

**FACTORS AFFECTING THE EFFECTIVENESS OF PREVENTING
IMMIGRATION-RELATED OFFENCES IN THE IMMIGRATION
DEPARTMENT IN KENYA**

By

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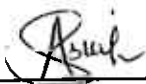
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DECLARATION

This is my original work and has not been submitted for examination in any other University

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DEDICATION

I dedicate this project to my two beautiful daughters; Zainab Wazir Khamsin and Rahma Njeri Wazir Khamsin, my supportive husband Wazir Khamsin who played a key role in encouraging and supporting me throughout this project.

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LIST OF ABBREVIATIONS

ATPU	:	Anti Terrorism Police Unit
CBM	:	Coordinated Border Management
GOK	:	Government of Kenya
JKIA	:	Jomo Kenyatta International Airport
IBM	:	Integrated Border Management
ICAO	:	International Civil Aviation Organization
IOM	:	International Organization for Migration
KAA	:	Kenya Airports Authority
KACC	:	Kenya Anti Corruption Commission
KDF	:	Kenya Defence Forces
KHRC	:	Kenya Human Rights Commission
MIRP	:	Ministry for State for Immigration and Registration of Persons
NIS	:	National Intelligence Service
PISCES	:	Personal Identifications Secure Comparison and Evaluation System

ABSTRACT

This study sought to establish the factors affecting the effective prevention of immigration offences in the Department of Immigration. To achieve this, the study was guided by the following objectives: to ascertain the prevalence of immigration offences in Kenya; to establish the extent to which staff development and deployment affect effective combating of immigration offences in Kenya; to determine how Inter Agency cooperation affect effective prevention of immigration offences in Kenya; and to investigate the effect of staff motivation on effective combating of immigration offences in Kenya. The study used descriptive research from data collected from 82 respondents and 7 key informants which was drawn from regional heads. Once the data was collected, they were cleaned, coded, entered and analyzed using the Statistical Package for Social Sciences (SPSS). The information thus generated was complimented by information obtained through interviews with key informants. These data have been presented in prose with the aid of tabular and graphical presentations. The study findings indicated that a number of factors affect the effective prevention of immigration offences in Kenya such as interference from other agencies; political interference; corruption; the lack of necessary resources to effectively discharge duties, lack of motivation from the employer and inadequate training of immigration officers in areas related to work in their stations. Lack of interagency cooperation largely affects relations at the Kenyan borders as a result of other agencies not acknowledging immigration as the lead agency in border management.

The study strongly recommended that border management should be approached from an integral approach. Information sharing among stakeholders and joint initiatives should be adopted. The border should be viewed as an entity serving the interests of Kenyans.

CHAPTER ONE

1.0 INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 Introduction

This chapter lays the background for the study, stating the problem and objectives of the study. It also addresses the justification and significance of the study, scope and limitations within which the study will operate.

1.2 Background to the study

The Government of Kenya functions through a number of ministries which are supposed to ensure the smooth running of the country's affairs. The Ministry of Immigration of and Registration of Persons is one such ministry and it is further composed of four separate departments, namely Immigration, National Registration Bureau, Civil Registration, Refugee Affairs and the Integrated Population Registration Services. Immigration Department has a long history that dates back to the British control of the Indian Coolies who after the construction of the Kenya-Uganda Railway, hoped to stay and undertake business ventures in the country. Over time, immigration laws were developed to primarily include the Constitution of Kenya- Chapter 6 (of the repealed Constitution), Immigration Act, Aliens Registration Act Cap 173 and the Citizenship Act. Additionally, Immigration officers are supposed to use Registration of Persons Act Cap 107, Birth and Death Registration Act Cap 149 and Refugees Act 2006, the Visa Regulations, International Conventions and Protocols as well as Administrative Circulars which are issued by the Department from time to time (GoK, 2003).

With the promulgation of the constitution, the primary legal instruments for the operations of Department of Immigration were repealed to include the Constitution of Kenya Chapter 3, the Citizenship and Immigration Act, 2011 as well as the Kenya Citizenship and Foreign Nationals Management Service Act, 2011. These laws help immigration officers to enforce the law. The Department of Immigration is mandated by the Citizenship and Immigration Act, 2011 to among other things to: issue passports and other travel documents; designate ports and points of entry and exit; border management; control and regulation of residency; advise on declaration and removal of prohibited immigrants and undesirable persons; provision of consular services at missions abroad; advising the service on citizenship and immigration matters; and conduct research, collection and analysis of data and management of records. These functions are captured in the Department's mission statement — *to contribute to the security and socio-economic development of this country by regulating and controlling the entry, exit, residency, grant citizenship and issuing of travel documents* (GoK, 2006). The ministry also plays an important role of regularly training its members of staff and other stakeholders on the operations of the ministry.

For a relatively long time, the Department of Immigration had a small workforce comparative to the role it is expected to perform. With 33 entry points and more expected to be opened, the less than 200 immigration officers could not effectively enforce the act. Many borders remained ineffectively manned; the registration of aliens in the country was not done to the standard.

The Government of Kenya, through the Public Service Commission, embarked on an ambitious project and between 2003 and 2009 the number of immigration officers was increased to 776 officers. While the number has tremendously increased, the workload has not been reduced commensurate to the Department's increased mandate. For instance, the increased workload has worked to the disadvantage of the staff increase. The increase in airlines plying the country route, increased regional cooperation, continued sensitization of the Kenyans in Diaspora, among other reasons have contributed to the increased passenger flow which in turn call upon the immigration officers to effectively profile passengers, conduct document examination, collect and collate intelligence and evidence that can sustain a case in court.

Immigration officers are supposed to serve in any part of the country. In this manner, the Department's administration has posted officers in line with the table of deployment which guides staff strength. It is the policy of the government is to ensure that the diversity of the various ethnic groups is adhered to. As they serve the officers have to content with long working hours; prolonged decision making processes; and delayed communication process. All these things impede the immigration officers' efficient delivery of services.

In all these efforts, the Government through the Department of Immigration aimed at preventing immigration offences. Since its onset, the Department has had to content with irregular migration, illegal stay and use of the various variants of document fraud. The legislative amendments in the laws that govern the operations of the Department of Immigration were aimed at nabbing emerging offences. The laws for instance had a longer list of immigration offences as compared to the laws that were repealed.

New immigration offences had been realised in the history of the Department. Document fraud had been identified in the other formerly non immigration offences. For instance it has been investigated that the August 7, 1997 bombers gained entry through Kenya by use of counterfeit documents. Today, cases of human smuggling and trafficking in persons involve the use of forged documents. The general operations of the Department revolve around the issue and endorsement of documents. These documents are susceptible to forgery and these give rise to a variety of immigration offences.

Related to the contention above and coupled by the twin role of the Department that is related to the safeguarding national interests and security as well as facilitating the swift travel of passengers both in and out of the country has put the department in focus. As regards the security, the department has had to work closely with other security agencies viz., NIS, ATPU, Courts, Interpol, and provincial administration among other agencies. The place of interstate agency cooperation has been encouraged.

The department of immigration is charged with the crucial responsibility of safeguarding and promoting national interests. The role of immigration is very sensitive since its officers have to ensure that the security of the state is not compromised and at the same time, portray a positive image of the country as they are the first and the last contact with persons entering and leaving the country. Immigration officers deal with the control of people entering the country through its borders, working in passport control, are responsible for checking all individuals arriving at seaports, airports and by road.

1.3 Problem Statement

It is evident from the foregoing that the Government of Kenya has engaged in efforts geared at ensuring that immigration officers effectively combat immigration offences. These efforts have not borne fruit as would have been desired. A number of instances however paint a different picture. Kenya spent colossal amount of money deporting Sheikh Abdullah El Faisal – a Jamaican radical preacher and suspected terrorist in what has been explained as an interagency blunder. It would seem that agencies are not on the same page in as far as preventing offences is concerned. To properly fight immigration offences, there is need to have information. Most of the trainings are mounted in the capital city and this perpetuates crimes in some areas since most of the employees in far flung borders do not get the much needed information.

The country still witnesses cases of aliens being intercepted by other agencies or in third countries and whose origin has been traceable to Kenya. Different agencies have continually pointed a blame finger to the department anytime issues on aliens are discussed.

From the foregoing, there seems to be a disconnect in that the situation as it is in the combating of immigration crime versus what efforts already put in by the government. It is apparent that some other factors are at play to influence the combating of the immigration offences. This study set out to investigate the factors that affect effective combating of immigration offences in Kenya's Immigration.

1.4 Research Questions

The research questions addressed by the study included:

1. How widespread are immigration offences in Kenya?
2. To what extent does staff development and deployment affect effective combating of immigration offences in Kenya?
3. How does Inter agency cooperation affect effective combating of immigration offences in Kenya?
4. How does staff motivation affect the combat of immigration offences in Kenya?

1.5 Research Objectives

1.5.1 General Objective

This study sought to establish factors that affect effective prevention of immigration related offences in the Department of Immigration.

1.5.2 Specific Objectives

Specifically, this study sought to:

1. To ascertain the prevalence of immigration offences in Kenya.
2. To establish the extent to which staff development and deployment affect effective combating of immigration offences in Kenya

3. To determine how Inter Agency cooperation affect effective combating of immigration offences in Kenya
4. To investigate the effect of staff motivation on effective combating of immigration offences in Kenya

1.6 Justification of the Study

Many studies address crime within the parameters of the psychological or cultural effect. Such scholars include Oruka (1990). Little focus has been paid on the enforcers of law apart from when they are accused of not performing. When such an attempt is made, first it indulges in a discourse on whether foreign nationals commit more crimes as compared to citizens of a given State as exemplified by the Moehling and Piehl (2007). Border management has been conceptualized as a police affair (Barry, 2007) and little focus is given to the immigration agencies. The KHRC reports focus on the areas where law enforcers are accused of violating human rights of suspects or criminals. This study set out to put focus on the law enforcers and particularly concerned itself with the factors that influence their effective performance in the area of combating immigration offences.

1.7 Significance of the Study

This study sought to examine the factors that influence effective training of officers in the Department of Immigration. In the long run, the study made appropriate recommendations to policy makers in the Department of Immigration with a view of giving them a complete picture

on the state of play. Further, the study made academic contribution in that it built up on the existing literature and appraised the theories.

1.8 Scope and Limitations of the Study

The Kenyan immigration department has spread its wings all over the country as well as in missions in several countries across the globe. The study focused on immigration in Kenya. Further, the study confined itself to the factors that affect immigration officers' operations in as far as immigration offences were concerned. There are a number of offences committed in the country and this study confined itself to immigration offences only.

The study operated under the knowledge that immigration officers would have been reluctant to give information to the researcher. This was overcome when the researcher got authority from the administration to conduct this study. On the concerns of confidentiality, the researcher had to make use of research assistants and the deliberate decision not to use identifiers such as names. The information so sought was considered as sensitive and confidentiality was required so that substantial information could be attained.

CHAPTER TWO

2.0 LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

This chapter explores relevant literature for this study. The literature is arranged within themes with which the research will meet the objectives of the study.

2.2 Historical Setting

From its very foundations, immigration department cut out to protect the interests of the citizens relative to those of foreign nationals. The British colonial administration sought to protect the interests of the British nationals against those of British subjects- Kenyans and the Indian coolies. In line with the British settings of immigration practice, the Department responsible for this practice has demarcated immigration offences that range with the mandate of entry, transit, residency and exit from within the territorial boundaries of Kenya. The Department of Immigration has oscillated within the Office of the President and the office of the Vice President and Ministry of Home Affairs. This perhaps goes to explain the important place that the government has, over the years, given to immigration. No one perhaps explains government functions as does Agrawaal, et al (1960). The authors list a number of factors that determine State sovereignty viz., defined territorial boundaries, legitimate government, common language, recognized currency and the capacity of a country to control those entering and leaving their territorial boundaries.

Extrapolated, the last reason explains that effective immigration practice is a prerequisite to Sovereignty. As immigration officers practice their profession, they not only reduce offences or their re-occurrence, they also declare the sovereignty of the State.

It is perhaps within the same margin that in the Presidential Circular No. 1 of 2005 when the President re-structured the government, Immigration services were recognized in that an entire Ministry was carved from the Office of the President to create the Ministry of Immigration and Registration of Persons. In this ministry, five departments were closely integrated, that of Immigration, National Registration Bureau, Civil Registration Bureau, Department of Refugee Affairs, and that of Integrated Population Registration System (GoK, 2005).

In the exercise of its mandate and strategic intent, the Department of immigration offers to serve its publics who arrive through its three types of port of entry: land borders, seaports, and airports (GoK, 2006). Indeed the rest of the Department's mandate pick up at entry and goes to the departures. As people migrate, they carry themselves with skills, technology, capital, finances — and these contribute positively to the growth of the economy. Whereas these factors serve to promote the ideals of the country as envisioned in Vision 2030 which expressly tasks the Department of Immigration to facilitate travel and ensure Kenya is a middle economy by 2030 (GoK, 2006) migration of people also presents another twist, a security angle because as people migrate, cross border offences are propagated, terrorists advance their territories, people disguising as asylum seekers end up being economic refugees, human trafficking and smuggling, drug smuggling and other related serious crimes.

