

# AN ANALYSIS OF MIGRATION GOVERNANCE FRAMEWORKS IN NIGERIA

## MIGRATION GOVERNANCE REFORM IN AFRICA PROGRAM

4<sup>TH</sup> MIGRA REPORT



**n** **s** new south  
institute  
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# List of Abbreviations

<b>AU</b>	African Union
<b>FCT</b>	Federal Capital Territory
<b>AU-FMP</b>	African Union Free Movement Protocol
<b>CERPAC</b>	Combined Expatriate Residence Permit and Alien Card
<b>CISLAC</b>	Civil Society Legislative Advocacy Centre
<b>CGI</b>	Comptroller General of Immigration
<b>DCG</b>	Deputy Comptroller General
<b>ECOWAS</b>	Economic Community of West African States
<b>EU</b>	European Union
<b>FMLP</b>	Federal Ministry of Labour and Productivity
<b>IDP</b>	Internally Displaced Persons
<b>ILO</b>	International Labour Organisation
<b>IOM</b>	International Organisation on Migration
<b>MIGRA</b>	Migration Governance Reform in Africa
<b>NAPTIP</b>	National Agency for the Prohibition of Trafficking in Persons
<b>NBS</b>	National Bureau of Statistics
<b>NCFRMI</b>	National Commission for Refugees, Migrants, and Internally Displaced Persons
<b>NCR</b>	National Commission for Refugees
<b>NIDCOM</b>	Nigerians in Diaspora Commission
<b>NPC</b>	National Population Commission
<b>NPF</b>	Nigerian Police Force
<b>NNVS</b>	Nigeria National Volunteer Service
<b>NMP</b>	National Migration Policy
<b>NOMRA</b>	Network of Migration Research on Africa
<b>NIS</b>	Nigerian Immigration Service
<b>NPDM</b>	National Policy on Diaspora Matters
<b>NPLM</b>	National Policy on Labour Migration
<b>NVP</b>	New Visa Policy
<b>PRV</b>	Permanent Residence Visa
<b>SFBM</b>	Stakeholder Forum on Border Management
<b>STR</b>	Subject To Regularisation
<b>SVV</b>	Short Visit Visa
<b>TAL</b>	Travel Authorisation Letter
<b>TRP</b>	Temporary Residence Permit
<b>TRV</b>	Temporary Residence Visa
<b>TWG</b>	Technical Working Group
<b>TWP</b>	Temporary Work Permit
<b>UNCHR</b>	United Nations Refugee Agency
<b>UNDESA</b>	United Nations Department of Economic and Social Affairs

# Executive Summary

The New South Institute's Migration Governance Reform in Africa (MIGRA) program aims to map out viable pathways for improving the ease of movement and settlement, and improve the quality of management of migration by Africans across African borders. After considering migration trends into, out of, and within Nigeria, this paper explores migration governance in Nigeria, locating it within the context of African migration governance systems and trends. In particular, this paper examines the relationship between Nigerian immigration policy and law, and the migration framework of the Economic Community of West African States (ECOWAS). It is one of a series of eight planned case studies, discussing the migration governance framework in Nigeria. It aims to describe and analyse how and where progress has been made towards freer, regularised migration governance as well as looking at the arrangements for Africans from outside Nigeria seeking employment in Nigeria. It seeks to highlight what strategies have supported reform and what factors are inhibiting progress within the Nigerian context.

# 01.

## INTRODUCTION AND BACKGROUND

Nigeria is a large country in Africa in geography and in population. It also has one of the largest economies in Africa. It is the most powerful state in the West African economic community, ECOWAS, and plays a leading role in the region's politics and economics. It is also a country of immigration and emigration, quite large-scale in absolute terms by African standards, if not by global standards, and its history of migration stretches back many centuries. All these characteristics make Nigeria an ideal country to study when trying to understand the dynamics of migration governance reform in Africa.

This working paper is one in a series of eight planned case studies under the New South Institute's Migration Governance Reform in Africa (MIGRA) program. The purpose of the project is to map viable pathways for improving the ease of movement and settlement by Africans (and potentially by visitors) across African borders and for improving the quality of management of such migration. Facilitating regular migration helps to lessen the pressure for irregular migration and contributes to African economic, social, and cultural development in many ways.<sup>1</sup>

By 'viable' pathways, we mean pathways that are practical given the capabilities of state and supra-state institutions and doable in the political and economic circumstances. By 'improving ease of movement', we mean introducing better processes, reducing the obstacles faced by Africans who seek to cross African borders (for example, passport and visa requirements), and improving the welcoming stance of the receiving state and other stakeholders. Ease of 'settlement' refers to the rights of the migrant to study, work, buy a home, and/or buy or start a business in the host state. By 'quality of management of migration', we mean the management systems for granting permission to cross borders, recording cross-border movement, and exchanging relevant accurate information about individuals who cross the border between the origin state and the destination state. By

'pathways', we mean the incremental, sporadic, or ambitious processes of reform that are undertaken by states domestically, bilaterally with other states, or multilaterally within a regional framework.

This paper, the Nigeria case study, first sets out in some detail the migration trends and patterns in Nigeria and then it begins to draw some conclusions and make some recommendations. It is a detailed report following, more or less, a structure set out in the introductory paper to this series titled 'Framing a study of African migration governance reform—Towards freer movement'. When the four country case studies and the four regional cases are complete, there will be a reflection on the lessons learned from African experiences of migration governance reform and will make some general and specific proposals on how to move the process forward. For now, this paper will describe Nigeria's circumstances and conditions, and draw tentative conclusions and make some initial suggestions for the reform of policy and practice.

The Federal Republic of Nigeria is located on the western coast of Africa. With a land area of 923 770 square kilometres, Nigeria shares a direct land border with four neighbouring countries. The Republics of Cameroon and Chad are to the east and northeast, the Republic of Niger is to its north, and the Benin Republic is to the west.<sup>2</sup> Nigeria also has an 853-kilometre coastline that shares sea frontiers to the south on the Gulf of Guinea of the Atlantic Ocean.

Regarding its social geography and economic standing, Nigeria operates a federal system and is a multiethnic society with 36 autonomous states and a Federal Capital Territory (FCT).<sup>3</sup> The Nigerian economy is predominantly petroleum-based and Africa's biggest economy.<sup>4</sup> As of 2023, Nigeria's population is just over 220 million.<sup>5</sup> Over 62% of Nigerians still live in extreme poverty, meaning they lack access to basic amenities such as healthcare, education, water, adequate sanitation, etc.<sup>6</sup>

<sup>1</sup> Alan Hirsch, Framing a study of African migration governance reform—Towards freer movement Migration Governance Reform Program, New South Institute, 2023 <https://nsi.org.za/publications/migration-governance-reform-first-report/>, p.1.

<sup>2</sup> Nigeria Geography <https://www.countryreports.org/country/Nigeria/geography.htm> accessed April 2023.

<sup>3</sup> Saredau, "Law and Nigeria's Development: How to Strengthen the Efficacy of Law for Development in Nigeria," 2021 29 4 *African Journal of International and Comparative Law* 551 573.

<sup>4</sup> World Population Dashboard Nigeria, 2023 <https://www.unfpa.org/data/world-population/NG> accessed April 2023.

<sup>5</sup> <https://www.nigeriapovertymap.com/> accessed April 2023.

According to the National Bureau of Statistics (NBS), between 2010 and 2020, the unemployment rate rose five-fold, from 6.4 per cent in 2010 to 33.3 per cent in 2020.<sup>7,8</sup> This is amid the country's growing youthful population. Nigeria's working-age population grew from 102 million to 122 million, growing at an average rate of approximately 3 per cent per year between 2014 and 2020.<sup>9</sup> The active labour force population grew from 73 million to 90 million between 2014 and 2018 but has since decreased to around 70 million. The number of working-age Nigerians not active in the labour force increased from 29 million to 52 million between 2014 and 2020, with youth unemployment contributing to these numbers.<sup>10</sup>

As Africa's most populous country and a significant player in the global economy, Nigeria has been both a destination and a source of migration flows. The United Nations Department of Economic and Social Affairs (UNDESA) estimated that in 2020, Nigeria had about 1.3 million immigrants and about 1.6 million emigrants.<sup>11</sup> Further, according to the United Nations Refugee Agency (UNCHR), Nigeria had 3.5 million internally displaced persons (IDPs) by August 2023, hosting around 93,000 refugees from neighbouring countries—primarily Cameroon and Niger.<sup>12</sup> Meanwhile, over 300,000 Nigerian refugees lived in Chad,<sup>13</sup> Niger,<sup>14</sup> and Cameroon<sup>15</sup>, in June 2023.

The migration patterns highlight turbulent challenges arising from internal and external political crises, deteriorating socio-economic conditions, and insecurity of various sorts. Historically, poor governance, insecurity, unemployment, deteriorating infrastructure, and deepening poverty push many Nigerians to seek legal and irregular migration. Conflicts in contemporary times like the Boko Haram insurgency<sup>16</sup> and the farmer-herder conflicts in the Southern and North-Central

region underpinned by ecological vulnerability<sup>17</sup> all result in the movement of people and large-scale protracted internal displacements and refugees in neighbouring countries, contributing to the complexity of migration issues.

The continuous movement of people within and across national borders brings myriad social, economic, political, and cultural implications. As such, effective migration governance is crucial to protect migrants' rights, maximise the potential benefits of migration, and address the associated challenges. In Nigeria, migration governance has become increasingly important, given its significant role as a country of origin, transit, and destination for migrants. The issue of irregular migration, including human trafficking and smuggling of migrants, remains a pressing concern for Nigeria.<sup>18</sup> The vulnerability of migrants to exploitation and abuse during their journeys and upon arrival in Nigeria underscores the urgent need for robust governance mechanisms to discourage irregular migration and protect the rights of migrants. Further, the prospect of diaspora as a tool for social development is becoming apparent in Nigeria.

Considering these migration prospects and challenges, the imperative of a robust migration governance architecture cannot be overstated. Therefore, this research aims to provide an in-depth analysis of the migration governance framework in Nigeria. By examining the existing policies, institutional frameworks, and implementation mechanisms, this study seeks to identify the gaps and obstacles that hinder effective migration management. Furthermore, it will explore potential strategies and recommendations to enhance Nigeria's migration governance, including improved interagency coordination, capacity-building initiatives, and regional cooperation.

<sup>7</sup> Ibid.

<sup>8</sup> National Bureau of Statistics <https://www.nigerianstat.gov.ng/> accessed April 2023.

<sup>9</sup> Adhikari et al. 'Of Road Less Travelled: Assessing the potential of economic migration to provide overseas jobs for Nigeria's youth' 2021 World Bank Creative Commons Attribution 2.

<sup>10</sup> Ibid.

<sup>11</sup> Calculations by Michael Mutava based on UNDESA tables 2020, 23.

<sup>12</sup> UNHCR 2023 <http://sur.livemcrpc> accessed September 2023.

<sup>13</sup> UNHCR 2023 <https://data2.unhcr.org/en/country/tcd> accessed May 2023.

<sup>14</sup> UNCHR 2023 <https://data2.unhcr.org/en/country/ner> accessed May 2023.

<sup>15</sup> UNCHR 2023 <https://data2.unhcr.org/en/country/cmr> accessed May 2023.

<sup>16</sup> Adesote SA 'Internal Conflicts and Forced Migration in Nigeria: A Historical Perspective' (2017) 11 *Journal of Identify and Migration Studies* 16.

<sup>17</sup> Ugwueze MI et al. 'Land-Related Conflicts and the Nature of Government Responses in Africa: The Case of Farmer-Herder Crises in Nigeria' (2022) *Society* 59 241-243.

<sup>18</sup> Kanu IA et al. 'Nigeria National Migration Policy: A Critical Review' (2021) 2 *Nnadiube Journal of Social Sciences* 1 178.



## 02. RESEARCH METHODOLOGY

The paper is principally qualitative and includes semi-structured interviews carried out with relevant stakeholders in the subject of migration. This paper examines legal, and policy frameworks, as well as existing academic literature. Scholarly

publications on migration governance in Nigeria, and regional migration frameworks, are among the research materials. The following section of the paper examines migration trends and patterns in Nigeria through a historical lens.

