

**COURSE
GUIDE**

**MGS811
LEGAL AND POLICY ISSUES IN MIGRATION**

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INTRODUCTION

Welcome to MSG811: Legal and Policy Issues in Migration, a cornerstone course in the Postgraduate Programme for PROFESSIONAL MASTERS IN MIGRATION STUDIES (MMGS) domiciled in the Centre of Excellence in Migration and Global Studies (CEMGS), under the School of Postgraduate Studies (SPGS), at the National Open University of Nigeria. It is a two-credit unit course for students offering a Master's in Migration Studies. However, it is also a suitable course of study for anyone who wants to acquire some knowledge of Migration Studies in the contemporary context.

Migration has become one of the most pressing legal, political, and policy issues of the twenty-first century. Across Africa and beyond, movements of people—whether voluntary or forced—raise complex questions about sovereignty, citizenship, human rights, national security, labour markets, and social cohesion. Nigeria, as Africa's most populous country and a major origin, transit, and destination state, occupies a central position in regional and global migration governance.

This course, **Legal and Policy Issues in Migration**, examines the legal frameworks, institutional structures, and policy debates that shape migration governance, with particular emphasis on Nigeria within

African and global contexts. It explores constitutional provisions, statutory regimes, regional agreements, and international instruments that regulate migration, asylum, citizenship, border management, and integration.

The course is designed for master's students who seek an advanced understanding of the intersection between law, public policy, and migration management. It adopts a critical, analytical, and comparative approach, enabling students to interrogate both normative frameworks and practical implementation challenges.

THE COURSE

This course explores the innovative teaching and learning approaches that harness digital technologies to create more effective, inclusive, and engaging educational experiences. As education systems worldwide transform, understanding how to integrate technology with sound migration principles has become essential for today's educators.

Throughout this course, you will delve into a comprehensive range of topics covering vital aspects of migration. You will explore the main theoretical and legal issues in the study of migration and equally understand the Key themes and approaches to the movement of people. It emphasises the tension between state sovereignty and human rights and the importance of institutional coordination and policy coherence.

The course examines the legal regimes and practices around internal, regional and international migration. It enables the students to explore the agreements on migration; multilateral, bilateral, regional and international; Blended and hybridised learning methodologies that combine traditional and digital approaches are adopted in the discussion of very engaging topics such as migration policies, processes and procedures. The students will gain valuable insights through topical discussions of current issues on visa systems, asylum and citizenship; regulatory institutions and bodies; and migrant/host community relationships.

The course material has been developed to suit not only distance learners in Nigeria, but also has practical examples from the local environment, and to suit distance learners elsewhere, given examples and illustrations of universal dimensions. The intention is to make use of local experiences and situations, including international illustrations, to support the students while studying and to ensure that the content remains current.

This Course Guide is a window into the course because it tells you briefly what the course is about, what course materials you will be using and how you can work your way through the materials. It suggests some general guidelines for the time you should spend on each study unit of the course to complete it successfully. Detailed information on Tutor Marked Assignments (TMAs) is similarly made available. There are regular tutorial classes that are linked to the course. You are advised to attend these sessions.

WHAT YOU WILL LEARN IN THIS COURSE

By the end of this course, you will:

- Understand the conceptual foundations of migration law and policy.
- Analyse Nigeria's constitutional and statutory framework on immigration, citizenship, and refugee protection.
- Examine regional and international legal instruments governing migration.
- Evaluate institutional arrangements for migration governance in Nigeria.
- Critically assess human rights implications of migration control measures.
- Compare Nigeria's migration regime with other jurisdictions.
- Develop the ability to apply legal reasoning to practical migration scenarios.

COURSE AIMS

The aims of this course are to:

1. Provide a comprehensive understanding of legal and policy frameworks governing migration.
2. Examine Nigeria's migration governance system within constitutional, regional, and international contexts.
3. Equip students with analytical tools to critically evaluate migration laws, policies, and administrative practices.
4. Foster comparative and interdisciplinary engagement with migration governance.

COURSE LEARNING OBJECTIVES

Upon successful completion of this course, you should be able to:

1. Explain the constitutional and statutory foundations of migration governance in Nigeria.

2. Distinguish between key legal categories such as migrants, refugees, asylum seekers, stateless persons, and internally displaced persons (IDPs).
3. Analyse the limits of state sovereignty in migration regulation under international law.
4. Assess Nigeria's compliance with international refugee and human rights obligations.
5. Critically evaluate administrative procedures relating to immigration control, detention, deportation, and asylum.
6. Identify institutional challenges affecting coordination among migration agencies.
7. Compare Nigeria's migration framework with selected foreign jurisdictions.
8. Propose policy reforms grounded in legal principles and best practices.

WORKING THROUGH THIS COURSE

To complete this course, you are required to:

- Study all the units and recommended readings.
- Attempt the self-assessment exercises provided in each unit.
- Complete and submit Self-Assessment Exercises (SAEs)
- Participate in tutorials and discussions where available.
- Prepare thoroughly for the final examination.

Each unit builds upon previous discussions; therefore, it is important to follow the sequence provided. Careful attention should be paid to case studies and comparative examples, as they form an essential part of the analytical framework of this course.

COURSE MATERIALS

The major components of the course materials include:

1. The Course Guide (this document).
2. Study Units.
3. References comprising recommended textbooks and journal articles, relevant constitutional provisions and statutes, regional and international legal instruments, etc.
4. Tutor-Marked Assignment file.

Students are encouraged to consult additional academic materials, including peer-reviewed journals, policy reports, and international legal documents, to deepen their understanding.

STUDY UNITS

The course is structured into modules covering the following thematic areas:

- Module 1: Theoretical and Conceptual Foundations of Migration
- Module 2: Constitutional and Legal Framework of Migration in Nigeria
- Module 3: International and Regional Migration Law
- Module 4: Institutional and Administrative Dimensions of Migration Governance
- Module 5: Citizenship, Statelessness, and Integration
- Module 6: Contemporary Policy Challenges and Reform Proposals

Each module contains several study units, including learning objectives, main content, case studies, self-assessment exercises, and references.

THE MODULES

MODULE 1: THEORETICAL AND CONCEPTUAL FOUNDATIONS OF MIGRATION

- Unit 1: Concepts and Typologies in Migration Studies
- Unit 2: Theories of Migration – Neoclassical, Structural and Network Approaches
- Unit 3: African Contributions to Migration Theory
- Unit 4: Sovereignty, Borders and the Limits of State Control

MODULE 2: CONSTITUTIONAL AND LEGAL FRAMEWORK OF MIGRATION IN NIGERIA

- Unit 1: Constitutional Foundations of Migration Governance in Nigeria
- Unit 2: Citizenship under the 1999 Constitution – Birth, Registration and Naturalisation
- Unit 3: The Immigration Act 2015 and Administrative Control of Migration
- Unit 4: National Migration Policy and Border Management Strategies

MODULE 3: INTERNATIONAL AND REGIONAL MIGRATION LAW

- Unit 1: The 1951 Refugee Convention and the 1967 Protocol
- Unit 2: The 1969 OAU Refugee Convention and African Protection Regimes
- Unit 3: ECOWAS Free Movement Protocol and Regional Integration

Unit 4: Comparative Analysis – EU and North American Migration Frameworks

MODULE 4: INSTITUTIONAL AND ADMINISTRATIVE DIMENSIONS OF MIGRATION GOVERNANCE

Unit 1: Institutional Architecture – NIS, NCFRMI, NEMA and NAPTIP

Unit 2: Refugee Status Determination (RSD) Procedures in Nigeria

Unit 3: Immigration Detention, Deportation and Human Rights Implications

Unit 4: Inter-Agency Coordination and Governance Challenges

MODULE 5: CITIZENSHIP, STATELESSNESS AND INTEGRATION

Unit 1: Statelessness and Legal Identity in Nigeria

Unit 2: Naturalisation and Comparative Citizenship Regimes

Unit 3: Integration Policy – Comparative Models (Canada, France, Germany)

Unit 4: Social Cohesion, Xenophobia and Diaspora Politics

MODULE 6: CONTEMPORARY POLICY CHALLENGES AND REFORM PROPOSALS

Unit 1: Migration, National Security and Emerging Technologies

Unit 2: Return, Reintegration and Durable Solutions

Unit 3: Internal Displacement and the Kampala Convention

Unit 4: Reforming Nigeria's Migration Governance Framework

PRESENTATION SCHEDULE

The presentation schedule outlines the timeline for:

- Completion of study units.
- Submission of Self-Assessment Exercises.
- Tutorial sessions (where applicable).
- Revision periods before the final examination.

Students should adhere strictly to the schedule to ensure steady progress and timely completion of course requirements.

TUTOR-MARKED ASSIGNMENTS

There are several Self-Assessment Exercises (SAEs) in this course. You are required to submit the specified number of SAEs as directed.

The assignments will:

- Test your understanding of the course content.
- Develop your analytical and critical reasoning skills.
- Prepare you for the format and expectations of the final examination.

Assignments must be well-structured, clearly argued, and supported by relevant legal authorities.

FINAL EXAMINATION AND GRADING

The final examination will assess your comprehensive understanding of the course. It may include essay questions, problem questions, and analytical discussions requiring reference to statutory and international instruments.

Your final grade will be determined by:

- Tutor-Marked Assignments (continuous assessment).
- Final examination performance.

Students must achieve the minimum required score in both components to pass the course.

COURSE MARKING STRUCTURE

The course assessment is structured as follows:

- Tutor-Marked Assignments: 30%
- Final Examination: 70%

Detailed marking guidelines will be provided to ensure transparency and fairness. See the table below.

Table I: Course Marking Structure

Stages of Assessment	Percentage of Scores
Assessments	30% (Postgraduate)
Final Examination	70% (Postgraduate)
Total	100% of Course Marks

HOW TO GET THE MOST FROM THIS COURSE

Migration law is dynamic and evolving. You are encouraged to follow current developments in Nigerian and international migration policy debates.

In Open and Distance Learning (ODL), the study units replace the University Lecturer. This is one of the great advantages of ODL. You can read and work through specially designed study materials at your own pace, and at a time and place that suits you best. Think of it as reading the lecturer. In the same way that the lecturer might set you some reading to do, the study units tell you when to read your other materials. Just as a lecturer might give you an in-class exercise, your study units provide exercises for you to do at the appropriate points.

Each of the study units follows a common format. The first item is an introduction to the subject matter of the study unit and how a particular study unit is integrated with the other study units and the course. Next is a set of learning objectives. These objectives let you know what you should be able to do by the time you have completed the study unit. You should use these objectives to guide your study. When you have finished the study unit, you must go back and check whether you have achieved the objectives or not. If you make a habit of doing this, you will significantly improve your chances of passing the course.

The main body of the study unit guides you through the required reading from other sources. This will usually be either from a reading section or from other sources. You will be directed when there is a need for it.

Self-Assessment Exercises (SAEs) are stated throughout the study units. Working through these SAEs will help you to achieve the objectives of the study units and prepare you for the assignments and examination.

You should do every SAE as you come to it in the study unit. There will also be numerous examples given in the study units. Work through these when you come to them, too.

The following is a practical strategy for working through the course. If you run into any trouble, telephone your tutor immediately. Remember that your tutor's job is to help you. When you need help, don't hesitate to call and ask your tutor to provide the necessary guidance. You are encouraged to take note of the following tips:

1. Read this course guide thoroughly.
2. Organise a study schedule. Refer to the course overview for more details. You should note that it is expected of you to devote at least 2 hours per week to studying this course. The number of hours to be devoted to intensive study stated above is outside other need-driven academic activities like self-help, group

- discussion and instructional facilitation. Note the time you are expected to spend on each unit and how the assignments relate to the study units. Important information, e.g. details of your tutorials, and the date of the first day of the semester, is available. You need to gather all this information in one place, such as in your diary or a wall calendar. Whatever method you choose to use, you should write in your own dates for working on each unit.
3. Once you have created your own study schedule, do everything you can to stick to it. The major reason why students fail is that they get behind with their coursework. If you get into difficulties with your schedule, please let your tutor know before it is too late for him to help you.

Turn to unit 1, read the introduction and the objectives for the unit.

4. Assemble the study materials. Information about what you need for a unit is given in the table of contents at the beginning of each unit. It will be helpful for you to always read both the study unit you are working on and one of the materials for further reading on your desk at the same time.
5. Work through the Unit. The content of the unit itself has been arranged to provide a sequence for you to follow. As you work through the unit, you will be instructed to read sections from other sources. Use the unit to guide your reading.
6. Keep in mind that you will learn a lot by doing all your assignments carefully. They have been designed to help you meet the objectives of the course and, therefore, will help you pass the examination. Submit all assignments not later than the due date.
7. Review the objectives for each study unit to confirm that you have achieved them. If you feel unsure about any of the objectives, review the study materials or consult your tutor.
8. When you are confident that you have achieved a unit's objectives, you can then start on the next unit. Proceed unit by unit through the course and try to pace your study so that you keep yourself on schedule.
9. When you have submitted an assignment to your tutor for marking, do not wait until you get it back before starting on the next unit. Keep to your schedule. When the assignment is returned, pay particular attention to your tutor's comments,

both on the tutor-marked assignment form and also as written on the assignment itself. Consult your tutor as soon as possible if you have any questions or problems.

10. After completing the last unit, review the course and prepare yourself for the final examination. Check that you have achieved the unit objectives (listed at the beginning of each unit) and the course objectives (listed in the course guide).

Online Facilitation and Learning Resources

As you embark on your learning journey in Pedagogies of Smart Education, you will have access to a comprehensive suite of resources designed to enhance your understanding and engagement with the course content. These resources have been carefully selected to exemplify the very smart education principles you will be studying.

Online Facilitation

Throughout this course, experienced facilitators will guide your learning process through regular interaction and feedback. These subject matter experts will moderate discussions, answer questions, provide clarification on complex concepts, and share relevant examples from practice. The facilitators serve as both mentors and role models, demonstrating effective digital pedagogy through their own teaching approaches.

REFERENCES

Students will rely on:

- The Constitution of the Federal Republic of Nigeria, 1999 (as amended).
- The Immigration Act, 2015.
- The National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) Act.
- The 1951 Refugee Convention and its 1967 Protocol.
- The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.
- The African Charter on Human and Peoples' Rights.
- Relevant academic texts and journal articles on migration law and policy.

A detailed reference list is provided at the end of each study unit.

ASSIGNMENT FILE

The Assignment File contains all the Self-Assessment Exercises (SAEs) for this course. You are expected to complete and submit the assignments within the stipulated timelines. The SAEs form an essential component of your continuous assessment and provide an opportunity to demonstrate your understanding of key concepts and legal principles.

TUTORS AND TUTORIALS

Tutorials provide opportunities for:

- Clarification of difficult concepts.
- Discussion of assignment questions.
- Exchange of ideas among students.

Your tutor will guide you on assignment expectations and examination preparation. You are encouraged to maintain regular communication and seek clarification when necessary.

SUMMARY

Legal and Policy Issues in Migration is an advanced course designed to equip students with comprehensive knowledge of migration governance from legal and policy perspectives. It explores constitutional foundations, statutory regimes, international obligations, institutional structures, and contemporary challenges, with a primary focus on Nigeria. Through rigorous analysis and comparative engagement, students will develop the capacity to critically assess migration systems and contribute meaningfully to policy reform and scholarly debate.

Successful completion of this course will provide a strong foundation for professional practice, academic research, and policy engagement in the field of migration law and governance.

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COURSE**
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Module 3: Migration Policies, Processes, and Procedures

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MODULE 1 THEORETICAL AND CONCEPTUAL FOUNDATIONS OF MIGRATION

UNIT 1 INTRODUCTION TO MIGRATION STUDIES

Unit Structure

- 1.1 Introduction
- 1.2 Learning Outcomes
- 1.3 Meaning and Concept of Migration
- 1.4 Types and Typologies of Migration
- 1.5 Key Terminologies in Migration Studies
- 1.6 Drivers (Push and Pull Factors) of Migration
- 1.7 Contemporary Trends in Global and African Migration
- 1.8 Summary
- 1.9 References/Further Reading/Web Sources
- 1.10 Possible Answers to Self-assessment Exercises



1.1 Introduction

Migration is one of the most enduring and complex features of human society. In the contemporary world, migration has assumed heightened legal, political, and economic significance due to globalisation, regional integration, technological advancement, armed conflict, climate change, and widening inequalities between and within states. This unit provides a comprehensive introduction to migration studies by examining its conceptual foundations, classifications, drivers, and legal significance. The unit situates migration within an interdisciplinary framework while emphasising its legal and policy dimensions. It explores how migration intersects with state sovereignty, human rights, development, security, and governance. Through statutory authorities, judicial decisions, comparative practice, and case studies, the unit establishes a foundational understanding necessary for analysing migration law and policy in subsequent modules.



1.2 Learning Outcomes

By the end of this unit, you will be able to:

- define migration using legal, social, and policy perspectives
- identify and explain major forms and classifications of migration
- analyse the key drivers and determinants of migration

- examine the relationship between migration, law, and state sovereignty
- compare migration governance practices across different jurisdictions
- evaluate contemporary challenges shaping migration discourse.



1.3 The Concept and Meaning of Migration

Migration broadly refers to the movement of persons from one place to another with the intention of establishing a temporary or permanent residence. While movement is a natural human activity, migration becomes legally significant when it implicates territorial boundaries, citizenship, access to rights, and state authority.

From a legal perspective, migration involves regulated mobility governed by domestic legislation, administrative procedures, and international legal obligations. From a policy perspective, migration is both an opportunity and a challenge, affecting labour markets, demographic structures, social cohesion, and national security.

The **International Organisation for Migration (IOM)** defines migration as:

“The movement of persons away from their place of usual residence, either across an international border or within a State.”

This definition is intentionally broad and reflects the diversity of migration experiences.

1.4 Historical Evolution of Migration

predates the modern state system. Pre-colonial African societies practised seasonal migration, trade-based mobility, and nomadic movement. Colonialism profoundly reshaped migration by introducing artificial borders, labour extraction systems, and urban concentration.

In Nigeria, colonial administration facilitated labour migration to plantations, mines, and administrative centres. Post-independence migration patterns have been shaped by economic development, oil discovery, political instability, and regional integration frameworks such as ECOWAS.

Globally, post-World War II reconstruction, decolonisation, and globalisation intensified international migration, leading to the emergence of modern immigration control systems.

1.5 Classifications and Forms of Migration

Migration can be classified using several criteria. These classifications are crucial because different legal regimes apply to different forms of migration.

1.5.1 Internal and International Migration

Internal migration involves the movement of individuals within the borders of a single nation-state, such as Nigeria, where it manifests as rural to urban movement, inter-regional migration, or relocation for various purposes, including work or education. Unlike international migration, which crosses national borders and is governed by both international laws and the domestic immigration frameworks of host countries, internal migration in Nigeria is generally free from immigration restrictions and does not trigger border control mechanisms.

In Nigeria, constitutional protection for internal migration exists under Section 41(1) of the 1999 Constitution, which guarantees citizens the right to move freely across the country, limited only by reasonable restrictions necessary in a democratic society for public safety or health. This constitutional provision ensures that internal migrants can travel without arbitrary limitations.

In contrast, international migration in Nigeria is regulated by the Immigration Act of 2015, which outlines the legal processes for entry, residency, permits, and deportation. Non-citizens must adhere to specific statutory conditions, affirming the state's authority to manage its borders in compliance with international legal standards.

To illustrate these dynamics further, a comparative analysis shows that while internal migration in India is constitutionally protected, as in Nigeria, various administrative hurdles can restrict mobility, such as documentation and state-level regulations. Meanwhile, the European Union offers a unique framework that guarantees free movement among member states, a mobility right not mirrored in Nigeria's federal system.

Ultimately, the essential difference between internal and international migration lies in the constitutional freedoms afforded within national

boundaries versus the sovereign regulations imposed at international borders, demonstrating the critical role of national governance in shaping migration patterns and rights.

1.5.2 Voluntary and Forced Migration

Voluntary migration is defined as the act of individuals or groups who choose to move from one location to another based on personal, economic, social, or educational factors, rather than due to coercion or threats to their safety. This type of migration is often driven by desires for job opportunities, better education, business growth, professional advancement, marriage, or improved living conditions. Examples include professionals relocating for career opportunities, students studying abroad, and entrepreneurs starting new ventures.

While economic pressures may influence the decision to migrate, the essential characteristic of voluntary migration is the existence of meaningful choices, where individuals can remain in their place of origin without facing immediate danger. Conversely, forced migration occurs when individuals or communities must leave their homes due to uncontrollable factors that threaten their life, freedom, or basic living conditions. Common causes of forced migration include armed conflict, civil unrest, persecution for race, religion, nationality, political opinion, or social group membership, as well as natural disasters like floods or earthquakes. Environmental degradation and climate change are increasingly recognised as significant drivers of such displacement. Additionally, development-induced displacement often arises from large infrastructure projects that displace communities without proper consultation or support.

Forced migrants are categorised into several legal and humanitarian groups. Firstly, refugees are individuals who have crossed international borders in fear of persecution or serious harm in their home countries, recognised under international law through the 1951 Convention and the 1967 Protocol. Refugees are afforded certain protections, including the non-refoulement principle, which prevents their return to dangerous territories.

Secondly, there are asylum seekers—individuals pursuing international protection in another country while their refugee status claims are unresolved. While awaiting determination, asylum seekers hold a legally uncertain status but are entitled to basic human rights protections.

Third, Internally Displaced Persons (IDPs) are those who have not crossed international borders but have been forced to flee their homes

within their own countries due to violence, conflict, disasters, or development initiatives. Despite remaining under the jurisdiction of their home state, IDPs often face significant protection challenges.

Lastly, stateless individuals are not recognised as nationals by any state, leading to a lack of access to essential rights such as education, healthcare, and legal identity, which heightens their vulnerability and susceptibility to exploitation and marginalisation.

1.5.3 Statutory and Treaty Framework

The legal framework for the protection of refugees and displaced persons consists of international treaties, regional instruments, and national legislation, establishing standards for the rights of those forced to flee their homes. The cornerstone of this framework is the 1951 Convention Relating to the Status of Refugees, which defines a refugee as an individual with a well-founded fear of persecution due to race, religion, nationality, social group, or political opinion, who is outside their country and unable or unwilling to seek protection there. Among its core protections are access to courts, education, employment, and public relief, with the principle of non-refoulement at its heart, preventing states from returning refugees to places where their lives or freedoms would be threatened.

The 1967 Protocol heightened the protection regime by removing the original geographical and temporal limitations of the Convention, extending its applicability to global contexts beyond post-World War II Europe. Alongside these international instruments, the 1969 Organisation of African Unity (OAU) Convention expanded the definition of a refugee to include those fleeing due to external aggression, occupation, foreign domination, and situations seriously disturbing public order, addressing Africa's unique displacement issues and advocating for solidarity and burden-sharing in refugee assistance.

At the national level, Nigeria has bolstered its protective framework with the National Commission for Refugees, Migrants and Internally Displaced Persons Act of 2022, designating the National Commission as the primary authority for coordinating actions related to refugees, internally displaced persons (IDPs), and migrants. This legislation endorses a holistic approach to displacement governance, ensuring comprehensive measures for protection and rehabilitation. Judicial decisions, such as in the case of *Attorney-General of the Federation v Abubakar* (2007), further affirm that constitutional rights remain intact for displaced individuals, ensuring their entitlement to dignity,

movement, and equal protection under the law despite their displaced status. Thus, the legal landscape reflects a multifaceted commitment to protecting vulnerable populations facing displacement, grounded in both national and international obligations.

1.5.4 Regular and Irregular Migration

Regular migration is characterised by the compliant movement of individuals across international borders, adhering thoroughly to the immigration laws and administrative protocols of the host nation. This form of migration is characterised by lawful entry, sanctioned residence, and, when applicable, the valid authorisation for work or business activities. Regular migrants typically secure the requisite travel documentation, which includes visas, residence permits, and work permits, before or upon their entry. Their legal status is recognised by the receiving state, which grants various rights and protections in line with both domestic laws and international standards. These rights often encompass access to employment, education, and healthcare, as well as legal contracts and judicial remedies. Regular migration pathways include structured routes such as labour migration programmes, student visas, family reunification initiatives, diplomatic assignments, and investment opportunities.

In contrast, irregular migration refers to scenarios where individuals enter, dwell, or work in a nation without fulfilling the relevant immigration criteria. This can happen through unlawful border crossings, utilisation of fraudulent documentation, overstaying a valid visa, or taking part in employment without the necessary permits. It is crucial to note that irregular migration pertains to the legal status of an individual's residence rather than criminal background; many individuals may have initially entered legally but subsequently lost their status due to permit expirations or shifts in circumstances. Irregular migration tends to place individuals in tenuous legal positions, often rendering them vulnerable to enforcement actions by the state.

The complexities surrounding irregular migration raise significant legal and human rights concerns. While sovereign states possess the authority to manage the entry, residency, and expulsion of non-citizens, the implementation of such powers must align with constitutional guarantees and international human rights obligations. Common challenges involve immigration detention, deportation processes, access to legal representation, and safeguarding against arbitrary or prolonged detention. For those in irregular situations, administrative detention may occur while verifying identities or executing removals; however, such

detention must adhere to due process standards and should not take on a punitive character.

Principles of legality and proportionality are pivotal in regulating immigration detention. Such detention must be based on explicit statutory authorisation, serve legitimate purposes—like preventing unauthorised entry or facilitating expulsion—and remain essential and proportional to the situation. Indefinite or automatic detention lacking individual assessments raises severe issues concerning adherence to international human rights law. Moreover, irregular migrants retain essential rights, including dignity, protection against inhuman or degrading treatment, and access to fundamental judicial remedies.

Jurisdictional rulings from regional human rights bodies have helped clarify these principles. A relevant case is *Saadi v. United Kingdom* (2008), in which the European Court of Human Rights ruled on the legality of immigration detention under Article 5 of the European Convention on Human Rights. The Court asserted that the detention of asylum seekers or migrants must meet the criteria of legality, good faith, and proportionality, recognising the state's prerogative over immigration while underscoring that detention should not be arbitrary and must serve purposes consistent with the Convention.

The key distinction between regular and irregular migration thus extends beyond mere compliance with administrative directives; it reflects a broader consideration of state sovereignty juxtaposed with the imperative to safeguard fundamental human rights.

1.5.5 Temporary and Permanent Migration

Temporary migration involves the movement of individuals to a host country for a limited time, typically regulated by visas or permits defining the duration and purpose of stay. This category includes seasonal workers in agriculture or tourism, international students, temporary contract employees, business visitors, and tourists. Key characteristics of temporary migration include restricted rights and entitlements, which generally only cover what is needed for the planned stay. For example, students may work limited hours, and seasonal workers are often bound to specific employers or sectors, with limited access to public benefits or political participation.

In contrast, permanent migration is characterised by the intention for long-term or indefinite residence in the host country, allowing migrants to obtain residency status without time limitations. Permanent migrants

may eventually qualify for permanent residence permits and naturalisation, which provides broader civil rights and benefits compared to temporary migrants. This pathway can include family reunification, skilled migration, refugee resettlement, or long-term employment.

The legal implications of temporary and permanent migration are considerable. Permanent residents generally enjoy extensive civil protections and can access political rights upon naturalisation, while temporary migrants face stricter immigration controls and limited entitlements. Therefore, the primary differences in duration and intention of stay significantly impact the rights, obligations, and integration opportunities for migrants within their host countries.

Self-Assessment Exercises 1

Explain the concept and classifications of migration?

1.6 Drivers and Determinants of Migration

Migration decisions are influenced by a multitude of factors that interact in complex ways. Economic issues such as high unemployment, low wages, and scarce opportunities push individuals to seek better livelihoods in other locations. Conversely, the lure of higher incomes and enhanced living standards serves as a significant pull factor. Political situations also play a crucial role; instability, conflicts, and human rights abuses can force people to move in search of safety. Furthermore, social influences like the existence of family networks, the desire for reunification, and ambitions for education shape migration patterns. Environmental concerns, including degradation, climate change, and natural disasters, increasingly contribute to displacement, underscoring that migration is a multifaceted phenomenon rather than the result of a single influence.

1.6.1 Economic Drivers

Economic inequality is a significant driver of global migration, stemming from stark disparities in income, employment opportunities, and living standards. Individuals facing low wages, high inflation, and limited job prospects - especially skilled workers - often see migration as a viable path for economic advancement. Conversely, countries with competitive salaries and stable labour markets attract migrants, creating a dynamic interplay of “push” factors from countries of origin and “pull” factors towards destinations.

Unemployment and underemployment exacerbate this situation, as many individuals, despite possessing high educational qualifications or professional skills, find themselves unable to capitalise on their potential due to inadequate infrastructure or weak institutions. Consequently, migration transitions from being a choice to an economic necessity for achieving financial stability and an improved quality of life.

A relevant example is the migration trend of Nigerian professionals, particularly in the healthcare and technology sectors, towards countries like the United Kingdom and Canada, which actively recruit skilled labour to fill domestic voids in these areas. This results in a consistent flow of highly qualified professionals seeking better pay, safer working conditions, and clearer career prospects, a phenomenon often referred to as “brain drain.”

While this migration may yield remittances and increased exposure for the home country, it also places a strain on essential sectors such as healthcare. Thus, economic inequality not only influences migration patterns but also triggers complex development challenges for both sending and receiving nations.

1.6.2 Political and Security Drivers

Conflict, persecution, and political instability significantly contribute to forced migration, as violent conditions endanger lives, destabilise communities, and disrupt governance systems. When faced with armed insurgency, communal violence, and targeted oppression, affected individuals frequently find themselves with no choice but to escape.

In Nigeria's North East, the enduring insurgency has caused millions to become internally displaced, while countless others have sought refuge across international borders. This scenario highlights the direct correlation between insecurity and migration, illustrating how the disintegration of public order and the failure of state protection systems lead to extensive humanitarian crises.

1.6.3 Environmental and Climate Drivers

Environmental degradation, desertification, recurrent flooding, and the extensive impacts of climate change are increasingly prominent factors driving migration patterns globally. As communities reliant on agriculture, fishing, and natural resources face unsustainable conditions, many individuals and families are compelled to move to seek safer living conditions and economic opportunities. The situation is

exacerbated by rising sea levels, extreme weather events, and prolonged periods of drought, which heighten the vulnerability of populations, particularly in developing countries that possess limited capacity to adapt to such changes.

In response to these challenges, some nations, like New Zealand, are beginning to reassess and modify their conventional legal frameworks. Notably, New Zealand's potential consideration of humanitarian protection claims linked to climate-induced displacement signals a growing acknowledgement that environmental factors might necessitate the expansion of international protection mechanisms for those adversely affected by climate-related issues.

1.6.4 Social and Demographic Drivers

Social and demographic factors significantly shape migration patterns across regions. Family reunification stands out as a key driver of migration, as individuals often relocate to join spouses, parents, or other close relatives who have already settled in foreign countries. Many immigration systems support this motive through visa categories that prioritise family unity, facilitating the movement of individuals to be with their loved ones.

Furthermore, educational opportunities heavily influence migration decisions. Students commonly migrate to pursue higher-quality educational institutions, specialised training programmes, or internationally recognised qualifications that improve their career prospects in the global job market.

Marriage is another vital factor in cross-border movement, especially when spouses come from different national backgrounds, prompting individuals to move to their partner's country. Established social networks, including friends, community groups, and diaspora communities, play a crucial role in migration. These networks help mitigate the risks and costs associated with moving by providing vital information, financial aid, and emotional support to migrants. Over time, these social connections can foster self-sustaining migration flows, enhancing demographic mobility and the integration of communities across borders.

1.7 Migration as an Interdisciplinary Field

Migration is a complex phenomenon studied across various academic disciplines, each offering distinct insights into its causes, consequences, and governance. Legal frameworks are essential as they govern

migrants' entry, residence, and rights, informing who qualifies for protection and access to services. Immigration, refugee, and human rights laws help to distinguish between regular and irregular migrants, shaping their rights and obligations and impacting procedural protections against detention or deportation.

Economics provides a different perspective by linking migration to labour market dynamics, wage variances, and development. Economic theories analyse the motivations behind migration, such as unemployment and skill shortages, along with the role of remittances in both origin and destination countries. This field evaluates how migrants enhance productivity, innovation, and demographic balances while also considering the economic impacts of migration policies, including challenges like brain drain.

The sociological viewpoint focuses on the social aspects of migration, examining how migrants integrate into new communities, navigate identities, and maintain transnational ties. Important sociological themes include assimilation, multiculturalism, and the influence of social networks, which shape migration patterns and highlight issues like discrimination and social cohesion faced by migrants.

Political science analyses state governance, border control, and security concerns related to migration. This discipline investigates how migration policies intertwine with national security, electoral politics, and international relations, alongside the global governance structures and humanitarian duties that shape migrant experiences.

Geographically, the study of migration includes examining mobility patterns, urbanisation, and the environmental factors influencing migration flows. Geospatial approaches reveal migration corridors and the interactions between the landscape and human movement.

In conclusion, migration studies are inherently interdisciplinary, with legal frameworks playing a pivotal role by establishing the formal recognition and protection of migrants. The interplay of economic, social, political, and geographic factors further underscores the necessity of legal analysis in shaping the governance and lived experiences of migrants around the globe.

1.8 Migration, Law, and State Sovereignty

1.8.1 Sovereign Authority over Migration

International law acknowledges the sovereign authority of states to regulate migration within their territories, granting them control over the entry, residence, and work of non-nationals. This power is exercised through immigration laws, visa processes, border security, and administrative procedures that define the legal status of migrants. The pivotal case of *The Case of the S.S. Lotus* (1927) affirmed that states possess the discretion to govern activities within their jurisdiction unless explicitly curtailed by international law.

However, sovereignty in migration management is not absolute and is bounded by commitments established through international treaties, customary law, and human rights instruments. Notably, the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol require states to safeguard the rights of refugees and asylum seekers, including adherence to the principle of non-refoulement, which forbids returning individuals to nations where they may face threats to life or freedom. Regional treaties, such as the 1969 OAU Refugee Convention, further expand protections for those fleeing generalised violence.

In addition to refugee protection, wider human rights obligations that affirm the rights to life, dignity, and protection against inhumane treatment compel states to limit their sovereign powers in migration matters. Consequently, while states maintain the fundamental right to control entry and residence, they must coordinate these powers within the framework of international law, ensuring that enforcement actions, including detention and deportation, uphold the rights and protections afforded to all individuals, including non-nationals. This ongoing interplay between state sovereignty and international legal obligations characterises current challenges in migration governance.

1.8.2 Human Rights Constraints

In examining the limitations imposed by international human rights obligations on state sovereignty over migration, it is essential to acknowledge that these obligations apply universally and safeguard fundamental rights for all individuals, irrespective of their nationality or immigration status. Non-nationals, including migrants, asylum seekers, and refugees, are granted protections against arbitrary detention, inhumane treatment, and violations of their dignity.

Two pivotal cases from the European Court of Human Rights exemplify these principles. The first, *M.S.S. v Belgium and Greece* (2011), saw the Court condemn both nations for failing to shield asylum seekers from degrading conditions. It emphasised that transferring asylum seekers to countries with inadequate reception conditions or systemic human rights violations constitutes a breach of the European Convention on Human Rights. This ruling underscores states that they cannot abdicate their responsibilities by outsourcing migration control if it places migrants at significant risk of harm.

The second significant case, *Hirsi Jamaa v Italy* (2012), involved the Court ruling against the practice of collective expulsion, where Italian authorities intercepted migrants at sea and returned them to Libya without properly assessing their protection needs. This action was deemed a violation of international obligations, including the prohibition of collective expulsion and the right to due process for migrants at risk of ill-treatment.

These judicial decisions illustrate that human rights considerations must guide states in their migration control practices, affirming the need to respect the dignity, security, and legal protections afforded to all individuals. Consequently, sovereign authority over immigration is not absolute; policies ensuring access to asylum, adequate treatment during migration, and a rejection of collective expulsions are fundamental to adherence to international human rights standards. Effective migration governance must find a balance between state sovereignty and the enforcement of these binding human rights obligations, ensuring that all actions align with both domestic and international legal frameworks.

Self-Assessment Exercises 2

Analyse the relationship between migration and state sovereignty?

1.9 Migration Governance in Nigeria

Nigeria's migration governance framework is a complex system encompassing legislation, policy instruments, and dedicated institutions designed to regulate the movement of people while ensuring compliance with national and international obligations. Central to this framework is the Immigration Act of 2015, which establishes the foundational legal parameters for controlling the entry, residence, and employment of non-nationals in Nigeria. This Act defines the procedures governing visas, permits, deportation, and enforcement measures, thereby affirming the

authority of the Nigerian state in border control while integrating mechanisms aimed at protecting the rights of migrants.

Augmenting the Act are the Immigration Regulations of 2017, which provide detailed administrative guidelines for applying immigration law, including the processes for issuing travel documents and residency permits, along with enforcement protocols. Furthermore, the National Migration Policy of 2015 sets forth a strategic vision for managing migration that aligns with Nigeria's development objectives, advocating for organised migration, safeguarding vulnerable migrant groups, and promoting the economic and social benefits associated with migratory movements.

