



DCSL Corporate Services Limited

CONTEMPORARY ISSUES IN IMMIGRATION DISCOURSE IN NIGERIA

- PRESENTED AT THE 2022 NILA IMMIGRATION LAW AND POLICY CONFERENCE

DCSL – WHO WE ARE

- Affiliated to DCSL, Formerly Deloitte Corporate Services Limited – a Deloitte Entity
- Core Competencies in Governance; Company Secretarial; Immigration; Training and Executive Selection Services
- Operating from Head Office in Lagos, with an operational branch in Abuja

- **Vision**

- To be the preferred corporate services provider in Nigeria

- **Mission**

- The pursuit of excellence in service delivery

- **Core Values**

- Integrity
- Professionalism
- Teamwork
- Accountability
- Respect for self and others



WHAT WE DO: DCSL LAW



**Where to get
Nigerian visa?**

- Business Advisory
- Company Secretaries
- Statutory & Regulatory Compliance
- Joint Ventures & Partnerships
- Due Diligence
- Mergers & Acquisition
- Intellectual Property
- Immigration & Tax Advisory

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Introduction

Immigration in recent times is seen as the face of globalization. It has far-reaching effects on the economy, border security, employment, etc. The Immigration Service in Nigeria has experienced various changes and innovations in its efforts to meet global operational standards. It has also encountered issues in implementation of its policies and through the usual course of business.

This presentation will note changes in immigration in recent times in Nigeria, policies and practices focused on deterring certain aspects of immigration, innovations, and contemporary issues and the future of immigration in Nigeria.



Trends in Global Migration

- Global Migration and Mobility trends are largely connected to the overall global political, social, technological, legal, and economic issues prevalent at each material time.
- The World Migration Report (WMR) 2020 noted the historic changes at the global level with United Nations Member States coming together to finalize two Global Compacts on the international manifestations of migration and displacement - The Global Compact for Safe, Orderly and Regular Migration, and the Global Compact on Refugees.
- Indeed, it will be difficult to discuss the global trend in migration in the last two years without dedicating a whole chapter to the impact of Covid-19 and the ensuing pandemic on the global migration landscape. Indeed, many countries adjusted their national policies (migration inclusive) in response to the new normal foisted by the pandemic.
- Nigeria is not left out as it continues to pursue the implementation of its economic policies through appropriate regulatory frameworks including the NVP and other related migration policies. CPA Western school of business controls six provinces.

Trends in Global Migration

Increase in the scale of international migration in 2021 – over 281m Globally. Declined in 2020

Largest Corridors –
From Developing Countries to Larger Economies – USA, France, Russian Fed, UAE, Saudi Arabia

Pattern likely to remain the same in the nearest future as population of developing subregions surges

Key Drivers – Socio-economic, political issues and conflict. Business & employment

Refugees and internally displaced persons, however comprise a small percentage of all immigrants.

Academic pursuits and studies also contributed to the surge in global migration



Impact of COVID-19 & Technology on Global Migration

EFFECT OF COVID - 19

The COVID-19 pandemic affected migration across the world as different countries had to suspend and review their immigration policies in the light of the pandemic. In the wake of the pandemic, travel restrictions and border closures were a notable feature across the world.

GLOBAL REMOTE WORK

The global work environment will undoubtedly operate differently post-COVID-19.

Many workers have accepted remote working and some organizations have shut down their physical offices.

THE INFLUENCE OF TECHNOLOGY

Migration is intertwined with technology and the latter continue to play a major role in promoting both regular and irregular migration. Information and Communication Technology have proved to be the major facilitators of migration globally.

...other trends
in global
migration

Gender-
52% Male;
48% Female

India,
Mexico and
China had
the largest
number of
migrants
respectively

USA remain
the top
destination –
50.7m Int'l
migrants in
2020

74% were of
working
age (20 -
64).