## 03. BRIEF HISTORY OF MIGRATION IN NIGERIA

Migration continues to gain significant attention due to its increasingly complex nature, influenced by various factors such as globalisation, economic disparities, political instability, and environmental changes.<sup>19</sup> This section will consider Nigeria's migration history within three main eras: pre-colonial, colonial, and post-independence. Migration in Nigeria has occurred both voluntarily and by force, resulting in internal and external movements of diverse ethnic groups. Further, throughout history, migration in Nigeria has been influenced by a variety of factors. Economic, political, and social factors have all played a role in shaping migration patterns. As noted by Akanle, the historiography of migration in Nigeria can be best categorised as voluntary and forced migration; the most significant of forced migrations being slavery from precolonial times.<sup>20</sup>

Pre-colonial Nigeria was a collection of single nationalities of culturally linked ethnic groups, both large and small, with functional indigenous social, economic, and political institutions that

governed their activities.<sup>21</sup> In pre-colonial times, migration occurred largely in search of security, new land safe for settlement and fertile for farming.<sup>22</sup> For instance, certain ethnic groups, such as the Idoma tribe in North Central Nigeria, are believed to have moved from North-eastern Nigeria to their current positions in Benue and Nasarawa States between 1535 and 1745.

The slave trade such as the trans-Saharan, Red Sea, Indian Ocean, and transatlantic slave trades, accounted for regular and forced migrations within and outside Africa.<sup>23</sup> Starting from the 15th century, it has been estimated that about 12 million enslaved people were exported from western, west central, and eastern Africa to European colonies in the Americas.<sup>24</sup> Nigeria alone lost over 2 million people, with around 1.4 million enslaved people being shipped to the Americas.<sup>25</sup> Further, in pre-colonial times intra and inter-community disputes equally shaped migration patterns. For instance, as highlighted by Adesote, in pre-colonial Yorubaland, there was evidence of civil wars and

<sup>19</sup> Amadi V and Vundamina MND 'Migration and Climate Change in Africa: A Differentiated Approach through the Free Movement of People Frameworks' (2023) 27 *Law, Democracy and Development* 31-54.

<sup>20</sup> Akanle O 'Kinship Networks and International Migration in Nigeria' (2013) 9 Cambridge Scholars Publishing.

<sup>21</sup> Okpevra UB 'The Dynamics of Intergroup Relations in Pre-Colonial Nigeria up to 1800: A Reappraisal of a Lopsided Historiography' (2014) 11 *Journal of Contemporary Research* 1 127.

<sup>22</sup> Adepoju A 'Migration in West Africa' 2005 GCIM Policy Paper 1.

<sup>23</sup> Arhin-Sam, K 'The Political Economy of Migration Governance in Nigeria' (2019) *Arnold Bergstraesser Institute, Freiburg*. 10-11.

<sup>24</sup> Akanle O 'Kinship Networks and International Migration in Nigeria' (2013) 11, Cambridge Scholars Publishing.

<sup>25</sup> Arhin-Sam, K 'The Political Economy of Migration Governance in Nigeria' (2019) *Arnold Bergstraesser Institute, Freiburg*. 10-11.



civil disturbances that led to forced migration in the second half of the 19th century following the fall of the old Oyo empire. Several wars during this period which resulted in the creation of new towns included the Owo War, Egba-Dahomey, Ibadan-Ijaye and Ekiti-Parapo or Kiriji War.<sup>26</sup>

During colonial times, migration was closely tied to the economic policies of colonial governments to fulfil their labour needs. For instance, in the Nigerian context, as highlighted by Arhin-Sam, the British colonial administration facilitated the movement of individuals from rural areas and neighbouring colonies to work in various sectors such as mining, public administration, plantations, and the newly discovered petroleum industry in the Niger Delta region.<sup>27</sup>

The postcolonial migration era in Nigeria, the period from independence in 1960 through the early 2000s witnessed the highest volume of internal and international migration since the slave trade. As highlighted by Ikuteyijo, 'the postcolonial era can be described as the most eventful in the sense that several major forces shaped the history of migration, not only in Nigeria but across Africa'.<sup>28</sup> For instance, various types of intense conflicts ranging from military coups and countercoups to civil war influenced migration patterns. The coup and countercoup of January and July 1966 respectively, and the 1967 to 1970 Biafran war, signify the earliest and most significant periods of conflict that led to major internal displacement and emigration.<sup>29</sup> The trend of conflicts and political instability has gradually become the rule rather than the exception and there is a compelling argument that the country's systematic and overlapping inequalities catalyse conflict and, as Adepoju posits, that these conflicts emanate from economic factors.<sup>30</sup>

Post-independence, the government at both the state and federal levels implemented deliberate

policies of sending some Nigerians abroad for educational purposes as part of a human development plan to provide the skilled workers needed for national development.<sup>31</sup> The oil boom in the 1970s brought significant growth to Nigeria and influenced migration patterns<sup>32</sup> Nigeria became a major migration-receiving country buoyed by oil-led employment. Nigeria attracted immigrants from Ghana, which at the time was experiencing economic decline. Migrants also came from neighbouring countries like Benin and Togo as well as, other West African countries like Mali, Niger, and Chad which were severely affected by droughts.<sup>33</sup>

Another important factor influencing migration movements in Nigeria, as noticed by Ikuteyijo, was the disproportionate growth of economic opportunities and infrastructure in urban regions at the expense of rural communities. This is possibly one of the most significant ramifications of Nigeria's postcolonial migration history, as the consequences can still be seen today.<sup>34</sup>

In the 1980s, Nigeria suffered a significant economic decline due to the drop in crude oil prices and its ineffective structural adjustment and stabilisation policies resulted in lowering industrial and educational capacity. This led to a decline in living and working conditions and an unstable economic environment.<sup>35</sup> As a result, many skilled and unskilled workers left the country in search of better opportunities abroad. In the 1970s the military government had introduced the indigenization policy requiring foreign-owned companies to transfer ownership to Nigerians. Subsequently, in the 1980s, the Nigerian government introduced the Aliens Compliance Order (ACO), which required all non-Nigerians to register with the government and obtain a resident permit. Also, with the economic slump, attention was given to illegal migrants and as a response, the government deported several irregular migrants, mostly Ghanaians, in 1983 and 1985.<sup>36</sup>

<sup>26</sup> Adesote SA 'Internal Conflicts and Forced Migration in Nigeria: A Historical Perspective' (2017) 11 *Journal of Identify and Migration Studies* 7.

<sup>27</sup> Arhin-Sam, K. (2019). The Political Economy of Migration Governance in Nigeria. Arnold Bergstraesser Institute, Freiburg. 10-11. See also Mberu UB, & Pongou R "Nigeria: Multiple Forms of Mobility in Africa's Demographic Giant" (2010) *Migration Policy Institute* 1-22.

<sup>28</sup> Ikuteyijo IO 'Irregular Migration as Survival Strategy: Narratives from Youth in Urban Nigeria' (2019) in McLean ML ed *West African Youth Challenges and Opportunity Pathways* 56.

<sup>29</sup> Adesote SA 'Internal Conflicts and Forced Migration in Nigeria: A Historical Perspective' (2017) 11 *Journal of Identify and Migration Studies* 9-16. Adesote gives a detailed overview of the challenge of conflict and forced migration in Nigeria post-independence.

<sup>30</sup> Adepoju, A 'The dimension of the Refugee Problem in Africa' 1982 81 *African Affairs* 322 24.

<sup>31</sup> Omokaro Obire 'Educational Migration: Causes, Challenges, and Probable Solutions' in Zehavit Gross *Comparative Education* (2020).

<sup>32</sup> Adepoju A 'Migration and Development in Tropical Africa: Some Research Priorities' (1977) 76 *African Affairs* 303 210-25

<sup>33</sup> Ikuteyijo LO 'Irregular Migration as Survival Strategy: Narratives from Youth in Urban Nigeria' (2019) in McLean ML ed *West African Youth Challenges and Opportunity Pathways* 56.

<sup>34</sup> Ikuteyijo LO 'Patterns and processes of irregular migration among youths in southwest Nigeria' (2013) (Unpublished doctoral dissertation). Obafemi Awolowo University, Ile-Ife, Nigeria.

<sup>35</sup> Jumare IM 'The Displacement of the Nigerian Academic Community' (1997) 32 *Journal of Asian and African Studies* 1 112.

<sup>36</sup> Aluko O 'The Expulsion of Illegal Aliens from Nigeria: A Study in Nigeria's Decision-Making' (1985) 84 *African Affairs* 337 539.

Amidst varied internal factors influencing migration patterns in Nigeria, pan-Africanist ideals focused on liberalisation and a united Africa further influenced policy and migration patterns in the sub-region and Nigeria post-independence. 1975 saw the emergence of the Economic Community of West African States (ECOWAS).<sup>37</sup> Post its establishment, participating States endorsed a liberal migration policy in the form of the ECOWAS Protocol on Free Movement of Persons in 1979, which Nigeria ratified. This Protocol facilitated the movement of goods, capital, and people across the region. After the 1979 Protocol, three additional Protocols<sup>38</sup> were negotiated among Member States to further refine a comprehensive West African regime for

free movement of persons. These arrangements will be discussed in more detail later in this paper.

The post-independence era highlights motives for migration which can be encapsulated under the push and pull rubric. This theory subsumes all migration motives under the assumption of want-satisfaction. It suggests that imbalance induces migration and certain factors like declining socioeconomic conditions tend to push individuals away from source countries and other factors like opportunity and prosperity have a pull effect at the destination country.<sup>39</sup> However, push and pull factors are seldom sufficient explanations for migration. Other factors like social and information networks can influence the direction of movement.

<sup>37</sup> Oloruntopa SO 'ECOWAS and Regional Integration in West Africa: From State to Emerging Private Authority' (2016) 14 *History Compass* 7 295.

<sup>38</sup> These are the 1985 Supplementary Protocol on the Code of Conduct for the Implementation of the Protocol on Free Movement of Persons, Right of Residence and Establishment; 1986 Supplementary Protocol on the Second Phase (Right of Residence) of the Protocol on Free Movement of Persons, Right of Residence and Establishment; and the 1990 Supplementary Protocol on the Implementation of the Third Phase (Right of Establishment) of the Protocol on Free Movement of Persons, Right of Residence and Establishment.

<sup>39</sup> Olawale Y 'Aliens and Strangers in West Africa: Interrogating the 1969/1983 Ghana-Nigeria Postcolonial Immigrant Crisis in Abidde OS et al. *Xenophobia and Nativism in Africa, Latin America, and the Caribbean* 2024 Routledge.

# 04.

## MIGRATION TRENDS AND PATTERNS IN NIGERIA

In recent years, there has been relatively large-scale African migration into Nigeria, with Nigeria being an important destination country for migrants from the West African sub-region. According to Table 1, which summarily highlights the most recent available data, the migrant population in Nigeria has more than doubled in recent decades, rising from 456,621 in 1990 to 1,308,568 million in 2020. Nigeria is the most populous country in Africa but with a minuscule migrant population for its size. The immigrant stock has increased by 187% since 1990, while emigrants rose by 274% over the same period. Notwithstanding this increase in immigrants between 1990 and 2020, the number of immigrants have not greatly

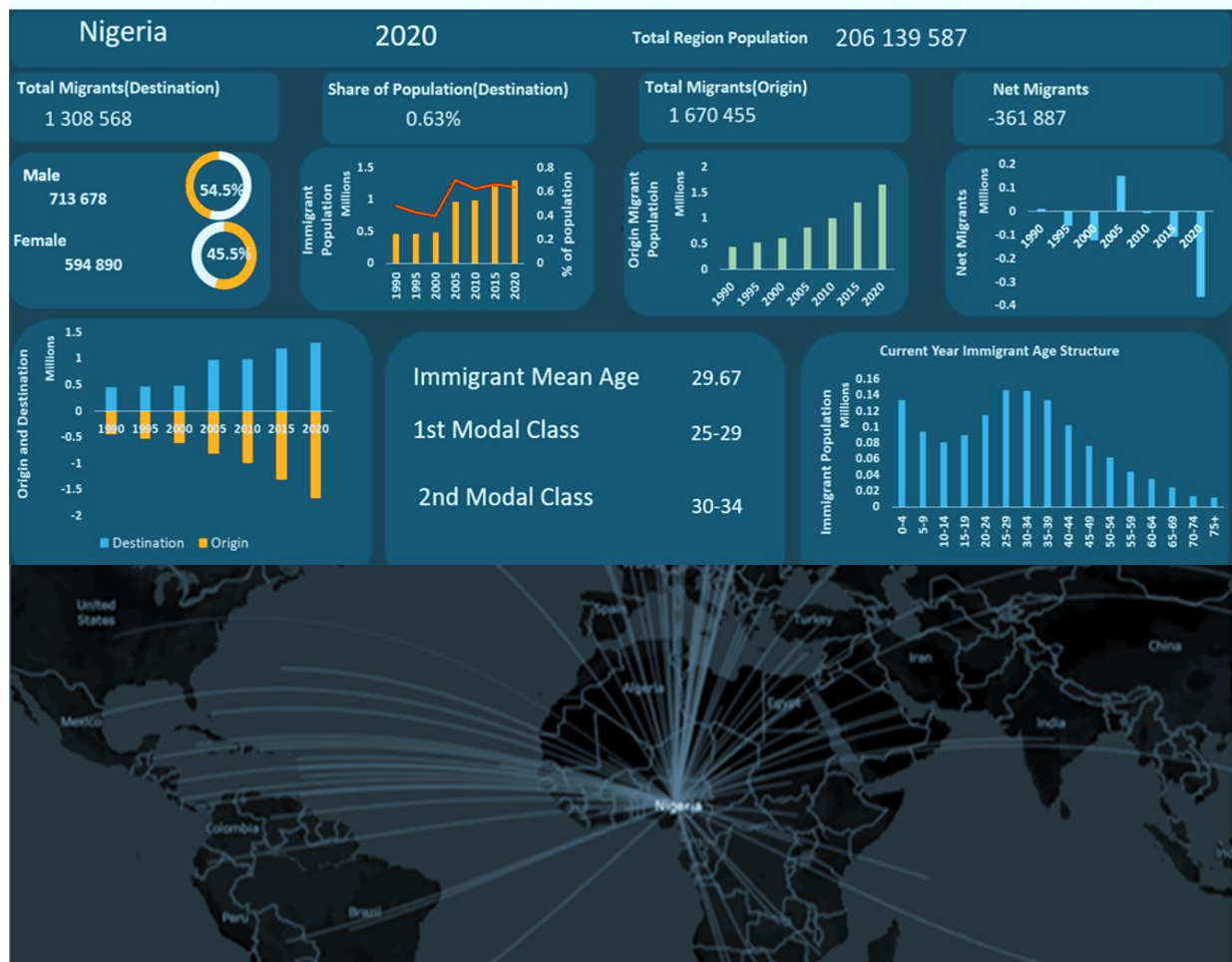
outpaced population growth and hence there is only a marginal rise in migrant density over that period. The density was still low at 0.6 for 2020. This statistics are likely to underestimate Nigeria's total migrant population. Numerous obstacles can be identified in Nigeria in terms of lack of systematic data collecting on migration, including infrequent population censuses and capability for data collection and processing. That notwithstanding, with this low ratio, it could be argued that it presents opportunities to manage, integrate and capitalise on the migrant community's skills and experiences, while also ensuring that resources and infrastructure developments are channelled to meet the needs of its growing population.