On the institutional side, the Nigerian Immigration Service (NIS) serves as the principal agency responsible for enforcing immigration laws, managing border control, and issuing necessary travel and residence documents while ensuring compliance with established regulations. The National Commission for Refugees, Migrants, and Internally Displaced Persons (NCFRMI) plays a crucial role in safeguarding the rights and welfare of refugees and internally displaced persons, overseeing humanitarian assistance, and facilitating sustainable solutions like resettlement and voluntary return. The Ministry of Interior provides oversight, policy formulation, and coordination among agencies, ensuring Nigeria's immigration governance adheres to its international commitments.

In sum, the integration of these legislative frameworks and institutional roles culminates in a comprehensive migration governance structure that seeks to balance Nigeria's sovereign authority with a commitment to human rights and international protection standards, addressing both regular and irregular migration while promoting the well-being of migrants and embedding migration within broader national development initiatives.

1.9.1 Challenges in Migration Governance in Nigeria

Migration governance in Nigeria faces several critical challenges that hinder the effective management of human mobility. One major issue is **weak institutional capacity**. Agencies tasked with migration management, such as the Nigerian Immigration Service and the National Commission for Refugees, often face shortages of skilled personnel, inadequate funding, and limited operational resources. These constraints reduce their ability to implement policies, enforce laws, and respond effectively to emerging migration trends.

A second challenge is irregular migration, which remains pervasive due to porous borders, limited monitoring mechanisms, and socio-economic pressures driving people to migrate without proper authorisation. Irregular migration creates legal and humanitarian complexities, including risks of human trafficking, exploitation, and difficulties in providing protection or integrating migrants into formal systems.

A third concern is poor data coordination. Accurate and timely migration data is essential for policy planning, resource allocation, and monitoring cross-border movements. In Nigeria, migration-related data is often fragmented, inconsistent, or outdated, making it difficult for authorities to assess trends, identify vulnerable populations, and design evidence-based interventions.

Addressing these challenges requires strengthening institutional capacity, improving border management and regulatory compliance, and establishing robust systems for collecting, analysing, and sharing migration data across agencies. Such measures are essential for effective, sustainable, and rights-based migration governance.

Self-Assessment Exercises 3

Compare Nigeria's migration governance framework with another jurisdiction (Canada)?

1.10 Comparative Migration Governance

Migration governance exhibits significant variation across different jurisdictions, shaped by diverse legal frameworks, institutional capabilities, and policy priorities. In the United Kingdom, immigration operates under a points-based system that evaluates prospective entrants based on their skills, qualifications, and other measurable criteria. This system is reinforced by stringent enforcement mechanisms and comprehensive judicial oversight, which together ensure that migration decisions are legally substantiated and subject to review, effectively managing both labour migration and asylum claims.

In the European Union, migration governance is influenced by the principles of supranational integration, allowing EU citizens the freedom to move across Member States for work, residence, and social benefits. The Common European Asylum System offers a coordinated approach to refugee protection, harmonising procedures and establishing minimum standards while distributing responsibilities among Member States. Thus, EU governance intertwines rights-based frameworks for

citizens with binding legal obligations for the treatment of asylum seekers.

Conversely, Singapore exemplifies a distinct model characterised by a centralised, technology-driven immigration system. The immigration processes are optimised through digital platforms that facilitate the efficient handling of permits, work visas, and residency applications. Enforcement is stringent, with rigorous penalties for violations, which uphold adherence to immigration laws and ensure a responsive, orderly migration framework.

In stark contrast, Nigeria's migration governance is less integrated and digitised. The ECOWAS Protocol guarantees free movement within West Africa; however, implementation is erratic, leading to challenges in border management and irregular migration. Nigeria's broad definition of refugees, aligned with a regional African approach, contrasts sharply with the more restrictive asylum regimes predominant in Europe. Overall, Nigeria grapples with significant challenges, including the need for enhanced coordination, technological integration, and effective enforcement, which are effectively exemplified in the governance models of the UK, EU, and Singapore, emphasising the urgent need for reforms to strengthen its migration governance framework.

1.11 Contemporary Issues in Migration Studies

Contemporary migration governance grapples with various interrelated challenges impacting both states and migrants. Irregular migration is a predominant issue, occurring when individuals enter or remain in a country without adhering to immigration laws. This phenomenon often arises from restrictive visa policies, economic hardship, or conflict, exposing migrants to risks such as exploitation, detention, and limited access to justice. For governments, irregular migration complicates border management and raises humanitarian and security concerns.

Closely associated with irregular migration is the issue of human trafficking, a serious transnational crime characterised by the recruitment, transportation, or harbouring of individuals through coercion, deception, or the exploitation of vulnerability. Traffickers frequently target irregular migrants, subjecting them to forced labour, sexual exploitation, and other abuse. Effective combat against trafficking demands coordinated law enforcement efforts, robust victim protection strategies, and enhanced international collaboration.

Xenophobia also poses a considerable challenge, as negative public perceptions of migrants can culminate in discrimination, social exclusion, and, in severe instances, violence. Such xenophobic attitudes often exacerbate during economic downturns or political unrest, thereby undermining social cohesion and efforts at integration.

Another significant concern is climate-induced displacement, where environmental factors such as degradation, floods, desertification, and extreme weather compel communities to relocate. Unfortunately, existing international legal frameworks have yet to adequately recognise or address the protection needs of those displaced by climate-related events, resulting in regulatory deficiencies.

Lastly, policy incoherence severely impedes effective migration governance. Fragmented institutional responsibilities, inconsistent execution of regional agreements, and poor coordination among relevant agencies can dilute responses to migration challenges. To address these multifaceted issues effectively, there is a vital need for integrated strategies that harmonise enforcement with the protection of human rights and align with sustainable development goals.



1.12 Summary

This unit has provided a comprehensive introduction to migration studies by examining the concept, classifications, drivers, and legal foundations of migration. It has highlighted the tension between state sovereignty and human rights, and compared migration governance across jurisdictions. This foundational understanding is essential for analysing migration law and policy in subsequent units.



1.13 REFERENCES/FURTHER READING/WEB SOURCES

- Castles S, de Haas H and Miller M, *The Age of Migration*.
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United Nations High Commissioner for Refugees, *Handbook on Refugee Protection*.



1.14 Possible Answers to SAEs

Answer to SAEs 1

Migration refers to the movement of persons from one geographical location to another, either within a country or across international borders, for temporary or permanent purposes. It may be driven by economic, social, political, environmental, or security factors.

Migration can be classified in several ways:

1. By geography
 - *Internal migration* – Movement within national borders (e.g., rural to urban).
 - *International migration* – Movement across state borders.
2. By duration
 - *Temporary migration* – Short-term stay (e.g., seasonal workers, students).
 - *Permanent migration* – Long-term or indefinite relocation.
3. **By voluntariness**
 - *Voluntary migration* – Movement by choice (e.g., employment or education).
 - *Forced migration* – Movement due to conflict, persecution, disasters (e.g., refugees, internally displaced persons).
4. **By legal status**
 - *Regular migration* – Movement in compliance with immigration laws.
 - *Irregular migration* – Entry or stay in violation of immigration regulations.

Answer to SAEs 2

Migration is closely linked to state sovereignty, which includes a state's authority to control its borders and determine who may enter, remain, or acquire citizenship.

States exercise sovereignty through:

- Visa and entry controls
- Border enforcement
- Deportation powers
- Citizenship and naturalisation laws

However, sovereignty is not absolute. It is limited by:

- International human rights law
- Refugee law (non-refoulement principle)
- Regional agreements (e.g., ECOWAS free movement protocols)

Thus, migration governance reflects a balance between a state's sovereign right to control borders and its legal obligations to protect human rights and vulnerable populations.

Answer to SAEs 3

Nigeria

- Governed by the Immigration Act 2015 and related regulations.
- Emphasises border control and security.
- Faces challenges such as administrative delays, corruption, weak data systems, and limited transparency.
- Asylum processing capacity is limited.

Canada

- Governed by the Immigration and Refugee Protection Act.
- Uses transparent, points-based selection systems.
- Strong integration support and clear pathways to citizenship.
- Data-driven decision-making and structured appeal mechanisms.

Comparison:

While both countries regulate entry, residence, asylum, and citizenship, Canada's system is more transparent, digitised, and integration-focused. Nigeria's framework is legally structured but faces implementation challenges related to efficiency, coordination, and accountability.

UNIT 2 THEORIES AND APPROACHES TO MIGRATION

Unit Structure

- 2.1 Introduction
- 2.2 Learning Outcomes
- 2.3 The Role of Theory in Migration Studies
- 2.4 Neoclassical Economic Theory of Migration
- 2.5 Push and Pull Theory
- 2.6 The New Economics of Labour Migration (NELM)
- 2.7 Dual Labour Market Theory
- 2.8 Historical-Structural and World Systems Theories
- 2.9 Network Theory and Social Capital
- 2.10 Institutional and Governance Approaches
- 2.11 Human Rights and Normative Approaches
- 2.12 Synthesis and Contemporary Relevance
- 2.13 Summary
- 2.14 References/Further Reading/Web Sources
- 2.15 Possible Answers to SAEs



2.1 Introduction

Migration is a complex social phenomenon that cannot be adequately explained by a single factor or discipline. Over time, scholars from economics, sociology, political science, geography, law, and development studies have developed various theoretical frameworks to explain why people migrate, how migration flows are sustained, and how migration interacts with law, institutions, and global power relations. These theories are not merely academic constructs; they influence migration policies, legal frameworks, and administrative practices at national, regional, and international levels.

This unit provides an in-depth examination of the major theories and approaches to migration. It critically evaluates their assumptions, explanatory strengths, and limitations, while situating them within Nigerian, African, and global contexts. Particular attention is paid to how these theories inform legal and policy choices, including immigration control and labour migration.



2.2 Learning Outcomes

By the end of this unit, you will be able to:

- explain the major theories and approaches to migration
- assess the relevance of migration theories to contemporary migration governance
- apply migration theories to Nigerian and African migration experiences
- analyse the relationship between migration theory, law, and policy
- compare theoretical approaches across different jurisdictions.



2.3 The Role of Theory in Migration Studies

The study of migration requires theoretical frameworks to move beyond mere description of population movement. Theory provides explanatory tools that help scholars and policymakers understand patterns, causes, and consequences of migration. Without theory, migration analysis risks being anecdotal, fragmented, and policy-irrelevant.

Migration theories help to:

- (i) Identify the drivers of migration
- (ii) Explain differences in migration patterns across regions
- (iii) Predict future migration trends
- (iv) Design legal and policy responses
- (v) Evaluate the effectiveness of migration governance

Importantly, migration theories shape the *normative assumptions* underlying migration law. For example, a state that views migration primarily as an economic phenomenon is likely to design skills-based immigration regimes, whereas a state influenced by human rights approaches may emphasise protection and integration.

2.4 Neoclassical Economic Theory of Migration

2.4.1 Core Assumptions

The neoclassical economic theory is one of the earliest and most influential theories of migration. At its core, it conceptualises migration as a rational decision made by individuals seeking to maximise income

and improve economic well-being. Migration occurs when individuals calculate that the expected benefits of moving (such as higher wages or better employment prospects) outweigh the costs (including travel, adaptation, and legal barriers).

At the macro level, neoclassical theory explains migration as a response to geographical differences in labour supply and demand. Labour moves from low-wage, labour-surplus regions to high-wage, labour-scarce regions until equilibrium is achieved.

2.4.2 Legal and Policy Implications

This theory serves as the intellectual underpinning for many modern immigration systems, particularly in developed countries where labour market demand heavily influences migration policies. It is based on neoclassical economic principles, positing that migration is a rational choice made by individuals aiming to maximise their income and enhance their economic circumstances. As a result, governments craft immigration policies designed to attract migrants whose qualifications and skills correspond with national economic objectives.

Typically, policies derived from this perspective include skills-based admission criteria, selecting applicants based on factors such as educational background, professional experience, language abilities, and other indicators predicting economic potential. Points-based immigration systems are also common, wherein applicants receive numerical scores based on defined attributes like age, qualifications, and work history, and only those who meet a designated score are granted admission.

Moreover, employer-sponsored labour migration allows businesses to hire foreign workers to address specific sector shortages, while temporary work visa programmes provide a means to handle short-term labour needs without facilitating long-term residency solutions.

Together, these frameworks view migrants predominantly as economic agents, evaluating their worth based on productivity, fiscal contributions, and potential to boost national competitiveness. Although these strategies can enhance economic efficiency, critics contend that they may neglect humanitarian aspects, family reunification, and wider social integration issues within migration governance structures.

2.4.3 Nigerian Context

Nigeria's current migration patterns partially align with neoclassical migration theory, especially regarding economically driven outward mobility. High unemployment rates, underemployment, wage disparities, inflation, and currency instability motivate many Nigerians to pursue foreign opportunities. This trend is particularly evident among skilled professionals in fields such as medicine, engineering, and information technology who seek better economic prospects and quality of life. Faced with inadequate infrastructure and career limitations domestically, these individuals often choose to relocate to countries that provide more stable economic conditions and attractive compensation packages, embodying the neoclassical view that individuals rationally seek to maximise their income and improve living standards.

Notable examples of this migration include the emigration of Nigerian healthcare professionals, particularly doctors and nurses, to countries like the United Kingdom, Canada, and the United States. These professionals are attracted by improved working conditions, state-of-the-art facilities, clearer career advancement opportunities, and significantly higher wages. Similar trends are observed among IT specialists and engineers who find greater economic value for their skills in global labour markets. This phenomenon, often referred to as "brain drain," underscores the loss of essential human capital from Nigeria's economy.

However, migration scholars in Nigeria, such as Aderanti Adepoju, contend that individual income maximisation does not fully encapsulate this issue. They argue that professional emigration is indicative of profound structural imbalances in the global political economy, where developed nations actively recruit skilled labour from developing countries to address domestic shortages. Therefore, while Nigeria's migration illustrates the economic motivations described by neoclassical theory, it also reveals its shortcomings by emphasising the impact of unequal global structures, institutional frailties, and policy inadequacies that influence migration decisions beyond mere individual rational choice.

2.4.4 Critique

Neoclassical migration theory, while significant in shaping migration scholarship and policies, faces considerable criticism due to its conceptual and practical limitations. One major flaw is its inadequacy in addressing forced migration and refugee movements. This theory posits that individuals migrate primarily to exploit income differentials

between their home and destination countries. However, a significant number of migrants are driven by factors such as armed conflict, persecution, terrorism, environmental disasters, and generalised violence, resulting in migration decisions made for survival rather than economic rationality.

Additionally, the theory's premise of free and rational choice overlooks the coercive and structural constraints that often accompany migration. In many cases, individuals are compelled to migrate due to intense pressures from economic collapse, insecurity, or political repression, which significantly limit their options and autonomy in the decision-making process.

Moreover, neoclassical theory tends to disregard the impact of legal constraints and state control over migration flows. Migration is substantially influenced by visa requirements, border enforcement, asylum policies, and labour quotas set by states, which govern who can enter and stay within their territories. By concentrating on labour market dynamics, the theory fails to appreciate how legal frameworks shape migration opportunities.

Finally, there is a significant underestimation of social and cultural factors in migration decisions. Aspects such as family networks, diaspora connections, historical relationships, identity, and community expectations can sustain migration patterns irrespective of immediate economic incentives.

In countries like Nigeria, where various factors such as insecurity, political instability, governance issues, and economic challenges converge, migration decisions are not solely dictated by economic considerations. Instead, they represent a multifaceted interplay of structural, legal, political, and social dynamics that extend beyond the neoclassical theory's explanatory scope.

2.5 Push and Pull Theory

2.5.1 Conceptual Framework

Neoclassical migration theory, while influential in migration scholarship and policy, faces substantial criticism due to its conceptual and practical limitations. One major weakness is its failure to explain forced migration and refugee movements effectively, as the theory posits that migration primarily occurs to maximise income differentials between origin and destination countries. However, numerous migrants flee from conflicts, persecution, terrorism, environmental disasters, or widespread

violence, indicating that their movements are motivated by survival rather than mere economic calculations, which are not adequately captured by a market-based framework.

Another limitation is the theory's assumption of free and rational choice, which overlooks the coercive or structural constraints that often influence migration. Individuals may migrate under considerable pressure due to economic collapse, insecurity, or political repression; thus, what may seem like voluntary migration often occurs in contexts where options are severely limited, rendering the "choice" to migrate less autonomous.

Additionally, neoclassical theory tends to neglect the influence of legal restrictions and state control over migration. Migration flows are significantly affected by factors such as visa regimes, border enforcement, asylum processes, and labour quotas. States assert sovereign authority in determining entry and residency, which the theory largely overlooks by focusing primarily on labour market dynamics and not adequately addressing how laws and policies shape migration opportunities.

Moreover, the theory falls short in considering the social and cultural factors at play, such as family networks, diaspora links, historical ties, and identity considerations, all of which can sustain migration flows independently of immediate wage differentials. In countries like Nigeria, where factors like insecurity, political instability, governance challenges, and economic pressures intersect, migration decisions are typically influenced by a complex intertwining of structural, legal, political, and social dynamics, which surpass the explanatory limits of neoclassical theory.

2.5.2 Application to Nigeria

Push–pull dynamics play a significant role in contemporary migration patterns in Nigeria, illustrating the balance between factors that push individuals away from their places of origin and those that pull them towards destinations. Rural–urban migration is a prominent manifestation of this theory, where inadequate infrastructure, healthcare, education, and employment opportunities in rural areas drive residents to urban centres such as Lagos, Abuja, and Port Harcourt. These cities attract migrants by offering better wages, improved public services, and perceived opportunities for upward mobility.

Additionally, the trend of youth emigration has escalated in response to high unemployment rates, underemployment, and increasing insecurity in Nigeria. Economic challenges, including inflation and limited job prospects, propel young Nigerians to seek opportunities abroad, primarily in countries that promise safer living conditions, stable economies, and more defined career trajectories. This is particularly relevant to skilled professionals and recent graduates aiming to enhance their prospects.

Forced displacement due to insurgency, banditry, and communal violence indicates extreme push factors that threaten personal safety. However, the choice of destination is also influenced by the availability of safety, humanitarian support, and existing social networks.

The application of push–pull theory effectively explains both internal migration within Nigeria and regional movements across West Africa. The ECOWAS free movement regime further promotes this dynamic by lowering legal barriers in neighbouring countries, thereby enhancing pull factors through labour mobility and cross-border trade. Nevertheless, while the push–pull framework highlights essential migration trends, it requires integration with legal and political analyses to fully understand the complexities inherent in migration governance.

Self-Assessment Exercise 1

Critically assess the relevance of neoclassical economic theory to Nigerian migration.

2.5.3 Critique

While the push–pull framework provides a straightforward explanation of migration, it has faced significant criticism for its oversimplification of complex migration dynamics. Scholars, particularly from Nigeria, like I. O. Aworemi, argue that the model neglects the structural and institutional realities influencing migration. By framing migration as a balance of adverse conditions at home versus attractive opportunities abroad, it fails to consider crucial intervening variables that affect migration decisions.

One critical limitation of the push–pull model is its inadequate attention to immigration laws and border regulations. Migration is not driven solely by economic or social factors but is heavily influenced by state policies concerning visas, work permits, and asylum processes.

Accordingly, even when strong pull factors exist in a host country, restrictive immigration policies may hinder mobility.

Additionally, the model, according to critics, does not adequately address the costs and risks associated with migration. Financial burdens, travel dangers, potential exploitation, and risks of detention or deportation can significantly affect individuals' migration choices. These risks might discourage migration, even in the presence of pronounced push factors, or could force migrants into irregular routes.

The push–pull framework often overlooks institutional barriers such as bureaucratic inefficiencies, documentation hurdles, and limited access to legal migration channels, which influence who can migrate and under what circumstances.

Moreover, the theory does not sufficiently account for the unequal power dynamics within the global migration system. Economic disparities between countries, recruitment practices of developed nations, and historical contexts rooted in colonialism play vital roles in shaping migration patterns that extend beyond a simplistic push–pull dichotomy.

In summary, while the push–pull model serves as a useful conceptual starting point for analysing migration trends, it lacks the necessary depth for a comprehensive understanding. A more holistic framework should incorporate legal, political, and structural factors alongside economic and social motivations to provide a well-rounded analysis of migration processes.

2.6 The New Economics of Labour Migration (NELM)

2.6.1 Core Ideas

The New Economics of Labour Migration (NELM) marks a critical shift from traditional, individual-centric migration theories, diverging notably from neoclassical models that primarily attribute migration decisions to wage differentials. NELM frames migration as a collective household strategy, wherein familial decision-making aims to enhance the economic security and long-term welfare of the household, rather than focusing solely on the individual migrant.

In this context, migration is viewed as a mechanism for income diversification and risk management. Particularly in developing regions characterised by unstable labour markets, limited access to credit, a lack

of agricultural insurance, and deficient social protection systems, households utilise migration to mitigate reliance on uncertain local income sources. By sending family members abroad, households effectively distribute economic risk across various geographic and labour markets.

NELM also underscores the influence of market failures on migration decisions. In environments where financial institutions are inadequate and formal credit options are scarce, migration serves as a viable alternative for capital accumulation. The remittances dispatched by migrants can be instrumental in financing essential needs such as education, healthcare, housing, small businesses, and agricultural investments. Therefore, migration transcends the sole motive of escaping poverty, becoming a tactical means to mobilise resources that surmount structural economic challenges faced at home.

Central to this theory is the concept of remittances, which are not merely financial transactions but signify a social contract between migrants and their families. Through consistent remittance flows, migrants bolster household consumption, invest in productive endeavours, and contribute to broader community development. Consequently, NELM portrays migration as a developmental strategy rooted in family networks, emphasising a collective approach over isolated individual ambitions for higher wages.

2.6.2 Nigerian Experience

The New Economics of Labour Migration (NELM) provides a critical framework for understanding Nigeria's migration dynamics. A key aspect of this framework is the significance of remittances, which serve as a substantial source of foreign exchange for Nigeria and are crucial for household livelihoods. These financial inflows not only contribute macroeconomically but also provide essential support for families, funding education, healthcare, housing, small enterprises, and community initiatives. Many migration decisions are premeditated with the expectation that the migrant will remit money back home, highlighting the financial ties between migrants and their families.

In Nigeria, with its enduring extended family structures, migration is deeply rooted in collective expectations and responsibilities. Families often collaborate to fund a member's migration, perceiving it as a long-term investment in their economic security. The migrant, in this context, takes on the role of a financial provider, sending regular remittances that help diversify the family's income and mitigate economic vulnerabilities. This aspect of migration emphasises its function as a

risk-management strategy, especially in environments affected by unemployment, inflation, and limited access to formal financial systems.

Notable Nigerian scholars such as Dele Olowu and Aderanti Adepoju have argued that migration reflects collective survival strategies rather than mere individual aspirations. Their research reveals that economic limitations and robust kinship bonds heavily influence migration patterns. Consequently, these journeys cannot be seen as individual achievements but rather as integrated components of broader social contracts between migrants and their families.

The Nigerian context thus aligns with NELM's fundamental assertion: migration transcends the pursuit of higher wages and is fundamentally a household-oriented approach aimed at ensuring economic stability, promoting social mobility, and fostering long-term resilience.

Self-Assessment Exercise 2

Discuss the Contribution of African Scholars to Migration Theory.

2.6.3 Legal and Policy Implications

The New Economics of Labour Migration (NELM) has played a pivotal role in shaping modern migration and development policies, particularly for nations with substantial diaspora populations. This theoretical framework emphasises the importance of viewing migrants as essential components of transnational households and vital contributors to national growth. As a result, the policy focus has transitioned from restrictive control measures to more inclusive engagement strategies.

A key impact of NELM is evident in diaspora engagement policies, where governments increasingly perceive their expatriate citizens not merely as people who have emigrated, but as valuable partners in the national development process. Various programmes have been instituted to bolster ties with diaspora communities, promoting knowledge transfer and enhancing cultural and economic connections.

NELM has also influenced the adoption of policies regarding dual citizenship, which enable migrants to maintain both legal and emotional ties to their countries of origin while simultaneously assimilating into their host nations. By allowing for dual nationality, states encourage ongoing transnational relationships and investment in their homelands.

Moreover, governments are now actively prioritising the facilitation of remittances. This entails efforts to lower transfer costs, boost financial infrastructures, and direct remittances toward productive investments, recognising them as critical to national economic stability rather than merely private transactions.

Investment incentives for migrants, such as tax breaks, diaspora bonds, tailored investment schemes, and preferential access to business opportunities, further underscore the recognition of migrants as potential investors and key players in development.

An exemplary case reflecting these frameworks is Nigeria's Nigerians in Diaspora Commission (Establishment) Act of 2017. This legislation formalizes the engagement with Nigerians abroad, treating them as partners in development and encouraging structured collaboration between the diaspora and the Nigerian government, thus embodying the principles of NELM in action.

2.7 Dual Labour Market Theory

2.7.1 Core Assumptions

Dual Labour Market Theory reorients the analysis of migration from the economic conditions of migrant-sending countries to the structural features of receiving nations. This approach diverges from neoclassical or household-based theories, which typically highlight economic incentives in the migrants' countries of origin. Instead, it posits that migration is primarily driven by demand, arising from ongoing structural needs within advanced economies. Developed nations are characterised by a segmented labour market, comprising a primary sector that offers stable, well-compensated jobs with opportunities for advancement, and a secondary sector filled with low-wage, insecure, and low-status employment.

Migrants frequently find themselves funnelled into the secondary sector, taking on roles that domestic workers often shun due to unfavorable pay, poor working conditions, or societal stigma. Common employment in this sector includes agricultural labour, domestic service, construction, hospitality, and various roles within the service industry. Thus, migration is not simply the result of wage differences or household economic strategies; it serves as a structural response to labour shortages in sectors where native workers display reluctance or aversion.

The theory further elucidates the institutional and structural factors driving migration, such as the configuration of labour markets, employer

hiring practices, and immigration policies that facilitate the influx of foreign labour to complement domestic workforces. By conceptualizing migration as a structural necessity for the economies of receiving countries, Dual Labour Market Theory emphasises the significance of policy in managing migrant inflows, safeguarding migrant rights, and addressing the entrenched segmentation within labour markets.

In summary, this theory sheds light on the persistence of migration trends, even amid improvement in the economic conditions of sending countries, by focusing on demand-side influences that shape contemporary patterns of international labour mobility.

2.7.2 Nigerian and African Context

Many Nigerian migrants predominantly secure employment in caregiving, agriculture, construction, and domestic work within their destination countries. These sectors are characterised by several challenging conditions, including low wages, extended working hours, precarious employment contracts, and limited access to social protections. Such environments heighten the vulnerabilities of migrants, who often experience job insecurity and face exploitative labour practices.

Additionally, their options for legal recourse are typically restricted, a situation that mirrors the structural inequalities outlined in dual labour market theory. Although the economic roles played by these migrants are crucial for the economies of host countries, the harsh working conditions not only perpetuate social and occupational marginalization but also render these workers dependent on informal networks. This dependency further increases their risks of exploitation and abuse, ultimately reflecting a troubling cycle of vulnerability in the labour market.

2.7.3 Legal Concerns

Dual labour market theory highlights the significant vulnerabilities faced by migrants in the workforce, characterising them as particularly susceptible to exploitation and abuse. Many migrants find themselves in low-wage, low-status, and precarious employment conditions, which make them heavily reliant on their employers for critical aspects of their lives such as legal status, income, and housing. This dependency is further exacerbated by insufficient labour protections and stringent visa regulations, both of which heighten the likelihood of coercion, human trafficking, and forced labour.

The legal system has acknowledged these pressing risks, as demonstrated in landmark cases like *Rantsev v Cyprus and Russia*. In this case, the European Court of Human Rights brought attention to the critical intersection of labour migration and human rights law, asserting the necessity for states to safeguard migrants against exploitation. The court's ruling reinforced the obligation of migration systems to avoid perpetuating abuse and to uphold fundamental human rights, thereby establishing a clearer responsibility for governments in the treatment and protection of migrant workers.

2.8 Historical-Structural and World Systems Theories

2.8.1 Core Assumptions

Historical-structural and world-systems theories position migration within the framework of global political and economic contexts, emphasising that migration is not solely a result of individual or household decisions. Instead, it is shaped by historical legacies, structural inequalities, and the process of global economic integration. For example, colonial histories have established lasting political, linguistic, and institutional connections that influence current migration pathways.

According to world-systems theory, the dynamics of global capitalism and uneven development are fundamental in generating migration flows. Countries categorised as peripheral and semi-peripheral often face economic dependency, underdevelopment, and labour market disparities, while industrialised core nations create significant demand for both high- and low-skilled labour. Consequently, migration from less developed regions to more affluent economies is perceived as a structural outcome of global inequalities, which reinforces the subordinate economic roles of the sending countries.

These theories elucidate how various historical and structural factors—such as trade patterns, foreign investments, and labour recruitment practices—determine the dynamics of who migrates, the motivations behind migration, and the destinations chosen by migrants. Therefore, migration is understood as a reaction to extensive systemic global forces rather than simply an individual choice, highlighting the significant interplay between historical, economic, and political factors that shape international mobility.

2.8.2 Nigerian Application

Nigeria's migration to the United Kingdom illustrates how historical and structural factors shape human mobility. Colonial legacies, including shared language and administrative systems, have created enduring political and social connections that facilitate migration. These ties suggest that Nigerian migration often follows historical relationships rather than solely being influenced by economic factors, like wage differentials. The familiarity and networks established through former colonial links reduce migration costs and risks, reinforcing established migration corridors.

Scholars such as Claude Ake and Aderanti Adepoju argue that African migration cannot be understood without considering global inequalities and post-colonial dependency. Structural economic disparities and the demands of labour markets in developed countries, alongside the historical exploitation of African resources, significantly influence migration patterns. Thus, migration is seen as both a response to and a consequence of systemic unequal development, positioning African nations as peripheral in the global political economy.

This perspective highlights that migration decisions are deeply rooted in historical and structural contexts, challenging purely economic or individualistic explanations. In Nigeria and across Africa, the effects of colonial history and current global economic inequalities shape migration dynamics, revealing the relevance of historical-structural and world-systems theories in analysing contemporary migration issues.

2.8.3 Policy Implications

Historical-structural and world-systems theories present significant insights into migration policy by emphasising the lasting impacts of colonial history, global inequality, and economic dependency. These frameworks critique restrictive immigration practices that favor exclusion over fairness, arguing that destination countries, especially those that were former colonial powers, hold historical and structural responsibilities towards migrants originating from historically subordinated areas.

This perspective raises questions regarding the moral legitimacy of exclusionary policies, as they frequently overlook the historical and systemic influences on migration patterns. Consequently, these theories advocate for a migration governance model that acknowledges these

historical responsibilities and encourages the adoption of more equitable, rights-based frameworks for migration policy.

2.9 Network Theory and Social Capital

2.9.1 Core Concepts

Network theory emphasises the significance of social connections in influencing migration patterns. It posits that migrant network—consisting of family, friends, and community ties—play a crucial role in lessening the financial, informational, and logistical challenges faced when relocating. These networks offer essential support by advising on job prospects, housing options, legal procedures, and local cultural norms while often providing direct financial help or temporary housing for new migrants.

Once these networks are established, they tend to create self-reinforcing migration flows. New migrants are inclined to utilise existing pathways, as the associated risks and costs are minimized, making migration less reliant on initial push or pull factors present in the migrants' country of origin. Over time, these migration networks can sustain enduring mobility trends, affecting both domestic and international migration flows while shaping the choice of destinations, career paths, and processes of social integration. Thus, network theory elucidates the mechanisms through which migration persists and proliferates, regardless of economic fluctuations in both origin and destination countries.

2.9.2 Nigerian Diaspora Networks

Nigerian diaspora communities in various countries, including the United Kingdom, United States, Canada, and South Africa, significantly contribute to the dynamics of migration. These communities facilitate migration through mechanisms such as family reunification, which allows relatives of established migrants to join them abroad.

They also provide crucial sponsorship that includes financial assistance for travel, visa applications, and initial settlement costs. Additionally, diaspora networks extend their support through informal channels, offering guidance on essential aspects like housing, job opportunities, education, and navigating the local legal and social landscapes.

This multifaceted support not only reduces the risks and costs associated with migration but also reinforces ongoing migration patterns, marking

these networks as vital to understanding Nigeria's current international mobility trends.

2.9.3 Legal Relevance

Network theory elucidates the persistence of migration despite stringent immigration laws by emphasising the significance of social connections. It highlights that family ties, community networks, and diaspora support play critical roles in alleviating financial, informational, and logistical hurdles that may otherwise inhibit migration.

This understanding points to the vital nature of family reunification policies, which serve to formalise and streamline the migration of relatives, thereby reinforcing existing migration flows. Consequently, network theory illustrates how social structures and interpersonal relationships can maintain migration patterns autonomously of economic motivations or regulatory restrictions, positioning them as essential elements in the dynamics of migration.

2.10 Institutional and Governance Approaches

2.10.1 Migration as a Regulated Process

Migration is increasingly seen as a regulated and managed process rather than a spontaneous or fully voluntary phenomenon. This regulation is influenced by national laws, regional agreements, and international norms, where states exercise authority to balance national security, economic development, social cohesion, and human rights protection. The legal frameworks, institutional mechanisms, and administrative procedures play a crucial role in determining who is allowed to enter, reside, work, or be deported from a country, thus framing migration as a highly structured and controlled process.

At the national level, regulations encompass immigration laws, visa regimes, border controls, residence and work permits, and deportation procedures. An example is Nigeria's Immigration Act of 2015, which offers a comprehensive legal framework to manage the entry and exit of non-nationals and enforce immigration offences. This framework operationalises the state's authority to regulate labour markets, monitor security threats, and manage the demographic and economic ramifications of migration. Important institutions such as the Nigerian Immigration Service and the Ministry of Interior are responsible for implementing policies and ensuring compliance.

The regulation of migration extends beyond national laws to include regional and international frameworks. Regional agreements like the ECOWAS Protocol on Free Movement of Persons provide mobility guarantees, while international instruments, including the 1951 Refugee Convention and its 1967 Protocol, as well as ILO conventions on labour migration, set forth rights and protections for migrants and displaced individuals. The Global Compact for Migration of 2018 embodies the international consensus aimed at achieving orderly, safe, and rights-centric migration governance.

The purposes of migration regulation include facilitating legal migration pathways, mitigating irregular migration, protecting vulnerable populations from exploitation, and incorporating migration into development strategies. Nevertheless, effective regulations must strike a balance between state control and human rights obligations, thereby ensuring that migration governance is efficient while remaining humane. Consequently, migration is best understood as a structured process influenced by legal, policy, and institutional practices, rather than solely by individual choices or economic push–pull factors.

2.10.2 Nigerian Migration Institutions

Institutional approaches emphasise the pivotal role that legal frameworks, policies, and administrative entities play in influencing migration processes and their outcomes. This perspective asserts that migration is not merely the product of personal decisions or economic motivations; instead, it is systematically structured and regulated by government institutions such as immigration authorities, labour departments, and border control agencies, as well as by international organisations that establish standards for refugee protection and human mobility.

Various aspects such as laws, visa regimes, asylum procedures, and enforcement mechanisms dictate who has the right to migrate, the duration of their stay, and the specific conditions under which migration occurs. Furthermore, the way institutions are arranged impacts migrants' access to social services, legal protections, and opportunities for integration.

By addressing the rules, structures, and governance mechanisms involved in migration, institutional approaches facilitate a deeper understanding of how policy design, administrative capacity, and international obligations shape migration patterns, the rights of migrants, and the overall efficacy of migration governance.

2.11 Human Rights and Normative Approaches

2.11.1 Core Principles

Human rights approaches conceptualise migrants as individuals who possess intrinsic rights to dignity, protection, and fundamental freedoms, irrespective of their nationality, immigration status, or legal classification. This viewpoint asserts that the governance of migration should prioritise the safety, well-being, and essential human rights of migrants, moving beyond a focus solely on state security or border management.

By identifying migrants as subjects of both legal and moral responsibilities, human rights frameworks critically challenge state-centric models that often regard migration primarily as a matter of regulation or security. Such policies rooted in human rights principles promote access to due process, protection against arbitrary detention or deportation, and safeguards against exploitation, discrimination, and abuse. Furthermore, they advocate for the administration of migration practices to align with international legal standards and principles of justice, thereby emphasising a humane and rights-based approach to migration governance.

2.11.2 Legal Framework

Key legal instruments that support a human rights-based approach to migration include the Universal Declaration of Human Rights (UDHR), which guarantees fundamental rights and freedoms for all individuals; the African Charter on Human and Peoples' Rights, which emphasises the importance of protecting human dignity and socio-economic rights within the African context; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, specifically designed to protect the rights of migrant workers regardless of their status.

Nigerian scholars, particularly Chidi Anselm Odinkalu, argue for the necessity of rights-based governance for effective migration control. They assert that the safeguarding of migrant rights should take precedence over border enforcement and immigration regulations. Therefore, migration policy and administration need to embody human rights principles, ensuring that all migrants—whether documented or undocumented—are treated with respect, granted legal protection, and protected against exploitation, abuse, or arbitrary exclusion. This framework advocates for a harmonious balance between state authority

and individual rights, aligning national migration governance with both international legal obligations and ethical standards.

2.12 Synthesis and Contemporary Relevance

No single theoretical framework encompasses the full complexity of migration, as it involves a multifaceted interplay of economic, social, political, legal, and structural factors. Traditional models such as neoclassical economics and the new economics of labour migration focus on income disparities, household strategies, and remittances, while theories like dual labour market and network theory emphasise structural demand in destination countries and the significance of social networks. Historical-structural and world-systems theories place migration within the context of global inequalities, colonial histories, and systemic dependencies. Furthermore, human rights and institutional perspectives highlight the impact of laws, policies, and protections on migration outcomes.