To strike an apt balance between facilitation and security the new *Kenya Citizenship and Immigration Act, 2011* sets out to answer the concerns raised under the now repealed *Immigration Act Cap 172*. Wanda and Aswani (2012) explain the reasons and benefits accrued of the new dispensation. The *Kenya Citizenship and Immigration Act 2011* sought to:

- a) Align immigration practice to the new Constitutional order. In 2010, Kenya had promulgated a new constitution and laws had to be aligned to this new order. Chapter 3 of the Constitution had radically addressed the question of citizenship reducing the ways of acquiring citizenship as known in the old Constitution and *Citizenship Act Cap 170* yet introducing new categories for consideration in the grant of citizenship. These changes were to be reflected in immigration legislations.
- b) Merge the different legislations that addressed immigration practice. Formerly, immigration practice was approached from three basic documents — *Immigration Act Cap 172*, *Citizenship Act Cap 170* and *Alien Restriction Act, Cap 173*.

These documents are thus consolidated in the *Kenya Citizenship and Immigration Act, 2011* which effectively repeals the other Acts.

- c) Moderate the usage and meaning of *discretion*. In making immigration decisions, the officers were given leeway as to the line of decisions they were to make. Discretion has been subject to many conversations. For instance, KACC conducted an audit of the department of immigration where it reported exposed systemic failures and misuse of discretionary powers (KACC, 2006). The new act thus specifically assigns tasks to the Cabinet Secretary, Director of Immigration Services, as well as specific duties for the officers.

- d) Make comprehensive the list of prohibited immigrants. A Prohibited Immigrant is a non-Kenyan who is ordinarily not supposed to enter Kenya for their presence is undesirable. Formerly, the Act clumped new immigration trends under an amorphous clause stating “someone who the minister has credible information that their presence in the country would be a threat to national security” (GoK, 1985). This clause sought to address drug traffickers, terrorists, money launderers, human traffickers among others. Whereas the government did an Anti Human trafficking in Persons Act, it failed to recognize action on those who were foreign nationals. The *Kenya Citizenship and Immigration Act, 2011* removes controversial categories from the potential list of prohibited immigrants while recognizing new categories. Further, the Act sought to distinguish prohibited immigrants from undesirable immigrants.
- e) Review the fines imposed on some immigration offences. For instance, under the *Aliens Restriction Act*, imposed a fine of three thousand shillings for someone who failed to register as an alien. So for three thousand, one would fail to register as an alien and thus miss the crucial links that the government seeks of those registered within its domain. The *Kenya Citizenship and Immigration Act, 2011* thus seeks to deter immigration offenders and recidivists who saw the less punitive laws a reason to commit offence.
- f) Related to (e) above, the *Kenya Citizenship and Immigration Act, 2011* sought to include stakeholders who had been elusive in the management of migration in Kenya. While the previous Act addressed the duties and liabilities of carriers, no fines were imposed on non compliance. Similarly, Businesses offering Accommodation services have to be monitored in the Act.

- g) Institutionalise many of the services that were apart from the law. The issuance of Visas and that of passports was not founded in law. Administrative circulars and directives gave guidance to the process yet these could not stand the test of law. The issuance of passports flows from the fundamental human right of movement. Further, the Constitution listed the possession of passports as an entitlement. *Kenya Citizenship and Immigration Act, 2011* thus includes the issuance of these essential documents in law.
- h) To harmonise the ongoing discussions on the implementation of the East African Community Common Market Protocol. One contentious issue is the classification of Work Permits. Although there are discussions on the same, it was going to be a uphill task for Kenya had the discuss been concluded because the previous Act had classified permits in the main document as opposed to the new dispensation that leaves the categorization to the regulations. While the Cabinet Secretary may amend the regulations, the Act has to be changed through parliamentary processes.

These discussions above point to the fact that the Department has made efforts to position its efforts in curbing immigration offences. These efforts show that factors have been contributing to the inefficient curbing of these offences. Though these have been addressed, one wonders how then the process has not taken effect as one would expect. This study will explore factors affecting effective immigration practice within the background information thus stated.

2.3 Border Control versus Border Management

Many countries insist that the role of Immigration officers is to control borders. The other jobs such as issuance of passport and permits are secondary and may be handled with other agencies. Such countries include Ghana, US, Liberia, Malawi and Nigeria. Academicians in the field of migration management have contented over whether the deal is about control or management.

The concepts of integrated border management (IBM), Coordinated Border Management (CBM) among other terms come to play to show the need for coordinated activities at the border rather than handling the migration role of the state in a rather *ad hoc* manner. Previously, our borders were characterised with rigorous bureaucracies where officers had to consult virtually on everything. Today, countries have realized great potential in trading as blocs and as such, regional economic councils have pushed for effective and efficient modes of clearance. Proponents of such views include Polner (2012) who argues that inefficient borders invite corruption.

At the entry points, Kenya has set grounds which have to be met by a prospective visitor. These conditions of entry are set out in the *Kenya Citizenship and Immigration Act, 2011* and the failure to meet the conditions of entry invites an offence on the part of the visitor. Wanda and Aswani (2012) outline the conditions of entry as:

- a) **Physical presence of the immigrant.** Immigration practice demands that the immigrant presents themselves before an immigration officer each time they intend to cross a border. For purposes of profiling, an immigration officer has to compare the photograph on the document and the traveller purporting to be its holder. When an immigration practitioner is not keen on this entry, a multitude of immigration offences are committed.
- b) **The migrant has to be medically sound.** No one wants a person with contagious diseases to enter their territory since this would be catastrophic to the health of the citizens. This element invites an angle of interagency cooperation in that port health officials have to be at every port of entry. Health issues are critical and even stand alone when regional economic councils come together. While organizations such as ECOWAS, IGAD, EAC, and AU come up with free movement of people protocols, the issue of health is left to the member States to determine who is to be allowed entry in regard to health status.
- c) **The migrant must have a known physical address.** Immigration officers and indeed other government agencies benefit from the migrant's residence.
- d) **Must be in possession of a valid and acceptable travel document.** International Civil Aviation Organization (ICAO) recommends standards of what is acceptable in a document. Further, country relations determine which document is acceptable to which other State. Somaliland for instance has a passport that is acceptable in the United States and not in Kenya.
- e) **Must not be in the prohibited immigrant's list.** These are persons who are undesirable and who are ordinarily not supposed to be allowed entry.

IOM (2012) outlines other entry measures that an immigration officer should take cognizant. The management of the Alert List make it possible for the immigration officer to effect condition (e) above. IOM defines an alert list as an official list containing details of persons who ordinarily should be prevented from entering or leaving the country. The list carries instructions as to what action ought to be taken in respect of the request by the persons either to enter or depart from the country. Different agencies are involved in the development and management of the list although the Immigration Department is the custodian of the list. The other agencies involved include NIS, Interpol, KACC, Kenya Police and its affiliate bodies; ATPU, and Anti Narcotic Police Unit. The list is also generated from International law enforcement agencies, law courts, and the UN Security Council among others.

The list comprises of four components: Prohibited Immigrant's List; Watch List; Stop Orders; and List of Reported Lost/Stolen Passports. A Prohibited Immigrants List is a list of classes of non-Kenyans who are prohibited immigrants and have been declared so by the Cabinet Secretary responsible for Immigration matters. Upon declaration of such an immigrant as a prohibited immigrant, such an immigrant is ordered to be removed under the *Kenya Citizenship and Immigration Act, 2011*. If such a person is to be allowed entry, it has to be sanctioned and such an entry will be accorded on a Prohibited Immigrant's Pass is issued.

A Watch list on the other hand, contains names and particulars of persons who are being monitored for purposes of establishing or building a case against such persons' activities. It simply informs the officer that such a person should be watched and relevant agencies notified of his or her entry or departure. A Stop list is generated from orders issued by the Courts. It contains details of persons whom the court deems necessary that they remain within its jurisdiction. The list is thus supported by Court Orders which are received and a stop order generated. Cases of reported lost or stolen passports are also captured and specific instructions are given to the officers to arrest anyone traveling on such passports.

To effectively capture these details, an immigration officer has to run the profile of a traveler against a database containing the four lists. In Kenya, eight (08) borders are automated with the Personal Identification Secure Comparison and Evaluation System (PISCES). The system aids the officer run the details of a passenger to see whether there is a match on the lists embedded in the system. Although the system has helped immigration officers function effectively, one would like to see how the absence of this system in the other twenty-five (25) stations affects operations.

In the course of managing borders, a number of immigration offences are manifest. Wanda and Aswani (2012) enumerate some of them:

- a) **Travel Document Abuse:** is defined as the use of passports, visas and other travel documents to carry out an act of deception. Travel document abuse may include: the use of genuine documents fraudulently obtained; impostors; genuine documents that are altered; counterfeit documents; fantasy and camouflage documents; invalid/duplicate passports; and arrival without travel document.
- b) **Cross Border Crime:** At entry points people may be coming in to facilitate a number of crimes such as: money laundering, tax evasion, financing of terrorism, credit card fraud, financing of illegitimate business, child prostitution, human and child trafficking/smuggling, drug trafficking, cattle rustling, illegal arms trade, vehicle theft, contraband goods, and general theft.

2.4 Interagency Cooperation

The functioning of government agencies in Kenya is given credence by the office of the President. The President is the head of State as well as that of government (GoK, 2011). In the *Presidential Circular No. 1 of 2008*, the President declared immigration department the lead agency in border management. This circular officially marked the end to border control effectively ushering in border management (GoK, 2008). This decision was informed of the fact that there is an immigration connotation to border activities. As people bring in goods they may be foreigners or citizens coming from foreign countries. Immigration has to coordinate other agencies such as Customs, Kenya Police Service (and its units ATPU, CID and Anti Narcotics), Port Health, and NIS.

The lead agency role implies that the Department of Immigration has to play a coordinating function – that of bringing together all the other agencies – for the betterment of border management. The functioning of the various border agencies needs to be an effort rather than an obligation. Take the case of how operations are undertaken. When immigration officers intercept aliens, does this make immigration a superior agency at the border? What happens when another agency purports or actually indulges in another's mandate? Does this make the agency weak?

Suppose the Kenya Police parades a number of foreign nationals arrested by immigration officers, who have been kept under police custody by the said immigration officers for they lack custodial place, would it be in order to declare that the foreign nationals have been arrested by the police? Perhaps the fact that immigration department is not listed as a security agency is in itself a factor that makes the coordination of border management an uphill task. The Kenya Constitution declares the Kenya Defence Forces (KDF), the Kenya Police Service (KPS), and the National Intelligence Service (NIS) as the only three security agencies (GoK, 2010 b).

Bachman and Schutt (2003) argue that the way crimes are reported has a seeming effect not only on the perception but also on the access and visibility of a given agency. Some crimes are given such a huge placement in the media and may serve to demoralize the primary agency charged with the responsibility of enforcing laws against such crimes.

Until the new immigration laws were enacted, immigration officers had no holding facility where inadmissible or immigration offenders would be held awaiting trial. This meant that the police who have gazetted holding facilities could hold irregular immigrants on behalf of immigration.

On almost all occasions, whenever immigration officers arrest aliens, the Kenya Police officers parade the aliens and claim that they (and not immigration officers) arrested the aliens. This has made it difficult for the immigration service to claim a foot in the combating of immigration offences. The situation may hardly change given that the provision in law that immigration service can have holding facilities must be actualized by the construction of such facilities. This may take comparatively long time.

2.5 Immigrants and Crimes

The question of which of citizens of a given State and the foreign nations within a State's territorial boundaries commits more crime has been a focus of many academic papers. Scholars such as Moehling and Piehl (2007) present an argument that immigrants generally commit fewer crimes when compared to nationals. Moehling and Piehl thesis sets forth the argument that the effect of crimes orchestrated by foreign nationals may be of great magnitude.

The postulations of these scholars are obvious in contradiction with the views of Butler and Piehl (2006) or those of Anderson (2010) which shows immigrants as a major contributor to crimes. Granted the fact that citizens are more in number than immigrants, one has to consider the effects of crimes such as terrorism. In Kenya for instance, the 1997 terror attack left more harm than possibly one would comprehend of crimes perpetrated by locals. Indeed the August 7, bomb was planned and executed by foreign nationals. During the blast, over two hundred lives were lost and property worth of millions destroyed.

Significantly has been the trail of destruction that the blast has caused: the initial travel advisories meant that tourist visits were to reduce, taxi business reduced considerably while the hotel industry is in the process of recovering the place they had occupied fifteen years ago. Indeed, one act of terror affects the visit of over a thousand tourists. A relation between the two has been established (Kavoi, 2006). Within the same thread, we need to appreciate the fact that terrorism takes different twists each time. Today, the profile of terrorists has included locals in the operational level – a paradigm shift from the yesteryears. It will help noticing a trend in Kenya migration between the data on arrivals versus data on immigration offenders arrested and successfully prosecuted.

Kaplovitz (2003) categorizes immigration offences into: deportable and inadmissible crimes; moral turpitude crimes; and domestic violence. The government may have reasons to remove someone from the country. Such procedures will be laid down to deport them. Anyone found within the country as an irregular migrant, such may be both deportable and inadmissible. In the Kenyan context, the Kenya Citizenship and Immigration Act, 2011 spells out the categories of inadmissible persons against the different classes of prohibited immigrants. For those who do not meet the conditions of entry are inadmissible. For deportable cases, the involvement of the Minister of Immigration is necessary. The Minister makes two declarations — one that the deportable person is a prohibited immigrant (GoK, 2011) and therefore a threat to national security. The second order declares the same person removable and while arrangements are in place to be removed, they may be put in custody in which case they will be deemed to be in lawful custody.