Image credit: Micheal Awala via Unsplash

**Table 1 Summary of Immigrants and Emigrants - Nigeria 2020**

Nigeria	1990	1995	2000	2005	2010	2015	2020	Growth 30_yrs
Population	95 212 454	107 948 339	122 283 853	138 865 014	158 503 203	181 137 454	206 139 587	117%
Migrants_Destination	456 621	462 999	487 882	969 714	990 494	1 199 115	1 308 568	187%
Migrants_Origin	446 753	524 535	610 130	817 392	996 914	1 306 526	1 670 455	274%
Immigrants as % of Population	0.48%	0.43%	0.40%	0.70%	0.62%	0.66%	0.63%	
Net Migrants	9 868	(61 536)	(122 248)	152 322	(6 420)	(107 411)	(361 887)	



Source: Michael Mutava calculations based on UNDESA tables 2020.

Further, the table shows that 90% of immigrants to Nigeria have their origins in Africa and 10% originate from outside the continent. The calculations put the total number of African immigrants at 1.17 million, with a breakdown indicating that most come from the West African region. The table shows the top destinations for Nigerian emigrants, showing the split between African and extra-African migration as well as the top regional and country destinations.

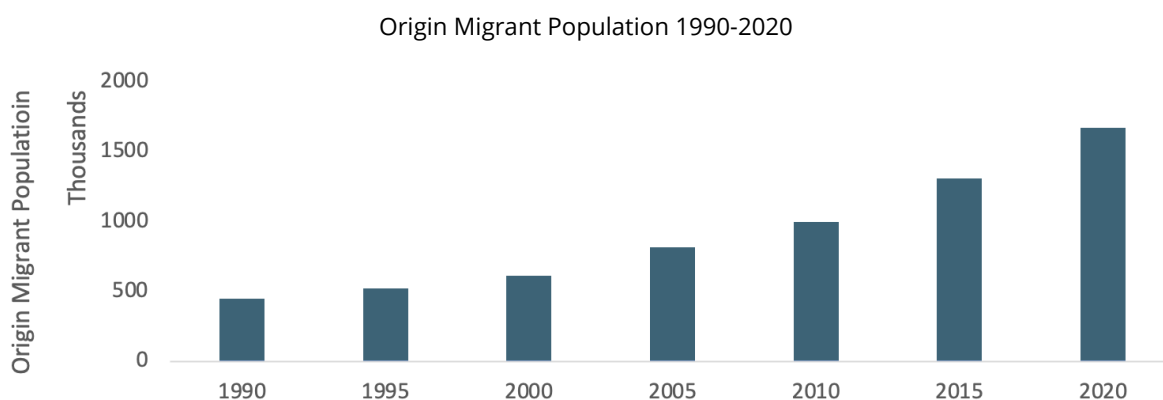
Nigeria as an origin country had 1.6 million of its people living abroad in 2020, with 42% within Africa and 58% having moved to the rest of the world. The majority of intra-Africa

emigrants from Nigeria remain in sub-Saharan Africa, and the top regional destinations are within the Economic Community of West African States (ECOWAS), with 60% moving within the sub-regional bloc. Nigerian emigrants were concentrated in ten sub-Saharan African countries, with Niger, Benin, Ghana, and Cote d'Ivoire being the most popular destinations for most Nigerian nationals within the ECOWAS community. Nonetheless, Cameroon is the major destination for Nigerian emigrants even though it is not a member of the ECOWAS. South Africa, Gabon, Sudan and Chad are also among the top destinations without being members of ECOWAS.

Further, the table provides a summary of destination analysis for Nigeria. Nigeria as a country of destination had 1.3 million immigrants in 2020, with 90% of these immigrants coming from Africa and 10% from outside the continent. Further, ECOWAS is the largest source of African

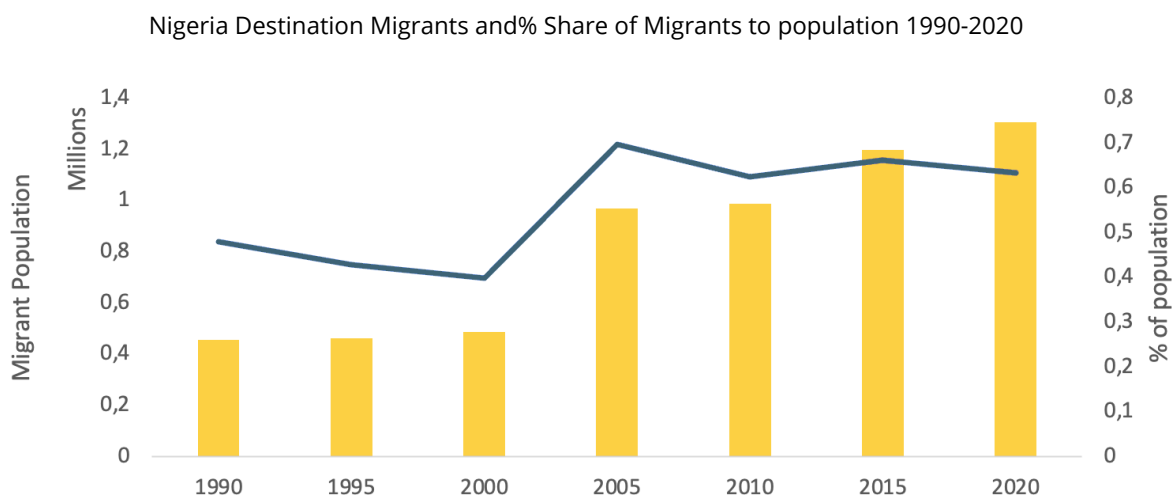
immigrants in Nigeria accounting for 93%, and the other 7% comes from the rest of Africa. Benin is the major sending country to Nigeria, together with other ECOWAS countries such as Ghana, Mali, Togo, and Niger. Cameroon and Chad are the top sending countries outside of ECOWAS.

**Figure 1 Nigerian Emigrants Abroad**



Source: Michael Mutava calculations based on UNDESA tables 2020

**Figure 2 Number and Density of Immigrants in Nigeria**



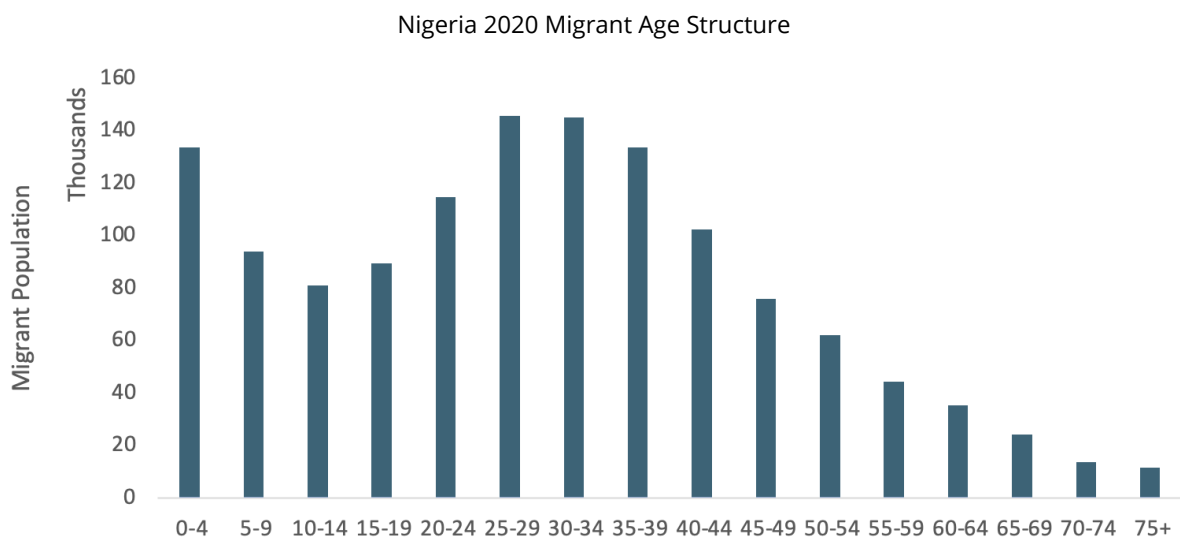
Source: Michael Mutava calculations based on UNDESA tables 2020.



The age distribution of Nigerian migrants is skewed to the right as can be seen in figure 3. There are very few older migrants in comparison to the number of younger migrants in the country. The most active age groups are 25-29 and 30-34 years. The average age

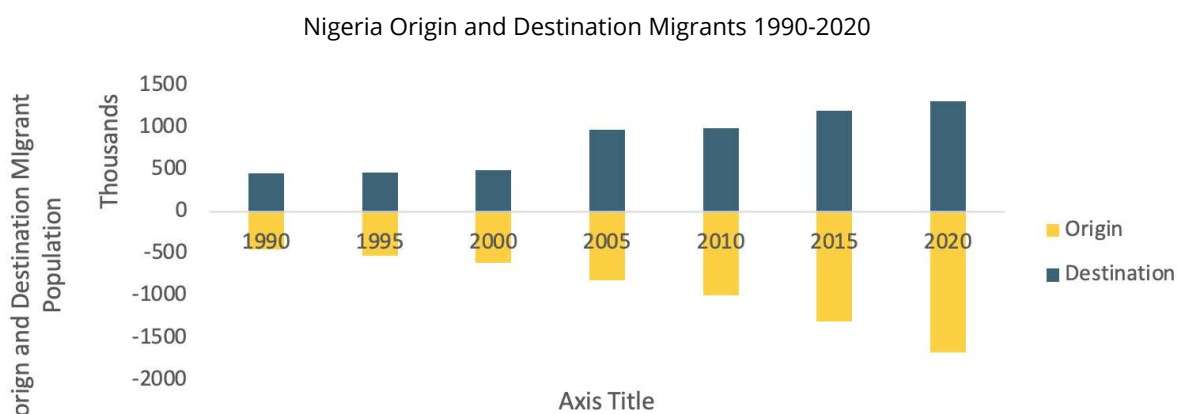
has increased, going from 20 years in 1990 to the 2020 figure of 29.67 years. As can be seen in Figure 3, Nigeria has always had a greater number of male migrants than female migrants, with the year 2020 having 55 per cent males and 45 per cent females.

**Figure 3 Age Structure of Immigrant Population in Nigeria**



Source: Michael Mutava calculations based on UNDESA tables 2020.

**Figure 4 The balance of immigration and emigration in Nigeria**



Nigeria as it stands, is concurrently a country of origin, and destination in the sub-region of West Africa, and within the continent as a whole. Having

analysed the trends and patterns of migration in Nigeria, the next section examines in detail the extant migration governance framework in Nigeria.