To govern migration effectively today, an integrated approach is essential, blending various dimensions of migration theory. Policymakers need to strike a balance between economic factors, social cohesion, legal frameworks, institutional capacity, and human rights obligations. Coordinated strategies are necessary to manage both regular and irregular migration, safeguard vulnerable groups, promote integration, and utilise the developmental potential of migration, including remittances and diaspora involvement.

Nigeria exemplifies the convergence of these elements in migration dynamics. Economic challenges such as unemployment and wage gaps, alongside security issues like insurgency and communal violence, influence migration patterns. Historical connections with former colonial powers and the existence of strong diaspora networks facilitating transnational movement further complicate the scenario. The governance landscape is shaped by institutions like the Nigerian Immigration Service and the National Commission for Refugees, Migrants, and IDPs, as well as laws that reflect human rights and development concerns.

Consequently, Nigeria's case illustrates the interaction of various theoretical perspectives and provides important insights for developing countries aiming to establish comprehensive, rights-based migration governance systems that are attuned to both domestic realities and broader global migration trends.

Self-Assessment Exercise 3

Analyse Migration Using a Combination of at Least Two Theoretical Approaches.



2.13 Summary

This unit has examined the major theories and approaches to migration, highlighting their explanatory strengths and limitations. It has demonstrated how migration theories inform legal and policy frameworks and why African and Nigerian perspectives are essential for contextual relevance.



2.14 References/Further Reading/Web Sources

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2.15 Possible Answers to SAEs

Answer to SAEs 1

Neoclassical economic theory explains migration as a rational decision by individuals seeking to maximise income and improve economic welfare. At the macro level, migration occurs due to wage differentials between countries; at the micro level, individuals migrate after weighing costs and benefits.

Relevance to Nigeria

The theory is highly relevant in explaining:

- **Economic emigration (“Japa” phenomenon)** – Nigerians migrate to the UK, Canada, and the US due to higher wages and better employment opportunities.
- **Skilled labour mobility** – Doctors, nurses, and IT professionals migrate due to income disparities and better working conditions abroad.
- **Rural–urban migration** – Movement within Nigeria from rural areas to cities like Lagos and Abuja reflects income-maximising behaviour.

Limitations

However, the theory has important shortcomings:

- It **overemphasises income differentials** and underestimates political instability, insecurity (e.g., insurgency), and governance challenges.
- It ignores **social networks and migration systems**, which significantly influence Nigerian migration patterns.
- It does not fully explain **forced migration**, such as displacement due to conflict in Northern Nigeria.
- It treats migration as an individual decision rather than a household strategy.

Critical Assessment

Neoclassical theory explains the economic dimension of Nigerian migration, but is insufficient on its own. Nigerian migration is multidimensional, involving economic, political, social, and security factors.

Answer to SAEs 2

African scholars have significantly expanded migration theory by grounding it in African realities rather than purely Western economic models.

Key Contributions

1. **Contextualising migration within colonial and postcolonial histories**
Scholars highlight how colonial labour systems shaped contemporary migration routes.
2. **Migration as survival and resilience strategy:** African migration is often analysed as a household coping mechanism in contexts of economic instability and weak state institutions.
3. **Informal and circular migration:** African scholars emphasise regional, circular, and informal mobility—especially within ECOWAS—challenging rigid permanent/temporary distinctions.
4. **Role of remittances and transnationalism:** Migration is viewed as sustaining families and communities through remittances and diaspora engagement.
5. **Critique of Eurocentric security narratives:** African academics challenge portrayals of African migration as a “crisis,” arguing instead for development-oriented and rights-based perspectives.

Overall Contribution

African scholarship broadens migration theory by integrating **history, informality, regionalism, and structural inequality**, making migration analysis more globally inclusive.

Answer to SAEs 3

A comprehensive understanding of migration requires combining theoretical perspectives.

1. Neoclassical Economic Theory

Explains migration as a response to wage differentials and labour market imbalances.

Example: Nigerian professionals migrating to Canada for better salaries.

2. New Economics of Labour Migration (NELM)

This theory shifts focus from individuals to households. Migration is seen as a strategy to diversify income sources and reduce risks.

Example: Nigerian families sponsoring one member abroad to send remittances home.

Combined Analysis

Using both theories:

- **Neoclassical theory** explains why destination countries are attractive (higher wages).
- **NELM** explains why families collectively invest in migration, even when risks are high.

Together, they show that Nigerian migration is driven not only by individual income maximisation but also by household survival strategies.

One could also integrate Migration Systems Theory, which highlights the role of social networks, diaspora communities, and historical ties (e.g., Nigeria–UK migration linkages).

No single theory fully explains migration. Combining economic and sociological approaches provides a more comprehensive understanding of Nigerian and global migration dynamics.

UNIT 3 LEGAL PERSPECTIVES IN MIGRATION

Unit Structure

- 3.1 Introduction
- 3.2 Learning Outcomes
- 3.3 Migration, Law, and the Modern State
- 3.4 State Sovereignty and Migration Control
- 3.5 Migration and International Human Rights Law
- 3.6 International Legal Regimes Governing Migration
- 3.7 Regional Legal Frameworks on Migration
- 3.8 Nigeria's Domestic Legal Framework on Migration
- 3.9 Migration Institutions and Governance in Nigeria
- 3.10 The Role of The Judiciary in Migration Matters
- 3.11 Comparative Migration Law and Practice
- 3.12 Contemporary Legal Challenges in Migration
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- 3.15 Possible Answers to SAEs



3.1 Introduction

Migration is fundamentally shaped by law. While economic, social, and political forces may motivate the movement of people, it is legal frameworks that determine whether such movement is permitted, restricted, facilitated, or criminalised. Migration law defines who is entitled to move, under what conditions movement may occur, the rights and obligations of migrants, and the powers of states and institutions to regulate mobility. As such, migration is one of the clearest sites at which law intersects with sovereignty, human rights, security, and governance. This unit examines migration from a legal perspective, focusing on how domestic, regional, and international legal regimes regulate the movement of persons. It explores the enduring tension between state sovereignty and the protection of human rights, analyses the major legal instruments governing migration, and assesses Nigeria's legal and institutional framework within a comparative context. The unit adopts a doctrinal and analytical approach, drawing on statutes, treaties, judicial decisions, and policy instruments to demonstrate how law structures migration governance in practice.



3.2 Learning Outcomes

By the end of this unit, you will be able to:

- explain the legal foundations of migration regulation
- analyse the role of state sovereignty in controlling migration
- examine international, regional, and domestic legal regimes governing migration
- assess Nigeria's migration laws and institutions
- compare migration law and practice across jurisdictions.



3.3 Migration, Law, and the Modern State

The regulation of migration is inseparable from the emergence of the modern state system. Before the consolidation of territorial states, human mobility was largely unregulated. The rise of borders, citizenship, passports, and immigration controls transformed migration from a social practice into a legal category. Migration law is, therefore, a relatively recent but rapidly expanding field of legal regulation.

At its core, migration law concerns the relationship between individuals and states. It determines who belongs to a political community, who may enter or remain within a territory, and under what conditions non-members may enjoy rights. Migration law thus performs both an *inclusionary* and *exclusionary* function.

3.4 State Sovereignty and Migration Control

3.4.1 Sovereignty as a Foundational Principle

State sovereignty remains the fundamental legal principle governing migration control, enabling nations to regulate the entry, residence, and removal of non-nationals within their borders based on their territorial rights and self-determination. This principle is supported by international law, which grants states the authority to establish immigration policies, enforce visa regimes, and maintain border security, thereby ensuring that national priorities guide these processes.

The Permanent Court of International Justice clarified this principle in *The Case of the S.S. Lotus* (1927), affirming that states maintain jurisdiction over matters within their territory unless international law

imposes specific restrictions. Thus, while sovereignty provides extensive discretion to states regarding migration governance, it is tempered by international obligations. These obligations include human rights treaties and refugee protection agreements, alongside regional frameworks such as the ECOWAS Protocol on free movement, which stipulate boundaries on state actions.

Consequently, the exercise of sovereignty in migration control must respect migrant rights and protections, preventing arbitrary exclusion, deportation, or denial of fundamental rights. The intersection of state sovereignty and international law creates a complex dynamic where states are both empowered to manage their borders and held accountable for adhering to global standards concerning human rights and humanitarian protections. This framework emphasises a shared responsibility between states and the international community, promoting multilateral cooperation in migration governance, where the protection of individual rights is increasingly prioritised alongside national interests.

3.4.2 Migration Control as an Expression of Sovereignty

Immigration laws, visa regimes, border controls, and deportation procedures are practical expressions of a state's sovereign authority over migration. These mechanisms allow states to manage the movement of non-nationals in ways that advance national priorities and public policy objectives. Specifically, such tools are employed to:

- (i) Protect national security – by preventing the entry of individuals who may pose threats to public safety or engage in criminal activities.
- (ii) Regulate labour markets – ensuring that foreign labour complements rather than displaces domestic workers and addressing skills shortages in targeted sectors.
- (iii) Preserve social cohesion – by controlling the integration of migrants, maintaining public order, and managing cultural or societal impacts.
- (iv) Control demographic composition – influencing population growth, regional settlement patterns, and the balance between different groups within society.

In Nigeria, the Immigration Act 2015 embodies this exercise of sovereignty. The Act grants extensive powers to the Nigerian Immigration Service, enabling it to regulate entry, residence, and departure from the country. Through visa issuance, border monitoring, enforcement of residency conditions, and deportation of irregular migrants, the Act operationalises Nigeria's sovereign right to control its

borders while framing migration within a legal and administrative structure. These provisions reflect the centrality of sovereignty in migration governance, balancing national interests with the need to manage mobility effectively and consistently.

3.4.3 The Decline of Absolute Sovereignty

The concept of state sovereignty in migration governance has evolved significantly, becoming less absolute due to the influence of international human rights law, refugee law, and regional integration regimes. These developments have imposed fundamental constraints on the discretion of states concerning migration regulations. As a result, states are now required to respect the rights of migrants, asylum seekers, and displaced individuals, which limits their unilateral power over entry, residence, and expulsion procedures.

This transformation indicates a shift in international law from a focus purely on state interests to recognising individuals as legal subjects deserving protection. Migrants are viewed not merely as subjects of government control but as rights-holders entitled to due process, protection against arbitrary detention or expulsion, and access to essential humanitarian safeguards.

Thus, modern migration governance mandates states to achieve a balance between exercising their sovereign powers and adhering to their international legal responsibilities. This necessitates that policies and enforcement mechanisms align with existing treaties, conventions, and regional agreements. Therefore, the increasing significance of human rights and multilateral frameworks in influencing migration law and policy signifies a redefined relationship between national authority and individual protection in the management of human mobility.

Self-Assessment Exercises 1

Analyse the Limits of State Sovereignty in Migration Regulation.

3.5 Migration and International Human Rights Law

3.5.1 Migrants as Bearers of Rights

A defining feature of contemporary migration law is the recognition that migrants, irrespective of status, are entitled to certain fundamental rights. While states may differentiate between citizens and non-citizens in areas such as political participation, they are prohibited from violating basic human rights.

The Universal Declaration of Human Rights (UDHR) establishes the normative foundation for this approach. Article 1 affirms the inherent dignity of all human beings, while Article 13 guarantees the right to freedom of movement and the right to leave any country.

3.5.2 Judicial Enforcement of Migrants' Rights

International and regional courts have played a crucial role in enforcing migrants' rights and limiting abusive state practices. Notable cases include *MSS v Belgium and Greece* (2011), where the European Court of Human Rights held that degrading conditions faced by asylum seekers violated human rights obligations; and *Hirsi Jamaa v Italy* (2012), which established that collective expulsion of migrants at sea violated the prohibition of refoulement.

These cases illustrate how human rights law constrains migration enforcement and promotes accountability.

3.5.3 African Human Rights System

In Africa, the African Charter on Human and Peoples' Rights provides a broad framework for the protection of migrants. Unlike some international instruments, the Charter applies to "every individual" within a state's jurisdiction, regardless of nationality.

Nigeria domesticated the Charter, making it enforceable in domestic courts. In *Abacha v Fawehinmi* (2000), the Supreme Court affirmed the Charter's special status within Nigerian law. This decision has significant implications for migrant protection, as it allows migrants to invoke Charter rights before Nigerian courts.

3.6 International Legal Regimes Governing Migration

3.6.1 International Refugee Law

Refugee law is a highly developed segment of international migration law that offers a comprehensive legal framework for the protection of those fleeing persecution. It is primarily anchored in the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol, which delineate the rights of refugees and the responsibilities of states. A pivotal principle within this framework is non-refoulement, which forbids nations from returning refugees to areas where their safety or freedom may be jeopardised due to factors such as race, religion, nationality, membership in a specific social group, or political beliefs.

In the African context, this legal framework has been broadened by the 1969 Organisation of African Unity (OAU) Convention, which offers a more inclusive definition of refugees. This convention extends protection not only to those fleeing direct persecution but also to individuals escaping scenarios resulting in severe disruptions to public order, such as armed conflicts, communal violence, and widespread human rights abuses. This regional perspective emphasises collective responsibility and solidarity, acknowledging that forced displacement often emerges from systemic and political crises rather than merely individual threats.

Together, these instruments create a nuanced system of refugee protection that integrates universal standards with regional specificities. They highlight the dual responsibilities of states to honour the human rights of displaced individuals while also adhering to broader humanitarian commitments within regional agreements. This legal structure underscores the importance of protection in migration governance, providing a framework for reconciling state sovereignty with international and regional obligations aimed at safeguarding vulnerable populations.

3.6.2 International Labour Migration Law

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) is a significant instrument designed to protect migrant workers from various forms of exploitation, abuse, and discrimination. The Convention articulates a range of rights related to employment, social security, judicial access, and family unity, ensuring that migrants receive protections similar to those enjoyed by nationals. However, its effectiveness is hindered by low ratification rates among key destination countries, which limits its enforceability and global impact.

In conjunction with the Convention, International Labour Organisation (ILO) conventions establish essential standards governing labour migration. These standards pertain to fair recruitment, equal employment treatment, protection against forced labour, and the promotion of decent working conditions for migrant workers. ILO conventions also assert the responsibilities of both sending and receiving nations in safeguarding migrant rights and facilitating organised and safe labour mobility.

Collectively, these legal frameworks signify an increasing acknowledgement of migrants as entitled to rights under international

law and underscore the necessity of creating robust legal and regulatory systems to mitigate exploitation. Nevertheless, challenges persist in the effective application of these frameworks, particularly in areas where domestic laws, enforcement mechanisms, and political commitment are inadequate. To bolster protections for migrant workers worldwide, it is crucial to enhance ratification efforts, ensure compliance monitoring, and integrate international standards into national legislation.

3.6.3 Soft Law and Global Governance

The Global Compact for Safe, Orderly and Regular Migration, established in 2018, represents a pivotal development in global migration governance. Although non-binding, it offers a detailed framework aimed at fostering international cooperation to ensure that migration is managed in a safe, orderly, and regular manner. The Compact highlights the necessity of protecting human rights, recognising the developmental advantages that migration can offer, and emphasising coordinated policy efforts among nations. Its objectives include promoting dialogue, facilitating information exchange, and enabling collaborative actions to tackle the complexities of irregular migration while enhancing the positive opportunities migration can provide.

Nigeria's endorsement of the Compact reflects its dedication to rights-based and cooperative migration governance. Through this endorsement, Nigeria aligns its national strategies with international standards focused on the protection of migrants, enhancing its institutional capabilities, and developing policies that harmonise national interests with global responsibilities. Consequently, the Compact serves not only as a guiding framework for Nigeria's migration strategies but also aids in strengthening transnational cooperation and integrating migration considerations into wider developmental and human rights initiatives.

3.7 Regional Legal Frameworks on Migration

3.7.1 ECOWAS Free Movement Regime

The ECOWAS Protocol on Free Movement of Persons, Residence and Establishment, established in 1979, is a transformative legal framework aimed at enhancing regional mobility within Africa and reflects the commitment of the Economic Community of West African States (ECOWAS) to economic integration. The Protocol enables citizens of member states to enter other countries visa-free for short periods of up to 90 days, thus facilitating travel for tourism, business, education, and

family purposes, significantly lowering barriers to cross-border movement and promoting interaction among West African populations.

In addition to short-term travel rights, the Protocol confers the right of residence to citizens, allowing them to live and work in any ECOWAS member country without facing complex bureaucratic hurdles. This facilitates labour mobility, enabling individuals to pursue job opportunities in regions where they are most needed, thereby contributing to the regional labour market and fostering economic growth. It further allows for the right of establishment, permitting individuals to conduct business, engage in professional practices, or pursue entrepreneurial ventures across borders. These rights are designed to foster social cohesion, strengthen economic collaboration, and promote the circulation of skills and capital within West Africa.

As a founding member of ECOWAS, Nigeria is obliged to incorporate these commitments into its national legislation and practices. This necessitates adjustments to domestic immigration laws, administrative protocols, border management, and labour regulations to align with the Protocol's stipulations. Despite the ambitious nature of this framework, its implementation has encountered several challenges, including bureaucratic inefficiencies, a lack of awareness among citizens regarding their rights, and inconsistent enforcement across member states. Nonetheless, the Protocol remains a vital element of regional integration efforts, underscoring the commitment to facilitate mobility, decrease the costs associated with migration, and support human capital development. By fulfilling these obligations, Nigeria plays a pivotal role in fostering a more interconnected and economically dynamic West African region, illustrating how regional agreements can bolster national migration governance.

3.7.2 Implementation and Enforcement Challenges

Despite the clear legal framework provided by the ECOWAS Protocol on Free Movement of Persons, Residence and Establishment (1979), the practical implementation of the regime across West Africa faces significant challenges. While the Protocol guarantees visa-free entry, rights of residence, and rights of establishment, these provisions are often undermined by structural, administrative, and security-related obstacles that limit the full realisation of free movement.

One major challenge is the weak border infrastructure in many member states, including Nigeria. Inadequate border posts, insufficient technology for monitoring cross-border movements, and limited staffing capacity impede the smooth application of free movement provisions.

These weaknesses create bottlenecks, delays, and inconsistencies that frustrate travellers and inhibit the flow of people and goods across borders, undermining the Protocol's objectives of facilitating regional integration and labour mobility.

Security concerns constitute another significant constraint. In regions affected by insurgency, communal violence, or transnational crime, governments often impose ad hoc restrictions or increase border checks. While such measures may be justified for national security, they can conflict with ECOWAS obligations, disproportionately affecting ordinary citizens exercising their rights under the Protocol. Migrants may be subject to arbitrary detentions, searches, or surveillance, which creates uncertainty and discourages cross-border movement.

Administrative challenges also arise from discretionary practices and harassment by immigration officers. Inconsistent enforcement, corruption, or the misuse of authority at border posts can lead to the exploitation or intimidation of travellers. Migrants and entrepreneurs attempting to exercise their rights under the Protocol may face bribes, delays, or selective enforcement, eroding trust in the system.

Collectively, these implementation challenges demonstrate that legal obligations alone are insufficient to ensure free movement. Effective realisation of the ECOWAS Protocol requires investment in border infrastructure, professionalisation of immigration services, harmonisation of security and administrative practices, and public awareness campaigns. Addressing these challenges is essential for translating the Protocol's promises into tangible benefits for citizens and for promoting regional integration, economic cooperation, and human mobility across West Africa.

3.7.3 Comparative Regional Integration

In contrast to West Africa's regional frameworks, the European Union (EU) has established a highly integrated supranational free movement regime. Under EU law, citizens of member states can move, reside, and work across borders with few restrictions, with these rights enforceable in national courts. The European Court of Justice (CJEU) plays a crucial role in overseeing judicial compliance, providing remedies for violations, and ensuring a consistent interpretation of rights across member states. This system blends robust legal commitments with institutional mechanisms for enforcement, allowing a level of mobility that is largely independent of state discretion.

In comparison, the African Union (AU) has aimed to adopt similar principles through its Protocol on Free Movement of Persons, Labour, and Residence, which aspires to grant African citizens visa-free travel, residence, and employment rights, thus promoting intra-African mobility and economic integration. However, the AU's Free Movement Protocol has suffered from limited ratification and inconsistent implementation, as various member states grapple with logistical, political, and security issues that hinder the realisation of the rights it promises.

The Economic Community of West African States (ECOWAS) represents a middle ground in this spectrum. The 1979 Protocol on Free Movement of Persons, Residence, and Establishment demonstrates a strong legal commitment to regional mobility, providing rights for visa-free entry, resident employment, and business establishment. Nevertheless, its enforcement is weak, with challenges such as inadequate border infrastructure, administrative discretion, and security issues prevailing. Unlike the EU, ECOWAS does not have robust judicial mechanisms for accountability; yet, it stands apart from the AU due to higher levels of ratification and practical application in West Africa.

This comparative analysis shows that regional mobility frameworks can be viewed on a continuum, with ECOWAS embodying a hybrid model that pairs legal obligations with limited enforcement capabilities. The ECOWAS experience underscores the complexities involved in transforming regional agreements into actual rights for citizens, particularly in environments characterised by varying institutional capacity, governance, and political resolve. To fully realise the potential of regional free movement in Africa, strengthening enforcement measures and harmonising policies are essential.

3.8 Nigeria's Domestic Legal Framework on Migration

3.8.1 Constitutional Provisions

The 1999 Constitution of the Federal Republic of Nigeria (as amended) guarantees the freedom of movement within the country under Section 41, affirming that every citizen has the right to move freely throughout Nigeria, reside in any part of the country, and settle therein. This constitutional provision reflects a fundamental principle of personal liberty, enabling internal mobility for purposes such as employment, education, business, and family reunification. By enshrining this right, the Constitution acknowledges the significance of free movement as a foundation for social, economic, and political participation, ensuring that

citizens have access to opportunities irrespective of their state of origin or ethnic background.

However, this constitutional protection is predominantly citizen-centric, emphasising the broader orientation of Nigerian constitutional rights. Non-citizens, including long-term residents and international migrants, do not enjoy the same protections under Section 41, leaving them subject to immigration laws, residency requirements, and administrative discretion. This situation underscores the tension in migration governance between national sovereignty and the recognition of human rights for all residents, including foreigners. While citizens can invoke constitutional protections to challenge restrictions on their internal mobility, non-citizens must depend primarily on statutory and administrative frameworks, such as the Immigration Act 2015 and its accompanying regulations.

The citizen-focused framework intersects with regional obligations as well. For instance, Nigeria's commitments under the ECOWAS Protocol on Free Movement of Persons necessitate that citizens of member states enjoy mobility rights within Nigerian territory, creating a limited exception to the citizen-centric approach. Nevertheless, the practical implementation of these regional rights is often hindered by administrative discretion, security concerns, and border management challenges.

In summary, Section 41 demonstrates Nigeria's balancing act between individual freedoms, national sovereignty, and administrative control, prioritising citizens' mobility while subjecting the movement of non-nationals to statutory regulations. This citizen-oriented focus reflects common practices in many national constitutions, where the right to internal movement is recognised as a core civic entitlement yet exists within the broader context of migration governance and regional commitments.

3.8.2 Immigration Act 2015

The Immigration Act 2015 is Nigeria's primary legal framework governing migration, outlining the state's powers and responsibilities in managing the movement of non-nationals into, within, and out of the country. It encompasses a wide spectrum of migration issues, including entry and exit procedures, visa and residence permit issuance, and the processes for deportation of unauthorised individuals. The Act criminalises various immigration offences, such as illegal entry, overstaying, and human trafficking, thus providing the Nigerian

Immigration Service (NIS) with a robust legal foundation for enforcement activities.

The Act asserts state sovereignty over migration, empowering immigration authorities with extensive capabilities to monitor borders, verify traveller status, and oversee foreign residency. It aims to balance economic, security, and social interests, allowing migration to foster national development while addressing the challenges posed by irregular migration.

Moreover, the Immigration Act 2015 incorporates international human rights norms, emphasising due process and procedural fairness. It ensures legal remedies and protections against arbitrary actions in cases related to detention, deportation, and appeals for affected individuals, signifying Nigeria's commitment to upholding the dignity and rights of migrants within a regulatory framework.

Overall, the Act serves dual roles as an instrument of regulatory authority and a conduit for rights-based governance. By establishing clear legal standards for migrant treatment, defining immigration authorities' duties, and aligning with international obligations, the Act creates a structured, accountable system for managing migration in Nigeria. Its comprehensive nature positions it as the foundation of national migration law, supporting broader goals of security, development, and human rights compliance.

3.8.3 Refugee and Displacement Law

The National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) Act 2022 represents a significant milestone in Nigeria's migration governance framework, consolidating the country's obligations toward refugees, migrants, and internally displaced persons (IDPs) under a single statutory instrument. The Act establishes the NCFRMI as the central agency responsible for the protection, welfare, and durable solutions for vulnerable populations affected by displacement. By codifying these responsibilities, the Act provides clarity on the institutional mandate, operational procedures, and coordination mechanisms necessary for effective migration and displacement management.

A key feature of the 2022 Act is its alignment with international and regional refugee instruments, including the 1951 Refugee Convention, its 1967 Protocol, and the 1969 OAU Refugee Convention, as well as relevant ECOWAS free movement provisions. This alignment ensures that Nigeria's domestic legal framework reflects globally and regionally

recognised standards for the treatment of refugees and displaced persons, including the principles of non-refoulement, protection against discrimination, and access to basic services. The Act thereby reinforces Nigeria's commitment to fulfilling its international legal obligations while providing practical mechanisms for implementation at the national level.

The Act also recognises the broader developmental and social dimensions of migration and displacement. It mandates the Commission to engage in data collection, policy formulation, capacity building, and stakeholder coordination, promoting evidence-based approaches to migration management. Additionally, the Act encourages collaboration with civil society organisations, international partners, and local communities to ensure comprehensive protection and sustainable solutions for affected populations.

By integrating these international and domestic obligations, the NCFRMI Act 2022 establishes a rights-based and coordinated framework for migration governance in Nigeria. It highlights the state's dual role as both a regulator of migration and a protector of vulnerable populations, ensuring that legal authority is exercised in accordance with humanitarian, developmental, and human rights standards. The Act thus provides a cornerstone for strengthening institutional capacity, enhancing compliance with international norms, and improving the overall effectiveness of migration and displacement management in Nigeria.

3.9 Institutions and Governance in Nigeria

Migration governance in Nigeria is organised under a complex multi-institutional framework, where the Nigerian Immigration Service (NIS) plays a central role in managing the entry, stay, and exit of non-nationals. It is responsible for visa issuance, border control, enforcement of immigration laws, and addressing irregular migration, while also fulfilling Nigeria's commitments under regional agreements like the ECOWAS Protocol on Free Movement of Persons.

The Ministry of Interior oversees policy direction and coordination among various agencies involved in migration, ensuring that migration strategies align with national developmental goals. This includes enhancing border security and cooperation across different federal ministries and law enforcement agencies.

The National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) focuses on supporting displaced individuals, aligning national laws with international standards, including the 1951 Refugee Convention and the 1969 OAU Refugee Convention. The Nigerians in Diaspora Commission (NiDCOM) engages with the diaspora to facilitate remittances, promote dual citizenship, and encourage investment, embodying the New Economics of Labour Migration (NELM) by treating migrants as contributors to economic growth.

However, Nigeria's migration governance is hindered by challenges such as institutional fragmentation, overlapping responsibilities, and limited capacity. Ineffective coordination among agencies leads to duplicated efforts and inconsistent policy enforcement. The situation is further aggravated by weak institutional capabilities, insufficient data sharing, and inadequate technological frameworks. To improve the governance of migration, it is essential to enhance inter-agency collaboration, clarify institutional roles, bolster professional capabilities, and establish integrated information systems that align with international and regional standards.

3.10 The Role of the Judiciary in Migration Matters

Historically, Nigerian courts have shown significant deference to executive discretion in migration matters, adhering to the view that entry, residency, and removal of non-nationals fall under state sovereignty. Consequently, decisions made by immigration authorities—including visa denials, deportations, and detaining irregular migrants—have often been upheld because they reflect the state's territorial sovereignty and national security responsibilities. This judicial stance has generally prioritised administrative efficiency and state prerogative over individual rights concerning migration.

However, a recent shift toward rights-based scrutiny is observed in jurisprudence, especially concerning issues like prolonged detention, arbitrary deportation, and discriminatory treatment of migrants. Courts have begun to incorporate constitutional guarantees, statutory protections, and international human rights obligations into their evaluations of executive actions. For example, cases involving the detention of non-nationals without legal remedies or fair hearing have led courts to emphasise the principle of due process, mandating that immigration authorities operate within legal boundaries and established procedures. Furthermore, challenges against discriminatory practices have highlighted the judiciary's role in safeguarding equality and non-discrimination in migration administration.

Judicial oversight has become essential in checking administrative power, consequently promoting accountability, transparency, and the rights of migrants. By scrutinising executive decisions considering domestic statutes, constitutional provisions, and relevant international instruments, courts reaffirm that sovereign authority is not exempt from legal limitations. This development mirrors global trends where courts increasingly mediate between state interests in migration control and obligations under human rights, refugee law, and labour protections.

For enhanced rule of law in migration governance within Nigeria, it is crucial to strengthen judicial capacity, ensure migrants have access to legal representation, and foster public understanding of legal rights. Effective judicial oversight can complement administrative regulation, facilitating the fair enforcement of migration policies while protecting the dignity, rights, and welfare of both citizens and non-citizens.

Self-Assessment Exercises 2

Examine Nigeria's Compliance with International Refugee Law.

3.11 Comparative Migration Law and Practice

Migration governance exhibits significant variation across different jurisdictions, influenced by their legal frameworks, institutional capacities, and policy priorities. In the United Kingdom, a points-based immigration system regulates labour migration by granting entry and work permits based on specific criteria such as skills, education, and language proficiency. This system aims to align immigration with economic needs, focusing on attracting highly skilled migrants. Additionally, robust judicial oversight allows courts to review decisions, uphold procedural fairness, and safeguard applicants' rights, ensuring that immigration enforcement adheres to the law while balancing state authority with individual rights.

Contrasting this, the European Union (EU) adopts a model of supranational governance, wherein migration policies are standardised across member states. EU citizens enjoy enforceable free movement rights, permitting them to live, work, and access social benefits throughout the EU. The Court of Justice of the European Union (CJEU) plays a critical role in enforcing judicial compliance, guaranteeing uniform interpretation of migration laws and providing remedies for any violations. This model highlights the effectiveness of legal integration

and supranational oversight in establishing predictable and enforceable migration regimes.

In Canada, migration policy is characterised by a rights-oriented framework that emphasises integration, particularly for permanent migrants and naturalised citizens. Canadian policies foster family reunification, refugee protection, and pathways to citizenship. Legal instruments and administrative processes are designed to promote long-term settlement, access to social services, and labour market integration, reflecting a dual commitment to human rights and national development.

In stark contrast, Nigeria's migration governance remains largely discretionary and less structured. Despite possessing comprehensive legal frameworks such as the Immigration Act 2015 and the NCFRMI Act 2022, enforcement suffers from weak institutional capacity, overlapping jurisdictions, and insufficient technological support. Unlike the UK, EU, or Canada, Nigeria lacks a strong system of judicial oversight and fully coordinated migration management, leading to inconsistent implementation.

Overall, these jurisdictions highlight a spectrum of governance models, from the regulated and rights-oriented systems of the UK and Canada to the harmonised enforcement mechanisms of the EU, and the discretionary and fragmented systems observed in Nigeria. Analysing these differences yields valuable insights for enhancing Nigeria's migration policy, emphasising the need for improved institutional coordination, legal enforcement, and rights-based governance.

Self-Assessment Exercises 3

Compare ECOWAS Free Movement with the EU Free Movement Regime.

3.12 Contemporary Legal Challenges in Migration

Nigeria's migration system faces significant interconnected challenges that expose both institutional and legal deficiencies in human mobility governance. A pressing issue is irregular migration, where individuals enter or remain in the country without proper authorisation, leading to risks such as exploitation, human trafficking, and limited access to social services. This situation places additional strain on border management and complicates immigration law enforcement.

Linked to this is the problem of immigration detention. Migrants detained for violating immigration laws often face prolonged detention without adequate procedural safeguards, poor conditions, and limited access to legal remedies, raising humanitarian and legal concerns. Consistent judicial oversight is necessary to ensure compliance with due process and human rights, yet enforcement remains uneven across the system.

Statelessness also presents a critical challenge for individuals lacking recognised citizenship, often resulting in their exclusion from key services such as education, healthcare, and legal protection. While Nigeria's legal context addresses migration, it inadequately targets the identification and protection of stateless individuals, rendering them particularly vulnerable.

Moreover, climate-induced displacement is an emerging concern stemming from environmental factors like desertification and flooding. This displacement forces affected communities to migrate internally or across borders, thereby exerting pressure on host communities and local services. Existing migration laws fail to accommodate these environmentally displaced persons, revealing another significant protection gap.

Finally, the weak enforcement of migrant protections highlights broader governance issues. While laws such as the Immigration Act 2015 and the NCFRMI Act 2022 outline rights and obligations, challenges, including institutional fragmentation, limited capacity, and inconsistent application, hinder their effectiveness. Migrants often face discrimination, harassment, and violations of their rights, despite existing legal frameworks designed to safeguard them.

Together, these challenges illustrate systemic weaknesses within Nigeria's migration governance, emphasising the urgent need for comprehensive reforms. Key actions include bolstering institutional capacities, harmonising legal frameworks, enhancing border management, and addressing the emerging issue of climate displacement. These reforms are essential to manage migration in Nigeria in a secure, orderly, and rights-based manner.



3.13 Summary

This unit has examined migration from a legal perspective, analysing the interaction between sovereignty, human rights, and governance. It has explored international, regional, and domestic legal regimes and assessed Nigeria's migration framework within a comparative context. The unit demonstrates that effective migration governance requires not only legal norms but also institutional capacity and judicial oversight.



3.14 References/ Further Readings/Web Sources

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Answer to SAEs 1

State sovereignty gives governments authority to control their borders, regulate entry and exit, and determine who may acquire citizenship. This includes powers to issue visas, detain irregular migrants, and deport non-citizens. However, sovereignty in migration regulation is **not absolute**.

Key Limits:

1. **International Refugee Law:** Under the **1951 Refugee Convention** and its 1967 Protocol, states are bound by the principle of **non-refoulement**, which prohibits returning individuals to territories where they face persecution.
2. **International Human Rights Law:** Treaties such as the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture restrict arbitrary detention, torture, and discrimination. Even irregular migrants are entitled to basic rights protections.
3. **Regional Obligations:** In West Africa, the **ECOWAS Free Movement Protocol** limits Nigeria's ability to restrict the entry of ECOWAS nationals without justification.
4. **Constitutional and Judicial Oversight:** Domestic courts can review immigration decisions to ensure compliance with due process and constitutional protections.

While states retain primary authority over migration control, sovereignty is increasingly conditioned by international law, regional commitments, and constitutional safeguards. Migration governance, therefore, reflects a balance between border control and legal obligations.

Answer to SAEs 2

Nigeria is a party to:

- The **1951 Refugee Convention**
- The 1967 Protocol
- The **OAU Refugee Convention (1969)**

It has domesticated aspects of refugee protection through national legislation and established the National Commission for Refugees, Migrants and IDPs (NCFRMI).

Areas of Compliance:

- Recognition of the **non-refoulement principle**
- Acceptance of broader refugee definitions under the OAU Convention

- Cooperation with UNHCR in refugee protection and assistance
- Hosting refugees from neighbouring countries such as Cameroon

Areas of Concern:

1. **Delays in Refugee Status Determination (RSD):** Limited administrative capacity results in prolonged waiting periods.
2. **Detention Practices:** Some asylum seekers may be detained due to irregular entry, contrary to best international practices.
3. **Limited Legal Aid:** Many asylum seekers lack access to representation during status determination or appeals.
4. **Resource Constraints:** Funding and infrastructure limitations affect protection standards.

Nigeria demonstrates a formal commitment to international refugee law but faces implementation gaps. Compliance is therefore partial—strong in legal recognition but weaker in procedural and institutional effectiveness.

Answer to SAEs 3

ECOWAS Free Movement

The **ECOWAS Protocol on Free Movement of Persons (1979)** allows:

- Visa-free entry for up to 90 days
- Right of residence
- Right of establishment (subject to national laws)

However, implementation challenges include border harassment, administrative barriers, and inconsistent enforcement among member states.

EU Free Movement

Under EU law (notably Article 45 TFEU and the Free Movement Directive), EU citizens enjoy:

- Visa-free entry
- Right to reside beyond three months (subject to conditions)
- Equal treatment in employment and social benefits
- Strong judicial enforcement through the Court of Justice of the EU

Key Differences:

Issue	ECOWAS	EU
Legal Integration	Intergovernmental	Supranational
Enforcement	Weak, political	Strong judicial enforcement
Institutional Framework	Limited central authority	Robust institutions (European Commission, CJEU)
Social Rights	Limited coordination	Extensive social security coordination

Both regimes promote regional mobility, but the EU system is more deeply institutionalised, legally enforceable, and rights-based. ECOWAS remains more politically driven and faces greater implementation gaps, though it represents a significant step toward regional integration in West Africa.