Crimes of moral turpitude are those which immigrants engage in “all frauds, thefts, burglaries, robberies, murder, manslaughter, income tax evasion, drunk driving, assault with weapons, domestic violence, conspiracy related crimes and drug trafficking” (Kaplovitz, 2003:32). Moral turpitude crimes are both grievous and petty. Such crimes are either inadmissible as well as deportable. Domestic crimes include crimes against children, disorderly conduct among others. Domestic crimes are punished by deportation alone. The inadmissibility aspect does not apply for domestic crimes.

Some of the immigration offences are highly organized. In this train we have human smuggling and trafficking, terrorism, money laundering, credit card fraud just to mention. Bjelopera and Finklea (2012) classify such crimes as dynamic now that they have moved from the traditional organized crime turning its participants into modern organized criminals who are flexible and have a preference to cellular or networked structures. It has always been argued that criminals are a step ahead of the government officials. This statement is true particularly when it is considered that the world is global village. Today, globalization is responsible for both licit and illicit businesses. Whereas the government agencies still cherish the traditional red tapestry and manual models, the criminals are now technologically savvy and thus easily beat the system (Bjelopera and Finklea, 2012).

The two radically opposed epochs have made it difficult to effectively combat crimes not to mention immigration ones. Different strategies have been employed by different governments. The U.S. for instance has adopted a model where more funding is channelled to efforts that defuse organized crimes.

For some considerable time, the Kenya situation has involved a collaborative effort, an interagency strategy and more specifically in anti terrorism, like the Kenya Defence Forces (KDF) incursion in Somalia. Has this been effective? What of the different pieces of legislations that fight organized crimes such as The Trafficking in Person's Act, The Anti Money Laundering Act among others. Have these been relevant to curb immigration offences?

A related angle in as far as organized crime is concerned is corruption. Hean (2011) and Barry (2007) drive this point home in two separate cultures. In effecting the provisions of immigration laws, the enforcement component of the immigration practice has to be vibrant. To effectively discharge its duties, the enforcement component has to report to the top executive of the agency Hean, (2011). For the Kenya situation, three offices exist to which such reports can be channelled. These offices are that of the Minister (soon to be Cabinet Secretary), Permanent Secretary (soon to be Principal Secretary), Director General and that of the Director of Immigration Services. Perhaps participants in the study will raise their preference as to which office such an agency should report to and how efficient such a channel will make effective the combating of immigration offences. It is Hean's contention that clear channels targeting the top management reduce corruption in an agency.

Bjelopera and Finklea (2012) amplify the role of corruption in undermining the effectiveness of preventing offences when they argue that criminal elements at times co-opt officials from the licit realm. Such support may include giving criminals logistical support such as giving the criminal's businesses some sense of legitimacy.

The officials may also give criminals some closely guarded information or according them access to sensitive information. How then will the crime be combated when the apprehender and the criminal are partners in crime? Bjelopera and Finklea (2012) show pity to law enforcers who find themselves in a dilemma of having to fight crimes which are sabotaged by their colleagues. It will be interesting to interplay the argument of Bjelopera and Finklea in the Kenyan context.

Can the investigation section trace tell-tell situations where the licit hand covers for the illicit? Where cases of corruption have been reported, what has been the direction of decisions made led to? Are all immigration offenders having legitimate immigration statuses? Horwood (2009) paints a glimmer of hope for an effective combating of crimes in Kenya when he blames government officials (police, immigration, provincial administration) of facilitating the smuggling of Ethiopians as they pursue the Southern dream. Government officials help in conveying the smuggled Ethiopians all the way from Moyale to Tanzania through Shimoni.

Closer home has been the picture painted by Barry (2007) of Namibia and its efforts to investigate and prosecute transnational organized crime. In contextualizing the Namibia and indeed African challenge, Barry makes mention of such factors such as porous borders, borders lack relevant technology, no regular training for customs and immigration officials, inadequate border patrols, corrupt immigration and customs officials, poverty, and the lack of relevant criminalizing legislations — that all contribute to the ineffective nature of combating crimes.

To combat transnational crimes, Barry is opined that countries can learn from the Namibia story. The initial attempts by the government were to arrest the corrupt officials and charge them. This meant that offices were left unattended to since their cases took relatively long before they were fully determined. As the government contended with this, the essential equipment at the major ports of entry was out of order. For over six years, the airport scanner was malfunctioning.

This meant that no one really knew what was coming into the country in the intervening period. Similarly the passenger clearance systems were out of order for a relatively long time. Before Namibia realized this, cross border motor theft, illicit dealings in drugs, illicit diamond trade; undocumented trafficking in persons and the smuggling of persons had caught up with the South African State. Barry (2007) argues that Namibia took a regional angle in seeking a solution to its problems. Police chiefs from 12 countries: Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe met and resolved to share information, keep records and adopted joint strategies to manage cross border crimes. The meeting resolved to incorporate Interpol in its operations. Although there, teething problems still arise, Namibia's case has a number of take home lessons. First, whereas the factors raised are of national importance, immigration seems to take a back stage leaving the police to handle transnational crimes. Second, it is very crucial for governments to invest in training of its security officers and equip them with relevant knowledge in as far as border control is concerned. This will enable them manage the entry and exit points effectively even if they have to do it manually.

2.6 Functions of Immigration Officers

According to the Kenya Immigration Border Procedures Manual, immigration officers play the following important roles:

- Facilitation of genuine travellers and detection and prevention of entry of mala fide travellers.
- Assessment and management of border risks
- Enforcement of migration entry and exit laws and related regulations
- Collection and management of migration data
- Promotion of inter-agency and cross border cooperation and coordination in migration related issues.

Immigration officers make decisions about the entry and exit of people into and from Kenya, and their stay in the country (Burke, 2010). Many of these decisions are made pursuant to powers conferred by the Kenya Citizenship and Immigration Act, 2011, Aliens Registration Act Cap 173, Constitution of Kenya- Chapter 3, Registration of Persons Act Cap 107, Birth and Death Registration Act Cap 149 and Refugees Act 2006.

Immigration officers also have powers to arrest, investigate and prosecute. They issue travel documents like passports, emergency certificates, (which allows Kenyans to travel back home, if for some reason they do not have a travel document, for example if the passport is stolen and one is in a foreign country, if the passport has expired or is mutilated), issue visas, passes and permits as well as grant citizenship after thorough vetting of individuals applying for the status.

2.7 Staff Motivation

The current reward system in the mainstream civil service is uniform in all the Ministries. It does not take into account the uniqueness of certain departments with regard to workload, performance, working conditions, responsibilities, professional skills and specific contribution to security and socio-economic welfare of the nation. The department is charged with the crucial responsibility of safeguarding and promoting national interests. The role of immigration is very sensitive since its officers have to ensure that the security of the state is not compromised and at the same time, portray a positive image of the country as they are the first and the last contact with persons entering and leaving the country.

It is therefore very crucial that immigration staff, performing these important functions, is properly motivated with a reward system that is commensurate with their heavy responsibilities. The demanding and challenging role placed on the person charged with the responsibility of heading the department which includes overseeing and coordinating all immigration services within a section of the country or the country cannot be emphasized. Therefore the reward system in the government should be in accordance with this. It is worth noting that the department has lost several officers to organizations that offer better terms of service, which makes it important and a need for a new scheme of service that will be able to attract and retain officers. A comparative pay package analysis between the immigration department and other organizations, indicate that the immigration department is far below in terms of remuneration.

Effective border management depends on achieving a delicate balance between facilitation and control while managing the risks posed by various forms of irregular migration such as people smuggling and trafficking in human beings, international terrorism and other forms of transitional crime. This balance can only be achieved if there are adequate and clear policies and legislation that are consistently and responsibly implemented. The ever increasing challenges for effective and efficient border management demand periodic if not constant re-examination of the existing policy guidelines and procedures (Kenya Immigration Border Procedures Manual, 2006).

The training needs of the department have not been fully addressed. Not all immigration officers are given equal opportunities when it comes to training in different areas. Training and motivation of officers are very significant components towards enhancing staff job satisfaction and achieving efficiency.

2.8 Theoretical Framework

This study will make use of three theories, namely; deterrence theory; labelling theory; and rational choice theory. Deterrence theory or preventive theory perceives the aim of punishment as to prevent and discourage others from committing crime. Deterrence is aimed at both the general public and the individual offenders.

As one is punished, the punishment instils fear in the public such that the pain suffered by the offender is one that the public would not want to endure. Hence this fear will effectively deter them from committing crime in the future.

In this study, the study will give guidance on the punishments meted out for immigration offenders and what such punishments do to the offenders. Theoretical foundations of this study are pegged on the fact that effective combating of immigration offences has an element of punishment.

Rational Choice Theory, on the other hand, was developed by the Chicago school among them Edwin Sutherland who proposed that the failure of families and extended kin groups expands the realm of relationships no longer controlled by the community, and undermines the governmental controls, which leads to persistent systemic crimes and delinquency. For the theorists, crime is calculated and deliberate. In the mind of a criminal certain decisions have to be made. For example, when an official is approached by a person desperately in need of a travel document within the shortest time possible, chances of compromise are high. He can take advantage of the situation to ask for a bribe (be corrupt) in order to ensure that his client gets the required document within the time stated.

Majority of those planning to commit crimes or those already engaged in cross border crimes like human smuggling and trafficking, counterfeiting of documents, drug trafficking among others do that with an intention of benefiting from the situation. The study applied this theory to find out the extent to which criminals engage in crimes, in this case cross border crimes and in turn affect the effectiveness of preventing these criminal activities,

Finally, the labelling theory was developed in the 1960s by the Chicago School led by Howard Saul Becker. These scholars were influenced by the writings of Emile Durkheim on suicide. Labelling theory recaps the social responses to crime and deviance. When someone is labelled a criminal, the theory postulates, he is bound to behave as such because of the label. A mad man is just as such because we label him so. According to labelling theory, formal criminal intervention should affect the individual's immediate social networks. The enforcement of crimes is being handled by those who have economic or political power. This would include government agencies and for the purposes of our study, the Department of Immigration, the Kenya Police Service and the Provincial Administration (Hamlin, 2012).

The labelling theory proponents argue that a lot of focus has been laid on criminals without due diligence on the various ways taken to mitigate these crimes. The immigration department has been labelled as being corrupt and having corrupt officials. The study used this theory to establish if this label really applies to the officers and how corruption has affected effective prevention of cross border crimes. Further, this study is in line with the theoretical foundations since it focuses on ways of mitigating on cross border crimes in as far as immigration is considered.

2.9 Conceptual Framework

This study will operate from the conceptual framework that effective combating of immigration offences is affected by a number of factors. The effective combating of immigration offences will be the dependent variable while the factors that are staff development and deployment; interagency cooperation; staff motivation; and prevalence of immigration offences. When immigration officers are properly trained and their capacity is developed, they exude confidence in their functions and management can easily pick up their talents. From the talents, placement of the immigration officers will be on target and such officers can effectively combat immigration offences. Indeed such an officer will be motivated to work.

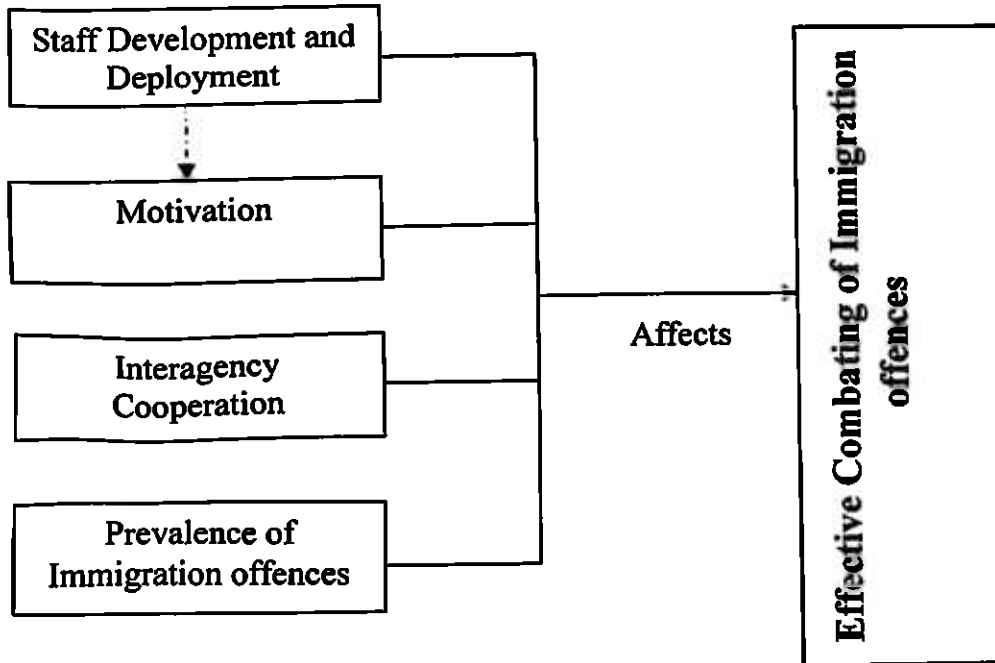
Staff motivation will also involve the efforts by administrators in the Department to ensure that immigration officers are properly equipped to perform. One of the immigration functions is to enforce the Act by effectively combating immigration offences and offences. For instance, do they have the right job gear, do they have vehicles, where the roads are deplorable, do the officers get motorcycles provided? Are these facilities serviced? When immigration offences are prevalent how do officers operate or put differently how do they combat the crimes?