# 05.

## MIGRATION GOVERNANCE IN NIGERIA

Migration has a multi-dimensional nature, involving migrant workers, expatriates, refugees and asylum seekers, diaspora, and human trafficking. This multi-dimensional nature of migration provides for or requires the involvement of various stakeholders with seemingly diverse yet complementary interests. This reality requires policies, processes and actors to inform and manage migration. Migration governance broadly encompasses the diverse ways in which different actors manage their interests. As highlighted in the framing of this study, ‘the use of the term governance in the context of this study of migration governance is intended to be broad—it refers to policies, laws, treaties, procedures, and norms which form the legal and administrative environment under which cross-border migration takes place, but it is also intended to encompass management and knowledge systems which enable and control the movement of people across borders.’<sup>40</sup> A primary rationale for migration governance is to ensure that states work collectively in ways that make them better able to fulfil their objectives than they would be acting alone.<sup>41</sup>

The migration governance framework in Nigeria affirms this multi-dimensional nature of migration and highlights the diverse policies and involvement of different actors. As noted earlier in this paper, Nigeria is a signatory to a regional protocol related to the movement of people, the ECOWAS Protocol on Free Movement of Persons, and the Supplementary Protocols. In discussing the various migration policies, it is important to note that the domestic legal system of Nigeria is a dualist one in terms of its relationship to international law.<sup>42</sup> International law is generally not part of domestic law unless domesticated by enabling legislation,

and this is commonly referred to as ‘dualism.’<sup>43</sup> However, there are countries in which international treaties, once ratified, form part of domestic law. This is referred to as the ‘monist’ approach.<sup>44</sup> The provisions of international treaties signed, ratified or acceded to by Nigeria, in this case, the ratified ECOWAS Protocol, must be enacted into law by the National Assembly or into regulations or formal policy by relevant ministries to have legal standing and effect within the territory.

In light of its commitment to national and regional migration governance reform, Nigeria has made a concerted effort to build a dynamic migration governance framework, which has resulted in a network of policies and institutions. Notably, the National Migration Policy (NMP) of 2015 and the Immigration Act of 2015, which is supported by the Immigration Regulations of 2017, are the primary umbrella policies on migration. Further to this, the National Policy on Labour Migration (NPLM) and the draft National Policy on Diaspora Matters (NPDM) deal with specific areas relevant to migration such as labour and diaspora engagement. Further to the above-mentioned legal frameworks.

In February 2020, a New Visa Policy (NVP) was officially launched by the former President, Muhammadu Buhari, to bring some reforms to the visa system in Nigeria. The emergence and content of these policies demonstrate the government’s attitude toward migration. Current policies, such as the NPDM and NVP, portray migration as an opportunity to be exploited, even though migration is recognised as an issue that requires a tailored solution. This assertion will be expanded on in the detailed discussion of the respective frameworks.

<sup>40</sup> Alan Hirsch, Framing a study of African migration governance reform—Towards freer movement Migration Governance Reform Program, New South Institute, 2023 <https://nsi.org.za/publications/migration-governance-reform-first-report/>, p.1.

<sup>41</sup> Lebon-McGregor Elaine 2020 2.

<sup>42</sup> Section 12(1) of the Constitution of the Federal Republic of Nigeria 1999.

<sup>43</sup> Malcolm N Shaw, *International Law* 6 ed (2010) 131.

<sup>44</sup> *Ibid*, p. 131.



## 5.1 Regional Framework: ECOWAS Treaty and Protocol on the Movement of Persons

In Africa, that migration is a cross-cutting concept is increasingly common in policy and legal frameworks at continental and regional levels. For instance, the African Union (AU) in 2018, updated its Migration Policy Framework for Africa and Plan of Action (2018-2030) to cover areas such as labour migration, internal migration, migrant rights, and migration data management. Further, at a continental level, accentuated clearly in the Abuja Treaty of the AU and the flagship initiative under Agenda 2063, Africa's integration towards the free movement of people has been further enabled through the Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment (AU Free Movement Protocol - FMP) adopted in 2018. This Protocol requires the progressive implementation of free movement in three phases: first, the right of entry for citizens of AU member states, secondly, the right of residence and lastly, the right of establishment.<sup>45</sup> It also requires the coordination and harmonisation of national laws. Nigeria has neither signed nor ratified the AU-FMP for reasons such as the insurgency and insecurity in the Sahel region as opined in 2022 by a former Minister of Interior, Rauf Aregbesola.<sup>46</sup> That notwithstanding, Nigeria has used its political heft to seize the mantle of leadership that influenced the African integration trajectory, particularly in the Western sub-region. For instance, Nigeria's diplomatic leadership helped lead to the formation of ECOWAS in May 28, 1975. And ECOWAS is recognised a one of the most advanced regional institutions that enables the free movement of people in Africa. Nigeria's balancing act between promoting regional integration and addressing security concerns can be instrumental in shaping the trajectory of intra-African mobility.

The ECOWAS Treaty of 1975 (amended) is an international agreement to which Nigeria is a party. Article 2 of the 1975 Treaty sets out its objectives and envisages the elimination of all obstacles to the free movement of persons.<sup>48</sup> The ECOWAS Treaty provides a concrete legal basis for the freedom of movement and, to some extent, the method of its implementation. According to the 1975 Treaty, 'citizens of the Community shall be regarded as Community citizens, and accordingly, Member States undertake to abolish all obstacles to their freedom of movement and residence within the Community.' However, the 1975 Treaty did not define 'Community citizens'. The Revised Treaty of 1993 postulates 'community citizen' to mean any national(s) of the member states who satisfy the conditions stipulated in the Protocol defining Community citizenship.<sup>49</sup> Against this background, it stands to reason that all citizens of all the member states that make up ECOWAS are Community citizens as defined and are therefore entitled to all rights, privileges and duties that may accrue to any community citizen. In the Nigerian context, to claim Community citizenship, an individual must have acquired Nigerian Citizenship by any constitutionally prescribed methods, such as birth, registration, and naturalisation.<sup>50</sup>

It is instructive to note that the 1975 Treaty, though prescriptive of member States abolishing obstacles to the free movement of Community citizens, did not confer the right on Community citizens to enter another ECOWAS State. Article 27(2) of the 1975 Treaty provides that:

'Member States shall by agreements with each other exempt community citizens from holding visitor's visa and residence permits and allow them to work and undertake commercial and industrial activities within their territories.'<sup>51</sup>

<sup>45</sup> See Article 5 of the AU Protocol on Free Movement of Persons.

<sup>46</sup> Why Nigeria Can't Implement AU Free Movement available at <https://punchng.com/why-nigeria-cant-implement-au-free-movement-fg/> accessed 6 November 2023.

<sup>47</sup> Adejumo S 'Region Building in West Africa' in Levine and Nagar (eds) *Regional Building in Africa: Political and Economic Challenges* 2016 (Palgrave Macmillan: New York). See pages 213-230.

<sup>48</sup> Article 2(d) of the ECOWAS Treaty of 1975, now Article 3(2)(d) of the ECOWAS Revised Treaty of 1993.

<sup>49</sup> Article 1 of the ECOWAS Revised Treaty of 1993.

<sup>50</sup> Section 25 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

<sup>51</sup> Article 27(2) of the ECOWAS Treaty of 1975, now Article 59 of the ECOWAS Revised Treaty of 1993.

This provision suggests that until an agreement is entered exempting Community citizens from holding visitor's visas and residence permits and allowing them to establish, no Community citizen can claim the right of entry into any ECOWAS member state. To exempt the requirements of visas, the Heads of State and Government of the ECOWAS bloc, signed the Protocol relating to the free movement of persons, residence and establishment in 1979. The Protocol fully endorsed the principles enunciated in Article 27(2) of the ECOWAS Treaty.

Regarding the free movement of person principle, Article 2 of the Protocol states, 'the Community citizens have the right to enter, reside and establish on the territory of member States.'<sup>52</sup> These rights were envisioned to be progressively established over a fifteen-year transitional period.<sup>53</sup> The Protocol further stipulates that a Community citizen visiting a member State for a period not exceeding 90 days shall enter the territory of that Member State free of visa requirements.<sup>54</sup> However, there are some conditions prescribed to exercise these rights of entry, such as possessing valid travel documents, including an international health certificate.<sup>55</sup> Further, they must also present themselves at any of the official entry points of the Member State. If the duration of stay exceeds 90 days, permission for an extension must be obtained from the appropriate authority.<sup>56</sup>

The question of the right to residence is further enabled through the Supplementary Protocol on the Right of Residence A/SP.1/7/86. The Protocol notes that this right of residency included 'the right to seek and carry out income earning employment, to Community citizens in host ECOWAS states, provided they had obtained an ECOWAS residence card<sup>57</sup> or permit.'<sup>58</sup> It must be noted that the right of residence is not absolute, as Article 3 provides that a Member State may restrict the right of residence for public order, public security and public health reasons.<sup>59</sup> Further, it is essential to note that this Protocol contains a crucial section that stresses the

need for member states to collaborate in the long term to align their employment and labour policies.<sup>60</sup> Further, Article 22 highlights the significance of stopping the employment of workers who lack proper authorisation or are not reported. It stresses the importance of holding employers accountable and making sure they receive appropriate penalties.<sup>61</sup> Additionally, Article 23 stipulates that:

'No matter the conditions of their authorisation of residence, migrant workers who comply with rules and regulations governing residence shall enjoy equal treatment with nationals of the host Member State.'<sup>62</sup>

As per this regulation, individuals who migrate and comply with the rules governing residence should receive equal treatment as the host country's nationals. This includes aspects such as job security, the possibility of re-employment in case of job loss, with community citizens given preference over other newly admitted workers, participation in social and cultural events, and certain cases, assistance with re-employment and training.<sup>63</sup> Furthermore, the Protocol outlines specific criteria for determining who is considered a 'migrant worker' under Article 1 and excludes certain groups of people.

'People employed by international organisations or a State whose entry is governed by international law, people employed by a State for implementing cooperation programmes for development agreed on with the host country, people whose work relations with an employer have not been established in the host country, people whose main income does not come from the host Member State, and people who become residents in their capacity of investor in a country other than their State of origin.'<sup>64</sup>

Even though the ECOWAS protocols grant certain rights to its citizens, a host country still has the authority to deport non-citizens following established procedures and for various reasons.

<sup>52</sup> Article 2(1) of the Protocol relating to the free movement of persons, residence and establishment A/P.1/5/79.

<sup>53</sup> Article 2(2) and (3) of the Protocol relating to the free movement of persons, residence and establishment A/P.1/5/79.

<sup>54</sup> Article 3 of the Protocol relating to the free movement of persons, residence and establishment A/P.1/5/79.

<sup>55</sup> Ibid

<sup>56</sup> Article 3(2) of the Protocol relating to the free movement of persons, residence and establishment A/P.1/5/79.

<sup>57</sup> Resident Card means the document issued by the competent authorities of a Member State granting right of residence in the territory of the Member State. See Article 1 of definitions in the Supplementary Protocol on the Right of Residence A/SP.1/7/86.

<sup>58</sup> Article 2 of the Supplementary Protocol on the Right of Residence A/SP.1/7/86.

<sup>59</sup> Article 3 of the Supplementary Protocol on the Right of Residence A/SP.1/7/86.

<sup>60</sup> Article 18 of the Supplementary Protocol on the Right of Residence A/SP.1/7/86.

<sup>61</sup> Article 22 of the Supplementary Protocol on the Right of Residence A/SP.1/7/86.

<sup>62</sup> Article 23 of the Supplementary Protocol on the Right of Residence A/SP.1/7/86.

<sup>63</sup> Article 23(1)(a)-(f) of the Supplementary Protocol on the Right of Residence A/SP.1/7/86.

<sup>64</sup> Article 1.2 (a) – (e) of the Supplementary Protocol on the Right of Residence A/SP.1/7/86.