MODULE 2 MIGRATION POLICIES, PROCESSES, AND PROCEDURES

UNIT 1 MIGRATION POLICY FRAMEWORKS AND GOVERNANCE

Unit Structure

- 1.1 Introduction
- 1.2 Learning Outcomes
- 1.3 The Concept of Migration Policy
- 1.4 Objectives of Migration Governance
- 1.5 Global Migration Policy Frameworks
- 1.6 Regional Migration Policy Frameworks
- 1.7 National Migration Policy Frameworks in Nigeria
- 1.8 Institutional Architecture for Migration Governance in Nigeria
- 1.9 Policy Coordination and Institutional Fragmentation
- 1.10 Administrative Practices and Policy Implementation
- 1.11 Comparative Migration Governance
- 1.12 Case Studies
- 1.13 Contemporary Policy Challenges
- 1.14 Summary
- 1.15 References/Further Reading/Web Sources/Web Sources
- 4.16 Possible Answers to SAEs



1.1 Introduction

Migration is not simply a matter of people moving from one place to another; it is an outcome of complex interactions between economic forces, social networks, political decisions, security concerns, and legal structures. Because migration affects national development, security, social cohesion, and international relations, it is heavily regulated through policy and governance frameworks. Migration policy is therefore a central component of national strategy, shaping how states manage mobility, protect migrants, and engage with regional and international partners.

In Nigeria, migration is particularly complex because the country functions simultaneously as a country of origin, transit, and destination. Millions of Nigerians migrate for economic reasons, education, or safety, while the country also receives migrants from neighbouring states and beyond. Nigeria's migration governance is thus shaped by multiple realities: internal displacement due to insurgency, cross-border

migration within ECOWAS, refugee influxes, and high levels of youth emigration (“Japa”). These realities create a strong need for coherent migration policy and effective governance structures.

This unit examines the concept of migration policy, the objectives of migration governance, and the institutional frameworks responsible for policy implementation. It analyses global, regional, and national migration policy frameworks, with special emphasis on Nigeria’s policy architecture. The unit also highlights the practical challenges of implementing migration policy, including institutional fragmentation, weak coordination, lack of data, and resource constraints. Finally, the unit offers comparative insights from other jurisdictions to show how different governance models address similar migration challenges.



1.2 Learning Outcomes

By the end of this unit, you will be able to:

- define migration policy and explain its scope and functions
- analyse the objectives and drivers of migration governance
- evaluate global, regional, and national migration policy frameworks
- assess Nigeria’s migration policy institutions and coordination mechanisms
- compare migration governance practices across different jurisdictions.



1.3 The Concept of Migration Policy

1.3.1 Meaning and Scope

Migration policy refers to the set of principles, strategies, and administrative measures adopted by a state or regional body to manage the movement of people. It is distinct from migration law, which consists of statutes, treaties, and judicial decisions. While law defines rights and obligations in a formal sense, policy shapes the priorities, interpretations, and practical implementation of those legal norms.

Migration policy can be understood as the “operational translation” of migration law into administrative practice. It includes decisions about:

- (i) Who may enter and stay in a country

- (ii) Which categories of migrants are prioritised (e.g., skilled workers, students, refugees)
- (iii) What rights migrants enjoy while in the country
- (iv) How migrants are integrated into society
- (v) How irregular migration is prevented and managed

Policy is therefore broader than law and often includes strategies and guidelines that may not be formally codified.

1.3.2 Policy as a Political Instrument

Migration policy is inherently political because it reflects the priorities and values of those in power. Migration decisions are shaped by domestic political pressures such as:

- (i) Public perceptions of migrants
- (ii) Economic interests of key industries
- (iii) Security concerns
- (iv) National identity debates
- (v) Electoral politics

For example, when migration becomes politically sensitive, states may adopt stricter enforcement policies, even if those policies conflict with human rights norms. Conversely, when the economy needs skilled labour, states may liberalise immigration pathways.

In Nigeria, migration policy is shaped by multiple political pressures. Economic instability drives emigration, while security concerns influence border control. Additionally, the country's leadership role in ECOWAS influences its regional migration stance. These political pressures make migration policy a contested and dynamic area of governance.

1.3.3 Policy as a Normative Tool

Migration policy is not only political; it is also normative. Policies can promote human rights and social justice by ensuring:

- (i) Respect for human dignity
- (ii) Protection of vulnerable migrants
- (iii) Access to due process
- (iv) Fair treatment in employment and services

A rights-based migration policy aims to balance state interests with individual rights. In practice, however, the tension between security and rights often results in policies that prioritise control over protection.

In Nigeria, this tension is evident in the enforcement of immigration laws and the protection of refugees and migrants. While Nigeria has signed international instruments and developed policy frameworks, implementation sometimes prioritises enforcement at the expense of protection.

1.4 Objectives of Migration Governance

Migration governance refers to the institutional structures, policies, and processes through which migration is managed. Migration governance is multi-layered and involves national agencies, regional bodies, and international organisations. The objectives of migration governance are varied and often competing. A balanced migration policy must reconcile these objectives.

1.4.1 Economic Objectives

Economic objectives play a crucial role in migration governance, acknowledging migration as a significant driver of economic growth and development. When managed effectively, migration yields considerable advantages for both sending and receiving countries. It addresses labour shortages in sectors experiencing demographic decline and skill gaps, enabling nations to stabilise their labour markets and enhance productivity through the influx of skilled workers.

In addition to remedying immediate labour market issues, migration contributes to broader economic growth by increasing output and expanding the tax base. Migrants often bring diverse skills, entrepreneurial spirit, and innovative ideas that can enhance productivity, particularly in sectors such as healthcare, technology, construction, and agriculture. This influx not only improves service delivery and infrastructure development but also facilitates the exchange of knowledge through return migration and diaspora networks.

For developing countries, notably Nigeria, remittances represent a critical economic benefit of migration. These financial transfers enhance household income, bolster education, healthcare, housing, and support small-scale business investments. Remittances can surpass foreign direct investment in significance and provide stable foreign exchange sources that stimulate local economies and alleviate poverty. Consequently, migration policies that promote safe, orderly, and legal labour mobility align with national development strategies.

Despite its benefits, economic migration also introduces challenges, such as potential exploitation, unsafe working conditions, and wage suppression associated with unregulated labour migration. Migrants lacking legal protection are especially vulnerable to abuse. Therefore, migration policies need to navigate the balance between facilitating labour mobility and safeguarding rights. Sustainable governance in this realm must harmonise economic objectives with human rights considerations to maximise advantages while minimizing potential harms.

1.4.2 Security Objectives

Security considerations are fundamental to migration governance, as states are responsible for protecting their territorial integrity and the safety of their populations. Concerns about irregular migration and human trafficking often shape migration policies, exposing migrants to exploitation and undermining state authority. Governments also aim to combat transnational crime, including smuggling and document fraud, which affect border control and financial transactions.

Migration pressures arise from threats such as terrorism, insurgency, and cross-border smuggling of illicit goods. Poorly managed border movements can create vulnerabilities for criminal activities. Consequently, states implement security-driven policies emphasising border control, surveillance technologies, intelligence-sharing, and rigorous enforcement techniques. Methods including biometric registration, enhanced screening, and coordinated patrols are justified as necessary to prevent security threats.

However, heightened focus on security can lead to negative outcomes. Over-securitization may result in racial profiling, prolonged detention, restricted asylum access, and a reduction in due process protections. This approach can foster fear and discrimination against migrants and minority groups viewed as security concerns, potentially undermining international human rights obligations and eroding trust between migrant communities and state institutions.

In Nigeria, security concerns significantly influence migration policy due to the Boko Haram insurgency, communal conflicts, and transnational crime networks. These factors result in increased border surveillance and challenges related to internal displacement, particularly in the northern and northeastern regions.

To create a balanced migration governance framework, it is crucial to reconcile security needs with human rights protections. This involves

ensuring that border management and counterterrorism measures are lawful, proportionate, and accountable while integrating security objectives with humanitarian principles and fostering regional cooperation rather than treating them as opposing priorities.

1.4.3 Humanitarian Objectives

Humanitarian objectives are integral to migration governance, particularly as many migrants flee conditions of conflict, persecution, poverty, and environmental crises rather than merely seeking economic opportunities. The formulation of migration policy must prioritise the protection of vulnerable populations, ensuring their safety, dignity, and access to necessary assistance and durable solutions.

Central to humanitarian concerns is the protection of refugees and asylum seekers, who require fair asylum procedures, safeguards against refoulement, and access to essential services. Effective protections involve robust systems for registration, documentation, and legal status determination that uphold rights and provide legal certainty. The governance framework must also extend to internally displaced persons (IDPs), who face severe challenges while remaining within their homeland and necessitate support in shelter, healthcare, education, and livelihoods.

Additionally, the plight of victims of trafficking, often subjected to exploitation, forced labour, or abuse, is a critical concern that migration policy must address. This includes establishing victim identification processes, safe reporting mechanisms, legal recourse, and rehabilitation services. Moreover, special attention must be given to other vulnerable groups, including women, children, persons with disabilities, and stateless individuals, to prevent discrimination, detention, and exploitation.

Collaboration between national authorities and international organisations such as the United Nations High Commissioner for Refugees (UNHCR) and the International Organisation for Migration (IOM) is essential for effective humanitarian migration governance. These partnerships facilitate refugee status determination, humanitarian assistance delivery, voluntary return, and reintegration programmes.

In the context of Nigeria, where humanitarian issues are pronounced due to armed conflict, insurgency, and communal violence, the internal displacement crisis is significant, especially in the northeastern regions. Nigeria also faces challenges in managing refugees from neighbouring

countries while addressing the return and reintegration of its own displaced citizens. Therefore, the country's migration governance framework must reconcile the realities of internal displacement and refugee protection with sustainable reintegration, ensuring that security measures are aligned with humanitarian principles.

Overall, a comprehensive humanitarian approach to migration governance enhances the system, aligning state control with the tenets of human dignity, protection obligations, and the principles of international solidarity.

1.4.4 Social and Demographic Objectives

Migration policy is crucial for shaping demographic trends and fostering social cohesion, serving as a key tool for national planning. It is strategically employed by states to counteract population decline, particularly in nations facing ageing populations and a diminishing workforce. By welcoming working-age migrants and facilitating family settlement, governments can address demographic imbalances and maintain economic productivity.

Moreover, migration serves as a mechanism for managing urbanisation, especially in contexts where internal or cross-border mobility affects settlement dynamics. Policies encouraging migrants to relocate to specific regions or economic zones can aid in balancing regional development while alleviating congestion in major urban centers. Family reunification often takes precedence in migration frameworks as stable family units contribute to social integration, psychological health, and community cohesion, enhancing migrants' long-term dedication to their host societies and easing their adaptation processes.

For effective migration governance, it is imperative to incorporate integration measures such as access to education, job opportunities, language training, and protections against discrimination. When migration is well-managed, it can foster cultural diversity, spur innovation, and enhance social vibrancy, thereby enriching communities with new ideas, traditions, and entrepreneurial ventures. Diverse populations can lead to economic prosperity and broaden societal viewpoints.

However, challenges arise from migration, particularly when integration policies are inadequate, leading to discrimination, marginalisation, and economic exclusion of migrants. Rapid demographic shifts may burden public services and incite competition for jobs and housing, potentially

resulting in resentment and xenophobia. Therefore, balanced policy responses that promote inclusion along with social stability are vital.

In Nigeria, internal migration has notably expedited urbanisation, with significant implications in cities like Lagos, Abuja, and Port Harcourt. Rural-to-urban migration, often motivated by economic prospects and insecurity, exerts considerable pressure on housing, infrastructure, transportation, and social services. The surge in informal settlements and poor urban planning further exacerbates these issues.

Thus, Nigeria's migration governance needs to harmonise internal mobility management with urban planning and regional development strategies. Coordinated approaches to address housing, infrastructure growth, job creation, and social inclusion are critical for ensuring that migration positively influences demographic balance and social cohesion, rather than intensifying inequality or instability.

Self-Assessment Exercise 1

Critically Assess the Strengths and Weaknesses of Nigeria's National Migration Policy.

1.5 Global Migration Policy Frameworks

Migration governance is not solely a national matter. Migration is inherently transnational, and global governance frameworks influence national policies. While there is no single global authority for migration, multiple international organisations and instruments shape policy.

1.5.1 International Organisation for Migration (IOM)

The International Organisation for Migration (IOM) serves as the premier intergovernmental agency focused on migration governance, functioning as a vital component of the United Nations system. Its mandate encompasses a nuanced approach to migration, intertwining aspects of development, security, and human rights. The IOM provides critical technical aids, policy guidance, operational support, and research expertise to assist member states in achieving safe, orderly, and humane migration management.

A key focus of the IOM lies in the collection of migration data and related research. Through various global databases, displacement tracking matrices, and analytical reports, the organisation generates

reliable data that informs policymakers. This data assists governments in understanding migration trends, recognising socio-economic vulnerabilities, and crafting targeted interventions.

In addition, IOM is instrumental in enhancing border management and promoting migration health initiatives. It aids countries in bolstering border infrastructure, adopting biometric systems, and improving health screening for migrants while ensuring that the rights and dignity of individuals are maintained. This dual focus on security and public health is essential for sustainable migration governance.

The agency also plays a crucial role in facilitating voluntary returns and reintegration programmes, enabling safe repatriation of migrants to their countries of origin while providing support through livelihood assistance, skills training, and community stabilization projects. Furthermore, the IOM is actively involved in counter-trafficking measures, providing victim identification services, protection, and capacity-building for law enforcement.

The IOM's substantial influence on national migration policy stems from its ability to help states enhance institutional capacities and formulate evidence-based strategies. By supplying technical support and fostering governance frameworks, it champions international best practices in migration governance.

In Nigeria, the IOM has taken significant strides in migration data collection, border management reform, humanitarian assistance, and reintegration initiatives, particularly in conflict-affected regions. Through collaboration with government entities and civil society, the IOM is pivotal in bolstering migration governance, advancing humanitarian protection, and supporting sustainable development efforts in the Nigerian context.

1.5.2 Global Compact for Safe, Orderly and Regular Migration

The Global Compact for Safe, Orderly and Regular Migration (GCM), adopted in 2018 by the United Nations, marks a significant advancement in the governance of international migration. Although it is not legally binding, the GCM signifies a collective commitment by countries to enhance cooperation and to develop migration policies that respect rights and are more coherent. This framework is the first to address all facets of international migration collectively and comprehensively.

The GCM outlines 23 objectives aimed at improving the safety, orderliness, and regularity of migration. Among these objectives are key

initiatives to reduce irregular migration by tackling underlying causes and enhancing border management consistent with international law; to facilitate regular migration through various pathways including labour mobility, family reunification, and humanitarian admission; and to safeguard migrants in vulnerable circumstances, such as trafficking victims, children, and those affected by crises. Additionally, it emphasises the necessity of international collaboration, recognising migration as a transnational issue that necessitates coordinated responses from multiple nations.

Grounded in guiding principles like respect for national sovereignty, human rights, sustainable development, gender sensitivity, and comprehensive governmental and societal approaches, the GCM does not establish new legal obligations but rather offers a policy framework that states can utilise to align their national strategies with internationally acknowledged best practices.

The critical value of the GCM lies in its ability to integrate the economic, humanitarian, and security aspects of migration governance. It promotes data-driven policymaking, builds capacity, and enhances regional cooperation, which is essential for achieving policy coherence across national borders.

Nigeria's endorsement of the GCM reflects its intention to engage in cooperative and multilateral migration governance. However, the implementation of the GCM in Nigeria faces numerous obstacles, including limited resources, institutional capacity issues, security concerns, and competing domestic priorities. For effective execution, it is vital to enhance institutional coordination, undertake legislative reforms, and foster enduring partnerships with international organisations and regional bodies.

Thus, the GCM not only functions as a normative global framework but also serves as a practical roadmap for updating and transforming national systems for migration governance.

1.5.3 Critiques of Global Migration Policy

Global migration governance frameworks, such as the Global Compact for Safe, Orderly and Regular Migration (GCM), have been critiqued for their limitations and challenges. A primary concern is their lack of enforceability; being non-binding, the GCM does not impose legally enforceable obligations on states, allowing them to maintain sovereignty over migration policies. Consequently, states can choose to implement

or ignore its provisions without facing formal penalties, which undermines accountability and diminishes the Compact's practical impact.

Another challenge arises from the divergent interests of states involved in migration. Each country, depending on its unique economic conditions, demographic trends, security contexts, and political environments, approaches migration with different priorities—ranging from labour mobility, remittance flows, border control, to refugee protection. These varying objectives complicate efforts toward a sustained consensus and coordinated implementation, especially when domestic political pressures influence national agendas regarding migration.

Implementation gaps further exacerbate these issues. Even when there is political commitment to these frameworks, numerous states struggle with capacity constraints, such as weak institutions, lack of funding, inadequate data systems, and insufficient technical expertise. Additionally, in some situations, a lack of political will hinder progress, especially as migration can become a contentious issue within domestic politics. This disconnect between international commitments and national practices highlights the challenges of translating global agreements into effective action.

Despite these substantial criticisms, global migration policy frameworks continue to hold significant influence. They serve to provide normative guidance, articulate shared principles, and facilitate dialogue among nations. By establishing common objectives and outlining best practices, they can drive national policy reforms and foster international cooperation. Furthermore, even non-binding frameworks can exert a form of “soft law” influence, gradually shaping expectations, standards, and policy discourse over time.

In conclusion, although global migration governance frameworks encounter structural barriers and political limitations, they remain crucial in enhancing cooperation, accountability, and coherence in migration management on both regional and national scales.

1.6 Regional Migration Policy Frameworks

Regional frameworks are critical for migration governance due to the inherently regional nature of migration flows, influenced by factors like geographic proximity, shared histories, economic ties, and cultural connections. In West Africa, the Economic Community of West African States (ECOWAS) serves as the primary migration framework. Founded

in 1975 to advance economic integration and cooperation, ECOWAS's migration regime is anchored by the 1979 Protocol on Free Movement of Persons, Residence and Establishment. This protocol provides citizens with the rights to enter member states without a visa for up to 90 days, seek employment, and establish businesses.

Through these provisions, ECOWAS facilitates labour mobility and regional trade, acknowledging migration's role in development and connectivity. For influential member states like Nigeria, which has a substantial population and economy, regional mobility is particularly pertinent, as it engages with migrants from neighbouring countries while hosting many of its citizens abroad.

The advantages of regional frameworks like ECOWAS include context-specific solutions addressing local economic and security issues, improved cooperation on border management, and mechanisms for dispute resolution within a regional institutional framework. However, challenges persist, including varying administrative capacities, security concerns, political instability, and inconsistent enforcement, which can impede the realisation of free movement rights. Additionally, national security policies and domestic labour regulations sometimes restrict the effective implementation of regional commitments.

Overall, ECOWAS exemplifies how regional governance can enhance migration management by fostering mobility and economic integration while encouraging shared responsibility. These frameworks complement global migration instruments, providing practical solutions for migration governance in West Africa.

1.6.1 ECOWAS Migration Governance

The ECOWAS Protocol on Free Movement of Persons, Residence and Establishment is widely regarded as one of the most advanced regional migration regimes in Africa. Adopted within the framework of the Economic Community of West African States (ECOWAS), the Protocol represents a bold legal commitment to regional mobility, economic integration, and cross-border cooperation among member states.

The Protocol establishes a phased approach to free movement and guarantees three core rights to citizens of ECOWAS member states:

- (i) *Visa-free entry for up to 90 days* – Citizens of member states are entitled to enter another ECOWAS country without a visa for short stays, subject to valid travel documents and compliance

with immigration regulations. This provision facilitates tourism, short-term business activities, and family visits.

- (ii) *Right of residence for employment* – Beyond short-term entry, the Protocol grants ECOWAS citizens the right to reside in another member state for the purpose of seeking and undertaking employment. This promotes regional labour mobility and enables workers to respond to economic opportunities across borders.
- (iii) *Right of establishment* – The Protocol further recognises the right of individuals to establish and manage businesses or professional activities in other member states under conditions similar to those accorded to nationals. This provision strengthens regional trade, entrepreneurship, and investment.

The overarching objective of the Protocol is to promote regional integration, economic cooperation, and mobility. By reducing barriers to movement, ECOWAS seeks to create a common regional space where goods, services, capital, and persons can circulate more freely. This mobility is intended to enhance economic development, deepen social ties, and strengthen regional solidarity.

Despite its progressive legal framework, implementation has been uneven due to administrative barriers, security concerns, and capacity limitations. Nevertheless, the Protocol remains a cornerstone of West African migration governance and a significant example of regional legal innovation in Africa.

1.6.2 ECOWAS Common Approach on Migration

The ECOWAS Common Approach on Migration is a crucial policy framework established in 2008 to govern migration within the Economic Community of West African States (ECOWAS). This framework enhances the existing free movement regime by providing a strategic vision that aligns migration management with the principles of mobility, development, security, and human rights.

Central to the Common Approach is the emphasis on regional cooperation, recognising that migration flows are predominantly intra-regional. It promotes coordinated policies among member states, advocating for the harmonisation of national laws, information-sharing, and collaborative strategies to tackle cross-border migration challenges effectively.

Human rights protection is a fundamental aspect of the framework, affirming that all migrants, irrespective of their status, are entitled to essential rights and protections. It outlines measures to combat

discrimination and safeguard vulnerable populations, ensuring that migration management practices adhere to both international and regional human rights standards.

The framework also addresses the complexities of irregular migration, urging member states to focus on the root causes such as poverty and unemployment. It encourages the strengthening of legal migration pathways and fosters cooperation to combat human trafficking and migrant smuggling, recognising the risks faced by individuals in irregular migration scenarios.

In addition, the Common Approach underscores the importance of robust border management and security measures. It advocates for advancements in border infrastructure, improved data collection, and enhanced collaboration among security agencies, while seeking to maintain a balance between enforcement actions and the respect for free movement rights and humanitarian obligations.

Ultimately, the ECOWAS Common Approach on Migration embodies the understanding that managing migration is a shared regional responsibility, necessitating collective action. It integrates economic, security, and human rights dimensions to provide a holistic framework for migration management in West Africa, thus supporting regional integration and sustainable development.

1.6.3 Implementation Challenges in ECOWAS

Migration governance in the Economic Community of West African States (ECOWAS) faces significant implementation challenges despite strong normative and legal commitments like the ECOWAS Protocol on Free Movement of Persons and the ECOWAS Common Approach on Migration. A critical issue is weak institutional capacity, with many member states lacking trained personnel, reliable data systems, and effective administrative structures to enforce free movement provisions. Additionally, border management agencies often struggle with outdated infrastructure and insufficient coordination.

Limited financial resources pose another challenge. Effective migration governance requires investment in border facilities, documentation systems, and migrant protection mechanisms, yet competing national priorities frequently hinder funding for these initiatives. Furthermore, while member states are legally committed to free movement, domestic political pressures often lead to imposition of restrictions, especially

during economic downturns or security crises, undermining regional integration.

Security concerns exacerbated by threats such as terrorism, trafficking, and cross-border crime result in stricter border controls. Although addressing security is crucial, these measures can conflict with free movement obligations, creating tensions between regional integration and national priorities.

Nigeria, with its significant economic size, population, and political influence, plays a central role in shaping migration governance within ECOWAS. However, its policy inconsistencies and enforcement gaps impact the overall effectiveness of regional migration frameworks. Strengthening Nigeria's migration governance capacity is essential not just for its own national interests but also for the broader success of ECOWAS's integration goals.

1.6.4 Comparative Regional Practices

Comparing ECOWAS with other regional systems provides insights into varying models of migration governance, institutional design, and legal enforcement. The European Union (EU) exemplifies a highly institutionalized regional migration governance system, with free movement of persons as a core principle supported by binding treaties and supranational institutions like the European Commission. EU law, characterised by direct effect and supremacy, allows individuals to assert their free movement rights in national courts. In addition, the EU has established common asylum rules, border management mechanisms, and migration directives that unify aspects of national law. The enforcement of these laws is bolstered by judicial oversight and infringement procedures targeting non-compliant member states, highlighting the EU's institutional depth.

In contrast, the African Union (AU) promotes free movement through the AU Free Movement Protocol, which aims to enhance continent-wide mobility and economic integration. However, this protocol's effectiveness is hindered by low ratification levels and weak enforcement mechanisms, leading to an uneven implementation across member states.

ECOWAS represents an intermediate model, having set legally binding commitments to free movement and residence, though its enforcement mechanisms are less robust compared to the EU. Unlike the EU, ECOWAS lacks strong supranational authority and comprehensive judicial enforcement structures. Nevertheless, it embodies a pragmatic

approach to regional migration, reflecting the historical, economic, and social ties within West Africa. While challenges to implementation remain, ECOWAS's legal framework signifies a commitment to fostering regional mobility, albeit with limited practical enforcement compared to more institutionalized systems like the EU.

1.7 National Migration Policy Frameworks in Nigeria

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1.7.1 National Migration Policy (2015)

Nigeria's migration governance is structured around the National Migration Policy for Nigeria, designed to provide a comprehensive

framework for managing various aspects of migration, including emigration, immigration, transit migration, internal displacement, and diaspora engagement. This policy embraces a holistic approach, integrating migration management into national development planning to positively influence economic growth, security, and social stability, all while safeguarding the rights of migrants.

Key areas addressed by the policy include:

- (i) *Labour Migration*: The policy promotes safe and orderly mobility of labour, aiming to protect Nigerian workers abroad and regulate foreign labour within Nigeria. It focuses on skills development and establishing bilateral agreements to prevent exploitation.
- (ii) *Irregular Migration*: Strategies are in place to tackle the causes of irregular migration, enhance border management, and combat human trafficking and migrant smuggling. The approach encourages collaboration with regional and international partners for effective migration flow management.
- (iii) *Border Management*: With Nigeria's extensive borders, the policy advocates for enhanced infrastructure and improved inter-agency collaboration, coupled with modern data systems, to maintain security and adhere to regional agreements on free movement.
- (iv) *Diaspora Engagement*: Recognising the vital contributions of the Nigerian diaspora—in terms of remittances, investment, and knowledge transfer—the policy promotes structured engagement with this group as a pivotal development ally.
- (v) *Migration and Development*: The policy intertwines migration with national development strategies, emphasising its importance in driving economic growth, reducing poverty, and fostering human capital development.

In summary, this National Migration Policy is positioned to align with global and regional migration governance frameworks. However, its success hinges on effective institutional coordination, adequate funding, political resolve, and capacity enhancement among the pertinent agencies.

1.7.2 Objectives of the National Migration Policy

The National Migration Policy for Nigeria aims to establish a comprehensive and coherent framework for migration management that aligns with the country's development goals, regional agreements, and international standards. Its primary goals include ensuring that migration is safe, orderly, and advantageous for Nigeria while protecting the rights of migrants and national security.

One of the key objectives of the policy is to incorporate migration into national development planning, recognising it as a critical factor influencing economic growth, labour markets, education, health, and security. This involves the integration of migration considerations into various sectoral policies and development strategies.

The policy also promotes safe and regular migration pathways, focusing especially on labour mobility. It advocates for the negotiation of bilateral labour agreements, skills development initiatives, and protective measures for Nigerian expatriates. Moreover, it seeks to leverage the developmental advantages of migration, such as remittances, investment, and knowledge transfer through active engagement with the diaspora.

Combatting irregular migration, human trafficking, and migrant smuggling is another significant aim, achieved through enhanced border management, better inter-agency coordination, and regional collaboration. Additionally, the policy emphasises the safeguarding of migrants' human rights, particularly for vulnerable populations such as women, children, refugees, and internally displaced persons.

Enhancing data collection, research, and institutional capacities is also part of the policy's agenda. This aims to facilitate evidence-based decision-making and effective implementation of migration governance strategies.

In essence, the objectives of the National Migration Policy encapsulate a balanced approach that interweaves development, security, and humanitarian aspects, creating a cohesive framework for national migration governance.

1.7.3 Implementation Challenges

Despite the establishment of a comprehensive framework under the National Migration Policy for Nigeria, the actual implementation of this policy remains inconsistent and, in some instances, limited. A variety of structural and political obstacles have impeded the effective realisation of policy goals.

One of the primary challenges is institutional fragmentation, as migration governance encompasses multiple agencies—such as the Nigerian Immigration Service and the Ministry of Interior—each with overlapping responsibilities and unclear authority lines. This

fragmentation often leads to duplicated efforts, bureaucratic delays, and inconsistencies in policy execution.

Moreover, the lack of effective coordination between these agencies presents a significant hurdle. An effective migration governance system necessitates a holistic governmental approach; however, the current coordination mechanisms are often inadequate. Information sharing is limited, and inter-agency rivalries exacerbate inefficiencies, undermining coherent policy implementation and accountability.

Funding limitations also constitute a major constraint. Managing migration effectively requires significant investment in critical areas such as border infrastructure, technology, training, data systems, and migrant protection services. Budgetary restrictions and competing national interests often curtail the financial resources that are essential for the ongoing execution of migration policies.

Another critical challenge is the absence of reliable migration data. Accurate and timely data are necessary for informed policymaking, effective planning, and monitoring. However, current gaps in data collection, weak statistical systems, and fragmented databases hinder the capacity for evidence-based decision making.

Lastly, political instability and fluctuating policy priorities can disrupt long-term migration planning. Shifts in leadership or security challenges may divert focus and resources away from necessary migration reforms.

In summary, these interconnected challenges significantly weaken the operational effectiveness of Nigeria's migration framework. To address these issues, reforms in institutional structures, improvements in coordination efforts, sustained funding, and a stronger political commitment are essential to ensure that migration policy can fulfill its developmental, security, and humanitarian objectives.

1.8 Institutional Architecture for Migration Governance in Nigeria

Migration governance in Nigeria involves a multi-institutional framework characterised by the participation of various agencies across multiple sectors and levels of government. This structure reflects the multifaceted nature of migration, encompassing aspects such as security, labour, development, humanitarian protection, and foreign affairs, yet it also leads to considerable challenges in coordination and policy consistency.

Key institutions include the Nigerian Immigration Service, which is tasked with border control, visa issuance, residence permits, and the enforcement of immigration laws. The Ministry of Interior supervises overall policy related to internal security and migration administration. The National Commission for Refugees, Migrants and Internally Displaced Persons manages issues related to refugee protection and humanitarian coordination, while the Nigerians in Diaspora Commission engages with citizens abroad on matters of remittances, investment, and welfare.

Despite distinct mandates, these institutions experience overlapping responsibilities, particularly in sectors like irregular migration management, border control, data collection, and migrant protection. Such overlaps can result in duplication of efforts, bureaucratic competition, and decision-making delays. Additionally, unclear jurisdictional boundaries often compromise accountability and complicate enforcement measures.

The lack of a comprehensive coordination mechanism exacerbates existing fragmentation. For effective governance, there is a critical need for inter-agency data sharing, joint planning, and harmonised policy implementation. However, institutional silos and restricted communication channels hinder coherence and efficiency.

This complexity not only impacts administrative effectiveness but also leads to policy inconsistency. Diverging priorities among agencies can result in varying applications of migration rules, conflicting interpretations of legal obligations, and notable gaps in migrant protection services.

To remedy these coordination challenges, it is essential to establish clearer delineation of agency mandates, foster stronger inter-agency collaborative frameworks, enhance data management systems, and maintain a sustained political commitment to a cohesive national migration strategy.

1.8.1 Nigerian Immigration Service (NIS)

The Nigerian Immigration Service (NIS) serves as the key agency for border control and immigration enforcement in Nigeria, operating under the Ministry of Interior. Its primary functions include managing border security, issuing visas, administering residence permits, and enforcing immigration laws, which collectively contribute to national security and compliance with migration commitments.

The NIS is tasked with monitoring land, air, and maritime borders to regulate the movement of individuals. It processes visa applications for foreigners seeking entry for various purposes such as tourism, business, or employment, and manages residence permits for those intent on residing in Nigeria. Additionally, the NIS is responsible for identifying and addressing irregular migration and handling necessary deportation procedures.

However, the NIS faces significant operational challenges hindering effective immigration governance. Limited technology and outdated infrastructure at remote border locations undermine operational efficiency and data accuracy. Corruption and bribery concerns threaten enforcement integrity, while inadequate personnel training affects professional standards and human rights adherence.

Moreover, the agency struggles with poor data management, as unreliable migration statistics impede evidence-based policymaking. Fragmented databases and ineffective information systems hinder effective coordination with other governmental entities.

To address these shortcomings, it is crucial for the NIS to enhance its institutional capacity, improve transparency, invest in advanced technology, and provide better training for its personnel. These measures are vital for strengthening Nigeria's migration governance framework and overall immigration enforcement effectiveness.

1.8.2 Ministry of Interior

The Ministry of Interior provides policy direction and oversight for immigration and internal security. However, its coordination role is weakened by bureaucratic fragmentation and political competition among agencies.

1.8.3 National Commission for Refugees, Migrants and IDPs

The National Commission for Refugees, Migrants and IDPs (NCFRMI) is Nigeria's leading agency tasked with addressing the humanitarian aspects of migration. Its establishment aimed to align domestic legislation with international obligations, focusing on the protection of vulnerable groups, particularly refugees and internally displaced persons (IDPs), and coordinating responses to displacement crises. The Commission's mandate is vital for ensuring these groups receive adequate protection, assistance, and sustainable solutions.

The key responsibilities of the NCFRMI include:

- (i) *Refugee Protection*: The Commission implements legal frameworks designed to recognise and safeguard refugees, encompassing essential procedures such as registration and documentation, as well as ensuring access to basic rights, including shelter, education, and healthcare.
- (ii) *Assistance to Internally Displaced Persons (IDPs)*: It focuses on providing humanitarian assistance to individuals displaced due to conflict, natural disasters, or communal violence, which involves emergency shelter, food distribution, medical services, and psychosocial support.
- (iii) *Coordination with International Humanitarian Agencies*: The NCFRMI collaborates with organisations like the UNHCR and IOM to mobilise necessary resources, implement relevant programmes, and uphold international protection standards.
- (iv) *Durable Solutions and Reintegration*: The Commission works to facilitate options such as voluntary return, local integration, or resettlement for displaced individuals, supporting their reintegration into communities and fostering social cohesion and sustainable livelihoods.

However, the NCFRMI encounters several operational challenges. Limited funding constricts the scope and sustainability of its programmes, while insufficient staffing and infrastructure hinder its ability to respond effectively to major displacement events. Additionally, coordination issues with other government departments can impede timely assistance delivery.

Despite these hurdles, the NCFRMI is a fundamental component of Nigeria's governance related to humanitarian migration. It serves as a critical provider of essential services and acts as the primary interface between the Nigerian government and international humanitarian organisations. To enhance protection outcomes and ensure adherence to national and international obligations, it is critical to bolster the Commission's institutional capacity, funding, and inter-agency coordination.

1.8.4 Nigerians in Diaspora Commission (NiDCOM)

The Nigerians in Diaspora Commission (NiDCOM) was established to engage with Nigerian citizens living abroad and to leverage their potential towards national development. Emphasising the crucial role of the diaspora in economic, social, and human capital contexts, NiDCOM

aims to create a structured framework that harnesses the contributions of Nigerians overseas, including investments, knowledge transfer, and remittances.

NiDCOM's key functions include:

- (i) *Promoting Diaspora Investment:* The Commission facilitates business ventures, partnerships, and investment opportunities for Nigerians living abroad, thereby supporting economic growth and entrepreneurship within Nigeria.
- (ii) *Facilitating Diaspora Welfare Support:* NiDCOM ensures the protection and well-being of Nigerians overseas, helping for legal, social, and health-related issues that they may encounter.
- (iii) *Supporting Return and Reintegration:* The organisation coordinates programmes designed to aid returning migrants in their reintegration into Nigerian society. This includes employment support, skill recognition, and fostering community engagement.
- (iv) *Encouraging Skills Transfer and Remittances:* NiDCOM promotes the transfer of knowledge, technical expertise, and financial resources from the diaspora to bolster national development initiatives in sectors like education, healthcare, and infrastructure.

NiDCOM's approach represents a significant shift in migration governance, moving from a traditional focus on border control and enforcement to a development-oriented partnership perspective. This strategy aligns with the New Economics of Labour Migration, which sees migrants as vital contributors to national growth.

Nevertheless, the Commission faces challenges that may impede its effectiveness, including limited funding, inadequate staffing, and fragmented engagement mechanisms. For NiDCOM to fully mobilise the resources of the diaspora and effectively integrate their priorities into national development planning, there is a pressing need to strengthen policy coordination, enhance inter-agency collaboration, and build institutional capacity.

1.9 Policy Coordination and Institutional Fragmentation

A significant challenge in Nigeria's migration governance stems from institutional fragmentation, where multiple agencies with overlapping responsibilities create conflicts, inefficiencies, and gaps in policy execution. Key institutions involved include the Nigerian Immigration Service (border control and immigration enforcement), the National

Commission for Refugees, Migrants and IDPs (humanitarian protection), the Nigerians in Diaspora Commission (diaspora engagement), and the Ministry of Interior (policy oversight). This overlapping structure leads to several critical issues:

- (i) *Conflicting Policies*: Enforcement priorities from agencies may clash with refugee protection and humanitarian mandates, creating tension in policy application.
- (ii) *Lack of Data Sharing*: Disconnected information systems hinder comprehensive migration monitoring and the development of evidence-based policies, making it difficult to inform decision-making.
- (iii) *Weak Coordination*: Agencies frequently operate in silos, which limits strategic planning and reduces response times to migration crises.
- (iv) *Political Rivalries*: Competing interests among institutions often delay necessary decisions, leading to reduced operational efficiency.
- (v) *Resource Duplication*: Multiple agencies may independently implement similar programmes, resulting in a wasteful use of limited resources.