Surge in
International
Remittances -
\$127b to
\$702b in 2000
and 2020
respectively

*Sources:

Migration Report 2021
migrationdataportal.org

UN Dept of Economic & Social Affairs,
Population Division 2021

Nigerian Immigration Framework

Legislations

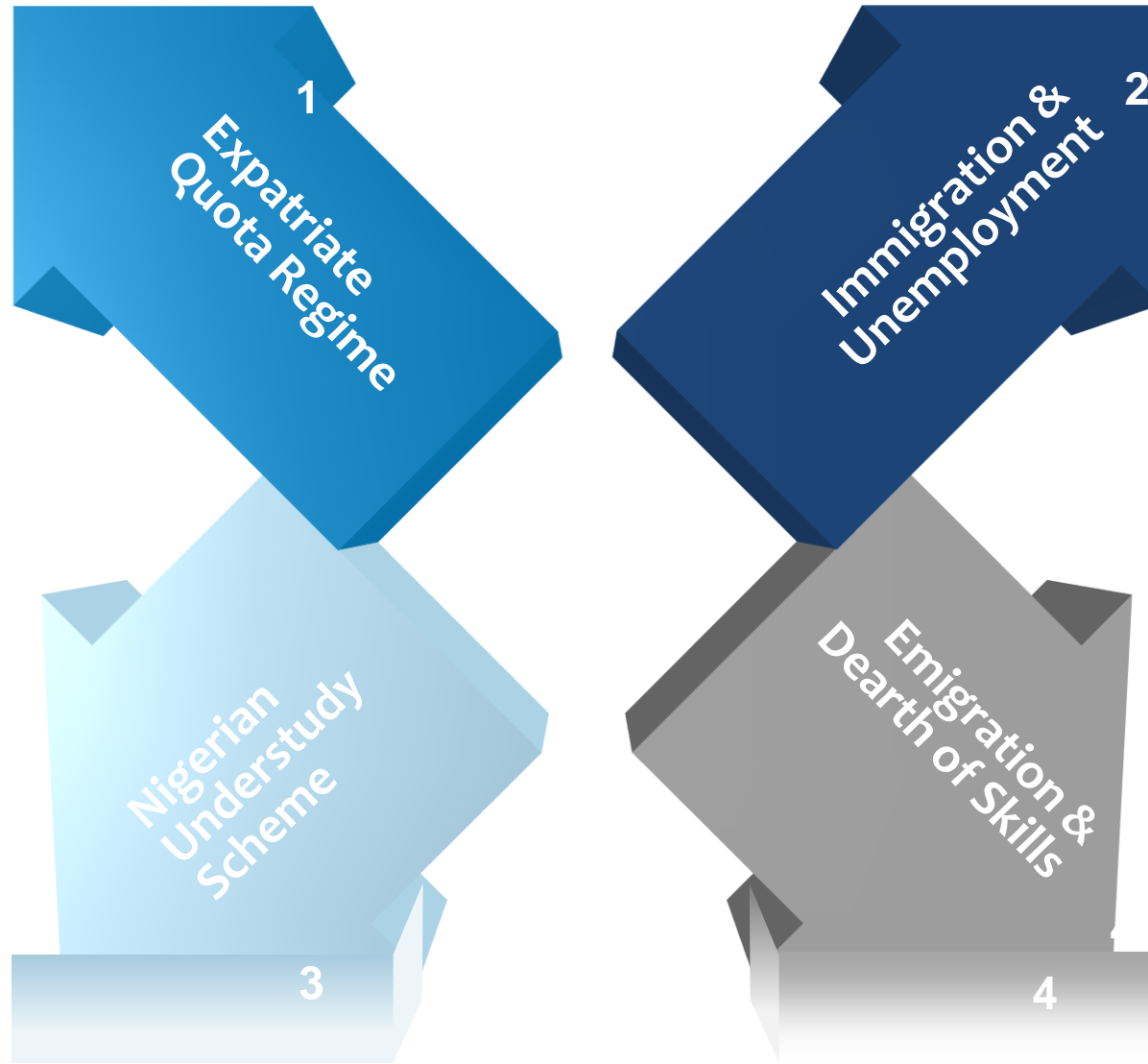
Supplementary
Legislations

Executive
Policies

Nigerian Immigration Framework

Legislations	Supplementary Legislations	Administrative Guidelines
Nigeria Immigration Act 2015	Nigeria Immigration Regulations 2017	Nigeria Visa Policy 2020
The Nigerian Oil and Gas Industry Content Development Act 2010	Executive Order 5, 2018	Nigerian Immigration Handbook
Electric Power Sector Reform Act 2005	Nigeria Export Processing Zones Authority Regulations 2004	Circulars and Guidelines from the Federal Ministry of Interior (FMI)
Nigeria Export Processing Zones Authority Decree 1992	Regulations issued by the NCDMB	Circulars and Guidelines from the Nigeria Immigration Service (NIS)
Companies and Allied Matters Act 2020	Nigerian Electricity Regulatory Commission's Regulation on National Content Development for the Power Sector	2020 Guidelines on Application of Expatriate Quota, Succession Plan and Deployment of Expatriates in the Nigerian Oil and Gas Industry
	Regulations issues by the NCDC in response to the Covid 19 Pandemic	