Are criminals ahead of the enforcers? All these factors will have a place in the effective combating of crime. Further, the way immigration officers interrelate with the other agencies will help or affect their enforcement role. NIS and ATPU will be crucial in helping immigration handle the inadmissible who is suspected or known to be a terrorist or financier of terrorism. Maritime authorities will help battle out stowaways. All these factors affect the effective combating of crime as shown in Fig. 2. 1 below:

Fig 2.1: Conceptual Framework

Independent Variables

Dependent Variable



CHAPTER THREE

3.0 METHODOLOGY AND DATA ANALYSIS

3.1 Introduction

This chapter describes the methodology used in conducting the study. This included research design, selection of the study area, target population, sampling techniques. The chapter further highlights reliability and validity of research instruments, techniques of data collection and data analysis.

3.2 Research Design

The study utilized the evaluative research design. It was complimented by the use of the mixed research method. This involved the combination of both quantitative and qualitative research methods. The mixed research method permitted innovations in research design, compensates for the weaknesses in individual instrumentation and thus guaranteed the strengths, validity and reliability of findings (Creswell, 2003).

3.3 Selection of Study Area

The prime focus of this study was to investigate the factors that affect effective combating of immigration offences in Kenya's Immigration. Therefore, the unit of analysis was the factors affecting effective combating of immigration offences in Kenyan Immigration Department.

The unit of observation was immigration officers both the line officers as well as officers in charge. All the departments of immigration namely Western, Coast, Nairobi and North Eastern regions were selected to collect primary data.

3.4 Target Population

Neuman (2006) defines, target population as a specific pool of cases that the researcher wants to study. This study targets immigration officers in Kenya. Immigration officers have ultimate information on factors that affect effective combating of immigration offences in Kenya.

3.5 Sampling Techniques and sample size

This study employed both probability and non- probability sampling methods. In probability sampling, simple random sampling was used as the population was very large. Stratified sampling technique was utilized to ensure population studied was subdivided into strata to ensure representation of officers from all the regions. In using non – probability sampling, the researcher purposively selected the various regions in which the immigration department operates. A total of 792 immigration officers operate in the various regions within Kenya as shown in Table 3.1 below. A representative sample of 10% was selected for the study. The study sample size of 82 respondents is as shown in Table 3.

Table 3.1: Number of Immigration Officers by Region

	Region	No of Officers	Sample
1	Nairobi	276	28
2	Coast	156	16
3	Western	135	14
4	Garissa	86	9
5	Eldoret	58	6
6	Nakuru	56	6
7	Embu	25	3
	Totals	792	82

With the purposive selection of the regions as strata, the researcher used simple random sampling to select the sample from each stratum. Personnel records were used as the sampling frame and thus enabled the researcher to select the sample. The records indicate where the officers' names, personal numbers and which stations they are currently deployed. These personnel details were allocated numbers and the said numbers were printed and cut out into small pieces of paper then rolled before they were thoroughly mixed according to the regions. This ensured that everyone had an equal opportunity of being selected. The researcher then selected the numbers randomly selected. In addition, seven (07) key informants from the seven regional offices were selected and interviewed. These were senior most cadres in these regions and comprised of the heads of these regional offices.

3.6 Pilot Testing

The study questionnaire was tested extensively for its validation among respondents of similar category in selected border points. Those who participated in the pretesting were did not take part in the study. Where such participants were selected, the researcher replaced them by randomly selecting another respondent. The pilot was crucial in assisting the researcher and their comments were used to improve on the study instrument.

3.7 Validity of Instruments

Validity is the accuracy and meaningfulness of inferences, which are based on the research results. It is the degree to which results obtained from the analysis of the data actually represent the phenomenon under study. Kothari (2008) states that validity indicates the degree to which an instrument measures what it is supposed to measure, that is the extent to which differences found with a measuring instrument reflect true differences among those being tested. To enhance validity of the instruments, the questionnaires were reviewed by the supervisor to find out whether the questions would achieve the research objectives or answering research questions. Later the instrument was piloted in a different setting and corrections were be made before it was administered to the study population.

3.8 Reliability of Instruments

Reliability is a measure of the degree to which a research instrument yields consistent results or data after repeated trials (Mugenda and Mugenda 2003). To test reliability of the instruments the researcher will use test-retest method. The research instrument will be administered twice within a period of one to two weeks to find out whether the answers given have changed much. After testing, the researcher examined the strength of the relationship between the scores on the instrument at two time points.

3.9 Techniques of Data Collection

Both primary and secondary data collection techniques were employed in the study.

3.9.1 Primary Data

The primary data collection methods included questionnaire survey and key informant interviews. Through questionnaire surveys, data was collected from a sample of 82 immigration officers. The questions were both open and close ended. Close ended questions were used to capture opinions and comments on specific issues from the research participants and open ended questions to get in-depth knowledge and Insight as well as personal experiences and observations. Seven (07) key informants were interviewed. These were heads of the regional officers.

3.9.2 Secondary Data

To give good insight about the research topic, secondary data was gathered through content analysis. It was used for the reanalysis of previously collected and analyzed data. Secondary data were collected from journal articles, published books, government documents, policy papers, manuals, relevant Department of immigration literature, research reports, internet documents and other relevant publications on the subject.

3.10 Data Analysis Techniques

The collected data was categorized and analyzed keeping in mind the objectives of the study. Quantitative data was checked for completeness, accuracy and then coded. The analysis of quantitative data from the questionnaires was done with the help of statistical tools like Statistical Package for Social Science (SPSS) and MS Excel and interpretations of data that required statistical generalization. Data from questionnaires was analyzed in frequencies and percentages using Statistical Package for Social Sciences (SPSS).

For the qualitative data obtained from key informant interviews, content analysis was used to establish recurring patterns, trends and relationships among the independent and dependent variables. The qualitative data was analyzed in themes and categories identifying similarities and differences that emerge. Content analysis entailed examining qualitative and/or multiple responses from individuals or groups to establish cross-cutting themes and attributes that were not depend on absolute numbers or definite proportions of the sample.

Qualitative analysis included presentation of quotes from different respondents and recording verbatim what some respondents said. The themes emerging from secondary data were also identified and secondary data augmented the primary data. Qualitative data was used to explain the significant phenomenon, causalities, social realities and experiences.

The combination of both quantitative and qualitative data therefore helped to collect reliable and valid data. Combination of both methods was considered as one of the best methods in validation of data (O'Donoghue and Punch, 2003). The findings of the study from one type of method were used to check against the findings deriving from the other type.

CHAPTER FOUR

4.0 DATA PRESENTATION AND INTERPRETATION

4.1 Introduction

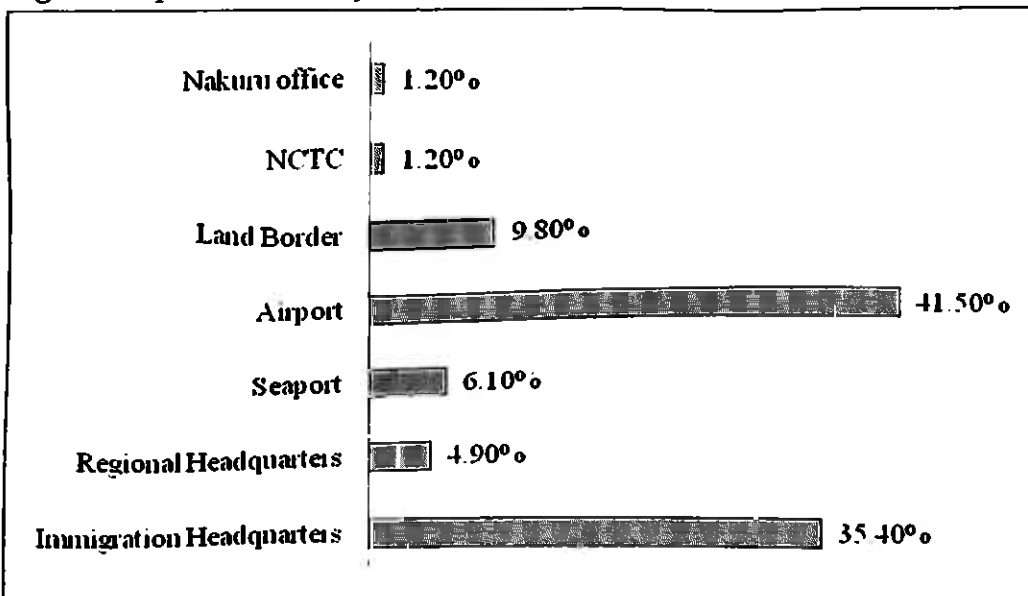
This chapter presents and interprets the analyzed data within the thematic areas of staff development and deployment; motivation; interagency cooperation; and prevalence of immigration offenses.

4.2 Background Information

Station Representation

A total of 82 questionnaires were returned making a response rate of 100 percent. The respondents were categorised in the seven regional offices, land borders, airports and seaports. Airports had the highest representation, 41.5 percent, immigration headquarters, 35.4 percent, land borders, 9.8 percent, Seaports 6.1 percent, regional offices 4.9 percent, and NCTC 1.2 percent as shown in Figure 4.1 below:

Fig. 4.1 Representation by Station



Age of respondents

Half of the respondents are aged 32-40 years 50percent, followed with 41-50 years at 32percent. The ages 21-30 had a representation of 11percent, while over 50 years had a representation of 7percent. It would appear that the Department of Immigration has a bulk of its staff within the ages of 31 -50 years. This is a relatively young age to effectively prevent immigration offences. This data is presented in Table 4.1 below:

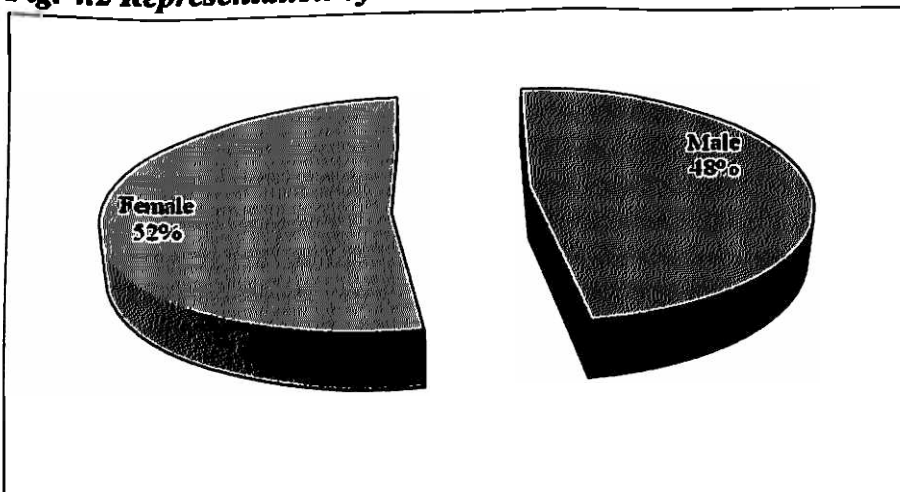
Table 4.1: Distribution of Respondents by Age

<i>Class</i>	<i>Frequency</i>	<i>Percentage</i>
21-30 years	9	11.0
31-40 years	41	50.0
41-50 years	26	31.7
over 50 years	6	7.3
Totals	82	100.0

Sex of respondents

In this study, 52percent of the respondents were female while 48percent were male. The variable indicates that the representation of the Department's employees in terms of sex is almost one to one. The data is presented in Figure 4.2 below:

Fig. 4.2 Representation by Sex



4.3 Staff Development and Deployment

Immigration-related courses

Respondents were asked to identify the courses they had attended ranging from; Document examination, Immigration Laws and Regulations, and border management, among others. Of the courses, majority of the officers 32.9 percent had attended three courses. Others had attended two courses, 22.0 percent; one course 14.6 percentage; and four course 13.4 percent. Of the respondents, 1.2 percent had not been trained in the areas identified.

Table 4.2: Courses Attended

<i>Number of Courses Attended</i>	<i>Frequency</i>	<i>Percentage</i>
No Course	1	1.2
One Course	12	14.6
Two Courses	18	22.0
Three Courses	27	32.9
Four Courses	11	13.4
Five Courses	7	8.5
Six Courses	4	4.9
Seven Courses	2	2.4
	82	100.0

While the presumption laid by government is that preventing immigration offences (GoK, 2011) was the mandate of the Department of Immigration, such mandate ought to be tempered with technical training in the area. Leaving 1.2 percent of the staff establishment without training limits the Department's operation in as far as offence prevention is concerned.

Relevance of the Trainings

Almost all respondents, 98 percent were opined that the trainings thus undertaken were relevant. They expounded a number of reasons to support their opinion and these explanations are captured in table 4.3 below. Some of the reasons adduced include: making officers work efficiently 32.8 percent; helps in fraud detection 19 percent; helps in verifying of documents, 15.5 percent. It is clear that these reasons point to some processes that mark the effective combating of immigration offences.