An example of this fragmentation is evident when stringent immigration enforcement measures conflict with the humanitarian duties of the National Commission for Refugees, while border security efforts may unintentionally infringe on free movement rights established under the ECOWAS Protocol.

To effectively tackle institutional fragmentation, it is crucial to establish clear delineations of each agency's mandates, improving inter-agency coordination mechanisms and implementing shared data systems. Recommended strategies include forming inter-agency committees, developing joint operational guidelines, and creating harmonised databases to enhance coherence and efficiency. This strengthened coordination is essential for aligning Nigeria's migration governance with enforcement, humanitarian, and development objectives, as well as its regional commitments.

Self-Assessment Exercises 2

Analyse the Institutional Challenges Affecting Migration Governance in Nigeria.

1.10 Administrative Practices and Policy Implementation

Migration policy is implemented through administrative procedures that control the entry, stay, and exit of non-nationals, alongside the protection and integration of migrants. The main procedures include visa processing for tourism, business, work, or study; border screening to ensure compliance with immigration laws; deportation procedures for irregular migrants; refugee registration for legal recognition; and integration programmes aimed at facilitating the long-term settlement of migrants.

In Nigeria, several administrative weaknesses impede effective migration governance, such as long processing delays that affect timely access to essential documentation, arbitrary enforcement where regulations are inconsistently applied, lack of transparency limiting migrants' understanding of their rights, and the prevalence of corruption, which undermines public trust. These flaws contribute to reduced legal certainty and increased vulnerability for migrants who may experience exploitation or denial of their rights due to bureaucratic inefficiencies.

To overcome these challenges, significant administrative reforms are necessary, focusing on digitisation, standardised procedures, staff training, and enhanced accountability mechanisms. Proposed solutions include implementing electronic visa systems and integrated databases, along with establishing transparent reporting channels, all aiming to streamline migration processes, curb corruption, and ensure consistent application of immigration laws. Strengthening the administrative capacity is crucial for effectively translating migration policy into actions that protect migrant rights, uphold the rule of law, and align with national development goals.

1.11 Comparative Migration Governance

1.11.1 United Kingdom

The United Kingdom operates a centralised migration governance system focused on legal compliance, efficiency, and accountability. This structured framework regulates the entry, residence, and employment of

non-nationals, while also prioritising national security and labour market needs.

Key elements of the UK's migration system include:

- (i) *Points-based Immigration System*: Entry and residence are primarily determined by measurable criteria such as skills, qualifications, work experience, and language proficiency. This approach allows the UK to prioritise migrants who can economically contribute and integrate into society.
- (ii) *Strong Enforcement and Border Management*: The UK enforces stringent control over its borders by combining physical infrastructure with advanced technology, surveillance, and operational protocols. This comprehensive approach is aimed at detecting irregular migration and ensuring adherence to immigration laws.
- (iii) *Robust Data Systems*: The use of comprehensive databases facilitates effective tracking of migrant entries, visa statuses, and compliance. These systems enable evidence-based policymaking and resource allocation, reinforcing the administration's capabilities.
- (iv) *Judicial Oversight and Accountability*: Migration decisions are subject to legal review, ensuring that due process is followed and individual rights are protected. Courts have the authority to scrutinize deportations, visa refusals, and detentions, adding a layer of accountability to the system.

The UK model represents a control-oriented approach to migration management that effectively balances national security with labour market needs and legal protections. Its comprehensive integration of technology, clear legal frameworks, and centralised administration enhances both efficiency and predictability.

Despite its strong enforcement capabilities, the UK system emphasises fairness and transparency, incorporating formal appeals mechanisms and judicial recourse for migrants. This blend of strict control alongside procedural safeguards has established the UK as a benchmark for migration governance, showcasing the effectiveness of centralised legal and administrative structures in managing complex migration flows efficiently.

1.11.2 Canada

Canada's migration governance system is distinguished by its rights-oriented and development-focused approach, which integrates economic goals with social integration objectives. This system deviates from

enforcement-driven models by prioritising the long-term settlement of migrants as essential contributors to national development.

The key features of Canada's migration system include:

- (i) *Integration with Development Planning:* Migration policies are closely tied to national economic and social strategies. The selection and planning processes for skilled migration are informed by labour market requirements and demographic trends, ensuring migrations are beneficial to Canada's growth.
- (ii) *Transparent Selection Criteria:* Canada employs clear and accessible criteria for migrant admission, which includes education, work experience, language proficiency, and adaptability. A points-based assessment system enhances predictability and fairness in the selection process.
- (iii) *Focus on Permanent Settlement:* The migration system prioritises pathways to permanent residency and naturalisation, encouraging migrants to invest in their local communities, thereby promoting social stability and continuity.
- (iv) *Robust Integration Programmes:* Extensive support is provided to newcomers, including language training, employment assistance, cultural orientation, and access to social services. These integration initiatives are designed to facilitate economic and social participation, fostering social cohesion and inclusion.

Canada's model illustrates the relationship between migration, development, and human rights, recognising migrants as future societal members rather than merely economic participants. Its legal and administrative framework promotes transparency, accountability, and procedural fairness, focusing on economic contributions alongside social integration.

This balanced approach serves as a comparator for other countries aiming to manage migration comprehensively and inclusively, demonstrating the potential for migration governance to fulfill economic objectives while also enhancing social cohesion and human development.

Self-Assessment Exercises 3

Compare Nigeria's Migration Governance Framework with Canada.

1.11.3 Singapore

Singapore's migration governance system is a highly centralised and efficiency-focused framework designed to align with the nation's economic needs while adhering to stringent regulatory measures. As a city-state with a limited domestic workforce, Singapore significantly depends on migrant labour in various sectors including construction, domestic work, healthcare, and technology.

The key characteristics of Singapore's migration governance encompass:

- (i) *Strict Enforcement:* Immigration laws are applied rigorously, imposing severe penalties for violations such as overstaying, illegal employment, or failure to comply with visa stipulations. This strict enforcement is crucial for maintaining compliance and safeguarding national interests.
- (ii) *Efficient Administrative Systems:* Singapore has established streamlined procedures for visa issuance, work permits, and residency approvals. The centralised administration and clear processes minimize delays and foster regulatory predictability, making the migration process more accessible.
- (iii) *High Reliance on Migrant Labour:* Migrants represent an essential segment of Singapore's labour force, particularly in low- to medium-skilled positions. Policies are intricately designed to manage labour inflows according to economic demand, all while working towards minimizing social conflicts.
- (iv) *Technology-Driven Management:* The government utilises advanced digital platforms for the registration, monitoring, and enforcement of migration policies. Automated systems and electronic databases enhance data sharing, track migrant compliance, and inform policymaking with evidence-based decisions.

Overall, Singapore's migration governance model prioritises economic objectives, directly addressing labour market needs and national development goals, while simultaneously upholding strict regulatory mechanisms. This approach illustrates how a small, dynamic economy

can effectively manage substantial labour migration through proficient administrative capabilities and technological integration. It underscores the balance between economic benefits and the protection of migrant rights within tightly regulated systems, providing valuable insights into precision and predictability in migration governance.

1.11.4 Nigeria's Comparative Position

Nigeria's migration governance is less integrated and more discretionary compared to countries like the United Kingdom, Canada, and Singapore, leading to increased susceptibility to corruption. Despite having established comprehensive migration policies such as the National Migration Policy (2015), the Immigration Act (2015), and the NCFRMI Act (2022), the effective implementation of these frameworks remains limited.

In contrast to the UK's centralised points-based system, Canada's rights- and integration-focused model, and Singapore's enforcement-driven, technology-oriented approach, Nigeria's governance is marked by fragmented institutional responsibilities and overlapping mandates. Key agencies—including the Nigerian Immigration Service, National Commission for Refugees, Migrants and IDPs, and Nigerians in Diaspora Commission—frequently operate in isolation, resulting in coordination gaps, resource duplication, and inconsistencies in policy application.

Operational challenges such as inadequate technological infrastructure, prolonged administrative delays, arbitrary enforcement, and corruption exacerbate the weaknesses in the migration system, undermining legal certainty and the safeguarding of migrants' rights. Data deficiencies further hinder evidence-based policymaking, making it difficult for Nigerian authorities to manage both regular and irregular migration effectively.

To enhance Nigeria's migration governance, essential reforms include institutional restructuring, capacity building, and the digitalisation of administrative systems. This entails a clear delineation of agency responsibilities, establishment of inter-agency coordination mechanisms, and the creation of integrated data platforms to improve policy coherence, transparency, and accountability. Strengthening institutional capacity would enable Nigeria to more effectively balance enforcement with humanitarian obligations and economic goals, aligning more closely with global and regional best practices in migration management.

Ultimately, reforming the governance framework is imperative not only for effective migration management but also for the protection of migrant rights, fostering diaspora engagement, and contributing to broader national development. Without these vital reforms, Nigeria risks falling behind in the formulation and implementation of effective, rights-based, and development-oriented migration policies.

1.12 Case Studies

Case Study 1: ECOWAS Nationals in Nigeria

Despite Nigeria's commitments under the ECOWAS Protocol on Free Movement of Persons, Residence and Establishment (1979), nationals of ECOWAS member states face significant barriers when attempting to enter or reside in Nigeria. The persistent challenges illustrate a gap between legal obligations at the regional level and the realities of domestic administrative practices. Key issues include harassment by immigration officials, where migrants are subjected to undue questioning, intimidation, and demands for unofficial payments that violate the principles of free movement. Additionally, arbitrary detention occurs, impacting even individuals exercising their rights under the protocol, indicating a lack of procedural safeguards and discretionary enforcement.

Moreover, obtaining residence documentation proves difficult for many ECOWAS nationals due to bureaucratic delays, unclear procedures, and inconsistent regulatory interpretations. The absence of adequate legal protection leaves migrants with limited options when their rights are infringed, stemming from weak judicial oversight and a lack of awareness regarding legal entitlements.

These findings suggest that mere legal commitments are insufficient for effective migration governance. While Nigeria is legally obliged to uphold the ECOWAS free movement regime, the actual realisation of these rights hinges on institutional capacity, accountability of enforcement personnel, and procedural transparency. To address these issues, reforms are necessary, such as strengthening institutional frameworks, providing training for immigration officers, establishing clear documentation procedures, and implementing robust accountability mechanisms.

In summary, the experiences of ECOWAS migrants in Nigeria highlight the urgent need for capacity-building, better coordination, and adherence to rule-of-law principles to effectively translate regional migration policies into practices that respect the rights and freedoms of migrants.

Case Study 2: Diaspora Engagement and Remittances

Nigeria significantly benefits from diaspora remittances, which provide essential foreign exchange and bolster household consumption, education, healthcare, and business activities. However, the investment of diaspora funds into productive sectors is hampered by various structural and institutional challenges. These include a weak investment climate characterised by bureaucratic delays, inconsistent regulations, and limited access to credit, which deters potential investors from initiating business ventures in Nigeria.

Additionally, the existing legal frameworks fail to provide strong fiscal or regulatory incentives necessary to encourage diaspora-led investments in critical economic sectors. Poor outreach efforts result in many Nigerians abroad being unaware of the investment opportunities and processes in their home country, underscoring deficiencies in government communication and engagement strategies.

Trust in local institutions is another significant barrier, with widespread perceptions of corruption and weak governance diminishing investor confidence and discouraging long-term commitment to the Nigerian economy. In response to these issues, the Nigerians in Diaspora Commission (NiDCOM) was established to enhance diaspora investment, facilitate welfare support, encourage skills transfer, and support return and reintegration initiatives.

Despite these efforts, the effectiveness of NiDCOM's initiatives suffers from limited inter-agency coordination, inadequate institutional capacity, and fragmented policy implementation. For Nigeria to fully harness the developmental potential of its diaspora, improvements in policy alignment, capacity building, and transparent institutional support are crucial. By enhancing legal incentives, refining investment procedures, and promoting trust through good governance, Nigeria can better engage its diaspora, converting remittances and human capital into sustained national development. Strengthened engagement mechanisms will ensure that the resources from the diaspora contribute not only to consumption but also drive productive investment, foster innovation, and stimulate socio-economic growth.

1.13 Contemporary Policy Challenges

Nigeria's migration policy faces multiple contemporary challenges:

1.13.1 Irregular Migration

Irregular migration poses a considerable challenge to migration governance, particularly in Nigeria, which experiences both outgoing

and incoming migration pressures. This type of migration occurs beyond the established legal frameworks, involving unauthorised border crossings, visa violations, and undocumented employment.

Several key drivers fuel irregular migration:

- (i) *Economic Hardship*: Individuals often face poverty, unemployment, and a lack of livelihood opportunities, driving them to seek better conditions abroad, even through illegal means.
- (ii) *Security Concerns*: Conflicts, communal violence, and political instability can force people to flee their homes rapidly, often avoiding legal migration processes.
- (iii) *Lack of Regular Pathways*: Stringent visa rules, slow bureaucratic processes, and insufficient legal labour migration programmes compel many to turn to irregular options.
- (iv) *Smuggling Networks*: Criminal organisations take advantage of vulnerable groups by providing illegal migration services, which pose substantial risks to the safety and rights of migrants.

To effectively address irregular migration, a dual approach is recommended:

- (i) *Enforcement Strategies*: Enhancing border management and law enforcement, alongside improved regulatory oversight, can help mitigate unauthorised entries and illegal employment while adhering to national regulations.
- (ii) *Development and Protection Strategies*: Expanding legal migration options, enhancing employment access, and fostering socio-economic development in origin communities can lessen the motivations for irregular migration. Additionally, protective measures, including humanitarian aid and rights-based protections for at-risk migrants (such as refugees, asylum seekers, and trafficking victims), are crucial.

Thus, a comprehensive policy framework combining security measures with socio-economic interventions is necessary to address irregular migration while safeguarding the dignity and rights of migrants. In Nigeria, effective action against irregular migration mandates cooperation among governmental bodies, regional partners, and international organisations to facilitate safe, legal, and sustainable migration pathways.

1.13.2 Youth Emigration (“Japa”)

The recent increase in youth emigration from Nigeria underscores profound structural issues within the country's economy and governance. Young Nigerians are increasingly seeking opportunities abroad, motivated by economic pressures and aspirations for enhanced living conditions.

Key factors influencing this trend include:

- (i) *Youth Unemployment*: The high rates of unemployment and underemployment significantly restrict access to stable income and meaningful career development, prompting many to look elsewhere for job prospects.
- (ii) *Economic Insecurity*: Challenges such as inflation, currency fluctuations, and inadequate social safety nets exacerbate financial uncertainties, making young people wary of their economic futures.
- (iii) *Perceived Lack of Opportunities*: Many youths perceive that opportunities for merit-based advancement, professional growth, and entrepreneurial support are more readily available in other countries.
- (iv) *Desire for a Better Quality of Life*: Access to enhanced education, healthcare, infrastructure, and social services heavily influences migration choices.

This migration phenomenon, often referred to as “brain drain,” raises critical concerns about national development, especially in crucial sectors like healthcare, technology, and academia. While border control policies may aim to manage outward migration, they fail to tackle the fundamental drivers prompting youth to leave.

To effectively address these issues, policy interventions must prioritise structural economic reforms over mere restrictive controls on migration. This involves long-term investments in education systems to align with labour market demands, promoting entrepreneurship and innovation, and creating a wider array of quality job opportunities. Essential initiatives include youth empowerment programmes, vocational training, and access to financial resources for small enterprises.

By fostering significant opportunities domestically, Nigeria can shift the narrative of migration from a desperate strategy to a voluntary, beneficial choice. Tackling youth emigration necessitates comprehensive economic planning, governance reform, and inclusive development policies that rejuvenate faith in local prospects and mitigate the factors driving emigration.

1.13.3 Weak Data Systems

Accurate and reliable migration data is essential for effective policy planning, implementation, and enforcement. Migration governance depends on timely information regarding entries and exits, visa categories, labour mobility trends, refugee flows, internal displacement, and diaspora engagement. Without credible data, policymakers are unable to design evidence-based strategies, allocate resources efficiently, or evaluate the impact of migration programmes.

In Nigeria, migration data systems remain relatively weak and fragmented. Several structural challenges contribute to this problem:

- (i) **Lack of reliable registration mechanisms** – Incomplete civil registration systems, porous borders, and inconsistent documentation practices limit the accuracy of migration statistics. Many movements—particularly irregular and internal migration—are not systematically recorded.
- (ii) **Poor data sharing among agencies** – Key institutions such as the Nigerian Immigration Service, the National Commission for Refugees, Migrants and IDPs, and the Nigerians in Diaspora Commission often maintain separate databases with limited interoperability. This institutional fragmentation reduces coherence and undermines comprehensive migration monitoring.
- (iii) **Limited research capacity** – Insufficient funding for migration research, weak collaboration between government agencies and academic institutions, and a lack of technical expertise hinder the production of high-quality migration analysis.

Improving migration data systems requires sustained investment in digital technology, biometric registration, and integrated databases. Establishing inter-agency coordination platforms and standardised reporting mechanisms would enhance information sharing and reduce duplication. Strengthening partnerships with universities, research institutes, and international organisations can also improve analytical capacity.

Ultimately, robust migration data is not merely a technical requirement but a foundation for transparent, accountable, and development-oriented governance. Without reliable information, Nigeria's migration policies risk remaining reactive and fragmented rather than strategic and evidence-based.

1.13.4 Sub-national Policy Divergence

Nigeria's federal structure grants significant powers to state governments, resulting in policy variations across sub-national units. While migration is primarily regulated at the federal level, state-level authority over economic and administrative matters creates indirect but significant impacts on migrants' integration and livelihood opportunities.

Key areas of divergence include:

- (i) **Taxation** – States implement different tax policies and revenue enforcement practices, which may disproportionately affect migrant entrepreneurs and informal sector workers.
- (ii) **Land administration** – Land ownership and access are governed under state authority pursuant to the **Land Use Act**, leading to variations in land allocation, property rights, and residency documentation requirements. Migrants may face barriers in acquiring land or securing housing.
- (iii) **Business licensing** – Registration procedures, fees, and regulatory enforcement vary across states, creating inconsistent business environments for migrant-owned enterprises.
- (iv) **Local enforcement practices** – Informal practices by local authorities, including policing and compliance inspections, may result in discriminatory or uneven treatment of migrants.

These divergences create unequal integration experiences across states, undermining national migration objectives. Migrants may encounter different regulatory burdens depending on their location, which affects economic participation, legal certainty, and social inclusion.

A coherent national migration policy must therefore incorporate mechanisms for vertical coordination between federal and state governments. This could include harmonised regulatory guidelines, federal–state consultation frameworks, and standardised administrative procedures. Establishing clear accountability mechanisms and intergovernmental dialogue platforms would reduce inconsistencies and strengthen policy coherence.

Effective migration governance in a federal system requires alignment between national objectives and sub-national implementation. Without coordinated action, policy fragmentation at the state level may continue to weaken integration outcomes and diminish the overall effectiveness of Nigeria's migration framework.



1.14 Summary

This unit has examined migration policy frameworks and governance structures at global, regional, and national levels. It has demonstrated that effective migration governance requires coherent policies, strong institutions, and sustained political commitment. Nigeria's migration policy framework is ambitious and reflective of global standards, but its implementation is constrained by institutional fragmentation, weak coordination, and resource limitations. Addressing these challenges requires institutional reform, capacity building, improved data systems, and stronger accountability mechanisms.



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4.16 Possible Answers to SAEs

Answer to SAEs 1

Nigeria's National Migration Policy (NMP) was adopted to provide a comprehensive framework for managing migration in a coordinated and development-oriented manner. It reflects Nigeria's recognition that migration is both a governance issue and a development opportunity.

Strengths

1. **Comprehensive Scope:** The Policy addresses labour migration, irregular migration, border management, diaspora engagement, human trafficking, and refugee protection. This broad coverage reflects an understanding of migration as multidimensional.
2. **Alignment with International Standards:** The NMP incorporates principles from international instruments, including refugee protection, human rights norms, and regional commitments under ECOWAS.
3. **Development Orientation:** It recognises the economic contributions of remittances and diaspora engagement, linking migration governance with national development planning.
4. **Inter-Agency Coordination Framework:** The Policy proposes institutional mechanisms for coordination among ministries and agencies.

Weaknesses

1. **Implementation Gap:** While normatively strong, implementation remains weak due to limited funding, institutional fragmentation, and insufficient political will.
2. **Limited Data Infrastructure:** Weak migration data systems undermine evidence-based policymaking.
3. **Corruption and Administrative Inefficiency:** Persistent procedural opacity and delays weaken policy effectiveness.
4. **Insufficient Monitoring and Evaluation:** There is limited systematic review of outcomes or accountability for non-compliance.

Critical Assessment

The National Migration Policy is progressive in design but constrained in practice. Its main challenge lies not in policy formulation but in institutional capacity, coordination, and enforcement. The gap between policy ambition and administrative reality remains significant.

Answer to SAEs 2

Migration governance in Nigeria involves multiple institutions, including the Nigerian Immigration Service (NIS), the Ministry of

Interior, the National Commission for Refugees, Migrants and IDPs (NCFRMI), security agencies, and border authorities.

Key Institutional Challenges

1. **Institutional Fragmentation:** Overlapping mandates create duplication, inefficiency, and inconsistent decision-making.
2. **Weak Inter-Agency Coordination:** Limited data sharing and communication reduce effective enforcement and service delivery.
3. **Capacity Constraints:** Understaffing, inadequate training, and limited digital infrastructure affect processing efficiency.
4. **Corruption and Discretionary Practices:** Weak oversight mechanisms foster informal payments and arbitrary decisions.
5. **Inadequate Technological Integration:** Limited digitisation and inconsistent biometric integration hinder effective border management.
6. **Judicial and Oversight Limitations:** Although courts can review administrative decisions, access to justice is often slow and expensive.

Overall Analysis

Institutional challenges are structural rather than purely legal. Nigeria's migration governance struggles stem from weak administrative capacity, insufficient accountability mechanisms, and limited technological modernisation. Reform requires systemic restructuring rather than isolated legal amendments.

Answer to SAEs 3

- **Nigeria:** Governed by the Immigration Act 2015 and the National Migration Policy. Emphasis on border control and regulatory oversight.
- **Canada:** Governed by the Immigration and Refugee Protection Act (IRPA), with detailed regulations and annual immigration plans.

Administrative Efficiency

- **Nigeria:** Experiences delays, fragmentation, and weaker digital systems.
- **Canada:** Highly digitised, with structured online systems and transparent timelines.

Transparency and Accountability

- **Nigeria:** Limited public access to procedural guidelines and weaker complaint mechanisms.
- **Canada:** Clear eligibility criteria, public immigration targets, and structured appeal processes.

Integration and Citizenship

- **Nigeria:** Naturalisation is possible but bureaucratic and less accessible.
- **Canada:** Strong integration support and clear pathways to permanent residency and citizenship.

Data and Evidence-Based Planning

- **Nigeria:** Weak data systems hinder planning.
- **Canada:** Data-driven migration targets aligned with labour market needs.

Comparative Assessment

Canada's system is more institutionalised, transparent, and integration-oriented. Nigeria's framework is legally structured but constrained by implementation challenges, limited capacity, and weaker oversight mechanisms.

UNIT 2 MIGRATION PROCESSES AND ADMINISTRATIVE PROCEDURES

Unit Structure

- 2.1 Introduction
- 2.2 Learning Outcomes
- 2.3 Migration Administration as a Governance Function
 - 2.3.1. Legal Foundations of Migration Administration in Nigeria
- 2.5 Entry and Exit Procedures
- 2.6 Residence Permits and Stay Regulation
- 2.7 Asylum and Refugee Administration
- 2.8 Detention and Deportation Procedures
- 2.9 Citizenship and Naturalisation Procedures
- 2.10 Administrative Procedures and Migrant Rights
- 2.11 Technology and Migration Administration
- 2.12 Comparative Analysis: Nigeria and Other Jurisdictions
- 2.13 Case Studies
- 5.14 Summary
- 5.15 References/Further Reading/Web Sources
- 5.16 Possible Answers to SAEs



2.1 Introduction

Migration is not merely an abstract concept; it is a set of lived experiences shaped by formal administrative processes. While the law defines the rights and obligations of migrants, administrative procedures determine the practical reality of migration. Visa processing, border control, residence permits, asylum procedures, deportation, and citizenship applications all involve bureaucratic systems that can either facilitate orderly mobility or create barriers that push migrants into irregularity.

This unit examines migration processes and administrative procedures with emphasis on how they function in Nigeria. It explores how migration administration operates in practice, the legal foundations of administrative processes, and the challenges of implementation. The unit also offers comparative insights from other jurisdictions to highlight alternative models of migration administration. The objective is to provide students with a practical understanding of how migration policy and law are translated into administrative action.



2.2 Learning Outcomes

By the end of this unit, you will be able to:

- describe the key administrative procedures governing migration.
- explain the legal basis for migration administration in Nigeria
- analyse the operational challenges of migration procedures
- evaluate the impact of administrative processes on migrant rights
- compare Nigeria's administrative procedures with other jurisdictions.



2.3 Migration Administration as a Governance Function

Migration administration refers to the bureaucratic and procedural mechanisms through which a state regulates the entry, stay, and exit of non-citizens. It operationalises migration law and policy through everyday administrative actions. Core functions typically include border management, visa issuance, residence permit processing, asylum determination, deportation procedures, and citizenship applications.

The effectiveness of migration administration depends on several interrelated factors:

- (i) **Institutional capacity** – Well-trained personnel, adequate funding, and clearly defined mandates are essential for consistent decision-making. Weak capacity often results in delays and inconsistent outcomes.
- (ii) **Clear legal frameworks** – Administrative bodies must operate within precise and accessible laws. Ambiguities increase discretion, which can lead to unequal treatment or arbitrary decisions.
- (iii) **Technological infrastructure** – Digital visa systems, biometric registration, and automated border controls improve efficiency and reduce human error.
- (iv) **Data systems** – Integrated databases allow agencies to track movements, verify documentation, and prevent duplication. Reliable data also supports evidence-based policymaking.
- (v) **Accountability mechanisms** – Judicial oversight, complaint systems, and internal review procedures ensure transparency and protect migrants' rights.

Administrative procedures are not neutral technical processes; they shape migrants' lived experiences and access to rights. Lengthy visa processing times may limit employment opportunities. Opaque asylum procedures can undermine protection obligations. Discretionary enforcement practices may encourage corruption or discriminatory treatment.

Conversely, efficient and transparent administrative systems can facilitate legal mobility, strengthen public trust, and support integration. Predictable procedures reduce incentives for irregular migration by providing accessible legal pathways.

Ultimately, migration governance is only as effective as its administrative machinery. Sound laws and ambitious policy frameworks cannot achieve their objectives without competent, transparent, and accountable institutions capable of implementing them fairly and efficiently.

2.4 Legal Foundations of Migration Administration in Nigeria

Nigeria's migration administrative system is primarily grounded in the Immigration Act 2015 and related regulations. The Act grants powers to the Nigerian Immigration Service (NIS) to control borders, issue visas, grant residence permits and enforce immigration rules. It also provides for deportation, detention, and removal of non-citizens who violate immigration laws.

2.4.1 Immigration Act 2015

The Immigration Act 2015 sets out the main legal rules governing how migration is managed in Nigeria. It provides the statutory basis for regulating who may enter the country, how long they may stay, and under what conditions they may leave. Specifically, the Act covers:

- (i) Visa categories and the procedures for issuing them
- (ii) Entry and exit requirements at borders
- (iii) The granting and renewal of residence permits
- (iv) Deportation and removal processes
- (v) Immigration offences and applicable penalties

Overall, the Act reflects a strong control-oriented philosophy. It prioritises state sovereignty, national security, and the regulation of borders. The emphasis is largely on managing risks, preventing irregular migration, and enforcing compliance with immigration laws.

At the same time, the Act is not purely punitive. It includes procedural safeguards designed to protect individuals from arbitrary decisions. In certain circumstances, migrants are entitled to appeal decisions or request administrative review. These safeguards are important because immigration decisions can significantly affect a person's livelihood, family life, and legal status.

In practice, the effectiveness of the Act depends not only on its legal provisions but also on how fairly and consistently they are applied. While the law provides structure and authority, its real impact is shaped by the administrative systems and institutions responsible for implementation.

2.4.2 Constitutional and Human Rights Constraints

Although the Immigration Act gives broad powers to immigration authorities—especially in areas such as detention, deportation, and entry control—those powers are not unlimited. They must be exercised within the boundaries set by the Constitution and fundamental human rights principles.

The **Constitution of the Federal Republic of Nigeria** guarantees several key rights that shape how immigration laws are applied, including:

- (i) **The right to fair hearing (Section 36)** – Individuals must be allowed to present their case before an impartial authority, particularly where decisions affect their legal status or liberty.
- (ii) **Protection from discrimination (Section 42)** – The Constitution prohibits discriminatory treatment on certain grounds, reinforcing the need for equal and consistent application of the law.
- (iii) **The right to dignity of the human person (Section 34)** – This protects individuals from degrading treatment, including abusive detention conditions or inhumane enforcement practices.

While these constitutional rights are primarily framed with citizens in mind, Nigerian courts have, in certain cases, extended aspects of these protections to non-citizens. This is especially true where state actions are arbitrary, excessive, or abusive. Immigration control does not place individuals outside the protection of the law.

In practical terms, this means that immigration authorities must balance enforcement objectives with respect for due process and human dignity. Detention must not be indefinite or unlawful, deportation must follow

established procedures, and decisions must not be based on discrimination or personal bias.

Ultimately, constitutional safeguards act as an important check on executive power. They ensure that even in a control-oriented migration system, the rule of law remains central to governance.

2.4.3 Refugee and IDP Legal Framework

Nigeria's approach to refugee protection and displacement management is guided by the National Commission for Refugees, Migrants and IDPs (Establishment) Act and its accompanying regulations. This law provides the institutional and procedural framework for responding to refugee flows and internal displacement within the country.

Under the Act, clear procedures are established for:

- (i) **Refugee registration** – Ensuring that individuals seeking protection are formally documented and recognised within the legal system.
- (ii) **Asylum determination** – Providing a process through which claims for refugee status are assessed and decided.
- (iii) **Protection and assistance** – Coordinating access to shelter, healthcare, documentation, and other essential services.
- (iv) **Durable solutions** – Supporting voluntary repatriation, local integration, or resettlement, depending on individual circumstances.

The Act reflects Nigeria's international and regional commitments, particularly under the Convention Relating to the Status of Refugees, its Protocol Relating to the Status of Refugees, and the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. These instruments require states to protect refugees from refoulement (forced return to danger) and to ensure access to basic rights.

In practical terms, the 2022 Act represents an effort to align domestic administrative systems with international protection standards. However, the real measure of its effectiveness lies in implementation—particularly in ensuring timely asylum decisions, adequate funding for assistance programmes, and meaningful access to durable solutions. By embedding international refugee obligations into national law, Nigeria has created a stronger legal foundation for humanitarian migration governance. The challenge remains ensuring that this framework translates into consistent protection in practice.

2.5 Entry and Exit Procedures

Entry and exit procedures are the most visible aspects of migration administration. They determine who may enter a country and under what conditions. Nigeria's entry and exit procedures are regulated through visa systems, passport control, and border management.

2.5.1 Visa Categories and Issuance

Visas are official authorisations that allow a person to enter a country for a specific purpose and duration. In Nigeria, the visa system is designed to regulate who comes into the country and under what conditions. It reflects both administrative needs and broader national interests such as security and economic development.

Nigeria's visa regime includes several categories, such as:

- (i) Tourist visas
- (ii) Business visas
- (iii) Student visas
- (iv) Work visas
- (v) Temporary entry visas
- (vi) Diplomatic and official visas

Each category comes with its own requirements. Generally, applicants must provide:

- (i) A valid passport
- (ii) Proof of sufficient funds
- (iii) A letter of invitation, employment, or admission (depending on the visa type)
- (iv) Medical clearance in some cases
- (v) Proof of accommodation

The process typically involves documentation, background checks, and security screening. While these steps are meant to ensure order and safety, they can also make the system feel bureaucratic and demanding. Applicants often navigate detailed forms, verification procedures, and administrative delays before receiving a decision.

Visas are one of the most important tools states use to manage migration. They allow authorities to screen applicants, assess potential risks, and determine eligibility before arrival. In this sense, visas function as a gatekeeping mechanism.

However, visa systems can also become barriers to mobility if they are overly complex, costly, or lacking transparency. In Nigeria, visa processing has at times been criticised for long delays, inconsistent information, and limited digital infrastructure. Where procedures are unclear or inefficient, they may unintentionally encourage irregular migration or undermine trust in the system.

Ultimately, an effective visa system should strike a balance: maintaining legitimate control while remaining efficient, transparent, and accessible.

2.5.2 Border Control and Immigration Checks

Border control refers to the procedures carried out at a country's entry and exit points—such as airports, seaports, and land borders—to regulate the movement of people across national boundaries. It is one of the most visible aspects of migration administration and represents the state's frontline system of enforcement.

At these entry points, immigration officers are responsible for verifying several key elements, including:

- (i) The validity and authenticity of travel documents
- (ii) The stated purpose of travel
- (iii) Compliance with visa conditions
- (iv) Potential security or public safety risks

These checks are intended to ensure that individuals entering the country meet legal requirements and do not pose identifiable threats. Officers may examine passports, visas, supporting documents, and travel histories. In some cases, additional questioning or secondary inspection may be required.

Border control does not operate in isolation. It often involves close cooperation between immigration authorities, customs services, and other security agencies. Information sharing and coordinated risk assessments are particularly important in addressing issues such as trafficking, smuggling, and transnational crime.

While border control serves a legitimate regulatory and security function, it also shapes migrants' first impressions of a country. Professional conduct, clear procedures, and respect for human dignity are essential to ensure that enforcement remains lawful and non-discriminatory.

In practice, effective border management requires a balance between vigilance and fairness—protecting national security while facilitating lawful travel and movement.

2.5.2.1 Challenges of Border Control in Nigeria

Nigeria's border control system operates in a highly demanding environment and faces several structural and operational challenges. These difficulties affect the country's ability to effectively regulate cross-border movement and combat irregular migration.

One major issue is the existence of *porous land borders*. Nigeria shares long and often difficult-to-monitor boundaries with neighbouring states. Many crossing points are informal and lack permanent infrastructure, making it difficult to track movements or enforce entry requirements consistently.

Another challenge is *inadequate technology and equipment*. Modern border management increasingly relies on surveillance systems, biometric verification, and integrated data platforms. Where such tools are limited or outdated, officers must depend heavily on manual processes, which are slower and more vulnerable to error.

Corruption and bribery also undermine enforcement. Where accountability mechanisms are weak, irregular entry may be facilitated through unofficial payments, reducing the credibility of border controls and weakening public trust.

In addition, *limited manpower* places pressure on officers, particularly at busy entry points. Overstretched personnel may struggle to conduct thorough inspections or follow up on suspicious cases.

Finally, *inconsistent enforcement* across different border locations creates uneven outcomes. While some entry points may apply strict checks, others may operate with more relaxed or informal practices.

Together, these challenges create gaps that can be exploited by smuggling and trafficking networks. They also make it difficult to distinguish between lawful travellers and irregular entrants. Strengthening border control in Nigeria, therefore, requires investment in technology, personnel training, infrastructure, and anti-corruption safeguards to ensure that enforcement is both effective and accountable.

2.5.3 Exit Control and Departure Procedures

Procedures are a vital yet often overlooked component of migration management. In Nigeria, controlling departures is as important as regulating entry, as it helps ensure the orderly movement of people and strengthens national security.

Key elements of Nigeria's exit control system include:

- (i) **Passport verification** – Confirming that departing individuals hold valid travel documents and that these documents have not been reported lost, stolen, or otherwise compromised.
- (ii) **Visa compliance checks** – Ensuring that travellers leaving Nigeria have complied with the terms of their visas, including duration of stay and permitted activities.
- (iii) **Exit screening for security threats** – Assessing whether individuals pose potential risks to national or international security, which may involve background checks and cross-referencing with law enforcement databases.

These procedures are essential for several reasons. They help prevent irregular departures, such as people leaving to engage in trafficking, illicit work, or other unlawful activities abroad. Exit controls also ensure that migrants do not depart while subject to pending legal matters, including unresolved criminal charges, immigration violations, or outstanding debts.

Effective exit management contributes to orderly migration, protects the rights of both citizens and non-citizens, and supports broader border security objectives. However, like entry controls, exit procedures must be implemented professionally, transparently, and with respect for human dignity to avoid delays, harassment, or arbitrary enforcement.

In short, exit controls are a critical pillar of Nigeria's migration governance framework, complementing border entry processes and helping maintain the integrity of national migration systems.

Self-Assessment Exercise 1

Critically evaluate the effectiveness of Nigeria's immigration administrative procedures.

2.6 Residence Permits and Stay Regulation

Residence permits are legal authorisations that allow foreigners to stay in a country for specified periods. They are essential for regulating long-term migration.

2.6.1 Types of Residence Permits

In Nigeria, residence permits are official documents that authorise non-nationals to live in the country for specific purposes and durations. They play a central role in regulating migration, ensuring that residents comply with national laws, and facilitating orderly integration.