## 5.2 National policy and legal frameworks

### a. Policies on Migration, Labour Migration and Diaspora

The National Migration Policy (NMP) which was adopted in 2015 is a policy that aims to affirm the government's commitment to advance and protect the human, civil and economic rights of Nigerian migrants, within and outside Nigeria.<sup>65</sup> One of its important goals is to ensure the free movement of nationals which is guaranteed by the Constitution of 1999 under section 15(3).<sup>66</sup> This section prescribes that the State is required to 'provide adequate facilities for and encourage free mobility of people, goods, and services.'<sup>67</sup> The NMP addresses migration-related issues in a variety of thematic areas.<sup>68</sup>

The NMP also outlines objectives and strategies to handle human security that illustrate relevance to tackling the rife migration-conflict relations and develop measures that are targeted at addressing such conflicts. The objectives outlined in the policy concerning this include 'addressing migration-conflict interrelations within Nigeria and between the country and its neighbours; establish mechanisms for conflict resolution and peacebuilding in areas which affect IDPs and refugees; ensure that the national security policy or any security sector reforms of the country takes cognisance of migration-related issues, and ensure that human security issues are considered in the light of migration and security challenges and conditions.'<sup>69</sup> The strategies outlined are quite robust and primarily speak to adopting a national security policy that addresses human security and migration, increases government conflict prevention and resolution capacity, and increases coordination between various actors and government agencies and non-state players to build

early warning mechanisms for conflict prevention and increase diplomatic efforts to defuse hazardous situations before conflict and displacement.<sup>70</sup>

The NMP recognises the need for a collaborative labour market assessment with stakeholders such as the Federal Ministry of Labour and Productivity (FMLP), the Nigerian Institute for Social and Economic Research, and the National University Commission to determine the types of skills needed in the Nigerian workplace and internationally.<sup>71</sup> Further, it also emphasises a collaborative approach between the FMLP and NIS to ensure an accountable and transparent system of labour recruitment and to closely monitor the activities of private employment agencies, limiting the promotion of employment abroad to sectors of the economy where migration does not impede national economic and social development.<sup>72</sup> The National Policy on Labour Migration (NPLM) identifies the FMLP as the authority responsible for licensing private employment agencies,<sup>73</sup> and below the Federal level, state labour offices are responsible for the registration of applicants for local or domestic employment and job placement.<sup>74</sup> These offices are also identified as being responsible for the 'pre-registration inspection of private employment agencies and issuance of reports to the headquarters'.<sup>75</sup> The NPLM explicitly refers to the oversight of private employment agencies regarding recruitment for employment abroad, part 3.6 prescribes the actual practice of monitoring and regulating operations of private employment agencies by requiring them to register with the FMLP to ensure minimising malpractices and abuses against those seeking overseas jobs.<sup>76</sup> The NLMP is a policy which keys into the NMP, and it broadly articulates three goals relating to the governance of the labour migration process; protection of migrant workers and their families and linking migration to development.

<sup>65</sup> Nigerian Migration Policy 2015, p 21.

<sup>66</sup> Nigerian Migration Policy 2015, p 1.

<sup>67</sup> Section 15(3) of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

<sup>68</sup> It outlines policy objectives and strategies for areas such as migration and development, education, environment, trade, gender, national security, forced displacement, human rights of migrants, organised labour, internal migration, national population, collection and exchange of migration data and statistics

<sup>69</sup> National Policy on Labour Migration, 2014 p 33.

<sup>70</sup> Ibid.

<sup>71</sup> National Policy on Labour Migration, 2014 p 56.

<sup>72</sup> Ibid. The Labour Act of 1994 offers some guidance concerning the monitoring of private agencies. Section 26 in particular states that 'no recruiting operations shall be conducted in any area in which recruiting is prohibited by the Minister by order or in a labour health area.'

<sup>73</sup> National Policy on Labour Migration, 2014 p 14.

<sup>74</sup> National Policy on Labour Migration, 2014 p 17.

<sup>75</sup> Ibid.

<sup>76</sup> National Policy on Labour Migration, 2014 p 24.

The NMP also envisages measures to protect migrant workers before their departure and in the various countries of destination. Nigeria ratified the International Labour Organisation (ILO) Migration for Employment Convention, 1949 (No. 97) in 1960 and the UN Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, in 1990. From its commitment to these international frameworks, an NPLM was adopted in 2014, which was subsequently revised in 2020. The NPLM aims to promote good governance, safeguard migrant workers and their families, and maximise the benefits of labour migration to development while minimising its drawbacks. Some aspects of the amended NLMP concern the protection of migrant workers' rights, a gender-responsive approach to labour migration, as well as justice systems. It also aims to tackle the growing difficulties of irregular migration, exploitative practices, forced labour, smuggling, and human trafficking.

Diasporas play a critical developmental role in accelerating skill and technology exchange and remittance. Nigeria is the top beneficiary of remittances in sub-Saharan Africa, receiving over \$10 billion in 2010, with that figure increasing to more than \$20 billion in 2013, remittances to Nigeria continue to rise, going over \$24 billion in 2019, and these figures have no sign of abating anytime soon. The NMP recognizes the importance of diaspora

engagement and proposes policy objectives that speak to creating an enabling environment for diaspora contributions to national development, updating the diaspora database, reintegrating return migrants, utilizing their skills, and creating a conducive environment for skill and knowledge transfer. Similarly, the NPLM recognises the relevance of migrant contributions to remittances and recommends developing systems to capture migrants' contributions in the national accounting process and organising remittances collecting to encourage more formal routes. Anchored on the policy objectives in the NMP and NLMP, and to further strengthen the framework for engaging and mobilising diaspora resources, Nigeria adopted a National Diaspora Policy (NDP) in 2021, alongside the NPLM Action Plan. The NDP intends to establish a comprehensive framework for promoting diaspora engagement in national development, empowering the diaspora to contribute effectively, and maximizing the value of their contribution to Nigeria's development. That notwithstanding, the policy has not been enacted into law.

The emergence of these policies remains a watershed moment in Nigerian history. They have a broad, integrated, and dynamic framework in terms of breadth and content. They emphasise the necessary rules and concepts that would aid the government and other important parties in implementing their content.

<sup>77</sup> National Policy on Migration, 2014 p 55.

<sup>78</sup> National Policy on Labour Migration, 2014 p 6.

<sup>79</sup> National Policy on Labour Migration, 2022.

<sup>80</sup> Didia D & Tahir S 'Enhancing Economic Growth and Government Revenue Generation in Nigeria: The Role of Diaspora Remittances' (2022) 49 *The Review of Black Political Economy* 2 175-176.

<sup>81</sup> Nigerian Migration Policy 2015, p 24-30.

<sup>82</sup> National Policy on Labour Migration, 2014 p 8.

<sup>83</sup> IOM Nigeria Annual Report, 2021 p 21.

<sup>84</sup> The National Diaspora Policy, 2021 p 21.

**b. The Immigration Act of 2015 and Immigration Regulation 2017**

Following independence, Nigeria adopted its first Immigration Act and Regulation in 1963 to move away from the existing colonial rules because of its involvement in the Commonwealth. The 1963 Act was in effect for over 50 years and was subsequently repealed by the current Immigration Act of 2015 (2015 Act) and Regulation of 2017 (Regulation 2017).<sup>85</sup> Therefore, the discussions on migration governance in Nigeria will be based on these extant primary frameworks.

The 2015 Act is very detailed in its content, with 116 Sections. Noticeable provisions of the 2015 Act include first establishing the Nigerian Immigration Services (NIS). The NIS though established in 1963, is recognised as the organisation entrusted with the control of persons entering or leaving Nigeria, issuing travel documents and residence permits, conducting border surveillance and patrol, enforcing laws and regulations it is directly charged with and performing any para-military duties within or outside Nigeria as may be required of them.<sup>86</sup> The 2015 Act also provides clarity regarding the structure and composition of the NIS, with the Comptroller General of Immigration (CGI) designated as the head of the NIS; the duties of officers in the NIS, and the procedure for the appointment of immigration officers, are also clearly defined. The CGI and the Deputy Comptroller General (DCG) are to be appointed by the President from among serving officers in the NIS, on the recommendation of the Civil Defence, Fire, Immigration and Prison Service Board.<sup>87</sup> The Board comprises the Minister who shall be the chairman; one person to represent the Ministry charged with responsibility for matters relating to internal affairs; the Director of Immigration; the Director of the Nigerian Prisons Service; the legal adviser to the Ministry charged with responsibility for matters relating to internal

affairs; and two other persons, who shall be full-time members, to be appointed by the President.<sup>88</sup>

The 2015 Act prescribes the conditions for entry and departure from Nigeria.<sup>89</sup> Section 18 stipulates that 'unless the Minister or the CGI directs otherwise, an immigration officer shall admit into Nigeria a person who has in their possession a valid passport, or such other travel document as is approved by the Minister or CGI for admission into Nigeria; has a valid visa, residence or work permit, or any other permit,<sup>90</sup> or other form of approval; is not a prohibited person and is not considered a risk to public health, interest and national security'.<sup>91</sup> If these conditions are not met, an immigration officer can refuse entry.<sup>92</sup> Primarily, the power to issue visa vests in the CGI and visa applications can be made to the CGI or the appropriate Nigerian Diplomatic Mission established abroad.<sup>93</sup> However, the new visa policy allows for other application channels as will be seen in subsequent discussions.<sup>94</sup>

Foreigners intending to do business and work in Nigeria are subject to immigration approvals, controls, and permits. Section 36 of the 2015 Act, which deals with entry particularly for business purposes prescribes that any person other than a citizen of Nigeria cannot be employed in Nigeria without the consent in writing of the CGI of the NIS. This written consent is to be produced by an immigration officer to secure the required visa. In addition, to establish a business, the foreign national must obtain a written authorisation from the Minister of Interior.<sup>95</sup> Failure to comply with the above-mentioned provision is deemed an offence and, anyone who commits this offence can be liable on conviction to a fine of one million Naira or can be deported.<sup>96</sup> Though the Act mandates renewal of the business permit and specifies such penalties for failure to comply, it is vague as to the renewal of these permits, with no specification as to the duration of their validity. Additionally, the Regulation

<sup>85</sup> It should be noted that the 2017 Regulations serves to operationalise the 2015 Act.

<sup>86</sup> Section 2 of the Immigration Act of 2015.

<sup>87</sup> Section 3 – 8 of the Immigration Act, 2015 read with Section 116 of the Immigration Act, 2015.

<sup>88</sup> Immigration and Prisons Services Board Act, 1986.

<sup>89</sup> Part III of the Immigration Act of 2015.

<sup>90</sup> It is important to note the distinction between a visa and a permit in the Nigerian context. As per the Immigration Act, a visa is 'an impress, vignette or endorsement on a travel document purporting to be signed and dated by an officer appointed for that purpose by or on behalf of the government of Nigeria and authorising entry into or transit across Nigeria subject to compliance with any special requirements prescribed by the Immigration Authorities at the port of entry and valid for specified time and for a number of journeys stated therein.' Under the Act, a permit includes 'a pass' and in defining more specific permits, a resident permit is viewed as 'a document that allows non-Nigerian to reside in Nigeria and carry out an approved activity as specified in the document, or to a company, resident or citizen of Nigeria as a dependent'. Further, a work permit means 'a document that allows a non-Nigerian expert to reside and work for a specified period of time.' See Section 116 Immigration Act, 2015.

<sup>91</sup> Section 18 of the Immigration Act of 2015.

<sup>92</sup> Section 18(6) of the Immigration Act of 2015.

<sup>93</sup> Section 20 of the Immigration Act of 2015.

<sup>94</sup> See the discussion on New Visa Policy below.

<sup>95</sup> Section 36 Immigration Act, 2015; See also Regulation 12 of the Immigration Regulation, 2017.

<sup>96</sup> Ibid.



specifies that for a foreign national to establish a local business, profession, or trade a business permit must be secured. The Minister of Interior has broad authority to revoke or cancel business permits. It should be noted that the business permit is separate from a residence or work permit.<sup>97</sup>

The 2015 Act specifically provides that the CGI may authorise the issuance of various visas and permits like a temporary residence visa (TRV) to take up employment for a period not less than three months and not exceeding two years<sup>98</sup>, and can authorise a temporary work permit (TWP) outside the quota provision.<sup>99</sup> It is noteworthy that the employment of foreign nationals is prohibited unless the permission of the CGI is obtained under section 38(1) of the 2015 Act.<sup>100</sup> The CGI can authorise the issuance of a temporary residence permit (TRP) for a period not exceeding two years.<sup>101</sup> In essence, the TRV can be issued for short to long-term stays in Nigeria. The Regulations in elaborating on the Act further stipulate that a residence permit can be issued subject to specific conditions as the CGI may direct.<sup>102</sup> Further to the TRV, the CGI may broadly also authorise a short visit visa (SVV) not exceeding three months, provided it is not renewed, and the recipient shall not engage in any paid employment.<sup>103</sup>

The Act and Regulation do not offer much about how to get a TWP or what requirements need to be met to make a stay in the country legal. Some might argue that this makes things harder and less certain for people who want to travel to and stay in Nigeria. However, the NIS proffers some guidelines on work permits via its website. A TWP is issued towards short-term employment in Nigeria. First, categorised under SVVs, a foreign national can obtain a TWP, valid for not more than 90 days. This grants the holder a single entry into Nigeria and affords the individual the right to perform a specialised skilled service based on a company's invitation.<sup>104</sup> Secondly,

categorised under a TRV, a TWP can be issued for six months. This grants the holder multiple entry into Nigeria, is non-renewable and affords the individual the right to work temporarily.<sup>105</sup> It is noteworthy from the aforementioned that based on the formalities outlined by NIS, a TWP classes exist as a SVV and TRV.