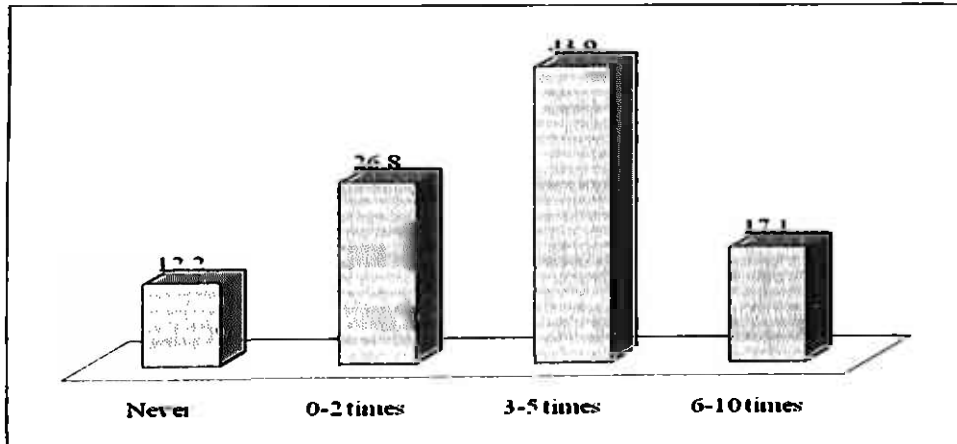
Table 4.3: Relevance of Immigration Courses

<i>Reason</i>	<i>Frequency</i>	<i>Percentage</i>
Make work easier	5	8.6
Enable me carry out my duties effectively	19	32.8
They are core to immigration work	4	6.9
Helps in fraud detection	11	19.0
Help to prosecute culprit	2	3.4
Verifications of documents	9	15.5
Enable officers to carryout work more effectively	2	3.4
Helped me to analyze cases and interview suspects	3	5.2
Training has helped me serve efficiently	1	1.7
Capacity building	1	1.7
Helped to improve services	1	1.7
Totals	58	100.0

Frequency of Deployment and its effect

A paltry number of officers, 12.2 percent have not been deployed since they were employed. A majority, 43.9 percent have been deployed 3-5 years. The data depicting the variable is represented in figure 4.6 below:

Fig 4.3: Frequency of Deployment



The Effect of Deployment

When asked their opinions on the various propositions on deployment, the respondents gave the following responses which are captured in table 4.4 below:

Table 4.4: The Effect of Deploying officers

Deployment Opinion Statement	Opinion (in Percentages)						N	Total
	Strongly Agree	Agree	Undecided	Disagree	Strongly Disagree			
My deployment negatively impacted on the combating of immigration offenses in my former station	4.2	14.1	15.5	38.0	28.2	72	100.0	
Deployment away from family has affected my performance in combating of immigration offenses	11.1	30.6	13.9	27.8	16.7	72	100.0	
I have not seen a connection between the immigration theory I am inducted through and the immigration practice I engage in day in day out	1.3	6.3	15.2	31.6	45.6	80	100.0	
The trainings I have undertaken in the Department are at variance with what I undertook in my tertiary education	10.1	34.2	21.5	25.3	8.9	80	100.0	
I see no relevance to my work in the trainings I undertaken in the Department	0	1.3	8.9	39.2	50.6	80	100.0	

The respondents who either strongly agreed or agreed that their deployment negatively impacted on their role as they combat immigration offences in their former stations were 18.3percent while those who either disagreed or strongly disagreed were 66.2percent. A significant 15.5percent were indifferent. These statistics seem to indicate that moving from a station does not so much affect the combating of immigration offences. Among the respondents who either strongly agreed or agreed that being deployed away from family affected their combating of immigration offences were 41.7 percent. This was against the 44.5 percent who strongly disagreed or disagreed with the opinion that they were affected by deployment away from their families.

Once again 13.9 percent could not agree or disagree with. This could be a figure representing those who have not been deployed since they were employed or those officers, whose functions are not necessarily linked to prevention of immigration offences, say those who are in the administration section, research and training, ICT among others. Key informants X¹ and X² were similarly of the opinion arguing that some officers had unnecessarily overstayed at headquarters when their colleagues were struggling in the borders some of which were hardship areas. The informants held the view that those at headquarters posted a picture that they were special and those posted outside were construed to be undisciplined officers. Respondents returned a very interesting finding in as far as the line between theory and practice cuts. Although an overwhelming 98percent of respondents had given their approval of the courses they had undertaken in the Department and when crossed checked, they gave it a relevance of about 90 percent; when linking theory and practice, a paradoxical 7.6 percent saw a connection between theory and practice, 15.2 percent were indifferent and a whopping 77.2 percent were either disagreed or strongly disagreed that there was a connection between theory and practice.

It appears that majority of the respondents were at pains linking theory and practice in as far as induction training and immigration practice is concerned. Among the respondents who strongly agreed and those who agreed that there existed a variance between what was undertaken in the tertiary education level and what they engage in at the Department of Immigration were 44.3 percent. A significant 21.5 percent were undecided on this matter while 34.2 percent either strongly disagreed or disagreed with the proposition.

4.4 Prevalence of Immigration offences

Prevalence of Immigration Offences

Immigration Department struggles with a number of immigration offences. Respondents cited fraudulently obtained documents as the most prevalent immigration offence, 17.1 percent followed by identity fraud and unregistered foreign nationals at 14.6 percent each. Human trafficking registered 12.2 percent prevalence. Other offences were working without permits, learning without requisite documents, travelling and /or arriving without travel documents, and altered documents. The least prevalent offence was the use of counterfeit documents at 2.4 percent. The data is presented in table 4.5 below:

Table 4.5: Prevalence of Immigration offences

<i>Class</i>	<i>Frequency</i>	<i>Percentage</i>
Fraudulently Obtained documents	14	17.1
Identity fraud	12	14.6
Unregistered Foreign Nationals	12	14.6
Human trafficking	10	12.2
Working without Permit	8	9.8
Learning without Student's Passes	7	8.5
Travelling without documents	7	8.5
Altered documents	5	6.1
Human Smuggling	3	3.7
Counterfeit document	2	2.4
Illegally in Kenya	2	2.4
Totals	82	100.0

Contrary to the contention that the immigration department entertains illegal stay (Harwood, 2009); it is apparent from these findings that illegal stay is not one of the prevalent immigration offences. One other way would be to conceptualize illegal stay as perpetuated by these other crimes in which case they take precedence over illegal stay.

Factors affecting Effective Prevention of Immigration Offences

When asked what factors affect the prevention of immigration offences, the respondents returned results tabulated in table 4.6 below. Top on the list was interference from other agencies 26.8 percent, corruption 15.9 percent and border porosity 15.9 percent. Lack of prosecutors, political interference, and lack of legal knowledge – all ranked at 9.8 percent. Other factors were interference from the Department, lack of judicial systems, and personnel related problems. The data is presented in table 4.6 below.

Table 4.6: Factors Affecting Combating of Immigration offences

<i>Class</i>	<i>Frequency</i>	<i>Percentage</i>
Interference from other agencies	22	26.8
Corrupt practices	13	15.9
Porous boarder	13	15.9
Lack of prosecutors in the station	8	9.8
Political interference	8	9.8
Lack of legal knowledge	8	9.8
Interference from the Department	6	7.3
No law courts within the station	3	3.7
Personnel Related problems	1	1.2
Total	82	100

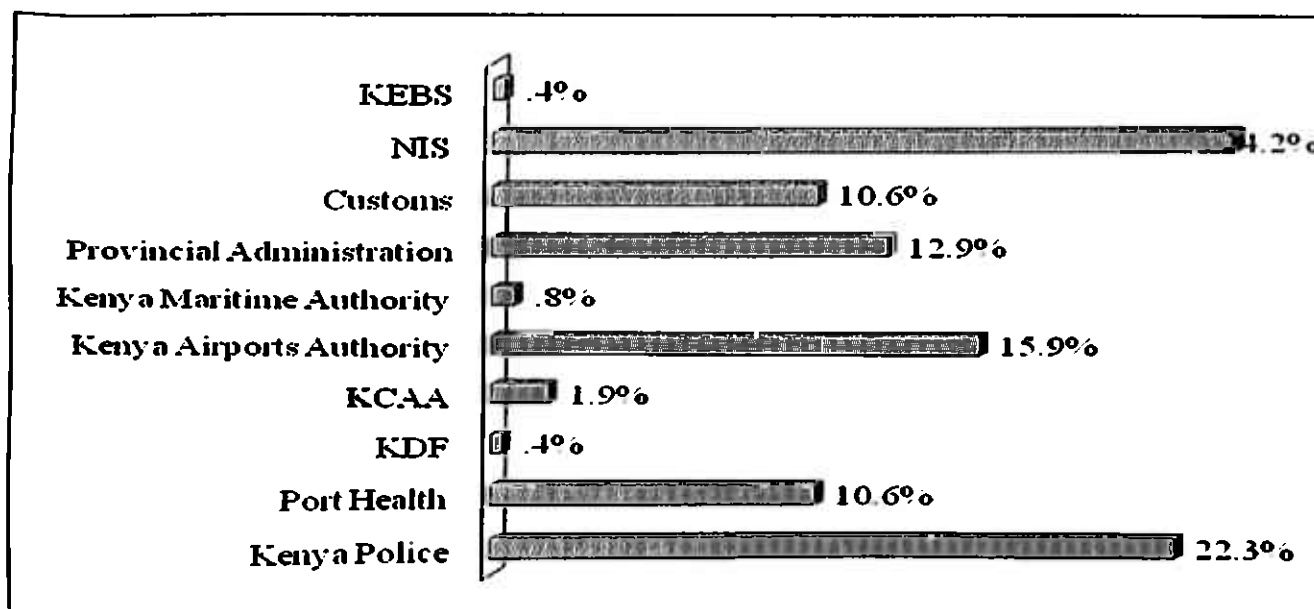
It is interesting to note that respondents cited departmental interference, 6.5 percent as a factor that limits the effective combating of immigration offences. Key informant X⁴ felt that although political leaders interfere when immigration offenders are arrested, corruption was still on the rise followed by interference from headquarters when senior officers interfere with the conduct of junior officers. When KACC (2005) and Harwood (2009) cite corruption and uncontrolled discretion, the study findings seemed to confirm the results.

4.4 Interagency Cooperation

Other State Actors in the combating of Immigration offenses

Government departments do not operate in isolation. The question of how these other state actors affect the combating of immigration offenses was of interest to this study. The most notable state actor is NIS 24.2 percent; Kenya Police 22.3 percent; Kenya Airport Authority 15.9 percent; Provincial Administration 12.9percent; Customs 10.6percent; and port health 10.6percent. The representation of other state actors is captured in fig 4.4 below:

Fig 4.4: Other State Agencies



The above findings are in tandem with the provisions of the Presidential circular (GoK, 2008). Indeed all these agencies have their functions and existence crafted in the circular. The nature of their functions demand that they be found at the borders of the country and this study confirmed their presence.

Having established the state actors within their confines, the respondents responded to some opinion questions that relate to interagency cooperation. The question of immigration department as a lead agency returned mixed results. Of the respondents who either strongly agreed or agreed that other state actors appreciate the lead agency role of immigration were 36.4 percent while those who either strongly disagreed or disagreed were 43.6 percent. About 10 percent were undecided. The fact that lead agency role is also linked to the security aspects of the country, having the constitution expressly declares that the Kenya Defence Forces (KDF), the Kenya Police Service and the National Intelligence Service as the only three security agencies (GoK, 2012) may have affected the take that immigration is the lead agency. On the flipside, the fact that the government has invested in all these agencies goes to confirm Agrawaal et al (1960) who envisaged factors among them the capacity to control entry and exit as determinants of sovereignty of a State.

When asked whether their performance received the support of other agencies, 31.7 percent either strongly agreed or agreed; 13.4percent remained non committal while 44.9percent either strongly disagreed or disagreed with the opinion. As though to confirm the interagency cooperation status more than two thirds 67.1percent were opined that other agencies operations interfere with the combating of immigration offences. A paltry 8.9percent kept off the issue while 24percent disagreed with that interference arose from the activities of other state actors. A majority of respondents, 46.3percent did not see any variance between immigration laws and those of other agencies. 28.8percent were undecided and this could be a group which kept of the question or is unfamiliar with the laws guiding other agencies. More than one quarter, 25.1percent saw some variance in the operations of the two sets of legal documents.

As to whether the operations at the borders provide a perfect instance of interdepartmental rivalries 58.3percent gave their nod either strongly agreeing or agreeing to the opinion. Less than one third, 20.2percent either strongly disagreed or disagreed with the contention while 21.5percent were undecided. The contention by Bachman and Schutt (2003) that reporting of crimes may be a propeller to misunderstanding between agencies need to be considered further.