The main types of residence permits include:

- (i) **Temporary residence permit** – Granted for short-term stays, such as family visits or temporary assignments.
- (ii) **Work permit** – Issued to foreign nationals employed by Nigerian organisations, linking residence to verified employment.
- (iii) **Student permit** – For individuals enrolled in Nigerian educational institutions, requiring proof of admission and compliance with academic obligations.
- (iv) **Permanent residence permit** – Rarely granted, usually to individuals with exceptional circumstances, long-term investment, or significant contribution to the country.

Obtaining and maintaining a residence permit requires compliance with specific conditions. These typically include:

- (i) **Employment status** – Work permits depend on valid employment contracts and sponsorship from Nigerian employers.
- (ii) **Proof of income** – Applicants may need to demonstrate financial stability to support themselves while in Nigeria.
- (iii) **Regular reporting** – Some permit holders must report periodically to immigration authorities to confirm their continued eligibility.
- (iv) **Renewal procedures** – Permits are issued for fixed periods and require timely renewal, with updated documentation and verification.

Residence permits serve as both a legal requirement and a tool for monitoring the presence of foreigners. They allow authorities to enforce immigration rules, protect the labour market, and ensure that migrants contribute positively to Nigeria's economy and society. Efficient administration of permits, combined with clear guidance and accessible

processes, is essential to reduce delays, prevent irregularity, and enhance trust in the migration system.

2.6.2 Administrative Procedures for Renewal

Renewal of residence permits often involves:

- (i) Submission of documents
- (ii) Payment of fees
- (iii) Verification of continued eligibility
- (iv) Security screening

Delays or arbitrary refusals in renewal can create irregularity, as migrants may overstay due to administrative inefficiencies.

2.6.3 Compliance and Enforcement

Immigration authorities in Nigeria actively monitor the compliance of non-nationals with the conditions of their stay. This oversight is essential for maintaining the integrity of the migration system, protecting national security, and ensuring that migrants follow legal requirements.

Key methods of monitoring include:

- (i) **Reporting requirements** – Some permit holders must periodically report to immigration offices to confirm their continued eligibility, update personal information, or verify employment or enrolment status.
- (ii) **Inspections** – Authorities may conduct routine checks of documents, accommodation, or other relevant records to ensure compliance with permit conditions.
- (iii) **Workplace raids** – Immigration officers sometimes visit workplaces to verify that foreign employees have valid work permits and that employers are adhering to immigration regulations.
- (iv) **Community surveillance** – Local monitoring, often in collaboration with community leaders or security agencies, helps identify individuals who may be overstaying or violating permit conditions.

Maintaining a balance in enforcement is crucial. Excessive or heavy-handed enforcement can lead to harassment, discrimination, and fear among migrant communities, undermining social cohesion and trust in authorities. Conversely, weak or inconsistent enforcement may create gaps in oversight, encouraging irregular migration, permitting overstays, or the exploitation of vulnerable migrants.

Effective monitoring requires clear rules, trained personnel, and accountability mechanisms. Transparent processes, combined with outreach and education for migrants and employers, can reduce violations while safeguarding human rights. By striking the right balance, Nigeria can ensure compliance with immigration laws without creating unnecessary hardship or fostering irregularity.

2.7 Asylum and Refugee Administration

Asylum and refugee administration is a critical area of migration governance. It involves legal procedures for determining refugee status and ensuring protection.

2.7.1 Asylum Procedures

Asylum procedures in Nigeria are designed to provide protection to individuals who flee persecution, conflict, or human rights violations, in accordance with international and regional legal obligations. These procedures aim to ensure that vulnerable persons are identified, assessed, and granted protection while maintaining the integrity of the migration system.

Key steps in the asylum process include:

- (i) **Registration of asylum claims** – Individuals seeking protection formally submit their applications to immigration authorities or the National Commission for Refugees, Migrants and IDPs. Registration ensures that the state has a record of the applicant and can begin the evaluation process.
- (ii) **Screening interviews** – Asylum seekers undergo detailed interviews to provide information about their reasons for fleeing their home country, the risks they face, and any supporting evidence. These interviews help authorities assess the credibility and urgency of each claim.
- (iii) **Determination of refugee status** – Based on interviews and documentation, authorities decide whether the applicant qualifies as a refugee under the 1951 Refugee Convention, its 1967 Protocol, and regional instruments such as the 1969 OAU Convention.
- (iv) **Appeals and review mechanisms** – Applicants who are denied refugee status have the right to appeal the decision or request a review, ensuring procedural fairness and compliance with human rights standards.
- (v) **Provision of protection and assistance** – Recognised refugees receive legal protection, documentation, access to basic services,

and support for integration or durable solutions such as local settlement, resettlement, or voluntary return.

The overarching goal of these procedures is to ensure that individuals fleeing persecution are not returned to danger, in line with the principle of **non-refoulement**, while also maintaining orderly and transparent asylum processes. Efficient, fair, and humane implementation of asylum procedures strengthens Nigeria's migration governance and demonstrates compliance with both international and regional humanitarian obligations.

2.7.2 Nigeria's Refugee Administration

Nigeria's refugee administration is primarily managed by the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI), which serves as the central authority for implementing refugee and humanitarian migration policies. The Commission collaborates closely with international organisations, particularly the United Nations High Commissioner for Refugees (UNHCR), to ensure that refugees and asylum seekers receive protection, assistance, and access to durable solutions.

Despite the legal and institutional framework, Nigeria's asylum procedures face several operational challenges. One major issue is limited capacity for refugee status determination, which slows the assessment of claims and creates backlogs. Inadequate data systems further complicate management, making it difficult to track applications, monitor the welfare of asylum seekers, or coordinate assistance effectively. Delays in processing are common, leaving many refugees in prolonged uncertainty regarding their legal status, access to services, and prospects for integration. Additionally, the lack of legal aid for asylum seekers hinders their ability to navigate complex procedures, understand their rights, and appeal negative decisions.

These challenges not only affect the efficiency of Nigeria's asylum system but also have significant humanitarian consequences. Refugees and asylum seekers may experience prolonged insecurity, restricted access to healthcare, education, and employment, and increased vulnerability to exploitation or abuse.

Strengthening institutional capacity, improving data management, streamlining determination processes, and providing legal support are therefore, essential steps for enhancing Nigeria's refugee administration. Effective reforms would ensure that asylum procedures are timely, transparent, and rights-based, aligning national practice with

international and regional obligations while safeguarding the dignity and protection of displaced persons.

2.7.3 Regional Asylum Administration

Nigeria's refugee and asylum system is shaped not only by national law but also by regional frameworks, particularly under ECOWAS and the Organisation of African Unity (OAU) Convention. These regional instruments expand and complement the global refugee regime, reflecting Africa's unique context of conflict, displacement, and cross-border mobility.

Key principles under these regional frameworks include:

- (i) **Broader definitions of refugee status** – Unlike the narrower 1951 Refugee Convention, the OAU Convention and ECOWAS protocols recognise individuals fleeing not only persecution but also generalised violence, conflict, or events seriously disturbing public order. This broader scope allows protection for populations affected by civil wars, communal clashes, or political instability.
- (ii) **Regional solidarity** – Both ECOWAS and the OAU Convention promote collective responsibility among states to protect displaced persons. They encourage host states to provide asylum, facilitate safe passage, and cooperate in managing refugee flows, reinforcing the idea that displacement is a shared regional concern rather than solely a national problem.
- (iii) **Protection for persons fleeing conflict and public disorder** – Regional norms emphasise humanitarian protection for individuals affected by internal conflicts, communal violence, or political upheaval, even when such circumstances do not fall strictly under persecution for race, religion, nationality, political opinion, or social group, as required by the 1951 Convention.

For Nigeria, adherence to these regional obligations expands the scope of protection beyond conventional refugee definitions, aligning the country with humanitarian and solidarity-based approaches. However, effective implementation requires institutional capacity, coordination with other ECOWAS member states, and operational support to ensure that broader regional principles translate into tangible protection for asylum seekers and displaced persons within Nigeria's borders.

By integrating regional norms into domestic practice, Nigeria not only meets its international obligations but also strengthens its role as a key

host country in West Africa, promoting stability, human rights, and regional cooperation in managing forced migration.

2.8 Detention and Deportation Procedures

Detention and deportation are among the most contested aspects of migration administration because they directly affect migrants' rights and dignity.

2.8.1 Immigration Detention

Immigration detention refers to the temporary confinement of non-citizens for purposes related to immigration control. Governments use detention primarily to facilitate removal, prevent absconding, **and** manage security risks. While detention can be a tool for maintaining orderly migration, it raises significant human rights concerns, especially when it becomes prolonged, conditions are poor, legal representation is absent, or confinement is arbitrary.

In Nigeria, immigration detention has faced considerable criticism. Detention centres are often overcrowded, with limited access to basic facilities such as sanitation, food, and healthcare. Living conditions in many facilities fail to meet minimum humanitarian standards, exposing detainees to physical and psychological stress. The lack of due process is another concern: many detainees are held without adequate legal counsel or information about their rights, and decisions to detain or deport may be arbitrary or inconsistent. Moreover, delays in deportation mean that individuals can remain in detention far longer than necessary, compounding the hardship they experience.

Balancing immigration control with human rights protection is a critical challenge. Best practices suggest that detention should be used only as a last resort, for the shortest time necessary, and accompanied by clear procedural safeguards. This includes access to legal aid, regular review of detention, appropriate living conditions, and alternatives to detention wherever possible, such as reporting requirements or bail-like mechanisms.

Strengthening oversight, accountability, and adherence to national and international legal standards is essential to ensure that Nigeria's use of immigration detention protects both public order and the rights and dignity of migrants. Properly managed, detention can serve its administrative purpose without becoming a tool of unnecessary punishment or human rights abuse.

2.8.2 Deportation Procedures

Deportation is the formal process through which a state removes a non-citizen from its territory, typically due to violations of immigration law or security concerns. While deportation is a legitimate tool of migration management, it must be conducted in accordance with national laws and international obligations, particularly the principle of *non-refoulement*, which prohibits returning individuals to countries where they face persecution, torture, or serious harm.

Standard deportation procedures generally include:

- (i) **Notice of deportation** – The individual is formally informed of the decision to remove them and the reasons for it.
- (ii) **Opportunity to appeal** – The non-citizen is given a chance to challenge the deportation decision through administrative or judicial review.
- (iii) **Identification and documentation** – Authorities verify the person's identity and ensure that travel documents are in order.
- (iv) **Removal logistics** – Arrangements are made for safe transport to the country of origin or another safe destination.
- (v) **Monitoring post-deportation** – In some cases, authorities may follow up to ensure the individual has been safely received and does not face immediate danger.

In Nigeria, deportation practices must balance state sovereignty, public order, and security concerns with human rights protections. Ensuring procedural fairness, adequate notice, access to legal counsel, and compliance with international standards is essential to prevent abuses and uphold the dignity of affected individuals.

When properly implemented, deportation serves as an administrative tool to enforce immigration laws while respecting the rights and safety of migrants. However, arbitrary or forced removals without due process or safeguards risk violating both domestic law and international obligations.

2.8.3 Legal and Human Rights Constraints

Deportation in Nigeria is not an unfettered power; it is constrained by multiple legal and human rights obligations. States must ensure that the removal of non-citizens respects both domestic law and international commitments, particularly in relation to vulnerable populations.

Key **constraints on deportation** include:

- (i) **Refugee law (non-refoulement)** – Under the 1951 Refugee Convention, its 1967 Protocol, and the 1969 OAU Convention, Nigeria cannot return individuals to countries where they face persecution, conflict, or serious harm. Non-compliance risks violating international law.
- (ii) **Human rights obligations** – Constitutional and international human rights law prohibit torture, inhuman or degrading treatment, and arbitrary punishment. Deportation decisions must ensure that individuals are not exposed to such risks.
- (iii) **Constitutional protections** – The 1999 Constitution guarantees rights such as the dignity of the human person, protection from discrimination, **and the** right to a fair hearing. These rights apply to all individuals within Nigeria’s territory, including non-citizens, particularly where deportation may be arbitrary or disproportionate.
- (iv) **Due process requirements** – Procedural safeguards such as notification, opportunity to appeal, legal representation, and documentation verification are essential to ensure fairness. Deportation without due process can lead to legal challenges and undermine the rule of law.

In practice, Nigeria’s deportation system must carefully balance sovereign authority with human rights and legal obligations. Ensuring compliance with these constraints protects individuals from harm, reduces the risk of litigation, and strengthens Nigeria’s credibility in upholding international standards. Administrative efficiency must therefore be complemented by rigorous respect for rights, accountability mechanisms, and safeguards to ensure that deportation is lawful, just, and humane.

Self-Assessment Exercises 2

Discuss the legal and human rights implications of immigration detention and deportation.

2.9 Citizenship and Naturalisation Procedures

Citizenship is the ultimate legal status that determines belonging to a state. Citizenship procedures govern how migrants can become citizens.

2.9.1 Legal Framework for Citizenship

Nigeria's citizenship framework is primarily guided by the 1999 Constitution and related legislation, setting out the rules for acquiring, maintaining, and losing citizenship. Citizenship defines an individual's legal identity, rights, and obligations within the state, and it shapes access to political, social, and economic opportunities.

Citizenship in Nigeria can be acquired through several pathways:

- (i) **By birth** – Individuals born in Nigeria to Nigerian parents automatically acquire citizenship. This provision ensures that native-born persons have a clear legal status from birth.
- (ii) **By descent** – Children born outside Nigeria to Nigerian parents may claim citizenship through their lineage, preserving the connection between the individual and the Nigerian state.
- (iii) **By registration** – Certain groups, such as spouses of Nigerian citizens or individuals of Nigerian descent, may apply for citizenship registration under specified legal procedures. This allows for formal recognition of affiliation with the Nigerian nation.
- (iv) **By naturalisation** – Foreign nationals may become Nigerian citizens through naturalisation, subject to specific criteria:
 - **Minimum residency** – Applicants must have resided in Nigeria for a prescribed number of years.
 - **Good character** – Demonstration of moral integrity and lawful conduct is required.
 - **Knowledge of Nigeria** – Applicants must show familiarity with Nigerian history, governance, and culture.
 - **Language and integration criteria** – Evidence of basic proficiency in an indigenous language or English, as well as integration into Nigerian society, is expected.

Naturalisation is discretionary and involves administrative assessment by relevant authorities, ensuring that applicants are genuinely committed to the country and capable of contributing positively to society.

Overall, Nigeria's citizenship framework balances *jus soli* (birthright), *jus sanguinis* (descent), and merit-based pathways, offering multiple avenues for inclusion while safeguarding the integrity of national identity.

2.9.2 Administrative Procedures for Naturalisation

Naturalisation in Nigeria is the formal process through which a foreign national becomes a Nigerian citizen. It is carefully regulated to ensure that applicants meet legal, social, and security requirements, reflecting the state's interest in maintaining the integrity of citizenship.

The naturalisation process typically involves several steps:

- (i) **Application submission** – Prospective citizens submit detailed applications, providing personal information, proof of residence, character references, and supporting documentation.
- (ii) **Background checks** – Authorities conduct thorough assessments of the applicant's personal, professional, and legal history to ensure suitability for citizenship.
- (iii) **Verification of residence** – Applicants must demonstrate that they have legally and continuously resided in Nigeria for the required period, as stipulated by law.
- (iv) **Security screening** – Security agencies may evaluate applicants to ensure they do not pose risks to national security or public order.
- (v) **Approval by executive authority** – Final naturalisation decisions rest with designated government officials, often requiring formal endorsement by the President or relevant ministry.

While these steps are designed to safeguard the citizenship process, in practice, naturalisation in Nigeria can be lengthy and bureaucratic, creating uncertainty and anxiety for applicants. Delays may arise from administrative inefficiencies, overlapping agency responsibilities, or incomplete documentation.

Improving the transparency, efficiency, and predictability of the naturalisation process is essential to balance the state's sovereign authority with the rights and expectations of applicants. Streamlining procedures, digitising applications, and establishing clear timelines can enhance fairness and reduce unnecessary hardship for those seeking to become Nigerian citizens.

2.9.3 Comparative Citizenship Models

Comparative perspectives on citizenship reveal diverse approaches to naturalisation and integration across countries.

- (i) **United States** – Citizenship is primarily acquired through naturalisation based on **continuous** residency, language proficiency, and knowledge of civics and history. Applicants

must also demonstrate good moral character and pass formal examinations. The U.S. system emphasises a combination of legal requirements and integration into civic life.

- (ii) **Canada** – Canada integrates citizenship into its broader migration and development policy. Naturalisation requires residency, but the system also places a strong emphasis on **integration**, including language skills, community engagement, and adherence to Canadian values. Canada’s approach reflects a rights-oriented and inclusive philosophy, often paired with permanent settlement and social benefits.
- (iii) **Germany** – German citizenship law is comparatively strict, with emphasis on long-term residency, language competence, economic self-sufficiency, and integration tests. Applicants must demonstrate successful social and cultural integration, reflecting the state’s interest in a cohesive national identity.
- (iv) **Nigeria** – Nigeria’s citizenship framework resembles that of many Commonwealth countries, particularly in the use of residency, character assessment, and integration criteria for naturalisation. However, the Nigerian system faces administrative challenges, including long processing times, bureaucratic delays, and limited transparency. These issues can create uncertainty for applicants and reduce public confidence in the process.

In summary, while the legal criteria for citizenship in Nigeria are broadly aligned with international norms, its effectiveness is constrained by procedural inefficiencies and institutional capacity gaps. Comparative analysis suggests that streamlining administrative processes, enhancing transparency, and supporting integration mechanisms could strengthen Nigeria’s citizenship governance and align it more closely with best practices globally.

2.10 Administrative Procedures and Migrant Rights

Administrative procedures are the backbone of effective migration governance, and they directly shape migrants’ access to their rights. How these procedures are designed and implemented determine whether migrants can move, reside, work, or seek protection safely and fairly.

Key considerations include:

- (i) **Due process** – Migrants must be afforded the right to be heard, to respond to allegations, and to access impartial decision-making. This ensures that administrative actions, such as visa refusals, detention, or deportation, are legally justified.

- (ii) **Access to legal aid** – Vulnerable migrants often require legal assistance to navigate complex immigration procedures. Availability of counsel helps prevent arbitrary or uninformed decisions and strengthens confidence in the system.
- (iii) **Transparency and accountability** – Clear rules, published procedures, and oversight mechanisms reduce discretion abuse, corruption, and unfair treatment. Transparency fosters trust between migrants and authorities.
- (iv) **Non-discrimination** – Administrative actions should be applied uniformly, without bias based on nationality, ethnicity, religion, or social status. Non-discrimination is crucial for upholding human rights and promoting social cohesion.
- (v) **Protection against arbitrary detention** – Administrative enforcement, including immigration detention, must comply with legal safeguards to prevent prolonged or unjustified confinement.

Procedural justice is therefore essential not only to protect individual migrants but also to maintain the legitimacy of migration governance. When administrative processes are fair, transparent, and accountable, they promote orderly migration, reduce irregularity, and enhance respect for human rights. Conversely, inefficient or opaque procedures can create uncertainty, foster corruption, and increase migrants' vulnerability.

Improving administrative procedures—through digitisation, staff training, standardised guidelines, and robust oversight—is fundamental for ensuring that Nigeria's migration system operates efficiently while upholding the rights and dignity of all migrants

2.10.1 Due Process in Migration Administration

Due process is a cornerstone of fair migration administration, ensuring that decisions affecting migrants are lawful, transparent, and accountable. In practice, due process requires that administrative actions adhere to several key principles:

- (i) **Legal authority** – Every decision must be grounded in clear legal or regulatory provisions. Immigration authorities cannot act outside the scope of the law.
- (ii) **Notice of reasons** – Migrants should be informed of the reasons behind decisions such as visa refusal, detention, or deportation. Clear communication allows them to understand the basis of the action.
- (iii) **Opportunity to respond** – Migrants must have the chance to present evidence, clarify misunderstandings, or correct errors. This ensures that decisions are informed by accurate information.

- (iv) **Right to appeal or review** – Access to internal or judicial review allows migrants to challenge decisions they consider unfair or incorrect. Appeals mechanisms reinforce accountability and provide a corrective pathway.
- (v) **Impartial decision-making** – Decisions must be made by neutral authorities, free from bias, political influence, or personal interest. Impartiality safeguards fairness and public trust in the system.

By observing these principles, due process protects migrants from arbitrary, discriminatory, or abusive administrative actions. It ensures that migration governance is not only effective but also legally legitimate and ethically sound.

In Nigeria, strengthening due process mechanisms—through clear procedural guidelines, accessible appeals, and independent oversight—can reduce abuse, increase transparency, and foster migrants’ confidence in the system. Properly implemented, due process balances the state’s sovereign authority with the protection of individual rights, creating a migration administration that is both efficient and just.

2.10.2 Transparency and Accountability

Administrative transparency and accountability are essential for a fair and credible migration system. Without them, migrants may face uncertainty, discrimination, or exploitation, and public trust in migration institutions can erode.

Transparency ensures that migrants understand how procedures work and what is expected of them. Key elements include:

- (i) **Clear procedural guidelines** – Detailed instructions on how to apply for visas, residence permits, or asylum help prevent confusion and errors.
- (ii) **Publicly available requirements** – Eligibility criteria, documentation standards, and fees should be accessible to all applicants.
- (iii) **Timely communication** – Prompt notifications about decisions, delays, or additional requirements allow migrants to plan and respond appropriately.
- (iv) **Complaint mechanisms** – Channels to report irregularities, seek clarification, or lodge grievances empower migrants and discourage arbitrary treatment.

Accountability ensures that administrative actions are subject to oversight and correction. Important mechanisms include:

- (i) **Internal review** – Agencies should have processes to reassess or correct their own decisions when errors or injustices occur.
- (ii) **Ombudsman or oversight bodies** – Independent offices can investigate complaints, monitor performance, and recommend reforms.
- (iii) **Judicial review** – Courts provide a final check on administrative actions, ensuring compliance with the law and protection of migrants' rights.

In Nigeria, migration administration has faced criticism for opacity, inconsistent application of rules, and weak oversight, which can create opportunities for corruption, bribery, and abuse. Strengthening transparency and accountability—through digitisation, clear communication, and independent oversight—is essential for improving efficiency, protecting migrant rights, and fostering confidence in the system.

Ultimately, a transparent and accountable migration administration is not just a legal requirement; it is a foundation for orderly, humane, and effective migration governance.

2.11 Technology and Migration Administration

Technology plays a growing role in migration administration. Digital systems can improve efficiency, data accuracy, and security.

2.11.1 E-Visa and Online Applications

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2.11.2 Biometric Identification

Biometric systems have become a key tool in modern migration administration, enhancing security and efficiency. By using fingerprints, facial recognition, or iris scans, authorities can reliably verify identities, reduce document fraud, and track migration flows more effectively. These technologies also help prevent irregular entry, support accurate visa and residence records, and streamline border processing.

However, the use of biometrics comes with important considerations:

- (i) **Privacy concerns** – Collecting and storing sensitive personal data raises the risk of misuse, surveillance, or breaches. Migrants may feel their privacy is compromised, which can undermine trust in the system.

- (ii) **Data protection requirements** – Robust legal and technical frameworks are necessary to secure biometric information. This includes encryption, access controls, retention limits, and clear policies on data sharing.
- (iii) **Operational capacity** – Effective deployment of biometric systems depends on reliable infrastructure, trained personnel, and ongoing maintenance. Without these, systems can fail or create bottlenecks.
- (iv) **Inclusivity and accuracy** – Biometric systems must be designed to minimise errors that can unfairly restrict access for legitimate migrants, including misidentification due to technical or environmental factors.

In Nigeria, adopting biometric systems can strengthen migration governance by improving identification and reducing fraud. At the same time, policymakers must balance efficiency with respect for privacy and human rights, ensuring that data protection, transparency, and accountability are central to system design and implementation. When implemented responsibly, biometrics can be a powerful tool for orderly, secure, and rights-respecting migration administration.

2.11.3 Data Systems and Inter-Agency Sharing

Effective migration administration depends heavily on robust data management and inter-agency cooperation. Shared databases allow agencies—such as immigration services, law enforcement, security agencies, and health authorities—to coordinate actions, track migrants, and respond quickly to irregularities or emergencies.

Benefits of shared databases include:

- (i) **Improved enforcement** – Agencies can identify overstayers, track visa compliance, and prevent illegal entry or exit.
- (ii) **Better service delivery** – Shared information facilitates efficient visa processing, residence permit renewals, and access to social services for migrants.
- (iii) **Enhanced security** – Coordinated data helps detect human trafficking, smuggling networks, or security threats.
- (iv) **Policy planning and research** – Reliable migration data enables evidence-based policymaking, resource allocation, and trend analysis.

Challenges and considerations:

- (i) **Data protection and privacy** – Migrants' personal information must be safeguarded against misuse, breaches, or unauthorised access. Strong legal and technical frameworks are essential.

- (ii) **Inter-agency coordination** – Agencies must have clear protocols for data sharing, avoiding duplication, conflicts, or miscommunication.
- (iii) **Technical infrastructure** – Effective databases require secure, interoperable systems with sufficient capacity and trained personnel.
- (iv) **Legal compliance** – Data sharing must comply with national laws and international standards, including human rights and privacy regulations.

In Nigeria, developing integrated migration databases can strengthen governance, enhance transparency, and reduce irregular migration, provided that privacy, security, and accountability are central to system design. When implemented responsibly, shared data systems transform migration administration from fragmented and reactive **into** coordinated, proactive, and rights-respecting.

2.12 Comparative Analysis: Nigeria and Other Jurisdictions

Comparative analysis helps understand how different governance models address migration administration.

2.12.1 United Kingdom: Centralised Administrative Systems

The United Kingdom provides a strong example of a centralised and structured migration administration. Its system combines clear legal frameworks, technological efficiency, and rigorous oversight to manage migration effectively while safeguarding rights.

Key features of the UK model include:

- (i) **Clear visa categories** – The UK defines precise visa types for work, study, family reunification, and other purposes. This clarity helps applicants understand eligibility requirements and facilitates administrative consistency.
- (ii) **Online applications** – Digital platforms streamline the application process, reduce processing times, and improve record-keeping, while also making the system more transparent for applicants.
- (iii) **Strong enforcement and oversight** – UK authorities maintain robust border control, monitoring, and compliance mechanisms to ensure that migration rules are respected and that irregular migration is minimised.
- (iv) **Judicial review and appeals** – Migrants have access to independent review and appeal mechanisms, ensuring that

administrative decisions are lawful, fair, and accountable. Courts play a key role in checking executive discretion and upholding procedural fairness.

The UK model emphasises efficiency, legal accountability, and control, demonstrating how centralisation and clear administrative processes can enhance migration governance. By integrating technology, well-defined procedures, and independent oversight, the system balances state interests in security and labour management with protection of individual rights.

For countries like Nigeria, lessons from the UK highlight the value of streamlined processes, digital infrastructure, and enforceable legal standards, combined with accessible avenues for appeal and judicial scrutiny, to strengthen migration administration and reduce irregularity

2.12.2 Canada: Integration and Transparency

Canada's migration administration is widely recognised for its structured, rights-oriented, and integration-focused approach. Unlike models that emphasise enforcement alone, Canada balances economic objectives with social inclusion, ensuring that migrants can contribute meaningfully to society while enjoying protection and support.

Key elements of Canada's system include:

- (i) **Transparent selection criteria** – Canada uses clear and publicly available requirements for different migration categories, such as skilled workers, family reunification, and refugees. This transparency reduces uncertainty and builds trust in the system.
- (ii) **Strong integration support** – Migrants benefit from programmes that facilitate language learning, skills recognition, employment support, and community integration, helping them settle successfully and contribute to economic development.
- (iii) **Clear pathways to citizenship** – Canada provides well-defined routes from temporary or permanent residency to citizenship, giving migrants certainty and long-term prospects. Requirements are communicated clearly, including residency, language, and civic knowledge obligations.
- (iv) **Data-driven decision-making** – Migration policies and admissions rely on research, statistical analysis, and labour market needs, allowing for evidence-based planning and responsive policy adjustments.

Canada's approach prioritises migrant rights, social inclusion, and long-term integration, demonstrating how migration governance can be both

orderly and humane. By providing transparent procedures, structured support, and predictable pathways, the system reduces irregular migration, enhances migrant welfare, and strengthens societal cohesion. For countries like Nigeria, Canada's model offers lessons in clarity, integration planning, and the use of evidence to guide policy, highlighting that effective migration governance extends beyond border control to include the empowerment and protection of migrants throughout their stay.

2.12.3 Singapore: Efficient Enforcement

Singapore's migration administration is widely regarded as one of the most efficient and tightly controlled systems in the world. It is designed to meet the city-state's economic needs while maintaining strict security and order, reflecting a highly pragmatic approach to migration governance.

Key features of Singapore's system include:

- (i) **Highly efficient administrative systems** – Migration processes, from visa applications to work permit management, are streamlined through well-organised procedures and digital platforms, reducing delays and administrative bottlenecks.
- (ii) **Strict enforcement** – Compliance with immigration rules is rigorously monitored, with swift penalties for violations. Enforcement extends to workplaces, housing, and border areas, ensuring adherence to regulations.
- (iii) **Technology-driven border control** – Advanced systems such as automated gates, biometric verification, and integrated databases enhance identity verification, prevent fraud, and improve the speed and accuracy of border management.
- (iv) **Limited pathways to citizenship** – While Singapore relies heavily on foreign labour, pathways to permanent residence or citizenship are selective, reflecting a focus on managing population size and retaining strategic control over migration flows.

Singapore's model prioritises economic requirements and security, ensuring that migrant labour aligns closely with national development goals. Efficiency, technological integration, and strict enforcement allow the state to benefit from skilled and unskilled foreign workers while maintaining robust oversight.

For other countries, including Nigeria, Singapore illustrates how technology, streamlined processes, and strong enforcement can enhance

migration management. However, the model also demonstrates trade-offs, such as limited integration and restricted citizenship pathways, highlighting that effective migration governance requires balancing economic needs, security, and human rights considerations.

Self-Assessment Exercises 3

Compare Nigeria's asylum administrative procedures with those of another jurisdiction.

2.12.4 Nigeria's Position

Nigeria's migration administration faces significant challenges that hinder efficiency, fairness, and transparency. Unlike countries such as the UK, Canada, or Singapore, where procedures are streamlined and institutionalised, Nigeria's system remains highly discretionary and fragmented, creating obstacles for both migrants and authorities.

Key challenges include:

- (i) **Corruption** – Bribery and informal payments are common in visa processing, border control, and residence permit management, undermining the rule of law and fairness.
- (ii) **Delays** – Lengthy processing times for visas, permits, and refugee status determinations create uncertainty and can push migrants into irregularity.
- (iii) **Lack of transparency** – Procedures, requirements, and decision-making criteria are often unclear, leaving migrants confused and vulnerable to exploitation.
- (iv) **Weak data systems** – Inadequate technology and poor inter-agency data sharing make it difficult to track migration flows, enforce compliance, or plan policies effectively.
- (v) **Institutional fragmentation** – Multiple agencies with overlapping mandates, such as the Nigerian Immigration Service, NiDCOM, and the National Commission for Refugees, operate without sufficient coordination, resulting in policy inconsistencies and duplication of efforts.

These weaknesses collectively reduce legal certainty, accountability, and protection for migrants, while also limiting the government's ability to manage migration efficiently.

To address these challenges, Nigeria needs comprehensive administrative reforms:

- (i) **Strengthening institutional coordination** through inter-agency committees and clear mandates.
- (ii) **Digitisation of procedures** to reduce delays and corruption.
- (iii) **Transparent guidelines and public communication** to improve understanding and compliance.
- (iv) **Capacity building and training** for personnel to ensure professionalism and fairness.
- (v) **Robust data management systems** for evidence-based decision-making and policy planning.

Reforms that integrate efficiency, transparency, and respect for human rights are essential for transforming Nigeria's migration administration into a system that is orderly, accountable, and responsive to both national priorities and migrant welfare.

2.13 Case Studies

Case Study 1: Visa Processing Delays and Irregularities

A common pathway to irregularity is visa processing delays. When applicants experience long delays, they may overstay or resort to irregular channels. This demonstrates how administrative inefficiency can push migrants into irregularity even when they seek legal pathways.

Case Study 2: Asylum Processing and Protection Gaps

In Nigeria, asylum seekers often face long delays in refugee status determination due to limited capacity. This creates prolonged uncertainty and vulnerability. The case highlights the need for efficient asylum procedures and access to legal assistance.

Case Study 3: Deportation and Non-Refoulement

Deportation cases sometimes raise non-refoulement concerns when migrants face the risk of persecution upon return. Administrative procedures must include rigorous screening to prevent unlawful returns.



5.14 Summary

This unit has examined migration processes and administrative procedures, focusing on how migration policy and law are implemented in practice. It has analysed entry and exit procedures, residence permits, asylum administration, detention and deportation, citizenship

procedures, and the impact of administrative processes on migrant rights. The unit has highlighted the challenges of migration administration in Nigeria, including institutional fragmentation, corruption, delays, and weak data systems. It has also provided comparative insights from other jurisdictions.



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5.16 Possible Answers to SAEs

Answer to SAEs 1

Nigeria's immigration administrative procedures are primarily governed by the Immigration Act 2015 and implemented by the Nigerian Immigration Service (NIS). These procedures regulate visa issuance, residence permits, border control, detention, and deportation.

Strengths

1. **Clear Legal Framework** – The Immigration Act provides statutory authority for entry control, enforcement, and removal procedures.
2. **Movement toward Digitisation** – Introduction of e-visa systems and biometric registration has improved identity verification and record management.
3. **Regional Compliance** – Nigeria recognises ECOWAS free movement rights for West African nationals.

Weaknesses

1. **Administrative Delays** – Visa processing and residence permit approvals are often slow, contributing to irregularity.
2. **Discretionary Decision-Making** – Wide administrative discretion can result in inconsistency and arbitrariness.
3. **Corruption Risks** – Informal payments and weak oversight mechanisms undermine integrity.
4. **Limited Data Integration** – Weak inter-agency coordination reduces enforcement efficiency.
5. **Restricted Access to Remedies** – Migrants may struggle to challenge administrative decisions due to cost, delay, or limited awareness.

Critical Evaluation

While Nigeria's procedures are legally grounded, effectiveness is undermined by institutional weaknesses and implementation gaps. Administrative inefficiency not only reduces compliance but may also generate irregular migration. Reform should focus on transparency, accountability, digitisation, and procedural safeguards.

Answer to SAEs 2

Immigration detention and deportation are legitimate tools of state sovereignty, but they carry significant legal and human rights implications.

Immigration Detention

Detention must comply with:

- **Constitutional protections** (personal liberty and due process)

- International human rights standards (e.g., ICCPR)

Key issues include:

- **Prohibition of arbitrary detention** – Detention must be lawful, necessary, and proportionate.
- **Right to judicial review** – Detainees must be able to challenge detention before a court.
- **Conditions of detention** – Must meet minimum human rights standards.
- **Protection of vulnerable groups** – Children and asylum seekers require special safeguards.

Prolonged or automatic detention without review may violate constitutional and international obligations.

Deportation

Deportation raises concerns such as:

- **Non-refoulement** – Individuals cannot be returned to countries where they face persecution or torture.
- **Due process** – Migrants must receive notice, reasons for removal, and opportunity to appeal.
- **Family and private life rights** – Deportation decisions should consider humanitarian factors.

Legal Implication

Detention and deportation must balance enforcement with human dignity. Failure to ensure procedural fairness can lead to constitutional challenges and international criticism.

Answer to SAEs 3

Nigeria

- Managed by the National Commission for Refugees, Migrants and IDPs (NCFRMI).
- Recognises refugee status under the 1951 Refugee Convention and the OAU Convention.
- Challenges include:
 - Delays in refugee status determination (RSD)
 - Limited legal aid
 - Capacity constraints
 - Weak appeal structures

Asylum procedures are legally recognised but administratively slow and resource-constrained.

Canada

- Governed by the Immigration and Refugee Protection Act (IRPA).
- Refugee claims are assessed by the independent Immigration and Refugee Board (IRB).
- Strong procedural safeguards:
 - Right to hearing

- Legal representation
- Written decisions with reasons
- Appeal mechanisms
- Extensive integration support for recognised refugees.

Comparative Analysis

Canada's asylum system is more institutionalised, independent, and procedurally robust. Nigeria's framework recognises international obligations but faces implementation and capacity challenges. The key difference lies not in legal commitment but in administrative infrastructure, independence, and access to remedies.

UNIT 3 MIGRATION PROCESSES AND ADMINISTRATIVE PROCEDURES

Unit Structure

- 3.1 Introduction
- 3.2 Learning Outcomes
- 3.3 Migration Administration as A Governance Function
- 3.4 Legal Foundations of Migration Administration in Nigeria
- 3.5 Entry and Exit Procedures
- 3.6 Residence Permits and Stay Regulation
- 3.7 Asylum and Refugee Administration
- 3.8 Detention and Deportation Procedures
- 3.9 Citizenship and Naturalisation Procedures
- 3.10 Administrative Procedures and Migrant Rights
- 3.11 Technology and Migration Administration
- 3.12 Comparative Analysis: Nigeria and Other Jurisdictions
- 3.13 Case Studies
- 3.14 Summary
- 3.15 References/Further Reading/Web Sources/Web Sources



3.1 Introduction

Migration is not merely an abstract concept; it is a set of lived experiences shaped by formal administrative processes. While the law defines the rights and obligations of migrants, administrative procedures determine the practical reality of migration. Visa processing, border control, residence permits, asylum procedures, deportation, and citizenship applications all involve bureaucratic systems that can either facilitate orderly mobility or create barriers that push migrants into irregularity.

