
7. Human Rights Watch 2008, 'Ballots to Bullets: Organised Political Violence and Kenya's Crisis of Governance', March.
8. Sreenivasan, T P 2008, 'Violence in Kenya: A plague in paradise', *rediffNews*, 10 January <http://www.rediff.com/news/2008/jan/10tps.htm> – Accessed 10 March 2009.
9. 'Indians in violence-hit Kenya safe: Government' 2008, *rediffNews*, 2 January <http://www.rediff.com/news/2008/jan/02kenya.htm> – Accessed 10 March 2009.
10. 'Indian community in Kenya not facing ire, says Anand Sharma' 2008, *Thaindian News* website, source: *ANI*, 2 January http://www.thaindian.com/newsportal/india-news/indian-community-in-kenya-not-facing-ire-says-anand-sharma_10011086.html – Accessed 10 March 2009.
11. 'Kenya in ferment, Modi wants emergency visas for Gujaratis' 2008, *Asian News International (ANI)*, 3 January. (CISNET Kenya CX226466)
12. 'Kenya quietens, Indians safe' 2008, *Hindustan Times*, 4 January. (CISNET Kenya CX226468)
13. 'Indians in Kenya not targeted: MEA' 2008, *The Hindu*, 3 January. (CISNET Kenya CX226422)
14. Govender, S. 2008, 'Kenyan Indians fear more violence', *The Times (South Africa)*, 27 January. (CISNET Kenya CX226413)

15. Bhattacharjee, A. 2008, 'Trapped in violence: Indian Diaspora in Kenya', Observer Research Foundation, 17 March. (CISNET Kenya CX226510)
16. 'Modi to PM: Help Indians return' 2008, *The Times of India*, 3 January. (CISNET Kenya CX226464)
17. Parekh, S. 2009, 'Gujaratis are welcome in Kenya', *DNA - Daily News & Analysis*, 17 January (FACTIVA)
18. Odhiambo Makoloo, M. 2005, 'Kenya: Minorities, Indigenous Peoples and Ethnic Diversity', Minority Rights Groups International. (CISNET Kenya 17392)
19. RRT Research & Information 2007, *Research Response KEN32371*, 28 September.
20. US Department of State 2002, *Country Reports on Human Rights Practices for 2001 – Kenya*, March, Section 5.
21. Immigration and Refugee Board of Canada 2005, *KEN100466.F.E – Kenya: Situation of people of Indian origin; whether Sikhs are treated differently than other people of Indian origin; state protection available to people of Indian origin (September 2002 – September 2005)*, 12 September. (REFINFO)
22. US Department of State 2005, *Country Reports on Human Rights Practices for 2004 – Kenya*, February.
23. United Republic of Tanzania 1995, 'The Tanzania Citizenship Act 1995', Parliament of Tanzania website <http://www.bunge.go.tz/Polis/PAMS/Docs/6-1995.pdf> – Accessed 2 July 2009.
24. United States Office of Personnel Management Investigations Service 2001, 'Citizenship Laws of the World', Multiple Citizenship website, March <http://www.multiplecitizenship.com/documents/IS-01.pdf> – Accessed 2 July 2009.
25. Karuri, B. 2009, 'Guest Commentary: Why Kenya Should Adopt Dual Citizenship', *Global Atlanta*, 19 June <http://globalatlanta.com/article/17406/> – Accessed 2 July 2009.
26. United Republic of Tanzania 2008, 'Visas Information', Ministry of Home Affairs website http://moha.go.tz/index.php?option=com_content&view=article&id=42&Itemid=100 – Accessed 2 July 2009.
27. United Republic of Tanzania 1995, 'The Immigration Act 1995', Parliament of Tanzania website <http://www.parliament.go.tz/Polis/PAMS/Docs/7-1995.pdf> – Accessed 3 July 2009.
28. United Republic of Tanzania 2008, 'Residence Permits Information', Ministry of Home Affairs website http://moha.go.tz/index.php?option=com_content&view=article&id=38&Itemid=137 – Accessed 2 July 2009.

29. United Republic of Tanzania (undated), 'Residence Permits', National website of the United Republic of Tanzania <http://www.tanzania.go.tz/permits.html> – Accessed 6 July 2009.
30. Immigration and Refugee Board of Canada 2003, TZA41547.E – *Tanzania: Follow-up to TZA40622.E of 6 January 2003 on whether a national of the Democratic Republic of Congo (RDC) living in a bona fide marriage with a Tanzanian national for over three years qualifies for permanent residence status in Tanzania; measures that must be taken; and circumstances under which permanent residence status may be denied*, 15 May. (REFINFO)
31. Mwalongo, R. 2008, 'Fleeing Kenyans entering Tanzania – Tanzania Government', Breaking News Kenya website, source: The Guardian, 3 January <http://www.breakingnewskenya.com/2008/01/03/fleeing-kenyans-entering-tanzania-tanzania-government/> – Accessed 6 July 2009.
32. Said, K. and Tanga, L. G. 2008, 'More than 500 cross into Tanzania fleeing Kenya poll turmoil', IPP Media website, source: The Guardian, 7 January <http://kurayangu.com/ipp/guardian/2008/01/07/105798.html> – Accessed 2 July 2009.
33. Nkwame, V. M. 2008, 'Tanzania: Kenya's Violence Was 'Predicted' in Arusha', *AllAfrica Global Media*, source: The Arusha Times, 11 January <http://allafrica.com/stories/200801140738.html> – Accessed 2 July 2009.