Table 4.7: Opinion on Interagency Cooperation

<i>Interagency Cooperation Opinion Statement</i>	<i>Opinion (in Percentages)</i>						
	<i>Strongly Agree</i>	<i>Agree</i>	<i>Undecided</i>	<i>Disagree</i>	<i>Strongly Disagree</i>	<i>N</i>	<i>Total</i>
The Department's role as the lead agency in border management has been appreciated by other agencies.	11.0	35.4	9.8	29.3	14.6	82	100.0
In the performance of my duties I have received unswerving support from other agencies	3.7	28.0	13.4	39.0	15.9	82	100.0
The operations of other agencies interfere with my role in combating immigration offences	24.1	43.0	8.9	21.5	2.5	82	100.0
Offences under immigration laws are at variance with the laws that guide the operations of other agencies	8.8	16.3	28.8	36.3	10.0	82	100.0
The operations at the border are a perfect instance of inter departmental rivalries	24.1	34.2	21.5	16.5	3.7	82	100.0

The study findings indicate that there is no much cooperation among the agencies as one would want it to be. Indeed six of the seven key informants affirmed the lack of working relations between the stakeholders at the work stations. Key informant X² argued that whereas Immigration department always cites the Presidential Circular No. 1 of 2008, other stakeholders allege that they are not aware of the contents of the circular. The admission of key informant X³ was even candid- "Customs department asked us to elaborate how a single statement declaring us (immigration) a lead agency would then grant us supervisory or coordinating roles."

This casts doubt on the how immigration can take charge of the lead agency role when customs has traditionally taken charge of the borders since independence. Such interdepartmental rivalry serves to defeat the purpose of interagency cooperation.

4.6 Motivation of staff

Resources Required in Prevention of Immigration Offences

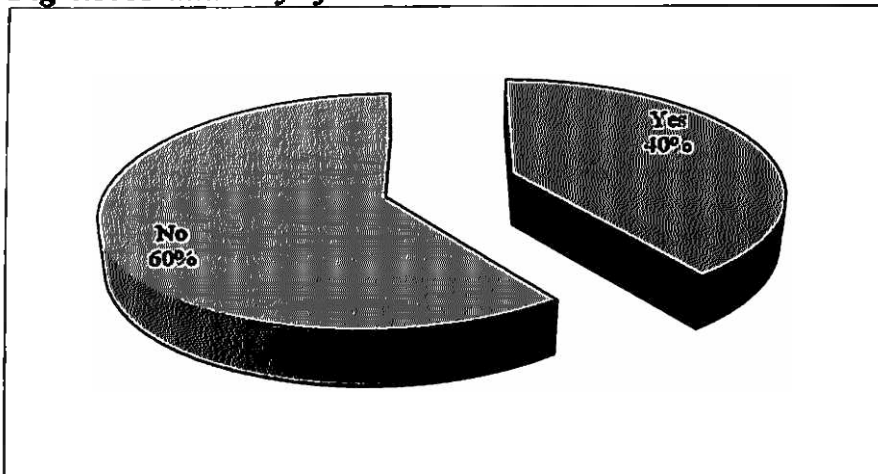
A number of resources were cited as essential in the combating of immigration offences. Some of the resources cited by the respondents were: funding of patrols 19.5 percent; availing magisterial courts 15.9 percent, functional vehicles 14.6 percent, funding for repatriation and availing immigration laws at 9.8 percent. Others included: management support; avail Immigration prosecutors; funding the sensitization of the public on immigration laws; establishing of holding facilities; Sound leadership; and adequate human resources. Table 4.8 below captures the data.

Table 4.8: Resources to Combat Immigration offences

<i>Class</i>	<i>Frequency</i>	<i>Percentage</i>
Resources for patrols	16	19.5
Avail Magisterial Courts	13	15.9
Functional Vehicles	12	14.6
Budget for repatriations and deportations	8	9.8
Avail immigration laws	8	9.8
Immigration holding facilities	6	7.3
Funds to sensitize public on immigration laws	5	6.1
Sound Leadership	5	6.1
Management support	4	4.9
Immigration prosecutors	4	4.9
Enough/adequate human resource	1	1.2
Total	82	100

When asked whether the resources mentioned above are availed by the Department, more than half 60percent of the respondents were opined that they were not availed as compared to 40percent who felt that the resources were availed.

Fig 4.5: Availability of Resources



Of the 60percent who said that resources are not availed, the respondents were opined that the resultant effect on the prevention of offenses was that: performance of duties becomes strenuous 47.4percent; the morale is decreased 21.1percent; the fight against cross border crimes and making the fight against immigration offenses fruitless – both scored 10.5percent. Table 4.9 below tabulates this data

Table 4.9 Effect of the lack of resources affect Prevention of Offenses

<i>Class</i>	<i>Frequency</i>	<i>Percentage</i>
The fight is fruitless	2	10.5
Performance of duties becomes strenuous	9	47.4
Hinders frequent patrols	1	5.3
Weakens fight against cross border offenses	2	10.5
Fear of reprisals	1	5.3
It decreases morale	4	21.1
Totals	19	100.0

When asked further on their opinion in so far as the various motivation opinion statements were concerned, a number of responses were generated. More than half 51.9 percent of the respondents are opined that they are not motivated to levels that help them combat immigration offences. 27.2 percent felt that they are motivated to combat immigration offences while 21percent were indifferent to the opinion question.

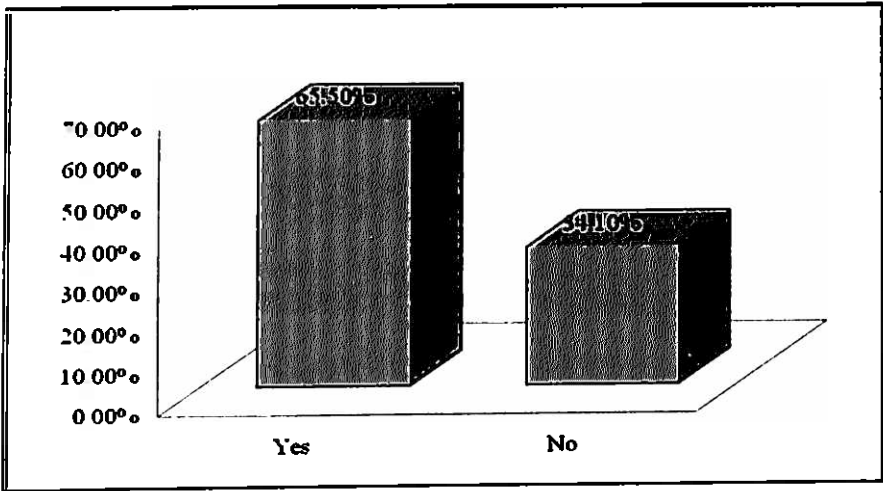
The opinion was not so much different when respondents were asked about efforts made in their area of operation. Should an officer intercept immigration offenders, 35.4percent felt that they will be appreciated, 29.3percent were unsure while 35.4percent thought they would not be appreciated. This was also the feeling across the key informant who felt that there is need for the administration to appreciate the efforts that the officers have put in to help enforce Immigration laws. In linking the availability or unavailability of resources as a motivating factor to prevent offences, 61.7percent felt that not all they need had been provided for giving an almost similar opinion when the question was posed directly and as has been indicated in Fig. 4.5 above. When asked whether they received feedback on cases they had forwarded to headquarters for further investigations and prosecution, 64.2percent were emphatic that they had not received such feedback, while less than one quarter 14.8percent had received such feedback. Respondents returned interesting results in as far as support was received on actual investigative cases as opposed to the support provided in trainings. The feeling of more than half of the respondents 51.9percent was that no support was forthcoming on actual cases while about half 47.5percent saw more support on training initiatives. It would appear that on the issue of preventing immigration offences, the Department was more on the training than it was on the actual prevention of immigration offences.

Table 4.10: Opinion on Motivation

<i>Motivation Opinion Statement</i>	<i>Opinion (in Percentages)</i>				
	<i>Agree</i>	<i>Undecided</i>	<i>Disagree</i>	<i>N</i>	<i>Total</i>
I am motivated to levels that improve my performance in combating immigration	27.2	21.0	51.9	82	100.0
When I intercept immigration offenders, my work is appreciated by the top administration	35.4	29.3	35.4	82	100.0
Whatever I need in the combating of immigration offences is provided for by management	17.3	21.0	61.7	82	100.0
My station receives feedback on the cases we have forwarded to headquarters for further investigations and prosecution	14.8	21.0	64.2	82	100.0
I am motivated enough to combat immigration offences within my area of operation	15.9	29.3	54.9	82	100.0
I receive adequate support from headquarters each time I am investigating or prosecuting immigration offences	19.8	28.4	51.9	82	100.0
Management has been supportive of the training initiatives in the Department	47.5	21.3	31.3	82	100.0

Even with the results tabulated in Table 4.10 above, about two thirds of the respondents 65.percent were optimistic that immigration offences can be combated against the 34.1percent who pessimistically felt that such crimes could not be combated. Figure 4.6 below captures this study finding:

Fig 4.6: Can Immigration offenses be combated



From the findings presented in this chapter, within the thematic areas of interagency cooperation, motivation, prevalence of immigration crimes, staff deployment and development, a number of findings can be deduced, and these findings are discussed in chapter five.

CHAPTER FIVE

5.0 SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter presents a summary of the key findings in the report before making conclusions and proposing recommendations.

5.2 Summary and Conclusions

The study findings are summarised and concluded within the objectives set in chapter one.

5.2.1 Prevalence of Immigration offences in Kenya

The Department of Immigration is faced with document related offences. These include- identify theft, illegal stay and document fraud. In their effort to prevent immigration offences, the Department is faced with a number of factors that affect effective prevention of offences. These can be seen as internal versus external push factors. The factors include interference from other agencies; political interference; corrupt practices; poor infrastructures; interference from the department; lack of prosecutors; and regional integration. Other factors include lack of basic resources to prevent offences as the availability of courts, lack of prosecutors and the lack of multi –linguists in the technical cadre.

5.2.2 Staff Development and Deployment and their effect on preventing Immigration related offences

Almost all officers in the department had been trained on the various aspects of immigration. Since the training courses are based on the technical areas of what immigration officers are engaged in, the courses are deemed relevant and applicable in immigration practice. As the officers are trained and thus relevant for certain tasks, this becomes a basis for deployment and re-deployment. The study revealed that deployment does not affect the work done by immigration officers including the effective combating of immigration offences.

5.2.3 Interagency Cooperation

A number of State actors work together with immigration department as it offers its services. Some notable actors include National Intelligence Service, Kenya Police Service, Kenya Airport Authority, Customs, Port Health and the Provincial Administration. The fact that these actors work at the same place coupled by the fact that Immigration has been mandated to coordinate the activities at the border; significant resistance has been received from the actors. Agencies prefer to keep off the combating of immigration offences or operationally interfere with immigration related factors much as the mandates for each agency are clear. In short, the borders are the perfect home for petty interdepartmental rivalry.

5.2.4 Staff Motivation

The study showed that the Department has only made attempts to provide some of the required resources, namely: funds for patrols; provision of functional vehicles; construction of holding facilities among other human resources (sound leadership, availing prosecutors). In the face of limited resources, the fight against immigration offences will be fruitless and will make performance strenuous. The ultimate effect would be decreased morale among the officers. Apart from the limited funding to combat immigration offences, top management has not given feedback on cases handled by investigations and prosecution at the headquarters and does not give adequate support from headquarters on investigation matters. Top managers have not been so interested in the training initiatives. A significant number of employees are enthusiastic that the Department will once trounce immigration offences.

From the foregoing, it can be concluded that immigration offences in the form of document and identity fraud are prevalent. The Department of immigration has consciously attempted to combat these crimes by providing some resources yet these efforts have not assisted the Department fight crimes. The study established a number of factors that affect the effective combating of immigration offences. Top on this list was the interference from other agencies 20.6 percent; Political interference 16.8 percent; corruption 15.9 percent; Lack of prosecutors 9.1 percent; interference from the department 6.5 percent; regional integration 6.5 percent among others.

5.3 Recommendations

Based on the study, the following was recommended:

5.3.1 Utilize trainings to deploy officers

When the Department invests to training as been done, there must be strategies to nurture the new skills acquired. When one has the necessary theoretical knowledge but lacks the sufficient experience by applying technical skills in immigration practice. It is one thing to train numbers yet another to deploy and re-deploy those trained for effective service up to and including combating immigration offences. For instance, a section or immigration office cannot have two prosecutors yet another requires one and has none.

5.3.2 Seek sufficient funds to combat Immigration offences

The nature of immigration offences has taken a new form such that the traditional document fraud is used to facilitate terrorism, drug trafficking, human smuggling and trafficking. There is need to appreciate this bigger picture and allocate funds that are sufficient for the effective combating of immigration offences. In the same breathe, the Department of Immigration needs to employ more officers so that the entry points are secured and the foreign nationals within the borders are regulated as provided for in the law (GoK, 2012).

5.3.3 Legislate the provisions of the Presidential Circular No.1/2008

Administrative circulars should only guide the administration of government functions. Matters that touch on the borders of a country are left to the State (Agarwaal, 1990). Such matters are properly attended to in a legislative framework. Amendments have to be made to the legal provisions in the new immigration laws (GoK, 2011; GoK, 2012) to expressly declare that Immigration plays a lead role in border management.

5.3.4 Approach Border Management from an integrated approach.

One way of eliminating petty interdepartmental rivalry is by looking at the border as one entity serving the same interests. This can be done remotely where sharing of information is on the top agenda or adopt joint initiatives such as the US has done in the formation of the Homeland Security or what the United Kingdom calls UK Border Agency (UKBA). The government of Kenya needs to make strategic strides toward the formation of such an umbrella body for Kenya.