Unlike the TWP, which allows a foreign national to stay in Nigeria for a maximum period of six months, a TRV valid for up to two years and also subject to renewal can be obtained; however, there are additional complications associated with regularising one's stay in Nigeria. As noted earlier, Nigeria has adopted an expatriate quota system, and this was further highlighted in a Presidential Order under the Buhari administration in 2018.<sup>106</sup> Briefly, businesses are to focus on local content and should a company intend to employ a foreign national, the potential employer must secure an expatriate quota approval from the Ministry of Interior.<sup>107</sup> Further, a foreign national or expatriate seeking long-term employment in Nigeria is required to obtain a subject-to-regularisation visa (STR) before arriving in Nigeria. This visa is issued by the Nigeria Mission or Embassy in the expatriate's country of origin and is conditioned on providing a company's expatriate approval amongst other requirements.<sup>108</sup> Post entry or upon arrival in Nigeria, to give expatriates the legal right to reside and work in Nigeria, a foreign national or expatriate is required to obtain a Combined Expatriate Residence Permit and Alien Card (CERPAC) from the NIS to validate their legal right to work and remain in Nigeria.<sup>109</sup> To obtain this card, an application letter from the Nigerian employer accepting immigration responsibility and requesting that the employee's stay be regularised is required. Adding to this, the applicant must provide a letter of employment and acceptance of the job offer, proof of expatriate quota approval from the company, three passport photos, the applicant's passport with an endorsed TRV in this case a STR visa, a business permit and proof of payment of any

<sup>97</sup> Regulation 4 Immigration Regulation, 2017.

<sup>98</sup> See Section 37(10) Immigration Act, 2015.

<sup>99</sup> See Section 37(8) Immigration Act, 2015.

<sup>100</sup> A company wanting to employ foreign nationals in Nigeria must get expatriate quota approval for such position, which must justify the need for expatriates in the specified jobs. Otherwise, the application may be denied on the grounds that competent Nigerians are available to fill the positions.

<sup>101</sup> See Section 37(2) Immigration Act, 2015.

<sup>102</sup> Regulation 5(2) – (4) Immigration Regulation, 2017. The conditions can include the area in which the holder of the permit shall reside and work; the occupation or business activity which the holder may engage, duration of the validity of the permit or of the holders stay in Nigeria and any other condition in the interest of public safety and security as the CGI may direct.

<sup>103</sup> See Section 37(9) Immigration Act, 2015.

<sup>104</sup> Temporary Work Visa F8A available at <https://immigration.gov.ng/visaclass/temporary-work-permit-f8a-2/> accessed 13 September 2023

<sup>105</sup> Temporary Work Permit (6 months) R11 available at <https://immigration.gov.ng/visaclass/temporary-work-permit-6-months-r11/> accessed 13 September 2023.

<sup>106</sup> Press Release: President Buhari Signs Executive Order to Improve Local Content in Science, Engineering and Technology Procurement available at <https://statehouse.gov.ng/news/press-release-president-buhari-signs-executive-order-to-improve-local-content-in-science-engineering-and-technology-procurement/> accessed 12 September 2023.

<sup>107</sup> Ibid.

<sup>108</sup> For the conditions of obtaining a STR, See NIS Visa Application Guidelines available at <http://surl.li/mcryh> accessed 12 September 2023.

<sup>109</sup> NIS 'Visa Types' <https://portal.immigration.gov.ng/?p=about> accessed 12 September 2023.

applicable fees.<sup>110</sup> In essence, potential investors/companies have to go through a dual process of obtaining an expatriate quota and thereafter obtain a residence permit for an exorbitant amount.

Following on from the preceding discussions, it is crucial to emphasise the distinction between visas and permits in the Nigerian context. While visas allow entry into Nigeria, certain permits, such as a residence permit and business permit, are required to confirm a foreign national's ability to stay and work in the country and do business.

Adding to the TRV and SVV referred to above, the CGI can issue a permanent residence visa (PRV) to foreign nationals married to Nigerians or who are investors with minimum capital that is specified annually.<sup>111</sup> The Regulation also expressly provides for a long-lasting permit; in that it provides that a foreign national that imports a minimum 'threshold of capital' over a period of time may be issued with a permanent residence permit.<sup>112</sup> However, the minimum threshold of capital required is not provided for in the Regulation. As seen in the 2015 Act, the threshold capital would be determined from time to time in the national visa policy or any other policy.<sup>113</sup> Furthermore, this permanent residence permit may be revoked if the foreign national withdraws the investment from Nigeria.<sup>114</sup>

The Regulation emphasises that every visitor should hold a visiting permit issued by the CGI, for a period not exceeding ninety days, and further prescribes the issuance of a transit permit for a period not exceeding seven days.<sup>115</sup> Remarkably, the Regulation lays the groundwork for the implementation of the visa-on-arrival scheme in Nigeria. The CGI has the authority to issue visas on arrival to anyone who applies.<sup>116</sup> The 2015 Act specifically provided for the category of foreign nationals that can be issued with short visit visas or visas on arrival at the port of entry. These were frequent travel businesspersons of international repute, executive directors of multinational

companies and members of government delegations.<sup>117</sup> Under Regulation 9, visa on arrival has been extended to all foreign nationals.

It is important to briefly highlight certain compliance with the ECOWAS Protocol on the Free Movement of Persons which was discussed earlier. First, the outlined provisions under the 2015 Act relating to foreign nationals requiring visas, work permits, and residence permits do not apply to nationals of member states of ECOWAS. ECOWAS citizens are exempted from requiring entry visas and are allowed to reside, work and undertake commercial activities provided they register with the NIS as nationals of ECOWAS.<sup>118</sup> Upon entry into Nigeria, based on the 2017 Regulation, citizens of member states of ECOWAS are to be issued with an ECOWAS residence card provided they register with the NIS.<sup>119</sup> The guideline for obtaining this residence card is clearly outlined in the NIS website.<sup>120</sup> The NIS is mandated to introduce and maintain a registry of foreign nationals in the state where the foreign national resides.<sup>121</sup> Further, foreign nationals who intend to change their residence status or have changes in their circumstances must notify the NIS office in the state where they are registered, within seven days of registration.<sup>122</sup> It is also worth noting that to facilitate cross-border movement, Nigeria quickly introduced the ECOWAS travel certificate in 1985 and the ECOWAS common passport in May 2000,<sup>123</sup> and these travel documents are further recognised in the 2015 Act. As mentioned earlier, Article 23 of the 1986 Supplementary Protocol relating to the Right of Residence guarantees some equal or preferential treatment to community citizens.<sup>124</sup> The extant policies and legislation (the 2015 Act, the NMP and NLMP) do not address topics relating to the security of employment of migrant workers, including community citizens. Also, these frameworks are silent in addressing the reemployment of community citizens or giving them preferential treatment over other migrant employees in the event of job loss. In essence, no legal framework directly addresses the ECOWAS Protocol's equality of treatment clauses.

<sup>110</sup> Ibid.

<sup>111</sup> See Section 37(8) – (11) Immigration Act, 2015.

<sup>112</sup> Regulation 5(7) Immigration Regulation, 2017.

<sup>113</sup> See Section 37(11) Immigration Act, 2015.

<sup>114</sup> Ibid.

<sup>115</sup> Regulation 6-7 immigration Regulation 2017.

<sup>116</sup> Regulation 9 immigration Regulation 2017.

<sup>117</sup> See Section 20(7) Immigration Act, 2015.

<sup>118</sup> See Section 37(13) Immigration Act, and Regulation 11(4) Immigration Regulation, 2017.

<sup>119</sup> Regulation 5(9) Immigration Regulation, 2017.

<sup>120</sup> ECOWAS Residence Card Guideline available at <https://portal.immigration.gov.ng/pages/ecowascardguidelines> accessed 12 September 2023.

<sup>121</sup> Regulation 22 and 23 Immigration Regulation, 2017.

<sup>122</sup> Regulation 25 and 26 Immigration Regulation, 2017.

<sup>123</sup> Nigerian Migration Policy 2015, p 17.

<sup>124</sup> See Section 5.1 of this paper.



### c. **The New Visa Policy**

The new visa policy (NVP) was introduced in line with Nigeria’s Economic Recovery and Growth Plan 2017-2020, which aims to restore economic development in the country.<sup>125</sup> The NVP aims to streamline and simplify the visa classes in the 2015 Act and 2017 Regulations. It does this by first focusing Nigeria’s visa classes into two broad categories of travellers: visa-free or exemption and visa mandatory. The visa-free or visa-exempt category applies to holders of travel documents that relieve them of the burden

of arduous visa application processes prior to coming to Nigeria. This group of travellers is divided into four categories. The visa mandatory category is further subdivided into three visa classes, which are short visit visas (SVVs), temporary residence visas (TRVs), and permanent residence visas (PRVs). Further to this, the NVP introduces codes for the categories of travellers and each of the visa classes to ease processing.

A summary of the two broad visa categories is outlined below.

**Table 2 Visa Free/Exception Category**

Classes	Category of Travellers	Period of Stay	Visa Status
F1A	ECOWAS Citizens	90 days	No Visa Required
F1B	Citizens of Chad and Cameroon, bilateral visa waiver agreements	90 days	No Visa Required
F1C	Holders of official travel documents from international organisations, such as the AU Commission, UN, ECOWAS, AfDB with visa waivers	90 days	No Visa Required
F1D	Holders of diplomatic and official passports from selected countries based on bilateral or multilateral agreement on the principle of reciprocity. Applicable to countries such as Brazil, China, Cuba, Kenya, Namibia, Mauritius, Rwanda, South Africa, Singapore, Sudan, Tanzania, Turkey and Venezuela	90 days	No Visa Required

Source: Nigerian Visa Policy, 2020.

<sup>125</sup> Nigeria’s Economic Recovery and Growth Plan 2017-2020, 2017 p 22.

**Table 3 Visa Mandatory Category**

Visa Category	Rationale	Number of Listed Visa Classes
Short Visit Visa (SVV)	Allows foreign nationals to enter Nigeria for a maximum period of 90 days for various short-term purposes, including visits, tourism, business meetings, sport, entertainment, and specialised services.	28
Temporary Residence Visa (TRV)	Allows foreign nationals to live in Nigeria for a maximum period of two years, subject to renewal for the purposes of employment, establishing a business, schooling.	36
Permanent Residence Visa (PRV)	Allows individuals to reside in Nigeria for up to five years or more, providing an avenue for obtaining permanent residence status in Nigeria. This is available to investors who import an annually determined threshold of capital, highly skilled individuals, and some categories of retirees.	15

Source author's construction based on evaluation of the NVP

The NVP prescribes the use of two additional visa application channels aside from the prescriptive approach of applications at the embassy as seen in the 2015 Act to facilitate the visa application process. First, it highlights applications via a visa-on-arrival service at the Nigerian port of entry, which further enables provisions under the 2015 Act and 2017 Regulation referred to earlier that authorise the issuance of short visit visas and visas on arrival at a designated port of entry. Four classes of visa are available for visa on arrival, these are frequent business travelled executive visa (F4C), tourism visa (F5A), emergency relief work visa (F7K), returning holders of other national passports who are Nigerians by birth (F9A) and holders of passports of African Union (AU) countries.

Secondly, it prescribes an online e-Visa application which requires intending visitors to apply and obtain an electronic travel authorisation letter (TAL) for SVVs valid for three months before travelling to Nigeria. Seventeen classes of SVVs can be applied for and obtained electronically, including the transit visa, business visa (single entry), business frequently travelled executives, tourism visa, journalist visa, medical visa, religious tourism visa, sports visa, artist or entertainment visa, study tour visa and so on.

When it comes to creating a profile of immigrants, Nigeria can benefit from these clearly defined categories of visas.

<sup>126</sup> See Section 20(7) Immigration Act, 2015.

<sup>127</sup> See Regulation 9 Immigration Regulation, 2017.

<sup>128</sup> National Visa Policy, 2020, p 2.

<sup>129</sup> National Visa Policy, 2020, p 3.

### 5.3 The Institutional Framework for Migration Governance

Aspects of migration governance in Nigeria fall under the purview of various ministries. For instance, labour and employment policies for immigrants are administered and regulated by the Federal Ministry of Labour and Productivity (FLMP). The FLMP also negotiates bilateral agreements with other nations. The Ministry of Interior upholds internal security and citizenship integrity by creating and enforcing border management policies. In addition to its primary goal, the Ministry is responsible for various other tasks, including administering expatriate quotas and granting Nigerian citizenship.