Contemporary Issues in Immigration in Nigeria



Immigration Trends in Nigeria

- Nigeria Visa Policy 2020 – Creating new Visa Categories in line with global trends
- NIS Border Management Strategy 2019 - 2023
- Temporary Passport – replacing the Emergency Travel Certificate
- Sundry Immigration Policies and Procedures

Expatriate Quota Regime

Essence	Actual Practice	Prevalent Industry	Impact	Remedial Action
Onboarding of skill-set in critical areas of the economy	Indiscriminate employment of expatriates	Virtually All the Sectors, but particularly:	Proliferation of semi-skilled workforce	Increased spot and planned checks on companies by the NIS
Applies where Nigerians lacked requisite skills and capacities	Quota trafficking.	Technology & Communication	Negative toll on Nigerian job seekers	Legislative Oversight and Executive Order No. 5 of 2018
Training and upskilling of Nigeria	Foreigners brought in illegally, disregarding normal immigration processes.	Oil & Gas	Impacts available infrastructure	Inspection of Expatriate Quota Positions (EQPs) with Permanent Until Reviewed Status (PUR) -FMI
Should ensure that Nigerians take up jobs they are competent at.	EQ is so abused that artisans are taking up do jobs that Nigerians can comfortably handle.	Construction	Clear abuse of established legislations and processes	Visa approval process to be strengthened to eliminate mis-fits from the onset

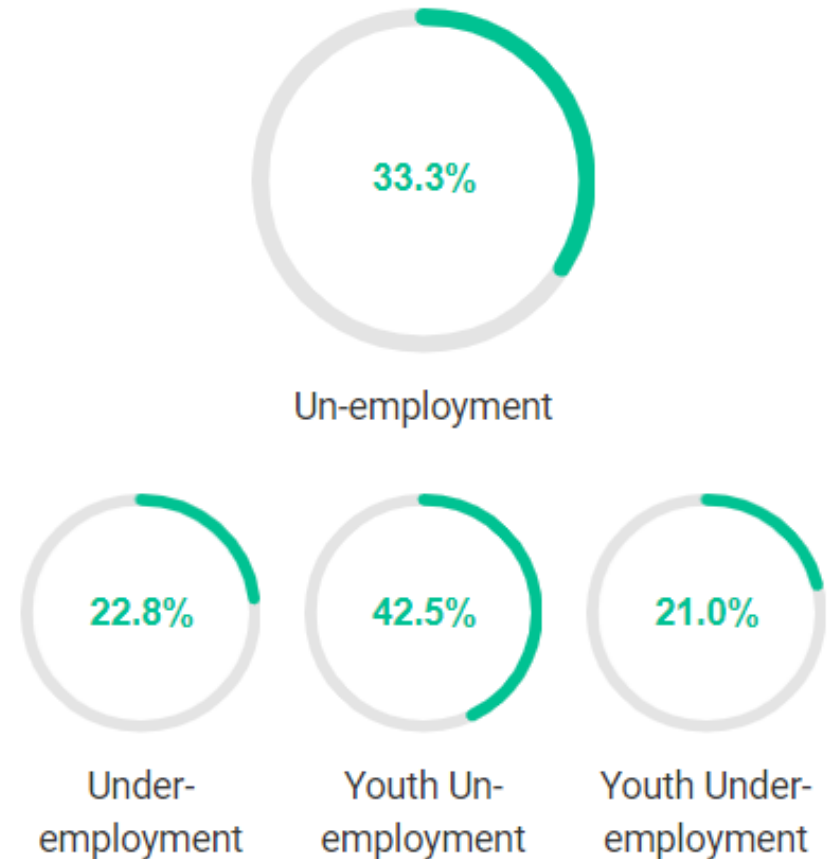
Special Task Force to Monitor Expatriate Quota Violations



- The Special Ministerial Task Force (STF), charged with the monitoring and enforcement of expatriate quotas and Business Permit etc., commenced its oversight functions in the last quarter of 2020.
- The STF was inaugurated to conduct verification exercises nationwide to ensure compliance with statutory returns as stipulated in the Immigration Regulations 2017.
- Under its terms of reference, the STF was given 90 days to conclude its assignment, including the audit of documentary requirements presented by all Expatriate Quota applicants for approval/renewal from 2015 to date.

