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# **THE IMMIGRATION ACT 2015 AND THE COMPLIANCE REQUIREMENTS THEREUNDER**

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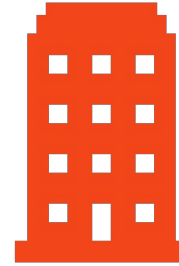
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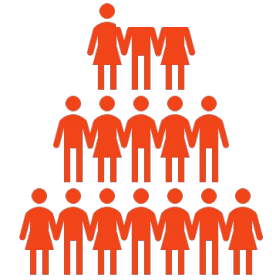
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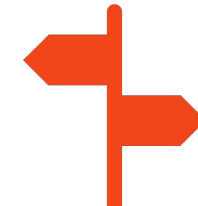
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# Outline

- Introduction
- Overview of the Immigration Act 2015
- Key Feature of the Immigration Act 2015
- Compliance Requirements in the Act
- Conclusion



# Introduction

## History of Immigration Law in Nigeria

- Pre-independence
- Independence
- Post-independence
- ECOWAS Protocol on Free Movement of Persons, Right of Residence and Establishment

**Jurisprudences in Immigration** – Citizen's right of entry and exit except through lawful extradition. Sec 14, CFRN 1999, as amended.

## Analysis of the Current Immigrant Populace in Nigeria

- 2020 - estimated total population of 206,139,589 people - the most populated country in Africa and 7<sup>th</sup> most populated in the world.
- Net migration rate has been negative, since 2000
- Total immigrant population - from an estimate of 487,900 in the year 2000, to the estimated 1.3 million currently.
- 2000 to 2008, Nigeria's GDP grew from \$65.45bn to \$339.48bn.

# Overview of the Immigration Act 2015



## Introduction to the Immigration Act 2015

- Passed into law on May 25, 2015.
- Consists of 116 sections divided into nineteen (19) parts, and a schedule to the Act.
- Repealed the Immigration Act 1963, along with the Passport (Miscellaneous Provisions) Act 1985.
- Matters provided - “immigration, passports, visas, resident permits, work permits, and smuggling of immigrants.
- Immigration Regulations enacted in 2017, pursuant to Section 112(1) of the Immigration Act 2015.

## Innovations to the Immigration Act 2015 distinct from the Immigration Act 1963

- Establishment of the Nigerian Immigration Service (NIS)
- New visa category –Visa on Arrival
- Domestication of the provisions of the United Nations Protocol Against Smuggling of Migrants, and the United Nations Convention on Organized Crime (Palermo Convention)

# Overview of the Immigration Act 2015



## Regulatory Bodies and Offices Created by the Act

- National Immigration Service
- The Comptroller-General of Immigration
- The Deputy Comptroller General of Immigration
- The Assistant Comptroller General of Immigration
- The Comptrollers of Immigration Service
- The Assistant Comptrollers of Immigration Service
- The Immigration Local Government Area Officers

# Key Features of the Immigration Act 2015

The parts and sections of the Immigration Act of 2015 can be said to cover broadly two major aspects; emigration and immigration Emigration.

## A. Emigration

- Documents required is a valid Nigerian passport issued by the Comptroller General of Immigration (CGI), pursuant to s. 9(5), s. 9(1)&(2)
- Application can be made at the nearest Immigration Office, or in the case of Nigerians in diaspora at the nearest Diplomatic Mission. 5 types of passports namely:
  - i. Standard Nigerian Passport
  - ii. Nigerian Diplomatic Passport
  - iii. Nigerian Official Passport
  - iv. Nigerian Pilgrim's Passport
  - v. Seaman's Passport or Seaman's Certificate of Identity.

# Key Features of the Immigration Act 2015

## B. Immigration.

- Document required by foreigners to enter into Nigeria is a Nigerian visa issued by the Comptroller General of Immigration from the nearest diplomatic mission to them pursuant to s. 20(1), s. 20(2)
- 6 classes of visas issuable by the Service under the Act
- Categories of visas issuable has been expanded by the New Visa Policy (NVP) of 2020 introduced on February 4, 2020
- 79 classes under the NVP 2020, 75 of them being mandatory.
- The visa classes can be group under three umbrellas:



# Key Features of the Immigration Act 2015



## 1. Short Visit Visa (SVV) – 24 visa classes.

- For periods not exceeding 3 months
- for purposes including but not exclusive to tourism, business etc.

## 2. Temporary Residence Visa (TRV) – 36 visa classes.

- For periods not exceeding 2 years,
- for purposes including but not exclusive to employment, academic activity, internship etc.

## 3. Permanent Resident Visa (PRV) – Consists of 15 visa classes.

- For long-term residents who are in Nigeria
- for purposes such as retirement, investment, and high-skilled work.

# Key Features of the Immigration Act 2015



The other classes are the 4 visa exemption classes which are as follows:

- i. Citizens of the Economic Community of West African States (ECOWAS)
- ii. Visa abolishment agreement countries
- iii. International organizations
- iv. Reciprocity visa waiver agreement countries

# Key Features of the Immigration Act 2015

Additional new visa classes introduced by NVP 2020 -

i. Visa-on-arrival

ii. Online e-visa application



# Compliance Requirements in the Act



Entry Requirements – S. 18

Business Requirements – S. 36

Residence Requirements – S. 37

Deportation – S. 44 See *Shugaba Darman vs Federal Minister of Internal Affairs and Ors (1982) 3 NCLR 915* and *Mr. Sisiku Ayuk Tabe & 10 Ors v National Security Adviser (NSA) (unreported)*

# Conclusion



The Immigration framework in Nigeria is a cornerstone of the Nigerian socio-economic landscape. By exercising strong and effective control over its migration system, enforcement of the rule of law, Nigeria is able to bolster the ongoing economic development of the country, get a foothold in the security and safety of the country (by curbing illegal immigration), and create a sterling image and global brand for the nation.

The Immigration Act of 2015, coupled with the New Visa Policy 2020 is the first step in this direction, and will serve as the basis for projecting Nigeria as a global hub for business, education, investment, tourism and industry; bridging the gap and connecting the African continent to the rest of the world: As once the norms align with policy and law then the immigration objective of the law can be achieved.

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