Nigeria has had long-standing institutions dealing with various aspects of the current migration governance framework. Institutions such as the NIS came to be in 1958 when it was extracted from the Nigerian Police Force (NPF) and was formally institutionalised through the 1963 Immigration Act. The NIS is still recognised as the statutory body responsible for the management of migration in Nigeria under the 2015 Immigration Act. Further, in 1989, statutory institutions like the National Population Commission (NPC) which is responsible for collecting and analysing all migration-related statistics, and the National Commission for Refugees (NCR), were established. The NCR is responsible for granting asylum and refugee status to immigrants who meet the qualifications under both the UN Refugee Convention and the Organisation of African Unity (OAU) (now called the African Union) Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Refugee Convention). The NCR is currently referred to as the National Commission for

Refugees, Migrants, and Internally Displaced Persons (NCFRMI), and is the lead agency that coordinates the entire migration governance architecture.

Another institution with influence on the migration governance framework is the National Agency for the Prohibition of Trafficking in Persons (NAPTIP). This institution emanated from concerns about the irregular migration of young Nigerians to several European Union (EU) countries. Migration was extensively discussed in this context in Nigeria in the early 2000s. Along the trans-Saharan trade route, human traffickers and migrant smugglers were engaged in illegal operations and young Nigerians sojourned through the Sahara Desert to reach Europe. In 2003, in response to the growing problem of irregular migration and human trafficking, the Nigerian government enacted the Trafficking in Persons (Prohibition) Enforcement and Administration Act which was subsequently amended in 2015. The Act criminalised human trafficking and established NAPTIP.

Notwithstanding negative views about perceived irregular migration in Nigeria, there was also a growing recognition of the importance of the diaspora community considering the large number and total value of remittances sent back by members of the Nigerian diaspora community. The remittances received highlighted the ability of the diaspora to contribute to national development, and in recognising that, the government established the Nigeria National Volunteer Service (NNVS) which was subsequently transformed into the Nigerians in Diaspora Commission (NiDCOM) in 2017 based on statute. NiDCOM assumed the primary function to enhance and strengthen the institutional framework for diaspora participation in Nigeria.

<sup>130</sup> Lanre O Ikuteyijo 'Illegal Migration and Policy Challenges in Nigeria' (2012) *Africa Portal* 3.

<sup>131</sup> Section 1 of the Immigration Act of 2015.

<sup>132</sup> See Section 6(1)(d) of the National Population Commission Act, 1989.

<sup>133</sup> See Section 3 of the National Commission Act for Refugees (Establishment) Act, 1989.

<sup>134</sup> Article 1(A)(2) of the Convention Relating to the Status of Refugees, 1951.

<sup>135</sup> Article 1(1) of the Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Refugee Convention), 1969.

<sup>136</sup> Arhin-Sam, K 'The Political Economy of Migration Governance in Nigeria' (2019) *Arnold Bergstraesser Institute, Freiburg*. 24.

<sup>137</sup> See Section 2(1) of the Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015.

<sup>138</sup> Didia D & Tahir S 'Enhancing Economic Growth and Government Revenue Generation in Nigeria: The Role of Diaspora Remittances' (2022) 49 *The Review of Black Political Economy* 2 175-176.

<sup>139</sup> Nigerians in Diaspora Commission (Establishment) Act 2017.

<sup>140</sup> See Section 8 of the Nigerians in Diaspora Commission (Establishment) Act 2017.

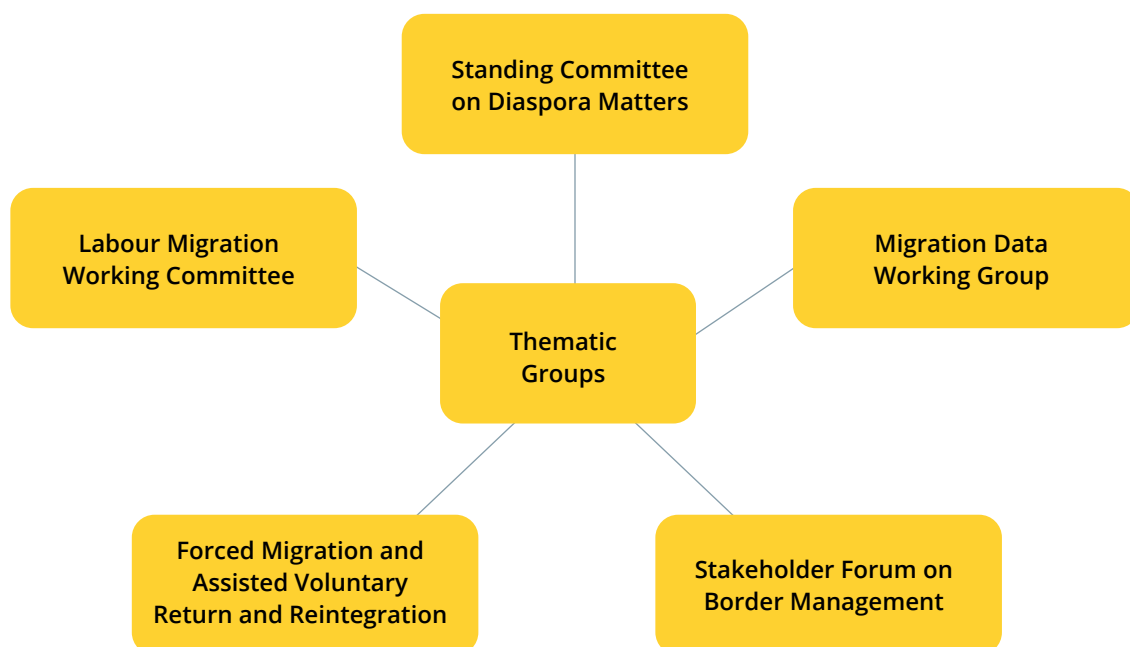
Given the cross-cutting nature of migration and the array of institutions involved in the management of the diverse thematic aspects of migration as seen

above, the NMP outlines a coordination structure integrating several ministries and agencies.<sup>141</sup>



The ministerial or national consultative committee is the first and highest level of coordination. This level brings together ministers whose ministries deal with migration-related issues. The committee is chaired by the Attorney-General of the Federation and Minister of Justice and co-chaired by the supervising minister for the NCFRMI. The second level of coordination is the technical working group (TWG) which brings together and coordinates representatives of state and non-state actors whose operational activities relate to migration. The TWG is chaired by the NCFRMI. The third level of coordination involves

the thematic groups, which comprise five sectoral groups working on five thematic areas, each sectoral group comprises several agencies and has a lead agency tasked to coordinate its affairs. Each sectoral group's operations are driven by a sectorial policy, like in the case of NPLM and diaspora policies referred to earlier in this report. An outline of the thematic groups and their role is given in the diagram below. The final level of coordination involves state and non-state actors whose mandates and/or actions affect migration. These state and non-state actors work with the TWG.<sup>142</sup>



Priority areas of the Thematic Groups based on the NMP.

<sup>141</sup> Nigerian Migration Policy of 2015, p 82.

<sup>142</sup> Nigerian Migration Policy of 2015, p 82-83.

As mentioned earlier, the thematic groups are structured around the five intra-governmental groups across the migration spectrum. The first intra-governmental group is the standing committee on diaspora matters, whose primary focus is on diaspora mobilisation, diaspora contributions to national development, remittances, and diaspora engagement in general. NiDCOM assumes the primary function of leading this committee. The second prioritised area is the labour migration working committee, which is headed by the FMLP. The third group is the migration data working group which includes all government agencies that generate migration data, and the leading agency is the NPC, supported by the NBS. The fourth prioritised area involved forced migration and assisted voluntary return and reintegration, and the NCFRMI serves as the lead agency. The fifth prioritised area is the stakeholder forum on border management (SFBM). The SFBM is mandated to focus on issues related to the ECOWAS Free Movement Protocol, border security, trafficking in persons, smuggling of migrants and

related matters. The NIS is the designated lead agency of the SFBM, with support from NAPTIP. The SFBM reports to the TWG which coordinates all five thematic groups, and the TWG reports to the National Consultative Committee.<sup>143</sup>

If the institutional architecture is closely examined, one can argue that it is constructed as a forum or set of forums for dialogue on migration matters. There is no clearly defined institution to manage migration matters. Arguably, the NCFRMI does not have the capacity to drive the needed energy and resources to implement the NMP. The NIS can be the lead agency to coordinate migration matters across all sectors because the 2015 Immigration Act as discussed above, gives it a legislative mandate for the organisation to establish the directorate of Migration to be headed by a Deputy CGI. This directorate is responsible for signing all bilateral migration agreements on behalf of the Nigerian government, and it is empowered with enough diverse human resources to drive migration management for national development.

<sup>143</sup> Nigerian Migration Policy of 2015, p 86.

# 06.

## REFLECTIONS ON POLICY AND IMPLEMENTATION

### 6.1 Discursive gap

In Nigeria, migration is not openly politicised. Nonetheless, Nigeria's migration governance strategy has been reactive initially focused on dealing with irregular migration trends. Migration governance was regarded as secondary in Nigeria until there was serious civil society activism which highlighted the substantial number of trafficked Nigerian women to Europe. This resulted in the conclusion of the Prohibition of Trafficking Act criminalising human trafficking and an institution to enforce the content of the Act.<sup>145</sup> The discourse on migration has since expanded and Nigeria has been proactive and has shown strong political will to develop its migration governance framework, particularly towards labour and diaspora migration. This is visible in efforts such as developing policies and institutions like the NLMP, NPDM, and NiDCOM. Nigeria is aggressive in positioning itself to attract diaspora investments and stimulate remittances, as evidenced by NiDCOM's initiatives. As a result, there is interest in expanding regular channels for migration and relaxing visa requirements.<sup>146</sup>

With the existing policies outlined, it is difficult to claim that Nigeria has policy gaps in terms of migration. Existing policies are more extensive and impressive. The systematic reforms and policy changes initiated particularly under the New Visa Policy 2020 to classify visas and simplify visa processing is a welcome development. These changes are laudable and represent continuing steps in the right direction towards bringing immigration practices and procedures in Nigeria in tune with international best practices. The increased variety of visa types does, however, have the potential to complicate the application procedure. It may be difficult for prospective migrants to choose which visa type best fits their needs.

That notwithstanding, the development of these policies particularly the NMP and the support of

the various agencies are backed by funds from the EU and technical help from the International Organisation on Migration (IOM).<sup>146</sup> For instance, the influence of the EU is seen in the governance coordination framework adopted under the NMP which is the Swiss Whole of Government Approach, that encourages the management of migration by more than one ministry or group of people.<sup>147</sup> The coordination framework brings together agencies and actors from the government, non-government, and the international community. Arguably, this leads to concerns about ownership of Nigeria's migration framework as it could be excessively influenced by external interests that might not align with the primary interests of Nigeria. Thus, there is a risk of priorities being skewed in favour of more influential stakeholders.

### 6.2 Implementation gap

The policies and frameworks discussed in this paper show political will and promise in governing migration in Nigeria. However, implementing these policies is the biggest challenge in Nigeria. In the Nigerian context, the lack of budgetary allocation and a well-resourced national agency (NCFRIM) is a factor for the slow pace of implementation. Hence, there is heavy dependence on external donor funding which is most times underpinned by bureaucratic procedures and delays for migration-related projects. Further, multiple departments and agencies are involved in migration governance, resulting in overlapping tasks and occasionally contradictory mandates and inter-agency rivalry. For instance, Arhin-Sam highlights a peculiar challenge of interagency rivalry, noting:

'The NIS considers itself better equipped to coordinate migration issues than the NCFRIM which was established in 2009. The NIS is the oldest migration agency (established in 1963) with over 27,000 staff in all the 774 local governments and generates the largest volume of migration data of any agency.'<sup>148</sup>

<sup>144</sup> Arhin-Sam, K 'The Political Economy of Migration Governance in Nigeria' (2019) *Arnold Bergstraesser Institute, Freiburg*. 20.

<sup>145</sup> *Ibid.*

<sup>146</sup> Arhin-Sam, K 'The Political Economy of Migration Governance in Nigeria' (2019) *Arnold Bergstraesser Institute, Freiburg*. 16.

<sup>147</sup> Arhin-Sam, K 'The Political Economy of Migration Governance in Nigeria' (2019) *Arnold Bergstraesser Institute, Freiburg*. 24.

<sup>148</sup> Arhin-Sam, K 'The Political Economy of Migration Governance in Nigeria' (2019) *Arnold Bergstraesser Institute, Freiburg*. 31.