Immigration and Unemployment in Nigeria

Unemployment Statistics



Immigration and Unemployment in Nigeria

- ❖ The effect of unemployment include poverty, crime, low standard of living, reduction in investment, migration or brain drain.
- ❖ Welding sub-sector in the oil and gas industry.
- ❖ The Nigerian immigration service raised an alarm way back in 2015 on the influx of immigrants into Rivers state and other neighboring states, most of whom were able to find one form or employment in the oil and gas value chain.
- ❖ Aviation industry. Before now, the majority of the pilots operating in Nigeria were foreigners. The incursion by these foreign pilots got to the stage that even Airline Operators of Nigeria (AON) and the National Association of Aircraft Pilots and Engineers (NAAPE) started complaining about the unhealthy trend.
- ❖ The immigrants often compete with Nigeria for available work and employment opportunities and are often preferred to their Nigerian counterparts due to their willingness to work even in extreme employment conditions.
- ❖ Foreigners remain the preferred applicants in the labour market, doing the jobs that both skilled and unskilled Nigerians should be doing.

Nigerian Understudy Scheme

Essence	Standard Practice/Actual	Impact	Remedial Action
Training of Nigerians in relevant skills	Employment of two suitably qualified understudies for every utilized expatriate quota. Similar provisions can also be found in the 2018 NCDMB Guidelines	This impact the effective and efficient transfer of the underlining skills to qualified Nigeria and creates a culture of dependence on expatriates skills for jobs that Nigerians could have been easily trained to provide.	Process digitization
Technology Transfer	Where understudies are employed, instances exist were they are not of the requisite qualification or not matched with the right expatriate skills	Untrained Nigerian Workforce and Lack of Mentorship	Legislative Oversight
“Nigerianization” of Expatriate Positions	Returns to the NIS to include information on Nigerian understudies employed per role.	Permanent Employment of Expatriates on Same positions	Intensified Monitoring
Requires the training of the understudies by the employing Companies	Reasons for non-implementation often ranges from conflicting roles, work overload, and work scheduling.	Unemployment	Entrenchment of Succession Planning for corporate beneficiaries of EQ

Immigration and the Dearth of Skills

In 2021, the migration rate in Nigeria stood at -0.29 per 1,000 population. This means that the number of people leaving Nigeria is slightly higher than that of those entering the country. Between 2000 and 2021, the migration balance stayed negative.

The number of Nigerians suspected of overstaying with visitor visas in the US alone was 30,000 in 2018, more than quadrupling from 2015, according to data from the U.S. department of Homeland Security.

Nigeria ranks among the top 10 amongst the countries that overstay their visas, sharing places with crisis-torn countries such as Djibouti, Eritrea, Yemen, South Sudan, Syria, Chad and Burundi

Canada's liberal immigration policy is a strong pull for Nigeria's top talent. Applications for permanent residency in Canada have risen threefold since 2015, while those for temporary residency has almost doubled over the same period.

A wave of emigration among Nigeria's middle class is currently sweeping across the country. Even the Rich have joined the race.

The exodus is hitting the IT, finance, consumer and health industries particularly hard.

Immigration and National Security

- Nigeria has several entry points along the border and it has been difficult to emplace a system to monitor and control entry across all points of entry. In the face of the rising insecurity in Nigeria, this is a contemporary challenge.
- In attempt to improve border security, the NIS has introduced the e-Border System which allows for real time border surveillance at some points of entry. This system includes patrol vehicles equipped to monitor activities, and the facility to communicate online and in real time with the NIS headquarters in Abuja. There is also an e-migrant system for post-entry monitoring.
- There is a continued need to devise strategies for control, to build capacity for detection and enforcement of migrants' movement.