5.3.5 Maximize on the enthusiasm exhibited by immigration officers to prevent offences

The vigour and confidence exuded by immigration officers should be natured for the betterment of the Department. A good number of officers hold the opinion that immigration offences can be eliminated. The Department should take cognizance of the enthusiasm and turn this for the effective use of their services.

5.4 Areas for further study

This study concerned itself with the factors that influence the effective prevention of immigration offences. It would be desirable if a study to target the factors that influence recidivists in as far as immigration offences are concerned.

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APPENDIX 1: QUESTIONNAIRE
SURVEY 1 ON FACTORS AFFECTING EFFECTIVE COMBATING OF IMMIGRATION
OFFENCES IN KENYAN IMMIGRATION DEPARTMENT

BACKGROUND INFORMATION

1. Area of operation section (tick one)

- Immigration Headquarters []
- Regional Headquarters []
- Seaport []
- Airport []
- Land Border []
- Other (Specify) _____

2. Age
 21-30 years 31-40 years 41-50 years over 50 years

3. How long have worked for the department? (Actual number of years) _____

4. Sex Male Female

STAFF DEVELOPMENT AND DEPLOYMENT

5. Have you ever been trained since you joined the Department of Immigration Services?
Yes [] No []

6. Which areas of your job have you been trained on?

Border Management	<input type="checkbox"/>
Public Administration	<input type="checkbox"/>
Public Accounting and Management	<input type="checkbox"/>
Immigration laws and Regulations	<input type="checkbox"/>
International treaties and protocols	<input type="checkbox"/>
Document Examination	<input type="checkbox"/>
Other (Specify) _____	<input type="checkbox"/>

7. Is the training(s) undertaken been relevant in the operations at your station? Yes No

Explain your answer:

8. How many times have you been deployed since you joined the department?
 Never 0-2 times 3-5 times 6-10 times over 10 times

9. Rank your opinion on the following propositions

	Statement	Strongly Agree	Agree	Undecided	Disagree	Strongly Disagree
a)	My deployment negatively impacted on the combating of immigration offences in my former station	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Deployment away from family has affected my performance in combating of immigration offences	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	I have not seen a connection between the immigration theory I am inducted through and the immigration practice I engage in day in day out	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	The trainings I have undertaken in the Department are at variance with what I undertook in my tertiary education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	I see no relevance to my work in the trainings I undertaken in the Department	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PREVALENCE OF IMMIGRATION OFFENCES

10. Which immigration offences are most prevalent in your station? (Tick all that apply)

- | | | | |
|------------------------|--------------------------|-----------------------------------|--------------------------|
| Altered documents | <input type="checkbox"/> | Counterfeit document | <input type="checkbox"/> |
| Identity fraud | <input type="checkbox"/> | Fraudulently Obtained documents | <input type="checkbox"/> |
| Working without Permit | <input type="checkbox"/> | Learning without Student's Passes | <input type="checkbox"/> |
| Human trafficking | <input type="checkbox"/> | Human Smuggling | <input type="checkbox"/> |
| Illegally in Kenya | <input type="checkbox"/> | Unregistered Foreign Nationals | <input type="checkbox"/> |

Others (Specify):

11. What factors affect the combating of immigration offences? (Tick all that apply)

- | | | | |
|----------------------------------|-----|------------------------------------|-----|
| Interference from other agencies | [] | Lack of prosecutors in the station | [] |
| No law courts within the station | [] | Interference from the Department | [] |
| Poor infrastructure | [] | Political interference | [] |
| Lack of legal knowledge | [] | Regional integration | [] |
| Corrupt practices | [] | | |

Others (Specify):

INTERAGENCY COOPERATION

12. At your work station, which agency do you interact with most? (Tick all that apply)

- | | | | | | |
|--------------|--------------------------|---------------------------|--------------------------|---------|--------------------------|
| Kenya Police | <input type="checkbox"/> | Kenya Airports Authority | <input type="checkbox"/> | Customs | <input type="checkbox"/> |
| Port Health | <input type="checkbox"/> | Kenya Maritime Authority | <input type="checkbox"/> | NIS | <input type="checkbox"/> |
| KDF | <input type="checkbox"/> | Provincial Administration | <input type="checkbox"/> | KEBS | <input type="checkbox"/> |
| KCAA | <input type="checkbox"/> | | | | |

13. Rank your opinion on the following propositions

	Statement	Strongly Agree	Agree	undecided	Disagree	Strongly Disagree
a)	The Department's role as the lead agency in border management has been appreciated by other agencies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	In the performance of my duties I have received unswerving support from other agencies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	The operations of other agencies interfere with my role in combating immigration offences	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	Crimes under immigration laws are at variance with the laws that guide the operations of other agencies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	The operations at the border are a perfect instance of inter departmental rivalries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

MOTIVATION

14. To effectively combat immigration offences what resources do you need?

- | | | | |
|-------------------------|--------------------------|---|--------------------------|
| Resources for patrols | <input type="checkbox"/> | Avail immigration laws | <input type="checkbox"/> |
| Functional Vehicles | <input type="checkbox"/> | Funds to sensitize public on immigration laws | <input type="checkbox"/> |
| Sound Leadership | <input type="checkbox"/> | Immigration holding facilities | <input type="checkbox"/> |
| Immigration prosecutors | <input type="checkbox"/> | Avail Magisterial Courts | <input type="checkbox"/> |
| Management support | <input type="checkbox"/> | Budget for repatriations and deportations | <input type="checkbox"/> |
| Others (Specify) _____ | | | |

15. Are the resources identified in 14 above availed by the Department's management?

- Yes No

16. How does this affect your resolve to fight immigration offences? -----

17. Rank your attitudes towards the following statements on motivation using the options of 'Agree', 'Neutral' or 'disagree'

	Perceptions toward motivation:	Agree	Undecided	Disagree
a)	I am motivated to levels that improve my performance in combating immigration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	When I intercept immigration offenders, my work is appreciated by the top administration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Whatever I need in the combating of immigration offences is provided for by management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	My station receives feedback on the cases we have forwarded to headquarters for further investigations and prosecution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	I am motivated enough to combat immigration crime within my area of operation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f)	I receive adequate support from headquarters each time I am investigating or prosecuting immigration offences	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g)	Management has been supportive of the training initiatives in the Department	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

18. Do you think immigration offences can be fully combated?

Yes

No

What suggestions would you give to improve the situation _____

Thank you for your participation

APPENDIX 2: KEY INFORMANT GUIDE
KEY INFORMANT GUIDE ON FACTORS AFFECTING EFFECTIVE COMBATING OF IMMIGRATION OFFENCES IN KENYAN IMMIGRATION DEPARTMENT

Good day! My name is Fauziah, a post graduate student at the University of Nairobi. This Interview guide seeks to collect information on *factors affecting effective combating of immigration offences in Kenyan Immigration Department*. Be assured that the information you give shall be treated as confidential and your participation is highly appreciated.

SECTION A: PROFILE.

1. Name of the respondent (optional) _____
2. Station _____
3. Duration in the station _____

SECTION B

3. What are some of your functions at this station?

.....
.....
.....

4. You have seen officers being deployed and redeployed to this station. What is your take on how such deployment/redeployment affects the combating of immigration offences in your station? What has been your story? How has deployment affected you?

.....
.....
.....

5. Do you think that the various training undertaken by the Department prepare officers for the tasks they have to handle? Explain your answer.

.....
.....
.....

6. Which Immigration offences do you encounter at this station and which is difficult to counter? Do you have all that it takes to counter immigration offences?

.....
.....
.....

7. Immigration is a lead agency on border management. How has been the relation between immigration and the other agencies at this station and how has this affected the way you counter immigration offences?

.....
.....
.....

8. What motivates you as an officer in charge of this station? What would you do differently if you had the opportunity to motivate your staff?

.....
.....

9. Do you think immigration offences have been effectively dealt with? What do you think should be done differently to improve the situation?

.....
.....
.....

Thank you for your contributions

APPENDIX 3: DATA ANALYSIS

Frequency Tables

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Immigration	29	35.4	35.4	35.4
	Headquarters				
	Regional Headquarters	4	4.9	4.9	40.2
	Seaport	5	6.1	6.1	46.3
	Airport	34	41.5	41.5	87.8
	Land Border	8	9.8	9.8	97.6
	NCTC	1	1.2	1.2	98.8
	Nakuru office	1	1.2	1.2	100.0
	Total	82	100.0	100.0	

Q2

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	21-30 years	9	11.0	11.0	11.0
	32-40 years	41	50.0	50.0	61.0
	41-50 years	26	31.7	31.7	92.7
	over 50 years	6	7.3	7.3	100.0
	Total	82	100.0	100.0	

Q3G

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0-5 Yrs	24	29.3	30.0	30.0
	6-10 Yrs	44	53.7	55.0	85.0
	11-15 Yrs	5	6.1	6.3	91.3
	16-20 Yrs	6	7.3	7.5	98.8
	Above 21 Yrs	1	1.2	1.3	100.0
	Total	80	97.6	100.0	
Missing	System	2	2.4		
Total		82	100.0		

Q4

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Male	39	47.6	47.6	47.6
	Female	43	52.4	52.4	100.0
	Total	82	100.0	100.0	

Q5

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	80	97.6	97.6	97.6
	No	2	2.4	2.4	100.0
	Total	82	100.0	100.0	

Q7

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	79	98.8	98.8	98.8
	No	1	1.3	1.3	100.0
	Total	80	100.0	100.0	

Q8

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Never	10	12.2	12.2	12.2
	0-2 times	22	26.8	26.8	39.0
	3-5 times	36	43.9	43.9	82.9
	6-10 times	14	17.1	17.1	100.0
	Total	82	100.0	100.0	

Q9A

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	3	4.2	4.2	4.2
	Agree	10	13.9	14.1	18.3
	Undecided	11	15.3	15.5	33.8
	Disagree	27	37.5	38.0	71.8
	Strongly Disagree	20	27.8	28.2	100.0
	Total	71	98.6	100.0	
Missing	System	1	1.4		
Total		72	100.0		

Q9B

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	8	11.1	11.1	11.1
	Agree	22	30.6	30.6	41.7
	Undecided	10	13.9	13.9	55.6
	Disagree	20	27.8	27.8	83.3
	Strongly Disagree	12	16.7	16.7	100.0
	Total	72	100.0	100.0	

Q9C

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	1	1.3	1.3	1.3
	Agree	5	6.3	6.3	7.6
	Undecided	12	15.0	15.2	22.8
	Disagree	25	31.3	31.6	54.4
	Strongly Disagree	36	45.0	45.6	100.0
	Total	79	98.8	100.0	
Missing	System	1	1.3		
Total		80	100.0		

Q9D

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	8	10.0	10.1	10.1
	Agree	27	33.8	34.2	44.3
	Undecided	17	21.3	21.5	65.8
	Disagree	20	25.0	25.3	91.1
	Strongly Disagree	7	8.8	8.9	100.0
	Total	79	98.8	100.0	
Missing	System	1	1.3		
Total		80	100.0		

Q9E

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Agree	1	1.3	1.3	1.3
	Undecided	7	8.8	8.9	10.1
	Disagree	31	38.8	39.2	49.4
	Strongly Disagree	40	50.0	50.6	100.0
	Total	79	98.8	100.0	
Missing	System	1	1.3		
Total		80	100.0		

Q1310

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	9	11.0	11.0	11.0
	Agree	29	35.4	35.4	46.3
	Undecided	8	9.8	9.8	56.1
	Disagree	24	29.3	29.3	85.4
	Strongly Disagree	12	14.6	14.6	100.0
	Total	82	100.0	100.0	

Q1311

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	3	3.7	3.7	3.7
	Agree	23	28.0	28.0	31.7
	Undecided	11	13.4	13.4	45.1
	Disagree	32	39.0	39.0	84.1
	Strongly Disagree	13	15.9	15.9	100.0
	Total	82	100.0	100.0	

Q1312

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	19	23.2	24.1	24.1
	Agree	34	41.5	43.0	67.1
	Undecided	7	8.5	8.9	75.9
	Disagree	17	20.7	21.5	97.5
	Strongly Disagree	2	2.4	2.5	100.0
	Total	79	96.3	100.0	
Missing	System	3	3.7		
Total		82	100.0		

Q1313

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	7	8.5	8.8	8.8
	Agree	13	15.9	16.3	25.0
	Undecided	23	28.0	28.8	53.8
	Disagree	29	35.4	36.3	90.0
	Strongly Disagree	8	9.8	10.0	100.0
	Total	80	97.6	100.0	
Missing	System	2	2.4		
Total		82	100.0		

Q1314

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	19	23.2	24.1	24.1
	Agree	27	32.9	34.2	58.2
	Undecided	17	20.7	21.5	79.7
	Disagree	13	15.9	16.5	96.2
	Strongly Disagree	3	3.7	3.8	100.0
	Total	79	96.3	100.0	
Missing	System	3	3.7		
Total		82	100.0		

Q15

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	29	35.4	39.7	39.7
	No	44	53.7	60.3	100.0
	Total	73	89.0	100.0	
Missing	System	9	11.0		
Total		82	100.0		

Q17A

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Agree	22	26.8	27.2	27.2
	Undecided	17	20.7	21.0	48.1
	Disagree	42	51.2	51.9	100.0
	Total	81	98.8	100.0	
Missing	System	1	1.2		
Total		82	100.0		

Q17B

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Agree	29	35.4	35.4	35.4
	Undecided	24	29.3	29.3	64.6
	Disagree	29	35.4	35.4	100.0
	Total	82	100.0	100.0	

Q17C

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Agree	14	17.1	17.3	17.3
	Undecided	17	20.7	21.0	38.3
	Disagree	50	61.0	61.7	100.0
	Total	81	98.8	100.0	
Missing	System	1	1.2		
Total		82	100.0		

Q17D

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Agree	12	14.6	14.8	14.8
	Undecided	17	20.7	21.0	35.8
	Disagree	52	63.4	64.2	100.0
	Total	81	98.8	100.0	
Missing	System	1	1.2		
Total		82	100.0		

Q17E

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Agree	13	15.9	15.9	15.9
	Undecided	24	29.3	29.3	45.1
	Disagree	45	54.9	54.9	100.0
	Total	82	100.0	100.0	

Q17F

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Agree	16	19.5	19.8	19.8
	Undecided	23	28.0	28.4	48.2
	Disagree	42	51.2	51.9	100.0
	Total	81	98.8	100.0	
Missing	System	1	1.2		
Total		82	100.0		

Q17G

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Agree	38	46.3	47.5	47.5
	Undecided	17	20.7	21.3	68.8
	Disagree	25	30.5	31.3	100.0
	Total	80	97.6	100.0	
Missing	System	2	2.4		
Total		82	100.0		

Q18

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	54	65.9	65.9	65.9
	No	28	34.1	34.1	100.0
	Total	82	100.0	100.0	

Q9a. My deployment negatively impacted on the combating of immigration offences in my former station?