This unit examines migration processes and administrative procedures with emphasis on how they function in Nigeria. It explores how migration administration operates in practice, the legal foundations of administrative processes, and the challenges of implementation. The unit also offers comparative insights from other jurisdictions to highlight alternative models of migration administration. The objective is to provide students with a practical understanding of how migration policy and law are translated into administrative action.



3.2 Learning Outcomes

By the end of this unit, you will be able to:

- describe the key administrative procedures governing migration
- explain the legal basis for migration administration in Nigeria
- analyse the operational challenges of migration procedures
- evaluate the impact of administrative processes on migrant rights
- compare Nigeria's administrative procedures with other jurisdictions.



3.3 Migration Administration as a Governance Function

Migration administration is the set of bureaucratic processes through which states regulate entry, stay, and exit. It includes border management, visa issuance, residence permits, asylum processing, deportation, and citizenship applications. The effectiveness of migration administration depends on:

- (i) Institutional capacity
- (ii) Clear legal frameworks
- (iii) Technological infrastructure
- (iv) Data systems
- (v) Accountability mechanisms

Administrative procedures are not neutral. They shape migrants' access to rights and determine whether migration is orderly or irregular. Inefficient procedures can create delays, discrimination, and corruption, while efficient systems can promote legal mobility and integration.

3.4 Legal Foundations of Migration Administration in Nigeria

Nigeria's migration administrative system is primarily grounded in the Immigration Act 2015 and related regulations. The Act grants powers to the Nigerian Immigration Service (NIS) to control borders, issue visas, grant residence permits, and enforce immigration rules. It also provides for deportation, detention, and removal of non-citizens who violate immigration laws.

3.4.1 Immigration Act 2015

The Immigration Act 2015 forms the cornerstone of Nigeria's migration legal framework, establishing the rules and procedures through which the state regulates the entry, stay, and exit of non-citizens. The Act reflects a strong emphasis on state control, security, and sovereignty, while also incorporating limited procedural safeguards to protect individuals from arbitrary action.

Key provisions of the Act include:

- (i) *Visa categories and issuance* – The Act defines the types of visas available, including tourist, business, student, work, and diplomatic visas, along with eligibility requirements and procedures for application.
- (ii) *Entry and exit requirements* – It sets out the conditions under which non-citizens may enter or leave Nigeria, including documentation, screening, and compliance with immigration rules.
- (iii) *Residence permits and renewal* – The Act governs temporary and long-term residence permits, detailing eligibility, reporting obligations, renewal procedures, and conditions for maintaining legal status.
- (iv) *Deportation and removal* – It outlines procedures for removing non-citizens who violate immigration laws, including notice, verification, and the logistical arrangements for lawful removal.
- (v) *Immigration offences and penalties* – The Act prescribes sanctions for violations, such as overstaying, working without authorisation, or providing false information.

While the Act emphasises control, it also includes procedural safeguards, such as the right to appeal certain decisions and administrative review mechanisms, reflecting an awareness of constitutional and human rights principles. These safeguards aim to balance the state's authority with fairness and accountability, although practical implementation has faced challenges due to delays, discretionary enforcement, and limited transparency.

In essence, the Immigration Act 2015 provides a comprehensive legal framework for regulating migration in Nigeria, combining security-focused controls with limited protections to ensure that enforcement aligns, at least in part, with due process and individual rights.

3.4.2 Constitutional and Human Rights Constraints

The Immigration Act 2015 forms the cornerstone of Nigeria's migration legal framework, establishing the rules and procedures through which the state regulates the entry, stay, and exit of non-citizens. The Act reflects a strong emphasis on state control, security, and sovereignty, while also incorporating limited procedural safeguards to protect individuals from arbitrary action.

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In essence, the Immigration Act 2015 provides a comprehensive legal framework for regulating migration in Nigeria, combining security-focused controls with limited protections to ensure that enforcement aligns, at least in part, with due process and individual rights.

3.4.3 Refugee and IDP Legal Framework

Nigeria's refugee and displacement governance is anchored in the National Commission for Refugees, Migrants and IDPs Act 2022, along with its accompanying regulations. This legal framework establishes the mechanisms and responsibilities for managing refugees, asylum seekers, and internally displaced persons (IDPs) in line with Nigeria's international and regional obligations.

Key features of the Act include:

- (i) *Refugee registration* – The Act provides structured procedures for identifying and registering refugees and asylum seekers, ensuring that individuals fleeing persecution are documented and recognised under the law.
- (ii) *Asylum determination* – It outlines the process for evaluating claims of asylum, including interviews, verification, and assessment against established criteria, to determine eligibility for refugee status.
- (iii) *Protection and assistance* – The Act mandates the provision of basic rights and support, including shelter, food, healthcare, education, and psychosocial services, ensuring that vulnerable populations receive essential humanitarian care.
- (iv) *Durable solutions* – The legislation promotes long-term strategies for displaced persons, including voluntary repatriation, local integration, or resettlement, supporting both social cohesion and sustainable reintegration.

This legal framework reflects Nigeria's commitment to its international obligations, including the 1951 Refugee Convention and its 1967 Protocol, as well as the 1969 OAU Convention, which adopts a broader regional definition of refugees, including those fleeing conflicts or disturbances in public order. By codifying these procedures, the Act aims to harmonise domestic law with global and regional standards, ensuring that displaced persons are protected while maintaining orderly migration governance.

Overall, the National Commission for Refugees, Migrants and IDPs Act 2022 provides a comprehensive, rights-oriented framework that balances humanitarian responsibility with effective administrative management, although its success depends on adequate resources, institutional capacity, and effective coordination with international partners.

3.5 Entry and Exit Procedures

Entry and exit procedures are the most visible aspects of migration administration. They determine who may enter a country and under what conditions. Nigeria's entry and exit procedures are regulated through visa systems, passport control, and border management.

3.5.1 Visa Categories and Issuance

Visas are official authorisations that allow individuals to enter and stay in a country for a specified purpose. In Nigeria, the visa system is structured to manage migration while balancing security, economic, and diplomatic considerations.

Nigeria issues several categories of visas, including:

- (i) **Tourist visa** – For visitors entering for leisure or personal travel.
- (ii) **Business visa** – For short-term commercial activities, meetings, or negotiations.
- (iii) **Student visa** – For individuals enrolled in recognised educational institutions.
- (iv) **Work visa** – For employment in Nigeria under sponsorship by an employer.
- (v) **Temporary entry visa** – For short-term stays that do not fall under other categories.
- (vi) **Diplomatic and official visas** – For foreign officials, diplomats, or representatives of international organisations.

Each visa type comes with specific requirements, such as:

- (i) **Valid passport** – The primary travel document with sufficient validity.
- (ii) **Proof of funds** – Evidence of financial capacity to support the stay.
- (iii) **Letter of invitation or admission** – From a host organisation, educational institution, or business entity.
- (iv) **Medical clearance** – To ensure public health compliance.
- (v) **Proof of accommodation** – Demonstrating where the applicant will stay during their visit.

Visas function as a central tool of migration control. They allow authorities to screen applicants, evaluate potential risks, and determine eligibility for entry or residence. However, visa systems can also create barriers if they are complex, costly, or opaque. In Nigeria, visa processing has historically been affected by:

- (i) Long administrative delays

- (ii) Limited transparency in procedures
- (iii) Inadequate online application and tracking systems

These challenges can discourage legal migration and sometimes push applicants toward irregular channels. Strengthening Nigeria's visa system through digitisation, clear procedural guidelines, and efficient processing is therefore essential to improve access, reduce delays, and support orderly and secure migration.

By balancing control with accessibility, visas can both protect national interests and facilitate legitimate mobility.

3.5.2 Border Control and Immigration Checks

Border control is a critical component of migration management, serving as the first line of enforcement at points of entry such as airports, seaports, and land borders. Its primary purpose is to ensure that individuals entering the country do so legally and in compliance with national laws, while also protecting national security and public order.

At border checkpoints, immigration officers perform several key functions, including:

- (i) **Verification of travel documents** – Checking passports, visas, and other identification to confirm authenticity and validity.
- (ii) **Assessment of the purpose of travel** – Ensuring that visitors' stated reasons for entry align with the visa category or legal requirements.
- (iii) **Compliance with visa conditions** – Confirming that travellers meet the terms of their visa, including duration of stay and permissible activities.
- (iv) **Evaluation of security risks** – Screening for potential threats, such as criminal records, terrorism, human trafficking, or smuggling.

Border control often requires close cooperation with other security agencies, including the police, customs, and national security services, to manage broader threats and maintain law and order. Effective border management contributes not only to national security but also to orderly migration, economic stability, and the protection of human rights.

In practice, border control is more than just document checking; it functions as a gatekeeping mechanism that balances facilitation of legitimate travel with the prevention of illegal entry. Challenges such as porous borders, inadequate technology, limited manpower, and corruption can undermine its effectiveness. Addressing these issues

through investment in infrastructure, training, and technology-driven systems is essential for strengthening Nigeria's border management and ensuring that migration remains both secure and orderly.

3.5.3 Challenges of Border Control in Nigeria

Nigeria's border control system faces significant operational challenges that hinder effective migration management and national security. One major concern is the porosity of land borders, which makes it difficult to monitor cross-border movements. Despite the presence of official checkpoints, many areas remain unguarded, allowing irregular entry and exit. This porous nature contributes to unregulated migration and facilitates criminal activities such as smuggling, trafficking, and cross-border insurgency.

Inadequate technology and equipment further weaken border enforcement. Many checkpoints lack modern surveillance systems, scanners, and electronic databases, limiting the ability to verify travel documents, track movements, or detect fraudulent activity. Without these tools, border officials are often dependent on manual procedures that are time-consuming and prone to error.

Corruption and bribery present another significant obstacle. Instances of officials accepting payments to allow unauthorised crossings undermine legal frameworks and create opportunities for exploitation. Such practices not only compromise border integrity but also erode public trust in migration institutions.

Limited manpower exacerbates these challenges. Border posts are often understaffed, leading to gaps in coverage and reduced capacity for inspections, monitoring, and enforcement. This shortage makes it difficult to respond promptly to irregular migration or security threats. Finally, inconsistent enforcement across different regions and agencies creates loopholes in the system. Uneven application of rules allows irregular migrants and criminal networks to exploit weaknesses, undermining national and regional migration policies.

Together, these challenges allow irregular entry and facilitate smuggling, trafficking, and other illicit activities, highlighting the need for comprehensive border reform. Strengthening Nigeria's border control requires investment in technology, personnel, training, and anti-corruption measures, coupled with coordinated enforcement strategies to ensure secure, orderly, and lawful migration.

3.5.4 Exit Control and Departure Procedures

Exit procedures are a vital yet often overlooked component of migration management. While much attention is given to controlling entry, ensuring that individuals leave the country in compliance with legal requirements is equally important for maintaining orderly migration and national security.

In Nigeria, exit controls typically involve several key steps:

- (i) **Passport verification** – Confirming that travellers possess valid passports and that their identity matches official records.
- (ii) **Visa compliance checks** – Ensuring that non-citizens have adhered to the terms of their visa, including duration of stay and permitted activities.
- (iii) **Exit screening for security threats** – Identifying individuals who may pose a risk to national security or who have pending legal obligations, such as criminal charges or deportation orders.

These procedures serve multiple purposes. They prevent irregular departures, reducing the risk that migrants leave the country without proper authorisation. They also ensure that those with pending legal or administrative issues cannot evade enforcement, thereby supporting the integrity of migration and law enforcement systems.

Effective exit controls require trained personnel, reliable documentation systems, and coordination with border and security agencies. However, in practice, challenges such as manual processes, limited technology, and understaffed checkpoints can hinder the efficiency of exit procedures.

By strengthening exit controls, Nigeria can better monitor migration flows, enforce legal obligations, and mitigate security risks, while simultaneously protecting the rights of lawful travellers. Exit management is therefore an essential complement to entry control, forming a holistic approach to national migration governance.

3.6 Residence Permits and Stay Regulation

Residence permits are legal authorisations that allow foreigners to stay in a country for specified periods. They are essential for regulating long-term migration.

3.6.1 Types of Residence Permits

Residence permits in Nigeria are official authorisations that allow non-citizens to live in the country for specific purposes and durations. They play a central role in regulating legal migration and ensuring compliance with national laws.

The main types of residence permits in Nigeria include:

- (i) **Temporary residence permit** – For short-term stays, such as business trips, research projects, or family visits.
- (ii) **Work permit** – For individuals employed by Nigerian companies or organisations, enabling them to live and work legally in the country.
- (iii) **Student permit** – For foreigners enrolled in recognised educational institutions, allowing them to reside in Nigeria for the duration of their studies.
- (iv) **Permanent residence permit** – Granted in limited circumstances to long-term residents who meet strict criteria, such as economic contribution or family ties.

To obtain and maintain a residence permit, migrants must comply with certain conditions, including:

- (i) **Employment status** – Ensuring that work permits correspond to genuine employment and that the holder continues to meet job requirements.
- (ii) **Proof of income** – Demonstrating sufficient financial resources to support oneself and any dependents during the stay.
- (iii) **Regular reporting** – Keeping immigration authorities informed of changes in employment, address, or personal circumstances.
- (iv) **Renewal procedures** – Submitting the necessary documents and fees on time to extend the permit's validity.

Residence permits help regulate migration while protecting the rights of both migrants and citizens. Compliance allows migrants to access services, work, and study legally in Nigeria. Failure to meet requirements or delays in renewal can result in irregular status, fines, detention, or deportation.

Efficient management of residence permits, supported by clear procedures, digital record-keeping, and transparent administration, is essential for promoting orderly migration, reducing irregularity, and helping migrants integrate successfully into Nigerian society

3.6.2 Administrative Procedures for Renewal

Renewing a residence permit in Nigeria is an essential step for non-citizens to maintain legal status. The process typically involves several key steps:

- (i) **Submission of documents** – Providing updated paperwork, such as proof of employment, financial stability, or educational enrolment, depending on the permit type.
- (ii) **Payment of fees** – Settling the required administrative or processing charges.
- (iii) **Verification of continued eligibility** – Immigration authorities check that the permit holder still meets the conditions for their residence category.
- (iv) **Security screening** – Ensuring that the applicant does not pose a security risk.

While these steps are necessary for orderly migration, delays, inconsistencies, or arbitrary refusals in the renewal process can create significant problems. Migrants may overstay unintentionally, placing them in an irregular status and increasing their vulnerability to fines, detention, or deportation.

Streamlining the renewal process through clear guidelines, timely communication, and digital tracking systems can reduce delays, prevent irregularity, and protect the rights of lawful residents. A transparent and efficient renewal system is therefore a cornerstone of effective migration governance, ensuring that migrants can continue their legal stay without unnecessary disruption.

3.6.3 Compliance and Enforcement

Monitoring compliance is a critical function of immigration authorities to ensure that non-citizens adhere to the conditions of their stay. In Nigeria, this oversight typically involves several measures:

- (i) **Reporting requirements** – Residents may be required to periodically update immigration authorities on their employment, address, or personal circumstances.
- (ii) **Inspections** – Authorities may conduct checks at residences, workplaces, or institutions to verify compliance with permit conditions.
- (iii) **Workplace audits and raids** – Employers and employees are monitored to ensure that foreign workers are legally authorised and that labour laws are respected.

- (iv) **Community surveillance** – Information from local communities or organisations can assist authorities in identifying irregularities or violations.

While monitoring is necessary to maintain the integrity of migration systems, enforcement must strike a careful balance. Excessive or arbitrary enforcement can lead to harassment, discrimination, and a climate of fear among migrants. Conversely, weak enforcement may encourage overstaying, unauthorised employment, or other irregularities. An effective compliance system combines clear rules, fair procedures, and transparency, allowing authorities to uphold the law while respecting the rights of migrants. Properly implemented, these measures support orderly migration, protect public safety, and reinforce the legitimacy of Nigeria's migration governance framework.

3.7 Asylum and Refugee Administration

Asylum and refugee administration is a critical area of migration governance. It involves legal procedures for determining refugee status and ensuring protection.

3.7.1 Asylum Procedures

Asylum procedures in Nigeria are designed to ensure that individuals fleeing persecution or serious harm can access protection in line with international obligations. The process generally involves several key steps:

- (i) **Registration of asylum claims** – Asylum seekers must formally submit their request for protection, providing personal information and the reasons for their flight.
- (ii) **Screening interviews** – Authorities conduct interviews to understand the circumstances of the claim, assess credibility, and gather necessary evidence.
- (iii) **Determination of refugee status** – Based on the information provided, a decision is made on whether the individual qualifies as a refugee under Nigerian law and international conventions.
- (iv) **Appeals and review mechanisms** – Applicants who are denied protection have the right to appeal or request a review of the decision, ensuring fairness and accountability.
- (v) **Provision of protection and assistance** – Approved refugees receive support, including access to shelter, basic services, and legal recognition, to help them live safely while in Nigeria.

The primary goal of these procedures is to protect vulnerable individuals from returning to situations where they face persecution, violence, or serious threats. By adhering to international frameworks such as the 1951 Refugee Convention and regional instruments like the 1969 OAU Convention, Nigeria seeks to provide a structured and rights-based response to forced migration.

Challenges persist, however, including limited institutional capacity, delays in processing claims, and insufficient legal assistance for asylum seekers. Strengthening administrative efficiency, improving data systems, and expanding support services are crucial for ensuring that asylum procedures are fair, timely, and effective.

3.7.2 Nigeria's Refugee Administration

Refugee administration in Nigeria is primarily managed by the National Commission for Refugees, Migrants and IDPs (NCFRMI). The Commission serves as the central authority responsible for coordinating protection and assistance for refugees, asylum seekers, and other displaced persons. It works closely with international partners such as the United Nations High Commissioner for Refugees (UNHCR) to implement programmes, provide humanitarian support, and ensure compliance with both international and regional refugee frameworks.

Despite these structures, Nigeria's asylum system faces significant challenges:

- (i) **Limited capacity for refugee status determination** – There are too few trained personnel to handle the volume and complexity of asylum claims efficiently.
- (ii) **Inadequate data systems** – Poor record-keeping and lack of shared databases hinder effective tracking and management of asylum seekers.
- (iii) **Delays in processing** – Administrative bottlenecks often result in prolonged waiting periods for applicants, leaving refugees in legal uncertainty.
- (iv) **Lack of legal aid for asylum seekers** – Many applicants are unable to access representation, which can affect the fairness and accuracy of decisions.

These challenges can lead to prolonged uncertainty and vulnerability for refugees and asylum seekers, exposing them to risks such as irregular status, limited access to services, and social marginalisation.

Strengthening the refugee administration requires capacity building, improved data management, streamlined procedures, and expanded legal

assistance. By addressing these gaps, Nigeria can ensure that asylum procedures are efficient, fair, and protective, meeting both its national responsibilities and international obligations.

3.7.3 Regional Asylum Administration

Nigeria's refugee and asylum policies are not only shaped by international conventions but also by regional frameworks, notably the ECOWAS Protocol on Free Movement and the 1969 OAU (Organisation of African Unity) Convention on Refugees. These instruments provide a broader approach to protection, reflecting Africa's collective commitment to solidarity and human rights.

Key features of regional asylum norms include:

- (i) **Broader definitions of refugee status** – Unlike the 1951 Refugee Convention, which focuses on persecution based on specific grounds, the OAU Convention and ECOWAS instruments also recognise individuals fleeing generalised conflict, civil unrest, or public disorder. This wider scope ensures that more vulnerable persons can access protection.
- (ii) **Regional solidarity** – These frameworks emphasise shared responsibility among member states, encouraging cooperation in providing protection, resources, and durable solutions for displaced persons.
- (iii) **Protection for persons fleeing conflict and public disorder** – Regional norms recognise that displacement often occurs due to large-scale crises beyond individual persecution, such as wars, communal violence, or political instability. Member states are expected to provide sanctuary and facilitate integration or resettlement where necessary.

By aligning its domestic refugee laws with these regional instruments, Nigeria strengthens its humanitarian and rights-based obligations, while also contributing to regional stability and cooperation. However, the effectiveness of these frameworks depends on implementation capacity, political will, and inter-state coordination.

3.8 Detention and Deportation Procedures

Detention and deportation are among the most contested aspects of migration administration because they directly affect migrants' rights and dignity.

3.8.1 Immigration Detention

Immigration detention is the practice of confining non-citizens for reasons related to migration, such as irregular entry, visa violations, or pending deportation. In Nigeria, detention is primarily used to:

- (i) **Facilitate removal** – Ensuring that individuals subject to deportation remain available for lawful repatriation.
- (ii) **Prevent absconding** – Minimising the risk that irregular migrants evade enforcement measures.
- (iii) **Manage security risks** – Detaining individuals who may pose a threat to public safety or national security.

While detention serves administrative and security purposes, it also raises serious human rights concerns. Key issues include:

- (i) **Prolonged detention** – Individuals may be held for extended periods without a clear timeline for release or deportation.
- (ii) **Poor conditions** – Facilities are often overcrowded, lack adequate sanitation, and fail to meet basic living standards.
- (iii) **Lack of legal representation** – Detainees frequently have limited access to lawyers or guidance on their rights, undermining procedural fairness.
- (iv) **Arbitrary detention** – Some cases involve detaining individuals without sufficient legal justification or due process.

In practice, Nigeria's detention system has faced criticism for:

- (i) **Overcrowding** – Facilities often hold more individuals than they are designed for, increasing health and safety risks.
- (ii) **Poor living conditions** – Inadequate food, water, and healthcare compromise detainees' well-being.
- (iii) **Lack of due process** – Decisions to detain are sometimes made without proper legal review or opportunity for appeal.
- (iv) **Delays in deportation** – Inefficiencies in processing removal orders prolong detention unnecessarily.

Addressing these challenges requires strengthening procedural safeguards, improving facility conditions, expanding access to legal aid, and ensuring timely processing of cases. Balancing the state's security and administrative interests with the rights and dignity of migrants is essential for a humane and legally compliant detention system.

3.8.2 Deportation Procedures

Deportation refers to the formal removal of a non-citizen from a country, usually for reasons such as overstaying, violating visa conditions, or committing an immigration offence. In Nigeria, deportation is a key tool for enforcing immigration laws and maintaining

border integrity, but it must be carried out in accordance with legal and human rights obligations.

Typical deportation procedures include:

- (i) **Notice of deportation** – Informing the individual in writing of the decision to remove them and the reasons for it.
- (ii) **Opportunity to appeal** – Allowing affected persons to challenge the deportation decision through administrative review or judicial appeal.
- (iii) **Identification and documentation** – Confirming the identity of the individual and ensuring that all necessary travel documents, including travel permits, are in order.
- (iv) **Removal logistics** – Coordinating transportation, entry requirements of the receiving country, and any necessary security measures.
- (v) **Monitoring post-deportation** – Ensuring that the deportation is completed safely and that the individual does not return illegally.

A crucial principle guiding deportation is non-refoulement, which prohibits returning individuals to countries where they face persecution, torture, or serious harm. This obligation is enshrined in the 1951 Refugee Convention, the 1967 Protocol, and regional instruments such as the 1969 OAU Convention.

Compliance with non-refoulement ensures that Nigeria upholds its international and constitutional obligations, while also protecting the human rights and dignity of migrants. Effective deportation requires not only logistical coordination but also procedural fairness, legal oversight, and safeguards against arbitrary or abusive practices.

3.8.3 Legal and Human Rights Constraints

Deportation in Nigeria is not an unchecked exercise of state power; it is constrained by a combination of international, regional, and domestic legal obligations designed to protect individuals from abuse and ensure due process.

Key constraints include:

- (i) **Refugee law (non-refoulement)** – Under the 1951 Refugee Convention, its 1967 Protocol, and the 1969 OAU Convention, Nigeria cannot return individuals to countries where they may face persecution, serious harm, or threats to life and liberty. This principle is a cornerstone of international refugee protection.

- (ii) **Human rights obligations** – Nigeria is bound by obligations prohibiting torture, inhuman treatment, and arbitrary deprivation of liberty. Deportation must not expose individuals to situations that violate these fundamental rights.
- (iii) **Constitutional protections** – The 1999 Constitution guarantees rights such as the dignity of the human person (section 34), protection from discrimination (section 42), and right to fair hearing (section 36). Courts have sometimes extended these protections to non-citizens, particularly in cases of arbitrary detention or removal.
- (iv) **Due process requirements** – Deportation decisions must be lawful, transparent, and subject to review. Individuals must receive notice, the opportunity to respond, and access to appeal or administrative review before removal is executed.

Nigeria's deportation practices must operate within these legal and procedural constraints. Failure to do so not only undermines migrant rights but can also lead to legal challenges, reputational harm, and potential violations of international obligations. Ensuring compliance requires robust administrative procedures, legal oversight, and training of immigration personnel to balance state interests in border management with the protection of human rights

3.9 Citizenship and Naturalisation Procedures

Citizenship is the ultimate legal status that determines belonging to a state. Citizenship procedures govern how migrants can become citizens.

3.9.1 Legal Framework for Citizenship

Nigeria's citizenship framework is primarily set out in the 1999 Constitution (as amended) and supplemented by relevant statutory provisions. Citizenship defines the legal relationship between an individual and the state, granting rights and responsibilities, and it can be acquired through several pathways:

- (i) **By birth** – Individuals born in Nigeria to Nigerian parents automatically acquire citizenship at birth.
- (ii) **By descent** – Children born outside Nigeria to Nigerian parents may acquire citizenship through their lineage, reflecting the principle of *jus sanguinis*.
- (iii) **By registration** – Certain individuals, including spouses of Nigerian citizens or members of specific communities, can acquire citizenship through a formal registration process.

- (iv) **By naturalisation** – Foreign nationals may apply to become Nigerian citizens through naturalisation, which is subject to stringent eligibility criteria.

The naturalisation process ensures that applicants demonstrate a genuine connection to Nigeria and an ability to integrate into Nigerian society.

Key requirements typically include:

- (i) **Minimum residency** – The applicant must have legally resided in Nigeria for a prescribed number of years.
- (ii) **Good character** – The individual must demonstrate moral conduct and a history free from serious criminal activity.
- (iii) **Knowledge of Nigeria** – Applicants must show an understanding of the country's history, culture, and civic structures.
- (iv) **Language and integration criteria** – Proficiency in one of Nigeria's official languages and evidence of social and cultural integration may be required.

These pathways collectively balance the state's interest in regulating membership with respect for individual rights and integration. While birth and descent provide automatic citizenship, registration and naturalisation are discretionary, requiring administrative review and legal compliance. Efficient and transparent procedures are essential to avoid delays, uncertainty, or inequitable treatment of applicants.

3.9.2 Administrative Procedures for Naturalisation

Naturalisation is the formal process through which a foreign national can acquire Nigerian citizenship. It is designed to ensure that applicants demonstrate a genuine connection to Nigeria and meet the legal and social criteria for integration. The process typically involves several key steps:

- (i) **Application submission** – The individual must submit a formal application to the relevant government authority, providing all required documents, including proof of identity, residence, and character references.
- (ii) **Background checks** – Authorities conduct thorough background investigations to confirm the applicant's good character, legal compliance, and absence of criminal activity.
- (iii) **Verification of residence** – Applicants must demonstrate that they have legally resided in Nigeria for the required minimum period, showing stability and integration into Nigerian society.

- (iv) **Security screening** – A security assessment ensures that the applicant does not pose any risk to national security or public order.
- (v) **Approval by executive authority** – Final naturalisation decisions are made by designated government officials, often involving the President or a ministerial authority, who grant citizenship at their discretion.

While the naturalisation process is essential for maintaining the integrity of Nigeria's citizenship framework, it is often lengthy and bureaucratic, creating uncertainty for applicants. Delays in processing, complex documentation requirements, and limited transparency can make the process stressful and challenging, particularly for those who have already established deep social and economic ties in Nigeria.

Improving efficiency, streamlining procedures, and providing clear guidance to applicants would help make naturalisation more accessible while maintaining the integrity and security of Nigeria's citizenship system

3.9.3 Comparative Citizenship Models

Different countries adopt varying approaches to citizenship, reflecting their historical, social, and legal contexts. Comparative analysis highlights key differences and similarities:

- (i) **United States** – The US primarily relies on a naturalisation process that emphasises residency, language proficiency, and civic knowledge. Applicants must demonstrate an understanding of the country's constitution, history, and civic responsibilities, alongside good moral character and continuous residence.
- (ii) **Canada** – Canada uses a more structured and integration-focused approach, including a points-based system for economic migrants. Citizenship acquisition is closely linked to transparent selection criteria, permanent settlement, and strong integration support, ensuring newcomers can participate fully in society.
- (iii) **Germany** – Germany's system is highly regulated, with strict residency and integration requirements. Applicants must show long-term legal residence, language proficiency, and social and economic integration. Citizenship is granted only after careful assessment of compliance with these conditions.
- (iv) **Nigeria** – Nigeria's citizenship framework shares similarities with many Commonwealth countries, particularly in combining birthright, descent, registration, and naturalisation pathways. However, Nigeria faces persistent challenges in administrative efficiency and transparency, leading to delays, bureaucratic hurdles, and uncertainty for applicants.

Overall, while Nigeria's system aligns with international norms in principle, improving procedural clarity, data management, and administrative capacity would enhance fairness, predictability, and access to citizenship. Comparative insights from countries like Canada, the US, and Germany can guide reforms to make Nigeria's naturalisation process more efficient and rights-oriented, while preserving the integrity of citizenship acquisition.

3.10 Administrative Procedures and Migrant Rights

Administrative procedures play a crucial role in determining how migrants experience the migration system and their ability to access rights. These procedures are not merely bureaucratic steps—they directly shape whether migration is orderly, fair, and legally protected.

Key aspects of effective administrative procedures include:

- (i) **Due process** – Migrants should have the right to be informed of decisions affecting them, to respond to allegations, and to challenge actions that are arbitrary or unfair. This ensures that government decisions are made transparently and based on law rather than discretion alone.
- (ii) **Access to legal aid** – Migrants often face complex legal requirements. Providing access to legal advice or representation helps them understand their rights, comply with obligations, and navigate administrative processes effectively.
- (iii) **Transparency and accountability** – Clear guidelines, published procedures, and timely communication reduce confusion and prevent abuse. Administrative decisions should be subject to oversight, internal review, or judicial scrutiny to maintain trust in the system.
- (iv) **Non-discrimination** – All migrants should be treated fairly, regardless of nationality, ethnicity, religion, or socio-economic status. Procedural safeguards prevent arbitrary or biased treatment and help protect vulnerable populations.
- (v) **Protection against arbitrary detention** – Administrative actions must respect human rights standards, ensuring that detention is justified, proportionate, and time-limited, with access to legal remedies.

Procedural justice is not just a formal requirement; it is essential for ensuring that migrants are treated fairly, that decisions are legitimate, and that the rule of law is upheld. A migration administration that incorporates these principles promotes trust, reduces irregularity, and strengthens both national governance and the protection of migrants' rights.

3.10.1 Due Process in Migration Administration

Due process is a cornerstone of fair migration administration. It ensures that decisions affecting migrants are made transparently, lawfully, and with respect for individual rights.

For due process to be meaningful in the migration context, administrative actions should meet several key standards:

- (i) **Clear legal authority** – Decisions must be grounded in existing laws and regulations, ensuring that officials act within their legal powers and do not exceed their mandate.
- (ii) **Notice of reasons** – Migrants should be informed of the reasons behind any administrative decision that affects them, such as visa refusals, detention, or deportation. Clear explanations help individuals understand the basis of actions and prepare an appropriate response.
- (iii) **Opportunity to respond** – Affected individuals must have the chance to present their case, provide evidence, or correct misunderstandings before a final decision is made. This prevents arbitrary or one-sided actions.
- (iv) **Appeal and review mechanisms** – Migrants should have access to administrative or judicial review to challenge decisions they consider unfair. Effective appeal mechanisms strengthen accountability and provide a safety net against errors or abuse.
- (v) **Impartial decision-making** – Officials must act without bias, personal interest, or undue influence, ensuring that decisions are objective and equitable.

By adhering to these principles, due process protects migrants from arbitrary actions, promotes transparency, and reinforces accountability in migration administration. It transforms migration procedures from purely bureaucratic exercises into rights-based processes that respect human dignity and the rule of law.

3.10.2 Transparency and Accountability

Administrative transparency and accountability are essential for building trust in migration governance and protecting the rights of migrants. When procedures are clear, consistent, and open, migrants can navigate the system confidently and with legal certainty.

Transparency in migration administration involves:

- (i) **Clear procedural guidelines** – All rules, steps, and requirements for visas, permits, asylum, and other migration processes should be well-defined and accessible.

- (ii) **Publicly available requirements** – Information on eligibility, documentation, fees, and timelines should be easily accessible, allowing migrants to understand their obligations before engaging with authorities.
- (iii) **Timely communication** – Decisions, updates, and requests for additional information should be communicated promptly to reduce uncertainty and prevent delays.
- (iv) **Complaint mechanisms** – Migrants should have channels to report grievances, seek clarifications, or raise concerns about unfair treatment.

Accountability mechanisms ensure that administrative actions are subject to oversight and review, helping to prevent abuse of power:

- (i) **Internal review** – Agencies should have systems to re-examine decisions and correct errors internally.
- (ii) **Ombudsman or oversight bodies** – Independent offices can monitor administrative conduct, investigate complaints, and recommend corrective action.
- (iii) **Judicial review** – Courts provide an external check, ensuring that administrative decisions comply with law and respect human rights.

In Nigeria, migration administration has often been criticised for opacity and weak accountability, which can foster corruption, arbitrary decision-making, and discrimination. Strengthening transparency and accountability through clear rules, accessible information, and robust oversight is critical for ensuring that migrants are treated fairly and that the migration system functions efficiently and lawfully.

3.11 Technology and Migration Administration

Technology plays a growing role in migration administration. Digital systems can improve efficiency, data accuracy, and security.

3.11.1 E-Visa and Online Applications

E-visa systems allow applicants to submit visa applications online, upload required documents, pay fees electronically, and receive decisions digitally. This approach modernises migration administration and reduces reliance on manual, paper-based processes.

Key benefits of e-visa systems include:

- (i) **Reduced processing time** – Automated systems streamline document submission and verification, allowing applications to be processed more efficiently.
- (ii) **Improved transparency** – Online platforms can clearly outline requirements, fees, and timelines, reducing uncertainty and discretionary decision-making.
- (iii) **Reduced corruption** – By minimising face-to-face interactions and cash payments, e-visa systems limit opportunities for bribery or informal practices.
- (iv) **Better data management** – Digital records improve tracking, monitoring, and analysis of migration trends, enabling evidence-based policymaking.

Nigeria has taken important steps toward digitising its visa and immigration processes, reflecting a broader effort to modernise migration governance. However, significant challenges remain:

- (i) **Limited internet access** – Not all applicants, particularly those in rural or low-income areas, have reliable access to digital infrastructure.
- (ii) **Inconsistent system performance** – Technical glitches, downtime, or slow processing speeds can undermine confidence in online platforms.
- (iii) **Cybersecurity risks** – Protecting sensitive personal and biometric data requires robust security measures to prevent breaches or misuse.

For digitisation to fully deliver its benefits, Nigeria must invest in infrastructure, cybersecurity safeguards, user-friendly platforms, and staff training. When properly implemented, e-visa systems can enhance efficiency, strengthen transparency, and support a more accountable and rights-respecting migration administration.

3.11.2 Biometric Identification

Biometric systems, such as fingerprint scanning and facial recognition technology, are increasingly used in migration administration to strengthen identity verification. By linking individuals to unique biological characteristics, these systems reduce identity fraud, prevent multiple registrations under different names, and improve border security.

Key advantages of biometric systems include:

- (i) **Accurate identity verification** – Biometrics make it more difficult for individuals to use false or duplicate identities.

- (ii) **Enhanced border control** – Automated checks at entry and exit points improve efficiency and detect overstays or prior immigration violations.
- (iii) **Improved data integration** – Biometric databases allow different agencies (immigration, security, law enforcement) to coordinate more effectively.
- (iv) **Fraud reduction** – Identity-based benefits, visas, and permits are less susceptible to manipulation.

However, the use of biometric data also raises significant privacy and human rights concerns. Biometric information is highly sensitive and, if misused or inadequately protected, can expose individuals to surveillance, discrimination, or identity theft.

Key risks include:

- (i) Data breaches and cyberattacks
- (ii) Unauthorised data sharing between agencies
- (iii) Lack of informed consent
- (iv) Potential profiling or discriminatory targeting

For biometric systems to operate responsibly, they must be supported by robust data protection frameworks, including:

- (i) Clear legal authority for data collection and use
- (ii) Strict limits on data retention and sharing
- (iii) Independent oversight mechanisms
- (iv) Secure digital infrastructure
- (v) Transparency about how data is stored and processed

In Nigeria's context, strengthening data protection laws, institutional capacity, and cybersecurity safeguards is essential to ensure that biometric systems enhance security without undermining privacy and fundamental rights.

A balanced approach—combining technological innovation with strong legal safeguards—is crucial for building a modern, rights-respecting migration administration.

3.11.3 Data Systems and Inter-Agency Sharing

Effective migration administration increasingly depends on inter-agency coordination and shared databases. Agencies such as immigration authorities, police, security services, and public health institutions often collect overlapping information about migrants. Without integration, this

fragmentation can lead to inefficiency, duplication, and gaps in enforcement.