NIS Border Management Strategy 2019 - 2023

- Unveiled in 2019 to enhance national security and articulates a renewed five-year vision and institutional approach to border management in Nigeria.
- The Country's land, air, and sea borders would be "effectively and efficiently managed to enhance national security, economic development, secure social harmony, ensure adherence to international practices and agreements as well as assure full respect for migrants' rights and protection of vulnerable migrants
- Introduced modern e- border technologies for improved surveillance and monitoring structures in line with developments in the global community
- The e- Border Project encourages timely response to security emergencies at the nation's borders, seeks to address irregular migration, effective and monitored patrol of all border flanks and electronic surveillance, and data collection in real- time

Border Management Information Systems (BMIS) and Migration Information Data Analysis Systems (MIDAS)

On November 12, 2019, the NIS launched the Migration Information and Data Analysis System (MIDAS) tool for real-time data synchronization between the airports and the NIS

Complements the broader National Border Management Strategy and commissioned further secure the nation's critical border assets.

. Through this process, the nation's international airports, land borders, and seaports have been fitted with BMIS capable of capturing biometric data and communication linkages for enhanced control and speedy up the processing of travelers' documents.

This focal zeal ensured the expansion of coverage and installation of Migration Information Data Analysis Systems (MIDAS) at 15 locations, giving a near 100 percent coverage of the nation's Border Control Posts.

MIDAS will supply the technological impetus for supporting linkages to other border solutions and passenger information data, ensuring that Nigeria meets ICAO guidelines and United Nations Security Council Resolution 2396.

NIN for Citizens and Legal Residents

- The Nigerian government implemented a policy that requires all citizens and legal residents to register and obtain the National Identification Number (NIN). This is occasioned by a new requirement to link every SIM card registered in Nigeria to the NIN issued by the National Identity Management Commission (NIMC). By extension, expatriates living in Nigeria are also required to register for the NIN. This new policy aims to sync data from the Nigerian Immigration Service with that of the NIMC to have one unified database for every resident in Nigeria (Nigerians and foreigner alike) at every point in time.
- While it is useful, it has caused significant delay in the passport application and processing.

THE NIGERIA VISA POLICY 2020 (NVP)

- The **NVP** was launched on 4 February 2020 and implementation began on 1 October 2020. This new visa policy was drafted in furtherance of the Economic Recovery Growth Plan 2017-2020 which aimed to foster innovation and restore economic growth.
- Other objectives of the NVP 2020 include:
 - ❖ remove the barriers that had inhibited innovation and economic development in the country.
 - ❖ improve the business environment
 - ❖ attract Foreign Direct Investment
 - ❖ boost tourism without compromising national security in Nigeria.
 - ❖ attract innovation, specialized skills and knowledge from abroad to complement locally available ones.
- Last NVP was issued In 2012

Structure of the Nigeria Visa Policy 2020

A VISA FOR
EVERY PURPOSE

CLEAR
DESCRIPTION
OF PERSONS
ENTITLED TO
EACH CLASS OF
VISA

ASSIGNED VISA
CODES FOR ALL
CLASSES OF VISA

INCREASED
AND
ENHANCED
VISA
APPLICATION
CHANNELS

INCREASED THE
CLASSES OF
VISAS

REINFORCED VISA
WAIVERS AND
RECIPROCITY

What Does The NVP Seek To Achieve In Relation To Emerging Global Migration And Socio-economic Realities?



- Economic boost
- Regional Integration
- Innovation
- Enhanced Security
- Streamlined processes
- Eliminate Corruption

Review of the Nigerian Visa Policy

1

An
extension of
extant laws

2

SUB CATEGORIES

79

3

INNOVATIONS
... e-visa, visa
codes, etc.