	TOTAL	Immigration Headquarters	Regional Headquarters	Seaport	Airport	Land Border	NCTC	Nakuru office
BASE	71	28	4	4	25	8	1	1
Strongly Agree	4%	0%	0%	25%	8%	0%	0%	0%
Agree	14%	18%	25%	25%	4%	25%	0%	0%
Undecided	15%	18%	0%	25%	16%	0%	100%	0%
Disagree	38%	46%	50%	0%	28%	50%	0%	100%
Strongly Disagree	28%	18%	25%	25%	44%	25%	0%	0%
MEAN	3.7	3.6	3.8	2.8	4.0	3.8	3.0	4.0

Q9b. Deployment away from family has affected my performance in combating of immigration offences?

	TOTAL	Immigration Headquarters	Regional Headquarters	Seaport	Airport	Land Border	NCTC	Nakuru office
BASE	72	28	4	5	25	8	1	1
Strongly Agree	11%	11%	0%	40%	12%	0%	0%	0%
Agree	31%	21%	75%	20%	28%	50%	0%	100%
Undecided	14%	14%	0%	0%	16%	13%	100%	0%
Disagree	28%	43%	25%	20%	20%	13%	0%	0%
Strongly Disagree	17%	11%	0%	20%	24%	25%	0%	0%
MEAN	3.1	3.2	2.5	2.6	3.2	3.1	3.0	2.0

Q9c. I have not seen a connection between the immigration theory I am inducted through and the immigration practice I engage in day in day out?

	TOTAL	Immigration Headquarters	Regional Headquarters	Seaport	Airport	Land Border	NCTC	Nakuru office
BASE	79	28	4	5	32	8	1	1
Strongly Agree	1%	4%	0%	0%	0%	0%	0%	0%
Agree	6%	7%	0%	20%	3%	0%	100%	0%
Undecided	15%	18%	25%	20%	3%	50%	0%	0%
Disagree	32%	39%	50%	40%	19%	38%	0%	100%
Strongly Disagree	46%	32%	25%	20%	75%	13%	0%	0%
MEAN	4.1	3.9	4.0	3.6	4.7	3.6	2.0	4.0

Q9d. The trainings I have undertaken in the Department are at variance with what I undertook in my tertiary education?

	TOTAL	Immigration Headquarters	Regional Headquarters	Seaport	Airport	Land Border	NCTC	Nakuru office
BASE	79	28	4	5	32	8	1	1
Strongly Agree	10%	7%	0%	20%	16%	0%	0%	0%
Agree	34%	39%	50%	20%	34%	13%	0%	100%
Undecided	22%	21%	50%	40%	3%	63%	100%	0%
Disagree	25%	25%	0%	20%	31%	25%	0%	0%
Strongly Disagree	9%	7%	0%	0%	16%	0%	0%	0%
MEAN	2.9	2.9	2.5	2.6	3.0	3.1	3.0	2.0

Q9e. I see no relevance to my work in the trainings I undertaken in the Department?

	TOTAL	Immigration Headquarters	Regional Headquarters	Seaport	Airport	Land Border	NCTC	Nakuru office
BASE	79	28	4	5	32	8	1	1
Agree	1%	0%	0%	0%	3%	0%	0%	0%
Undecided	9%	11%	50%	0%	0%	25%	0%	0%
Disagree	39%	54%	25%	60%	25%	38%	0%	100%
Strongly Disagree	51%	36%	25%	40%	72%	38%	100%	0%
MEAN	4.4	4.3	3.8	4.4	4.7	4.1	5.0	4.0

Q1310. The Department's role as the lead agency in border management has been appreciated by other agencies

	TOTAL	Immigration Headquarters	Regional Headquarters	Seaport	Airport	Land Border	NCTC	Nakuru office
BASE	82	29	4	5	34	8	1	1
Strongly Agree	11%	3%	0%	0%	21%	0%	100%	0%
Agree	35%	48%	50%	60%	21%	25%	0%	100%
Undecided	10%	14%	0%	20%	3%	25%	0%	0%
Disagree	29%	24%	50%	20%	32%	38%	0%	0%
Strongly Disagree	15%	10%	0%	0%	24%	13%	0%	0%
MEAN	3.0	2.9	3.0	2.6	3.2	3.4	1.0	2.0

Q1311: In the performance of my duties I have received unswerving support from other agencies?

	TOTAL	Immigration Headquarters	Regional Headquarters	Seaport	Airport	Land Border	NCTC	Nakuru office
BASE	82	29	4	5	34	8	1	1
Strongly Agree	4%	3%	0%	0%	3%	0%	0%	100%
Agree	28%	38%	25%	20%	26%	0%	100%	0%
Undecided	13%	10%	50%	40%	3%	38%	0%	0%
Disagree	39%	31%	25%	40%	44%	63%	0%	0%
Strongly Disagree	16%	17%	0%	0%	24%	0%	0%	0%
MEAN	3.4	3.2	3.0	3.2	3.6	3.6	2.0	1.0

Q1312: The operations of other agencies interfere with my role in combating immigration offences?

	TOTAL	Immigration Headquarters	Regional Headquarters	Seaport	Airport	Land Border	NCTC	Nakuru office
BASE	79	29	4	5	31	8	1	1
Strongly Agree	24%	17%	0%	0%	39%	0%	100%	100%
Agree	43%	24%	100%	20%	48%	88%	0%	0%
Undecided	9%	17%	0%	0%	3%	13%	0%	0%
Disagree	22%	38%	0%	80%	6%	0%	0%	0%
Strongly Disagree	3%	3%	0%	0%	3%	0%	0%	0%
MEAN	2.4	2.9	2.0	3.6	1.9	2.1	1.0	1.0

Q1313: Crimes under immigration laws are at variance with the laws that guide the operations of other agencies?

	TOTAL	Immigration Headquarters	Regional Headquarters	Seaport	Airport	Land Border	NCTC	Nakuru office
BASE	80	29	4	5	32	8	1	1
Strongly Agree	9%	7%	0%	0%	13%	13%	0%	0%
Agree	16%	14%	25%	40%	13%	0%	100%	100%
Undecided	29%	28%	50%	20%	28%	38%	0%	0%
Disagree	36%	38%	25%	40%	34%	50%	0%	0%
Strongly Disagree	10%	14%	0%	0%	13%	0%	0%	0%
MEAN	3.2	3.4	3.0	3.0	3.2	3.3	2.0	2.0

Q1314: The operations at the border are a perfect instance of inter departmental rivalries?

	TOTAL	Immigration Headquarters	Regional Headquarters	Seaport	Airport	Land Border	NCTC	Nakuru office
BASE	79	29	4	5	31	8	1	1
Strongly Agree	24%	17%	0%	0%	45%	0%	0%	0%
Agree	34%	31%	75%	20%	23%	63%	100%	100%
Undecided	22%	28%	25%	20%	16%	25%	0%	0%
Disagree	16%	21%	0%	60%	10%	13%	0%	0%
Strongly Disagree	4%	3%	0%	0%	6%	0%	0%	0%
MEAN	2.4	2.6	2.3	3.4	2.1	2.5	2.0	2.0

Q9a. My deployment negatively impacted on the combating of immigration offences in my former station?

	TOTAL	0-2 times	3-5 times	6-10 times
BASE	71	22	35	14
Strongly Agree	4%	0%	3%	14%
Agree	14%	9%	14%	21%
Undecided	15%	18%	14%	14%
Disagree	38%	18%	46%	50%
Strongly Disagree	28%	55%	23%	0%
MEAN	3.7	4.2	3.7	3.0

Q9b. Deployment away from family has affected my performance in combating of immigration offences?

	TOTAL	0-2 times	3-5 times	6-10 times
BASE	72	22	36	14
Strongly Agree	11%	14%	3%	29%
Agree	31%	14%	39%	36%
Undecided	14%	32%	6%	7%
Disagree	28%	9%	39%	29%
Strongly Disagree	17%	32%	14%	0%
MEAN	3.1	3.3	3.2	2.4

Multiple Frequency Tables

<i>Q6a</i>	<i>Number of Courses Attended</i>	<i>Responses</i>	<i>Percentage</i>
	No Course	1	1.2
	One Course	12	14.6
	Two Courses	18	22.0
	Three Courses	27	32.9
	Four Courses	11	13.4
	Five Courses	7	8.5
	Six Courses	4	4.9
	Seven Courses	2	2.4
		82	100.0

<i>Case Summary</i>						
	<i>Cases</i>		<i>Missing</i>		<i>Total</i>	
	<i>Valid</i>		<i>Missing</i>		<i>Total</i>	
	<i>N</i>	<i>Percent</i>	<i>N</i>	<i>Percent</i>	<i>N</i>	<i>Percent</i>
<i>\$q10a</i>	80	97.6%	2	2.4%	82	100.0%

	<i>Class</i>	<i>Frequency</i>	<i>Percentage</i>
<i>Q10</i>	Fraudulently Obtained documents	14	17.1
	Identity fraud	12	14.6
	Unregistered Foreign Nationals	12	14.6
	Human trafficking	10	12.2
	Working without Permit	8	9.8
	Learning without Student's Passes	7	8.5
	Travelling without documents	7	8.5
	Altered documents	5	6.1
	Human Smuggling	3	3.7
	Counterfeit document	2	2.4
	Illegally in Kenya	2	2.4
	Totals	82	100.0

<i>\$q12 Frequencies</i>				
		Responses		Percent of Cases
		N	Percent	
\$q12a	Kenya Police	59	22.3%	73.8%
	Port Health	28	10.6%	35.0%
	KDF	1	.4%	1.3%
	KCAA	5	1.9%	6.3%
	Kenya Airports Authority	42	15.9%	52.5%
	Kenya Maritime Authority	2	.8%	2.5%
	Provincial Administration	34	12.9%	42.5%
	Customs	28	10.6%	35.0%
	NIS	64	24.2%	80.0%
	KEBS	1	.4%	1.3%
Total		264	100.0%	330.0%

<i>Case Summary</i>						
	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
\$q14a	82	100.0%	0	.0%	82	100.0%

	<i>Class</i>	<i>Frequency</i>	<i>Percentage</i>
Q14	Resources for patrols	16	19.5
	Avail Magisterial Courts	13	15.9
	Functional Vehicles	12	14.6
	Budget for repatriations and deportations	8	9.8
	Avail immigration laws	8	9.8
	Immigration holding facilities	6	7.3
	Funds to sensitize public on immigration laws	5	6.1
	Sound Leadership	5	6.1
	Management support	4	4.9
	Immigration prosecutors	4	4.9
	Enough/adequate human resource	1	1.2
	Total	82	100

<i>Case Summary</i>						
	Cases		Missing		Total	
	Valid		N	Percent	N	Percent
\$q16a	4	13.8%	25	86.2%	29	100.0%

<i>YES</i>				
<i>\$q16 Frequencies</i>				
		Responses		Percent of Cases
		N	Percent	
\$q16a	Resolved to work within the limits of available resources	1	25.0%	25.0%
	Performance of duties becomes strenuous	2	50.0%	50.0%
	It decreases morale	1	25.0%	25.0%
Total		4	100.0%	100.0%

<i>Case Summary</i>						
	Cases		Missing		Total	
	Valid		N	Percent	N	Percent
\$q16a	19	43.2%	25	56.8%	44	100.0%

<i>NO</i>				
<i>\$q16 Frequencies</i>				
		Responses		Percent of Cases
		N	Percent	
\$q16a	The fight is fruitless	2	10.5%	10.5%
	Performance of duties becomes strenuous	9	47.4%	47.4%
	Lack of funds hinder frequent patrols	1	5.3%	5.3%
	Weakens fight against cross border crimes	2	10.5%	10.5%
	Fear of reprisals	1	5.3%	5.3%
	It decreases morale	4	21.1%	21.1%
Total		19	100.0%	100.0%