Further, corruption is an indicative parameter of governance failure in any nation,<sup>149</sup> and it manifests in various forms, such as bribery, embezzlement, trading in influence, abuse of functions, and illicit enrichment.<sup>150</sup> According to an interlocutor from the IOM, it was noted that 'corruption is not exclusive to immigration systems',<sup>151</sup> highlighting its severity within any governance architecture. Its virulence manifests in multiple ways and is felt more in a typical developing country such as Nigeria because it continuously undermines development. Within the governance architecture, the NIS has received backlash for corrupt practices, particularly about the process of issuing international passports. The process of obtaining a passport is viewed as a fertile ground for extortion and racketeering.<sup>152</sup> Corrupt practices by border officials are also prevalent along border crosses, with unofficial checkpoints created to extort money from travellers.<sup>153</sup>

### 6.3 Efficacy gap

The effectiveness gap is complicated. Some essential procedures, such as improvements in the quality of the Nigerian passport and its management processes, and in the implementation of the border management authority, as well as progress on reform of the visa system suggest that some reforms are viable to accomplish. Arguably, the effect of these reforms on industries reliant on foreign expertise can be positive. But in general, there is a fairly wide discrepancy in terms of efficacy. As highlighted by Arhin-Sam, 'most of the migrant populations in

Nigeria are unskilled or low skilled, especially those from the ECOWAS region, and many are integrated into the Nigerian society via inter-marriages and business partnerships. For example, migrants from countries like Niger, Cameroon and Chad, are easily interwoven into Nigerian society as a result of shared religion, language, markets, and culture'.<sup>154</sup>

The research from Arhin-Sam reveals that movement into Nigeria particularly from the Western sub-region and the integration of migrants is organic, driven by historical, cultural, and economic synergies rather than the existing regional and national legal frameworks. The effectiveness of Nigerian immigration regulations can be assessed against the backdrop of these organic migratory dynamics. If the extant laws aim at regulating, attracting, managing or harnessing the potential of these natural migrant flows, their efficacy can be questioned. Arguably, the rules may be regarded as unsuccessful if they do not channel this organic migration dynamic into more structured, formal and advantageous systems in the country. While migration into Nigeria is seemingly organic, there is an opportunity for Nigeria to attract more highly skilled migrants. The effectiveness of these rules in attracting highly skilled migrants largely depends on their implementation, improving the overall perception of the country, through concurrent efforts in improving areas like security and infrastructure. Thus, while the intent is clear and positive, its effectiveness can be enhanced through consistent efforts and refining the processes based on the needs of experts.

<sup>149</sup> O Soyaju 'Making a case for a development-driven approach to law as a linchpin for the post-2015 development agenda' (2015) 18 *PER / PELJ* 362-370.

<sup>150</sup> See articles 15, 16, 18, 19 and 20 of United Nations Convention against Corruption (2003). See also art 4(1)(f) of the African Union Convention on Preventing and Combating Corruption (2003).

<sup>151</sup> Interview IOM Official, 19 September 2023.

<sup>152</sup> Micheal Owhoko 'Nigerian Immigration Service and culture of corruption, laziness for hire-purchase passports' available at <https://gazettengr.com/nigeria-immigration-service-and-culture-of-corruption-laziness-for-hire-purchase-passports/> accessed 13 September 2023. See also Tina Abeku 'How corruption, racketeering hobble FG's passport policy, application process' available at <https://guardian.ng/features/how-corruption-racketeering-hobble-fgs-passport-policy-application-process/> accessed 13 September 2023.

<sup>153</sup> Abubakar M Sambo et al 'Regional Migration in West Africa: Trends and Challenges Along Nigeria-Cameroon Borders; *Kashere Journal of Politics and International Relations* 1 (2023) 1-360.

<sup>154</sup> Arhin-Sam, K 'The Political Economy of Migration Governance in Nigeria' (2019) *Arnold Bergstraesser Institute, Freiburg*. 46.



# 07.

## THE POLITICAL ECONOMY OF MIGRATION IN NIGERIA

In Nigeria, migrants form part of the supply chain in a variety of occupations both within the formal and informal economy. A study by the ILO highlights that 'most migrant workers from West African countries work in the construction industry (tiling, plumbing, welding, and fabrication). Migrant workers from multinational companies are found in all parts of the economy. In Abuja and Lagos, embassies, high commissions, and consulates are some of the places where migrants work. Most migrant workers are in agriculture, fishing, forestry, mining and quarrying, low-tech manufacturing, construction, retail trade, service (domestic help, water supply, motorcycle and car repair), tailoring, entertainment, recreation, and the arts.'<sup>155</sup> Businesses stand to benefit from liberal immigration policies to attract key skills, as well as lower-skilled migrants in certain sectors.

Migrants get support from various civil society and non-governmental organisations in the human rights sphere or specifically catering to the welfare of migrants, refugees, and victims of human trafficking and smuggling. Organisations such as the Civil Society Legislative Advocacy Centre (CISLAC), Network of Migration Research on Africa (NOMRA), Policy Consult, Women Consortium of Nigeria, CLEEN Foundation, Women Trafficking and Child Labour Eradication Foundation provide refuge sustenance and advocacy.

Within the Nigerian context, migration is not regarded as a high-stake political problem, nor is it regarded as a political priority.<sup>156</sup> Where migration is publicly and politically discussed, it is mostly in

terms of internal displacements connected with conflicts, the emigration of Nigerian citizens, what is commonly referred to as '*Japa*' and, the potential to better exploit development gains from Nigeria's large diaspora.<sup>157</sup> As referred to earlier, though most Nigerians migrate within the West African sub-region, the share of migrants moving outside the continent (58%) is increasing considerably. The rising emigration trend raises an issue of brain drain which features in social discourses alongside other prevalent issues such as poverty, unemployment, poor infrastructure, corruption and so on.<sup>158</sup> However, given the importance of diaspora investments and remittances to the Nigerian economy, the underlying interest of Nigeria is to expand regular migration channels for Nigerians through potential bilateral or international migration agreements<sup>159</sup> and galvanise the return of Nigerian migrants in the diaspora.<sup>160</sup>

Nigeria has a welcoming image which is often based on common history and socio-economic and cultural relationships with specific foreign national groups. For instance, as elaborated in an ODI study by Karen Hargrave, in 'communities hosting Cameroonian refugees, the long history of cross-border mobility, trade, friendship, and intermarriage have contributed to local narratives of refugees as brothers. The ethnic closeness between groups like the Yoruba in Nigeria and Benin and the Hausa-Fulani in Nigeria and Niger means they are not depicted as foreigners and speak the same language and share cultural traditions.'<sup>161</sup> However, as highlighted by the ODI study, this welcoming image does not translate to liberal policy pretences by most Nigerians.<sup>162</sup>

<sup>155</sup> Benjamin Ogwo and Benadeth Ezekoye 'Potential for Skills Partnerships on Migration in Nigeria' (2020) 4-5

<sup>156</sup> Patrick D Cole 'Political party manifestos in Nigeria, UK, and US' available at <https://guardian.ng/opinion/political-party-manifestoes-in-nigeria-uk-and-u-s/> accessed 13 September 2023.

<sup>157</sup> Olayide Oluwafunmilayo 'I get this rush of sadness: Is a wave of youth migration threatening the Nigerian way of life?' available at <https://www.theguardian.com/global-development/2022/nov/29/migration-wave-tears-at-fabric-of-life-in-nigeria> accessed 13 September 2023. See also, Oluwatonyin AO 'Turning Japa to brain gain: How the diaspora can strengthen Nigeria's education' available at <https://www.thecable.ng/turning-japa-to-brain-gain-how-the-diaspora-can-strengthen-nigerias-education> accessed 13 September 2023.

<sup>158</sup> Samik Adhikari et al 'Expanding Legal Migration Pathways from Nigeria to Europe: From Brain Drain to Brain Gain' The World Bank 2021 19 available at <https://www.cgdev.org/publication/expanding-legal-migration-pathways-nigeria-europe-brain-drain-brain-gain> accessed 13 September 2023.

<sup>159</sup> Arhin-Sam, K 'The Political Economy of Migration Governance in Nigeria' (2019) *Arnold Bergstraesser Institute, Freiburg*. 21.

<sup>160</sup> Jimisayo Opanuga 'We need you back home, Tinubu appeals to Nigerians in diaspora' available at <https://guardian.ng/news/we-need-you-back-home-tinubu-appeals-to-nigerians-in-diaspora/> accessed 13 September 2023.

<sup>161</sup> Hargrave Karen 'Public narratives and attitudes towards refugees and other migrants: Nigeria country profile' ODI Country Case Study (2021) p.15.

<sup>162</sup> Ibid at p. 20.

Further to the very dynamic nature of migration in Nigeria, debates around anti-foreigner sentiments in Nigeria are not as politically charged as in South Africa. Historically, such arguments were had due to the perceived role of migrants in the failing economy and engaging in criminal activities and the inclination to reduce competition for jobs and scarce resources. These sentiments led to the expulsion of Ghanaians in 1983 and 1985, by the government.<sup>163</sup> However, in recent times, anti-foreigner sentiments can arguably be located within the perspective of revenge or retaliation. For instance, in 2019, against the backdrop of anti-immigrant violence in South Africa, retaliatory attacks on South African companies occurred in Nigeria.<sup>164</sup> Frequently, the blame for economic troubles within

Nigeria is based on corruption, poor infrastructures, inefficiency, and poor governance concerns.

Nigeria has hegemonic status within the West African sub-region, having played a key role in the formation of the ECOWAS Community, housing its headquarters and contributing heavily to its budget. In July 2023, Nigeria's President, Bola Tinubu, was appointed Chairman of the ECOWAS Community for a one-year term.<sup>165</sup> This came after he was sworn in as the President of Nigeria in May 2023. Amidst the dearth of political discourse on migration, it will be interesting to observe how his administration promotes interests that are important to Community goals, like migration, both in Nigeria and the region.

<sup>163</sup> Ebenezer O Oni and Samuel K Okunade 'The Context of Xenophobia in Africa: Nigeria and South Africa in Comparison 44-45 in Adeoye O Akintola (ed) *The Political Economy of Xenophobia in Africa* (2018). See also, <https://atavist.mg.co.za/ghana-must-go-the-ugly-history-of-africas-most-famous-bag/> accessed 13 September 2023.

<sup>163</sup> Abisola Olasupo 'Afrophobia not Xenophobia' available at <https://guardian.ng/features/afrophobia-not-xenophobia/> accessed 13 September 2023. See also, Alec Hogg 'Xenophobia storm hits MTN, Shoprite, Pepkor, Pick n Pay; Nigeria recalls SA envoy; Ramaphosa Tweets for calm' available at <http://surl.li/mcrrb> accessed 13 September 2023.

<sup>165</sup> ECOWAS 'President Bola Ahmed Tinubu of Nigeria Elected as Chairman of the ECOWAS Authority of Heads of States and Governments' available at <https://ecowas.int/president-bola-ahmed-tinubu-of-nigeria-elected-as-chairman-of-the-ecowas-authority-of-heads-of-states-and-government/> accessed 13 September 2023.

# 08.

## CONCLUSION

Nigeria, as a significant actor in the migration landscape, offers a unique lens through which the intricacies of migration governance can be viewed. Rooted in a rich tapestry of historical migrations, the country has crafted an evolving governance framework that attempts to grapple with its multifaceted migration dynamics. While Nigeria's legislative milieu, including the Immigration Act of 2015 and NMP provides a solid foundation, institutions such as the NIS and NCFRMI sometimes wrestle with the magnitude of migration trends, and there's a marked necessity for tighter alignment with international accords. Significant challenges confront the nation's framework—border management, human trafficking, and a burgeoning internally displaced populace, primarily due to socio-political upheavals. What becomes imperative is to have a well empowered institution, and great political will from the government. Further, Nigeria's engagement in the ECOWAS region, especially regarding the idea of free movement, underscores its interconnectedness with neighbouring nations and the balance it must strike between regional integration and national security.

Partnerships have emerged as a cornerstone of Nigeria's strategy, with entities like the IOM, and the EU playing crucial roles. These engagements have ushered in capacity building, funding, and dialogue opportunities that shape Nigeria's migration governance architecture. Looking forward, Nigeria confronts a rising youth demographic and the challenge of increased emigration as it is unable

to offer an attractive and affordable quality of life and the governance framework will be tested further. Arguably, if this continues it can provoke significant backlash from the domestic populace. Unless these trends are adequately managed, there could be a growing hostility to foreign workers and local migrants alike. It is paramount for the nation to adopt a holistic approach, one that accentuates inter-agency coordination, fortified border management, and policies rooted in empirical data. By doing so, Nigeria can transition from merely managing migration to truly harnessing its potential for socio-economic advancement.

Migration is a very important development issue but in Nigeria, the government is not very proactive in this direction. With a more developmental approach to the management of migration, the country could derive a lot of economic opportunities from its diaspora. There is, however, some increase in participation and policy innovations centred on the developmental benefits associated with migration. The focus has mostly been on the Nigerian diaspora. That notwithstanding, continued emphasis must be placed on the role of migrants within the country and how their contributions may best be leveraged in support of broader development goals. Extant policies can be enhanced to improve general migration data collection and management including a focus on migrants within the country, including refugees. Priority should be given to initiatives to improve statistics on their skill profiles, labour market involvement, and overall development contributions.

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**TECHNICAL DATA**

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**GRAPHIC DESIGN**

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