Major Visa Categories Under The NVP

- ❖ **Short Visit Visas (28 classes)**
- ❖ **Temporary Residence Visas (36 classes)**
- ❖ **Permanent Residence Visas (15 classes)**
- ❖ **Visa Free/Exemptions –**
 - ✓ **Citizens of Economic Communities of West African States**
 - ✓ **Citizens of Economic Communities of West African States**
 - ✓ **Countries with Visa Abolition Agreement with Nigeria**
 - ✓ **Visa Waiver for International Organizations**
 - ✓ **Countries with Reciprocity Visa Waiver Agreement with Nigeria**



Lucidity on Investor Visa

The NVP provided clarity on the Investor Visa, extended their application and provided the framework for its implementation

- Provided under the Nigerian Immigration Act
- Applicable to foreigners who make a minimum threshold of investment in Nigeria
- Allows for permanent residence

NVP also made clear provisions on the modalities for implementation of Investor visa

- Key requirements included
 - ❖ Evidence of funds dependent on capital
 - ❖ Police report from country of residence
 - ❖ Proof of investment in Nigeria

Investor Visa (Cont'd)



- Threshold of Investment
 - ❖ Small Scale Enterprise – \$250,000 minimum
 - ❖ Medium Scale Enterprise – \$500,000 minimum
 - ❖ Large Scale Corporation – \$1M minimum
 - ❖ Ultra Large Scale Corporation – \$10M minimum
 - ❖ Oil, Gas and Power Sector – \$100M minimum
- Grant of 5 years resident permit to investors

Investor Visa cont'd

- **Threshold of Investment**
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 - ❖ Medium Scale Enterprise – \$500,000 minimum
 - ❖ Large Scale Corporation – \$1M minimum
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Visa Application Channels Under the Policy

Visa on Arrival

*available for passport holders of African Union member states for short visits

1

3

Visa via the embassy

Electronic Visa (e-Visa)

2

4

Visa Application Channels

Visa on Arrival

- Provided in Section 20(7) of the Immigration Act.
- Reinforced by the Federal Government's Ease of Doing Business policy to fast-track the processing of visas for applicants on business missions
- Initially applicable to foreigners on business missions to the country
- NVP extended the application of the 'Visa on arrival' to holders of passports of other African countries.
- Practically extended the privilege to all African Countries, save for those entitled to free visa entry prior to the NVP e.g. ECOWAS nationals.
- Manual processing of VOA commencing in 2015 and in 2019, the NIS migrated the VoA application process to a web-based portal.

Visa on Arrival

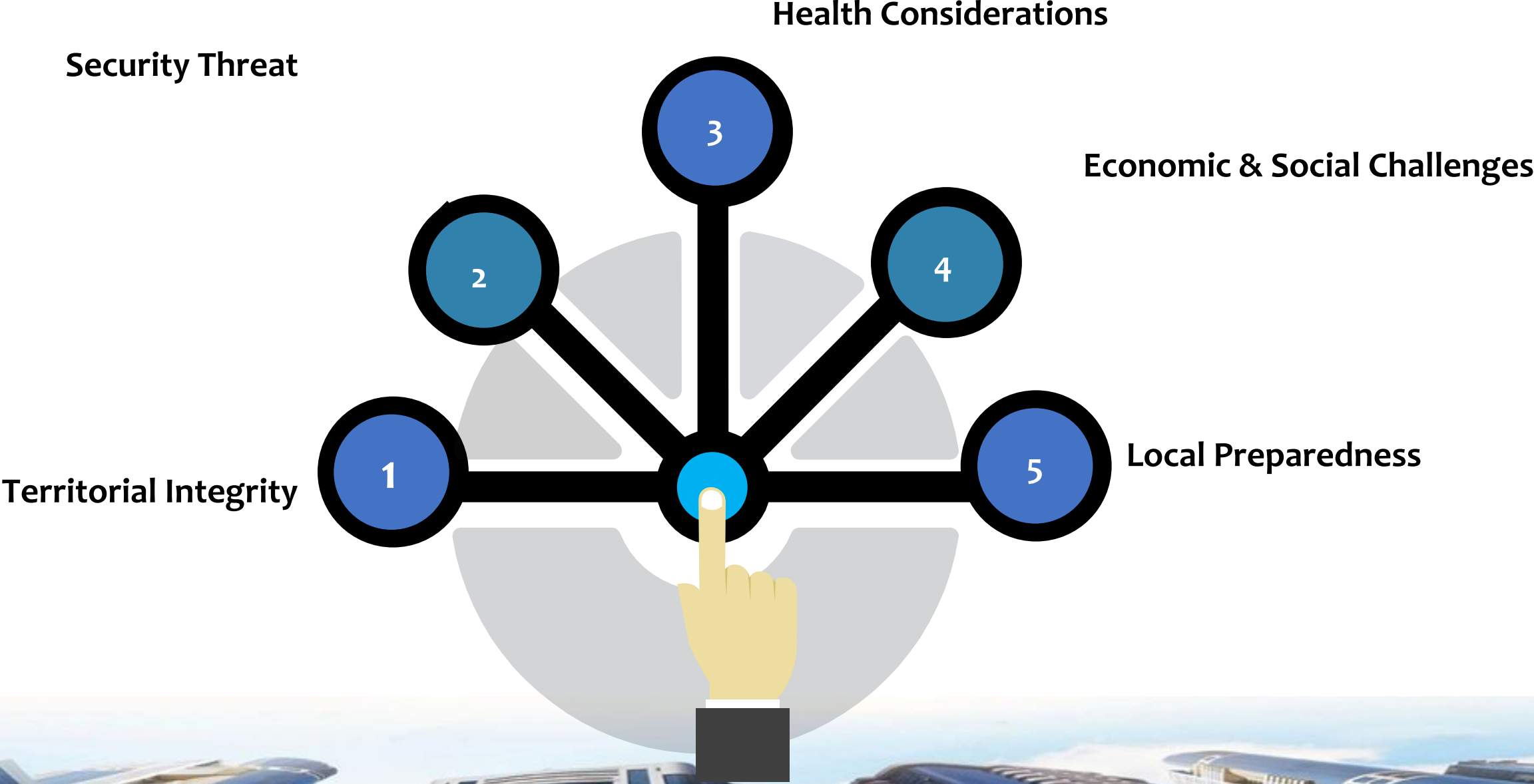
- Apart from other African countries, the NVP expanded the application of VOA to the following classes of visa
 - ❖ F4C: Business- Frequently Travelled Executive Visas.
 - ❖ F5A: Tourism Visa
 - ❖ F7K: Emergency Relief Work Visa
 - ❖ F9A: Returning holders of other national passports who are Nigerians by birth.
- Applicable for short visits only – not more than 90 days

Electronic Visa

The NVP Introduced the Electronic Visa (e-Visa) scheme

- Allows for submission and processing of applications for visa online on the NIS Portal
- Application is considered by the issuing authority and electronic approval issued upon successful consideration of approval.
- Approval is in the form of electronic Travel Authorization Letter (e-TAL) sent to applicant within 48 hours. .
- Applicable to short visit visas – not more than 90 days

Criticism of the Nigerian Visa Policy 2020 (NVP)



Contemporary Issues in Immigration in Nigeria – cont'd

Migrant e-Registration Scheme	Enhanced E—Passport Registration Process	Upgrade of the Process for Administration of Expatriate quota	eFiling of Monthly Returns
<ul style="list-style-type: none"> • Commenced on 12th July 2019 and has been further tightened • Aimed at strengthening internal control measures to boost migration management. • Has seen significant number of expatriates captured in the database located across the 27 National Registration Offices. 	<ul style="list-style-type: none"> • Enhanced e-registration for international passport • Applicants automatically queued for the data capturing and processing of passports. • Eliminates bureaucratic bottlenecks, corruption and promotes equity and efficiency in the passport issuance process. • Complements the enhanced e-passport rolled out in December 2021 	<ul style="list-style-type: none"> • Inspection of Expatriate Quota Positions (EQPs) with Permanent Until Reviewed Status (PUR). • Inspection will also verify the effectiveness and efficiency of the Expatriate Quota System. • Increase in the processing fee of expatriate quota and the introduction of inspection fee. • Companies with EQ approval are to ensure that their Expatriates and Understudies obtain NIN 	<ul style="list-style-type: none"> • Effective from January 24, 2022, all monthly EQPs returns were to be filed electronically through the Ministry's portal, www.ecitibiz.gov.ng. Thus, manual filing of EQs and physical submissions are disallowed. • NIN to be included in all monthly EQ returns.

Contemporary Issues in Immigration in Nigeria cont'd

Strengthening of the Visa Extension Policy (E-Pass	Launch of the New Temporary Passport	Enhanced electronic facility	Code of Conduct
<ul style="list-style-type: none"> •Applicable to applications for extension of Business, Visa, Temporary Work Permit and or Visiting Visas •Seamless processing and improved turnaround time. 	<ul style="list-style-type: none"> •Launched on 9th March 2021 by the FMI. •Replace the Emergency Travel Certificate (ETC). •Serves as an emergency travel document •Permits one trip only •30 days validity 	<ul style="list-style-type: none"> •Most immigration facilities can now be applied for online including - Processing of International Passport <ul style="list-style-type: none"> ❖ Application for Visas – all kinds ❖ ECOWAS Residence Card and Travel Permit 	<ul style="list-style-type: none"> •The Minister of Interior launched a Code of Conduct and Ethics for the NIS, and implored immigration officers to showcase the NIS' cherished virtues of integrity, courtesy, sound morality and uncommon transparency in their official and private conducts. •Promote an efficient and disciplined workforce

Nigeria Immigration Service Goes Paperless

- The NIS introduced an Electronic Records Management (ERM) platform for its official correspondences and communications as part of efforts to reduce paperwork bureaucracy, cost and unnecessary waste of man-hours in moving bulky files around the offices. This is in line with modern migration management strategies.
- Also, for border security there has been some investment in IT tools and structures for timely and seamless processing/procedures. The NIS deployed the use of Migration Information Data Analysis System (MIDAS) for Border control and security. The paperless electronic platform, ensures that the management team are able to take urgent official decisions in an efficient and timely manner anywhere without compromising security. The ERM facility provides a secure interface where confidentiality of official communication and correspondences is guaranteed.



Immigration and the African Continental Free Trade Agreement (AfCFTA)

The AfCFTA is an Agreement to create a single market for goods and services, contribute to the movement of capital and people and facilitate investment, and ultimately expand intra-African trade.

With the full implementation of the AfCFTA the NIS would need to be more involved in security: stemming of unwanted migration, improved use of technology, partnership with immigration agencies of other partner countries, expansion of the databank of lost and stolen passports, control of entry; all made harder by the free movement proposition of the AfCFTA.



Looking into the Future



- Use of data to create proactive policies, to help track migration flows, develop policies, migration trends, etc.
- Increase in Remote Working Arrangements/Nomad Travellers. Increased intra-African movement as a potential effect of the AfCFTA
- More coordinated implementation of the ECOWAS Protocol on Free Movement of Persons.
- Increased use of Visa on Arrival
- Increased Automation – in the VISA application process, digitisation of CERPACs
- More restrictive entry requirements
- Increased ability to monitor movement through the integration on NIN.

Remedying the Identified Gaps

- Increased Digitization of Immigration Facilities and Processes
- The implementation of the local content act across the various sectors of the Nigerian economy.
- Strict enforcement of the Understudy program – Companies should have clear-cut and detailed Succession Plan. The submission of any annual understudy and succession program should be made mandatory and compliance strictly monitored. Upskilling of Nigerian understudies should not be left in the hand of HR alone, but management and mentor expatriates should be involved for the maximum value to be derived.
- Succession Planning Policy at least for the Management Team - NCDMB has set a clear example for the oil and gas sector
- NVP - Investors with minimum cumulative capital of \$10m and above should be given higher PR status as they are the ones that will likely bring in solutions to Nigerian key infrastructural deficits like energy.

Remedying the Identified Gaps

- Immigration regulations can also be used to stem the migration in the health sector by attracting top-notch medical practitioners, granting immigration waivers to companies willing to invest in the health sector and who are able to attract the facilities, equipment and skills required to stem medical tourism.
- Need to completely eliminate middlemen in the Passport processing value chain.
- Enhancing and updating data base of the expatriates and foreigners in working or living in Nigeria will go a long way in enhancing security, infrastructure, crime control, employment and general planning.
- Digitization of Monthly Quota Returns filing process

Conclusion

The Nigerian Immigration space continues to evolve with the introduction of measures aimed at enhancing the ease of doing business in the Country. The Nigeria Visa Policy 2020 and all other introductions from the Nigerian Immigration Service indicate a move towards the global trends. It is hoped that these efforts will be sustained and even enhanced to enable the country reap the full benefits of the underlining immigration legislations and policies.

**Sources:*

Migration Report 2020

[migrationdataportal.org](https://www.migrationdataportal.org)

United Nations Department of Economic and Social Affairs, Population Division 2020