Shared databases can significantly improve migration governance in several ways:

- (i) **Enhanced enforcement** – Real-time information sharing helps detect visa overstays, identity fraud, or individuals subject to removal orders.
- (ii) **Improved border management** – Entry and exit data can be cross-checked across agencies to ensure compliance with immigration laws.
- (iii) **Better service delivery** – Health, education, and social services can coordinate with immigration authorities to provide lawful access to eligible migrants.
- (iv) **Reduced duplication and errors** – Centralised systems prevent inconsistent records and conflicting decisions.

However, integrated data systems also raise important privacy, security, and governance concerns. When multiple agencies access sensitive personal and biometric information, the risk of misuse, unauthorised disclosure, or surveillance increases.

To ensure responsible data sharing, several safeguards are essential:

- (i) **Clear legal frameworks** defining what data can be shared, for what purpose, and by whom.
- (ii) **Purpose limitation and proportionality**, ensuring that information is used only for legitimate migration-related objectives.
- (iii) **Strong cybersecurity measures** to prevent breaches or hacking.
- (iv) **Independent oversight mechanisms** to monitor compliance and investigate misuse.
- (v) **Transparency and accountability**, including informing individuals about how their data is processed.

In Nigeria, improving inter-agency data integration could significantly enhance efficiency and enforcement. However, without robust governance and data protection safeguards, expanded data sharing risks undermining trust and infringing on fundamental rights.

A well-designed system must therefore balance security, administrative efficiency, and privacy protection, ensuring that technological advancement strengthens—not weakens—the rule of law in migration governance.

5.12 Comparative Analysis: Nigeria and Other Jurisdictions

Comparative analysis helps understand how different governance models address migration administration.

3.12.1 United Kingdom: Centralised Administrative Systems

The United Kingdom operates a highly centralised migration administration system, primarily managed through the Home Office. Its framework is characterised by clarity, digitalisation, and strong legal oversight.

Key features of the UK model include:

- (i) **Clear visa categories** – The system is structured around well-defined visa routes, such as skilled worker visas, student visas, family visas, and humanitarian protection. Each category has published eligibility criteria, documentation requirements, and conditions of stay.
- (ii) **Online applications** – Most visa and immigration applications are submitted electronically, allowing applicants to track progress, upload documents, and receive decisions digitally. This has significantly streamlined processing and improved record management.
- (iii) **Strong enforcement and oversight** – The UK maintains rigorous compliance monitoring, including workplace inspections, sponsor licensing systems, and border enforcement operations. Employers who sponsor migrant workers are subject to strict regulatory obligations.
- (iv) **Judicial review and appeals** – Immigration decisions can be challenged before independent tribunals and courts. Judicial review serves as an important safeguard against unlawful or unreasonable administrative action.

Overall, the UK model emphasises efficiency, regulatory control, and legal accountability. While it prioritises enforcement and border management, it also embeds structured appeal mechanisms and judicial oversight to maintain procedural fairness.

For countries like Nigeria, the UK approach demonstrates how centralisation, digital systems, and institutionalised review mechanisms can strengthen administrative coherence—though such a model must always be balanced with respect for migrant rights and proportional enforcement.

3.12.2 Canada: Integration and Transparency

Canada operates a migration system widely recognised for its transparency, structured selection processes, and strong integration focus. Unlike systems that prioritise strict control measures, Canada places significant emphasis on long-term settlement and inclusion.

Key features of the Canadian model include:

- (i) **Transparent selection criteria** – Canada uses clearly defined eligibility requirements, particularly in its economic migration streams. Points-based systems assess applicants based on factors such as education, work experience, language proficiency, and age. This reduces discretion and increases predictability.
- (ii) **Strong integration support** – Government-funded settlement programmes provide newcomers with language training, employment assistance, and community support services. Integration is treated as a shared responsibility between the state and migrants.
- (iii) **Clear pathways to citizenship** – Permanent residents have a well-defined route to citizenship after meeting residency and civic requirements. This clarity encourages long-term commitment and social cohesion.
- (iv) **Data-driven decision-making** – Immigration planning is guided by labour market data, demographic projections, and economic needs. Annual immigration targets are publicly announced, enhancing transparency and accountability.

Overall, Canada's approach prioritises migrant rights, inclusion, and structured integration, while still maintaining regulatory oversight. The system is designed not only to manage entry but also to facilitate successful settlement and eventual citizenship.

For reform-oriented jurisdictions, Canada provides an example of how migration governance can balance economic objectives with human rights protections and long-term social integration.

3.12.3 Singapore: Efficient Enforcement

Singapore operates one of the most technologically advanced and tightly managed migration systems in the world. Its approach reflects the country's emphasis on economic competitiveness, administrative efficiency, and national security.

Key characteristics of Singapore's model include:

- (i) **Highly efficient administrative systems** – Immigration procedures are streamlined, with fast processing times and clear regulatory frameworks. Applications for work passes and permits are largely automated and processed through centralised digital platforms.
- (ii) **Strict enforcement** – Compliance monitoring is rigorous. Employers and migrant workers are subject to strict regulatory controls, and violations of immigration laws can result in significant penalties, including fines, blacklisting, or removal.
- (iii) **Technology-driven border control** – Singapore relies heavily on biometric verification, automated clearance gates, and integrated data systems to manage entry and exit efficiently while maintaining high security standards.
- (iv) **Limited pathways to citizenship** – While permanent residency is available for certain skilled migrants and investors, access to full citizenship is selective and tightly controlled. Long-term settlement is possible but not broadly guaranteed.

Overall, Singapore's migration model prioritises economic utility, administrative precision, and national security. Migration is closely aligned with labour market needs, and long-term integration is carefully regulated.

Compared to countries like Canada, which emphasise broad integration and citizenship pathways, Singapore adopts a more controlled and economically targeted approach. For policymakers, it demonstrates how technological sophistication and strict enforcement can create efficiency—though often with more limited rights to permanent settlement.

3.12.4 Nigeria's Position

Compared to jurisdictions such as the United Kingdom, Canada, and Singapore, Nigeria's migration administration remains less integrated and more discretionary in practice. While Nigeria has a legal framework governing visas, residence permits, asylum, and citizenship, implementation challenges significantly affect efficiency and rights protection.

Key challenges include:

- (i) **Corruption** – Informal payments, discretionary decision-making, and weak oversight mechanisms undermine fairness and erode public trust in immigration processes.

- (ii) **Delays** – Lengthy processing times for visas, residence permits, naturalisation, and asylum applications create uncertainty and may push migrants into irregular status.
- (iii) **Lack of transparency** – Limited access to clear procedural guidelines and inconsistent communication of decisions contribute to opacity and unpredictability.
- (iv) **Weak data systems** – Fragmented or outdated digital infrastructure reduces the effectiveness of monitoring, enforcement, and service delivery.
- (v) **Institutional fragmentation** – Limited coordination between immigration authorities, security agencies, and other government bodies leads to duplication, gaps in oversight, and administrative inefficiencies.

These structural weaknesses affect not only state capacity but also migrant rights. When procedures are unclear or inconsistently applied, individuals may face arbitrary decisions, prolonged detention, or difficulties in accessing legal remedies.

Reform is therefore essential. Nigeria's migration administration would benefit from:

- (i) Greater digitisation and integrated data systems
- (ii) Clear procedural guidelines and public information portals
- (iii) Strengthened anti-corruption mechanisms
- (iv) Independent oversight and accountability structures
- (v) Capacity building and training for immigration personnel

By addressing these institutional gaps, Nigeria can improve administrative efficiency while simultaneously enhancing procedural fairness and protecting migrant rights. A modernised and accountable system would better balance national security, economic development, and human dignity.

3.13 Case Studies

Case Study 1: Visa Processing Delays and Irregularities

Visa processing delays in Nigeria highlight a critical link between administrative inefficiency and irregular migration. Many migrants enter Nigeria through legal channels, intending to comply with visa conditions. However, prolonged delays in processing applications—whether for work, study, or residency—can create uncertainty and frustration.

When applicants face excessive waiting times, several consequences often emerge:

- (i) **Overstaying** – Migrants whose visas expire before approval may inadvertently become irregular.
- (ii) **Resorting to irregular pathways** – Some may seek alternative or informal means to maintain their stay, increasing exposure to exploitation or legal penalties.
- (iii) **Vulnerability to abuse** – Delays leave migrants dependent on intermediaries or informal networks, which can heighten the risk of bribery, trafficking, or other forms of exploitation.

This case demonstrates that irregularity is not always the result of migrant intent; it can stem directly from systemic administrative weaknesses. Even well-intentioned migrants can fall into irregular status when the system is slow, opaque, or unpredictable.

Policy implication:

Streamlining visa processing through digital applications, clear timelines, and improved capacity can reduce unintentional irregularity. Efficient, transparent procedures not only protect migrant rights but also enhance compliance, strengthen border management, and improve trust in Nigeria's migration system.

Case Study 2: Asylum Processing and Protection Gaps

Asylum seekers in Nigeria frequently encounter significant delays in refugee status determination. The National Commission for Refugees, Migrants and IDPs (NCFRMI), responsible for managing asylum claims, often lacks the capacity, staffing, and infrastructure to process applications promptly.

These delays have several adverse consequences:

- (i) **Prolonged uncertainty** – Applicants may wait months or even years for a decision, leaving them unable to access stable housing, education, or employment.
- (ii) **Increased vulnerability** – During the waiting period, asylum seekers may become dependent on limited humanitarian assistance, exposing them to poverty, exploitation, or abuse.
- (iii) **Restricted access to justice** – Limited legal aid and awareness of procedural rights mean that many asylum seekers cannot effectively challenge negative decisions or seek timely remedies.
- (iv) **Psychological impact** – Extended waiting periods and precarious living conditions contribute to stress, anxiety, and trauma among displaced individuals.

This case demonstrates that gaps in asylum administration are not merely bureaucratic—they directly affect the protection, dignity, and

well-being of vulnerable populations. Efficient asylum procedures, combined with adequate staffing, digital case management systems, and accessible legal assistance, are essential to uphold Nigeria's obligations under the 1951 Refugee Convention, the 1967 Protocol, and regional instruments such as the OAU Refugee Convention.

Policy implication:

Strengthening the asylum system through capacity building, procedural reforms, and enhanced collaboration with international partners like

UNHCR can reduce processing delays, protect refugee rights, and ensure that Nigeria meets both domestic and international humanitarian obligations.

Case Study 3: Deportation and Non-Refoulement

Deportation is an essential tool for enforcing immigration laws, but it carries significant human rights responsibilities. In Nigeria, some deportation cases have raised non-refoulement concerns, where migrants could face persecution, torture, or other serious harm if returned to their home countries.

Key issues in these cases include:

1. **Rigorous screening gaps** – Administrative procedures sometimes fail to adequately assess whether the migrant is at risk of harm, undermining international obligations under the 1951 Refugee Convention **and the** Convention Against Torture.
2. **Limited access to legal representation** – Migrants may not be fully informed of their rights or able to challenge deportation orders effectively.
3. **Lack of documentation and monitoring** – Poor record-keeping can result in forced returns without proper verification of the individual's status or circumstances.
4. **Risk of arbitrary action** – When deportation decisions are executed hastily, migrants may be removed without due process, increasing the likelihood of human rights violations.

This case demonstrates that deportation is not a purely administrative act; it intersects with human rights, refugee protection, and constitutional safeguards. Ensuring compliance with non-refoulement obligations requires transparent, rights-based procedures, including:

- (i) Comprehensive risk assessment before removal.
- (ii) Access to appeal or review mechanisms.
- (iii) Provision of legal aid and information about rights.
- (iv) Coordination with international bodies such as UNHCR when protection concerns arise.

Policy implication:

Strengthening procedural safeguards in deportation can protect migrants from unlawful returns, reduce legal challenges, and reinforce Nigeria's commitment to human rights and international law. Effective implementation balances enforcement objectives with humanitarian and legal obligations, ensuring that deportation does not become a vehicle for rights violations.

Case Study 4: Administrative Corruption and Visa Irregularities in Nigeria

Visa issuance is one of the primary mechanisms through which states regulate migration. In Nigeria, the Immigration Act 2015 and related regulations establish categories of visas, eligibility criteria, and procedural requirements for foreign nationals seeking entry for purposes such as business, study, work, or temporary residence. In principle, these procedures aim to maintain orderly migration, protect national security, and ensure that migrants comply with the law. In practice, however, Nigeria's visa system has been vulnerable to **administrative corruption**, inefficiency, and procedural opacity, which has significant implications for both migration governance and the welfare of migrants. By its nature, administrative corruption in the visa system manifests in several ways. First, some immigration officers solicit informal payments to expedite applications or bypass procedural requirements. Applicants may be pressured to pay bribes to secure timely issuance, approval, or even avoidance of arbitrary rejection. Second, inconsistencies in decision-making often occur: similar applications may be processed differently depending on the discretion of the officer or the perceived influence of the applicant. Third, intermediaries or "agents" sometimes exploit applicants by promising faster approvals in exchange for payments, creating a shadow economy around visa issuance.

This corruption does not merely violate ethical standards—it has systemic consequences. Applicants who cannot afford informal payments may experience prolonged delays, while others may resort to irregular pathways to maintain legal status. In both cases, administrative corruption contributes directly to irregular migration and undermines the credibility of Nigeria's legal migration framework.

As regards the impacts on migrants and migration management the consequences of corruption in visa administration are multifaceted. For migrants, the effects are immediate and personal:

- (i) **Economic exploitation** – Migrants face additional financial burdens beyond official fees, which can be substantial for students, workers, and family members.

- (ii) **Delayed mobility** – Prolonged processing periods disrupt employment, educational enrolment, and family reunification plans, causing personal and professional setbacks.
- (iii) **Legal uncertainty** – Administrative delays or arbitrary refusals expose migrants to the risk of overstaying, detention, or fines, even when they have applied in good faith.
- (iv) **Psychological stress** – The uncertainty, compounded by demands for bribes, can induce anxiety, depression, and a sense of helplessness among vulnerable populations.

At the systemic level, corruption and procedural inefficiency compromise the integrity of migration governance. Visa irregularities make it difficult for authorities to maintain accurate data on non-citizens, plan for resource allocation, or monitor compliance with residence and work conditions. Weak enforcement erodes public trust and encourages informal networks, smuggling, and human trafficking.

Several structural factors exacerbate corruption and irregularities in Nigeria's visa system:

- (i) **Institutional fragmentation** – Multiple agencies, including the Nigerian Immigration Service (NIS) and the Ministry of Interior, share overlapping responsibilities for visa issuance and enforcement. Conflicting mandates and poor coordination create loopholes and discretion that can be exploited.
- (ii) **Limited oversight and accountability** – Internal audits, complaint mechanisms, and external monitoring are weak. Few migrants are aware of how to lodge complaints or seek review when irregularities occur.
- (iii) **Inadequate training and resources** – Immigration officers may lack the training, digital tools, and infrastructure necessary to process applications efficiently, increasing dependence on informal solutions.
- (iv) **Opaque procedures** – Requirements, timelines, and criteria are often unclear or inconsistently communicated, leaving applicants uncertain and vulnerable to exploitation.
- (v) **Socioeconomic pressures** – Low salaries and limited incentives for civil servants contribute to a culture in which informal payments are normalized.

Empirical reports and anecdotal evidence illustrate the consequences of administrative corruption:

- (i) **Student visas:** Applicants for study permits often wait months without updates. In some cases, the intervention of intermediaries who pay bribes accelerates the process, disadvantaging those who cannot pay.

- (ii) **Work permits:** Foreign professionals sometimes encounter arbitrary rejections despite meeting all requirements. Payment of “facilitation fees” is frequently presented as the only path to approval.
- (iii) **Tourist and temporary visas:** Delays in processing or inconsistent criteria have led to overstaying and irregularity, with some travellers seeking informal channels to maintain legal status.

These cases highlight how systemic inefficiencies and discretionary powers, combined with weak oversight, foster both corruption and irregular migration.

Administrative corruption in visa processing has broader implications for Nigeria’s migration governance:

- (i) **Undermining legal migration pathways:** When legitimate applicants encounter delays or extortion, the credibility of legal pathways is eroded, encouraging irregularity.
- (ii) **Impacting national security:** Informal processing channels reduce the reliability of migration data, making it harder to track entrants and enforce security protocols.
- (iii) **Deterring diaspora engagement and investment:** Potential investors or skilled professionals may be discouraged by opaque procedures, missed deadlines, or corrupt practices, limiting the economic benefits of migration.
- (iv) **Conflict with regional obligations:** Inconsistent visa issuance can create tension with ECOWAS free movement commitments, particularly when regional nationals experience arbitrary barriers or discriminatory practices.

Addressing administrative corruption and visa irregularities requires a combination of structural, technological, and policy reforms:

- (i) **Digitisation and e-visa systems:** Online applications with automated tracking reduce face-to-face interactions, limiting opportunities for bribery while improving transparency and efficiency.
- (ii) **Clear and publicly available guidelines:** Transparent criteria, timelines, and required documentation empower applicants and reduce arbitrary discretion.
- (iii) **Capacity building for staff:** Training on ethical standards, procedural consistency, and digital systems can enhance professional conduct and reduce dependence on informal facilitation.

- (iv) **Oversight and accountability mechanisms:** Establishing internal audits, complaint hotlines, and external monitoring bodies ensures that corruption is detected and addressed promptly.
- (v) **Inter-agency coordination and data sharing:** Centralised databases and collaborative procedures among NIS, police, and other relevant agencies enhance enforcement and reduce duplication of authority.
- (vi) **Legal support for migrants:** Accessible legal aid and advice can help applicants navigate procedures, appeal adverse decisions, and protect their rights.

This case study demonstrates that migration irregularity is not solely a product of migrant behaviour; it is often system-generated. Administrative inefficiencies, corruption, and opaque procedures can push even law-abiding applicants into irregularity. For Nigeria, this highlights the need to approach migration governance not only as a matter of enforcement but as a service-oriented, rights-respecting system. Efficient, transparent, and accountable visa procedures can:

- (i) Reduce unintentional irregularity
- (ii) Protect migrant rights and well-being
- (iii) Improve compliance with national and regional obligations
- (iv) Enhance Nigeria's image as a reliable destination for investment, study, and skilled labour

In conclusion, administrative corruption and visa irregularities remain a persistent challenge in Nigeria's migration governance. They undermine legal migration pathways, increase irregularity, and expose migrants to exploitation. Addressing these challenges requires systemic reforms that integrate digitisation, transparency, oversight, and capacity building. By strengthening administrative processes and reducing discretionary vulnerabilities, Nigeria can create a more predictable, efficient, and rights-respecting migration system. Such reforms not only protect migrants but also enhance national security, economic development, and compliance with international and regional obligations.



3.14 Summary

This unit has examined migration processes and administrative procedures, focusing on how migration policy and law are implemented in practice. It has analysed entry and exit procedures, residence permits, asylum administration, detention and deportation, citizenship procedures, and the impact of administrative processes on migrant

rights. The unit has highlighted the challenges of migration administration in Nigeria, including institutional fragmentation, corruption, delays, and weak data systems. It has also provided comparative insights from other jurisdictions.



3.15 References/Further Reading/Web Sources

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MODULE 3 MIGRATION POLICIES, PROCESSES, AND PROCEDURES

Introduction

Migration is a critical component of national development, security, and governance, requiring carefully designed policies and effective administrative mechanisms. As movements of people across and within borders continue to increase in scale and complexity, states are compelled to develop coherent migration policies, establish clear procedures, and strengthen border management systems to regulate entry, stay, and exist, while ensuring compliance with national laws and international obligations.

This module examines the policy, institutional, and procedural dimensions of migration governance, with particular emphasis on how states formulate and implement national migration policies, administer migration processes, and manage borders. It provides students with an understanding of the legal, administrative, and operational frameworks that guide migration management, including the roles of government agencies and enforcement institutions.

The module is organised into three units. **Unit 1** focuses on national migration policies and the principles guiding state responses to migration. **Unit 2** examines migration administration and procedures, including documentation, permits, and regulatory processes. **Unit 3** addresses border management and enforcement, highlighting control mechanisms, compliance, and contemporary challenges. Together, these units equip students with the knowledge required to understand how migration is governed in practice within modern states.

AIMS AND OBJECTIVES

This module aims to provide students with a comprehensive understanding of migration governance by examining the policies, administrative processes, and enforcement mechanisms through which states regulate migration. The module seeks to equip learners with the conceptual and practical knowledge required to analyse national migration systems within legal and institutional contexts.

At the end of this module, you should be able to:

1. Explain the concept and significance of national migration policies.

2. Analyse the factors influencing the formulation and implementation of migration policies.
3. Identify the key institutions responsible for migration administration.
4. Describe the procedures involved in migration management, including entry, stay, and exit.
5. Examine the legal and administrative processes for migration documentation and permits.
6. Assess the role of border management in migration control and national security.
7. Evaluate enforcement mechanisms used in regulating migration.
8. Discuss contemporary challenges associated with migration policies and border management.

UNIT 1 NATIONAL MIGRATION POLICIES

Unit Structure

- 1.1 Introduction
- 1.2 Learning Outcomes
- 1.3 Concept and Meaning of National Migration Policy
- 1.4 Theoretical Foundations of National Migration Policies
- 1.5 Legal and Constitutional Basis of National Migration Policies
- 1.6 Rationale and Objectives of National Migration Policies
- 1.7 Core Components of National Migration Policies
- 1.8 Institutional Framework for Migration Policy Implementation
- 1.9 National Migration Policies, Return and Reintegration
- 1.10 Challenges and Emerging Issues in National Migration Policymaking
- 1.11 Summary
- 1.12 References/Further Reading/Web Sources / Web Sources
- 1.13 Possible Answers to SAEs



1.1 Introduction

Migration remains one of the defining features of contemporary globalisation. Across the world, individuals and groups move within and across national borders in search of employment, education, safety, family reunification, and improved living conditions. These movements of people have profound implications for national security, economic development, demographic composition, labour markets, social services, and international relations. Consequently, states have increasingly adopted comprehensive national migration policies to regulate and manage migration in a structured, lawful, and strategic manner.

National migration policies represent a shift from fragmented immigration control measures to coordinated policy frameworks that address migration as a multidimensional phenomenon. Rather than focusing solely on border control or admission rules, modern migration policies integrate economic, social, humanitarian, security, and development considerations. This approach reflects global best practices identified in international policy frameworks, including comparative migration policy analyses and reintegration strategies developed by international organisations.

In Nigeria, migration occupies a central place in national discourse. The country functions simultaneously as a country of origin, transit, and

destination for migrants. Internal migration, regional mobility within West Africa, labour migration to Europe and the Middle East, forced displacement, and return migration all present complex governance challenges. National migration policies therefore provide an essential framework for coordinating responses across multiple institutions and policy sectors.

This unit examines national migration policies in depth, drawing from international policy experiences and Nigerian legal and institutional realities. It explores conceptual foundations, legal frameworks, institutional arrangements, development linkages, and emerging challenges, while incorporating insights from global migration outlooks and reintegration policy guidance used internationally.



1.2 Learning Outcomes

By the end of this unit, you will be able to:

- explain the concept and scope of national migration policies
- discuss the theoretical foundations informing migration policymaking
- identify the constitutional, statutory, and policy bases of migration governance in Nigeria
- examine the objectives and rationale of national migration policies
- describe the core components of national migration policy frameworks
- analyse institutional roles in migration policy implementation
- explain the place of return and reintegration in national migration policies
- assess the relationship between migration policies and national development
- identify key challenges and emerging trends in national migration policymaking



1.3 Concept and Meaning of National Migration Policy

A national migration policy refers to a comprehensive framework adopted by a state to regulate, manage, and govern migration flows

within and across its borders. It consists of laws, administrative rules, institutional arrangements, and strategic policy directions that collectively determine how migration is addressed at the national level. National migration policies typically cover immigration, emigration, internal migration, labour migration, refugee protection, border management, return migration, and diaspora engagement. They are designed to ensure coherence across sectors and institutions, recognising that migration affects labour markets, education, health systems, security, and development planning.

In contrast to ad hoc or sector-specific immigration rules, national migration policies adopt a long-term and strategic perspective. They provide guidance for balancing state sovereignty with international cooperation and human rights obligations. This holistic approach has been emphasised in international migration policy reviews, which highlight the importance of coordinated governance in addressing complex migration dynamics.

1.4 Theoretical Foundations of National Migration Policies

National migration policies are informed by several theoretical perspectives. Economic theories view migration as a response to wage differentials, labour demand, and employment opportunities. From this perspective, migration policies are tools for regulating labour supply and addressing skills shortages.

Sociological and demographic theories emphasise social networks, family reunification, and population dynamics. These approaches influence policies on integration, settlement, and social cohesion. Political and security-oriented theories focus on state sovereignty, border control, and national security. Migration policies influenced by this perspective prioritise admission controls, enforcement mechanisms, and risk management.

Development-oriented theories highlight the migration–development nexus. Migration is seen as both a consequence and a driver of development, with remittances, skills transfer and return migration playing critical roles. This perspective strongly influences policies on diaspora engagement and reintegration, as reflected in international reintegration frameworks.

1.5 Legal and Constitutional Basis of National Migration Policies

National migration policies must be grounded in a clear legal framework. In Nigeria, the Constitution of the Federal Republic of

Nigeria 1999 (as amended) provides the foundational legal basis for migration governance. Section 41 guarantees freedom of movement and residence for Nigerian citizens, subject to lawful restrictions in the interest of public order and security.

The Immigration Act 2015 constitutes the principal statutory framework regulating migration in Nigeria. The Act governs the entry, stay, and exit of non-citizens, establishes immigration offences, and defines the powers of immigration authorities. National migration policies operate within this statutory framework, ensuring that policy measures are legally enforceable.

At the regional level, Nigeria is bound by the ECOWAS Protocol on Free Movement of Persons, which permits visa-free entry and limited rights of residence for citizens of member states. National migration policies must therefore reconcile domestic migration control objectives with regional integration commitments.

Internationally, Nigeria's migration policies are influenced by human rights instruments, refugee protection frameworks, and labour standards, reinforcing the principle that migration governance must respect human dignity and due process.

Self-Assessment Exercises 1

Explain the concept of a national migration policy and discuss its legal and constitutional foundations in Nigeria

1.6 Rationale and Objectives of National Migration Policies

States adopt national migration policies for multiple reasons. One primary objective is the regulation of entry and residence to maintain public order and national security. Migration policies enable states to define admission criteria and enforce compliance with immigration laws.

Economic considerations also play a major role. Migration policies are used to address labour market needs, attract skilled migrants, and regulate foreign employment. In countries of origin, policies seek to protect migrant workers abroad and maximise the benefits of remittances.

Humanitarian objectives are equally important. National migration policies provide frameworks for refugee protection, asylum procedures, and assistance to vulnerable migrants, including victims of trafficking. In Nigeria, national migration policies also aim to promote orderly migration, reduce irregular migration, strengthen border governance, and leverage migration for national development.

1.7 Core Components of National Migration Policies

National migration policies generally consist of several interrelated components. Immigration regulation addresses visa systems, residence permits, work authorisation, and admission criteria. These measures determine who may enter and remain within the country.

Emigration and diaspora policies focus on protecting citizens abroad, regulating labour migration schemes, and engaging diaspora communities in national development initiatives.

Refugee and asylum frameworks establish procedures for status determination, protection, and durable solutions. In Nigeria, these functions are supported by dedicated institutions responsible for refugees, migrants, and internally displaced persons.

Border management and enforcement constitute another core component, ensuring compliance with immigration laws through lawful and proportionate measures.

Return, readmission, and reintegration policies address voluntary return, forced return, and the sustainable reintegration of returnees, drawing on internationally recognised reintegration approaches.

Self-Assessment Exercises 2

Discuss the core components of national migration policies and analyse their relevance to effective migration governance.

1.8 Institutional Framework for Migration Policy Implementation

Effective migration policy implementation requires coordinated institutional arrangements. In Nigeria, the Federal Ministry of Interior provides overall policy direction, while the Nigeria Immigration Service is responsible for enforcement and border control.

The National Commission for Refugees, Migrants and Internally Displaced Persons coordinates refugee protection, migration-related humanitarian assistance, and reintegration efforts. Other relevant institutions include the Ministries of Foreign Affairs, Labour and Employment, Justice, and security agencies operating at borders.

National migration policies emphasise inter-agency coordination to reduce duplication and improve policy coherence, reflecting international best practices in migration governance.

1.9 National Migration Policies, Return and Reintegration

Return migration and reintegration have become central components of modern migration policies. Reintegration refers to the process by which returnees re-establish their economic, social, and psychosocial lives in their country of origin.

National migration policies increasingly incorporate structured reintegration frameworks that support returnees through skills development, access to livelihoods, social services, and community reintegration. International reintegration guidance emphasises sustainability, community-based approaches, and coordination between state and non-state actors.

In Nigeria, reintegration policies aim to address the challenges faced by returnees, including unemployment, social stigma, and reintegration into local communities.

Self-Assessment Exercises 3

Examine the role of return and reintegration in national migration policies, with reference to Nigeria.

1.9 National Migration Policies and Development Planning

Migration is closely linked to national development planning. Properly managed migration can contribute to economic growth, innovation, and poverty reduction. Remittances from Nigerians abroad constitute a significant source of income for households and contribute to national foreign exchange earnings.

National migration policies therefore seek to harness the developmental potential of migration by promoting diaspora investment, skills transfer,

and circular migration schemes. At the same time, policies address negative impacts such as brain drain through targeted interventions.

1.10 Challenges and Emerging Issues in National Migration Policymaking

Despite their importance, national migration policies face numerous challenges. These include institutional fragmentation, limited capacity, political pressures, irregular migration, and evolving global migration trends.

Emerging issues such as climate-induced displacement, mixed migration flows, and global economic shocks continue to shape migration policymaking. National policies must therefore remain flexible, evidence-based, and responsive to changing realities.

National migration policies provide a comprehensive framework for governing human mobility in a complex and interconnected world. By integrating legal, institutional, economic, and humanitarian considerations, these policies enable states to manage migration in a manner that promotes security, development, and human rights.



1.11 Summary

This unit examined national migration policies by exploring their conceptual foundations, legal basis, objectives, components, institutional frameworks, development linkages, and implementation challenges, with specific reference to Nigeria and international best practices.



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Global Compact for Safe, Orderly and Regular Migration (2018)



1.13 Possible Answers to SAEs

Answer to SAE 1

Concept of a National Migration Policy

A **national migration policy** is a comprehensive framework adopted by a state to regulate and manage migration in a coordinated, coherent, and strategic manner. It sets out guiding principles, objectives, and institutional responsibilities relating to entry, residence, labour migration, asylum, border management, diaspora engagement, and return.

Unlike individual immigration statutes, a migration policy provides an overarching vision that integrates security, development, and human rights considerations.

Legal and Constitutional Foundations in Nigeria

Nigeria's National Migration Policy (NMP) derives its authority from:

1. **The Constitution of the Federal Republic of Nigeria (1999)**
 - Grants the federal government authority over immigration and citizenship matters (Exclusive Legislative List).
 - Protects fundamental rights such as liberty, fair hearing, and dignity of the human person, which apply to migrants within Nigeria's territory.
2. **Immigration Act 2015**
 - Provides statutory regulation of entry, stay, and removal of non-citizens.
 - Establishes enforcement powers of the Nigerian Immigration Service (NIS).
3. **Refugee and Regional Commitments**
 - Nigeria is party to the 1951 Refugee Convention, the 1967 Protocol, and the OAU Refugee Convention.
 - ECOWAS Free Movement Protocol influences Nigeria's migration governance obligations.
4. **Administrative Law Principles**
 - Due process, judicial review, and constitutional supremacy limit administrative discretion.

Nigeria's National Migration Policy is grounded in constitutional authority, statutory law, and international obligations. However, its effectiveness depends on implementation, institutional capacity, and accountability mechanisms.

Answer to SAE 2

A comprehensive national migration policy typically contains several core components:

1. Border Management and Entry Control: Regulates visa systems, border security, and identity verification.

Relevance: Ensures sovereignty, security, and lawful entry.

2. Labour Migration Management: Provides frameworks for work permits, skills migration, and labour market alignment.

Relevance: Supports economic development and addresses labour shortages.

Refugee and Asylum Protection: Establishes procedures for refugee status determination and humanitarian protection.

Relevance: Ensures compliance with international law and human rights standards.

4. Irregular Migration and Enforcement: Addresses smuggling, trafficking, detention, and deportation procedures.

Relevance: Maintains rule of law while requiring procedural safeguards.

5. Diaspora Engagement: Promotes remittances, investment, and transnational ties.

Relevance: Enhances development outcomes and economic growth.

6. Return and Reintegration Mechanisms: Provides structured processes for voluntary or assisted return.

Relevance: Reduces irregularity and supports sustainable reintegration.

7. Institutional Coordination and Data Systems: Encourages inter-agency cooperation and digital record-keeping.

Relevance: Improves efficiency, transparency, and evidence-based policy.

Analysis

Effective migration governance requires balance—security without undermining rights, economic planning without exploitation, and enforcement without arbitrariness. A well-designed policy integrates these components cohesively. Weakness in any one area can undermine the entire framework.

Answer to SAE 2**Concept of Return and Reintegration**

Return refers to the process by which migrants go back to their country of origin, either voluntarily or through removal. Reintegration involves supporting returnees socially, economically, and psychologically to prevent re-migration and marginalisation.

Return may take several forms:

- **Voluntary return**
- **Assisted voluntary return and reintegration (AVRR)**
- **Forced return (deportation)**

Role in National Migration Policy

Return and reintegration serve multiple purposes:

1. **Migration Control** – Reduces irregular stay and enforces immigration laws.
2. **Humanitarian Protection** – Voluntary return is often safer and more dignified than forced deportation.
3. **Development Strategy** – Reintegration programmes can channel skills and resources back into the national economy.
4. **Prevention of Re-migration** – Sustainable reintegration reduces the likelihood of repeat irregular migration.

Nigerian Context

Nigeria has implemented return and reintegration initiatives in collaboration with international organisations, particularly for:

- Trafficking victims
- Irregular migrants returning from North Africa and Europe

Challenges include:

- Limited funding
- Insufficient long-term economic support
- Weak monitoring of reintegration outcomes
- Social stigma faced by returnees

Critical Assessment

Return policies are effective only when reintegration is sustainable. Without employment opportunities, psychosocial support, and community acceptance, returnees may attempt migration again. Nigeria's policy framework recognises reintegration, but implementation remains resource-constrained.

UNIT 2 MIGRATION ADMINISTRATION AND PROCEDURES

Unit Structure

- 1.1 Introduction
- 1.2 Learning Outcomes
- 1.3 Institutional Architecture of Migration Governance
- 1.4 Procedural Pathways: Admission, Status Determination, and Compliance
- 1.5 The Role of Judicial and Statutory Authorities
- 1.6 Comparative Case Studies in Administration and Procedure
- 1.7 Digital Transformation and Biometrics in Migration Procedures
- 1.8 Summary
- 1.9 References/Further Reading/Web Sources



1.1 Introduction

Welcome to Unit 2 of Module 3 in our course on Legal and Policy Issues in Migration. In Unit 1, we explored the philosophical underpinnings, strategic objectives, and comparative frameworks of national migration policies. Understanding what a nation aims to achieve through migration is the essential first step. This unit now turns to the critical question of how these policies are implemented. Migration Administration and Procedures concern the complex machinery of government—the laws, institutions, bureaucratic processes, and judicial bodies—that transform abstract policy goals into concrete, actionable reality for migrants, employers, and citizens alike.

Effective administration is the linchpin of a credible and humane migration system. It determines whether a policy succeeds or fails on the ground. A well-designed skilled worker programme can flounder under burdensome, opaque application procedures, just as a robust asylum policy can be undermined by inefficient and under-resourced determination processes. Conversely, fair, transparent, and efficient procedures can enhance a state's sovereignty, security, and economic objectives while upholding the rights of individuals.

This unit will dissect the architecture of migration administration. We will examine the institutional frameworks—from dedicated migration agencies to inter-ministerial committees—that coordinate policy delivery. We will analyse the procedural pathways for different

migration streams, such as labour, family, and humanitarian migration, and the role of statutory authorities in granting or refusing status. Critically, we will explore the indispensable role of judiciary in interpreting migration laws, checking administrative discretion, and protecting fundamental rights. Through comparative case studies from jurisdictions like the United Kingdom, Canada, Australia, and the European Union, we will assess what constitutes good (and bad) administrative practice, linking these to the foundational concepts of the rule of law, proportionality, and non-discrimination.



1.2 Learning Outcomes

By completing this unit, you will be able to:

- analyse the key components and functions of a national migration administration system.
- evaluate the procedural pathways for different categories of migrants (labour, family, humanitarian) and the challenges inherent in each.
- critically assess the role of judicial authorities and statutory bodies in interpreting migration law, remedying procedural errors, and safeguarding migrant rights.
- appreciate the impact of digital technologies and international cooperation on modern migration procedures.
- conduct a comparative analysis of migration administration models from different jurisdictions, drawing lessons applicable to the Nigerian context.



1.3 Institutional Architecture of Migration Governance

Migration administration is rarely the sole responsibility of a single ministry. It is typically a whole-of-government endeavour, involving interior/immigration, foreign affairs, labour, justice, social welfare, and national security agencies. The structure a country adopts reflects its policy priorities—whether emphasising economic growth, family unity, national security, or integration.

The Single Agency Model: Many countries consolidate primary operational functions within a dedicated, semi-autonomous agency. United Kingdom's Home Office is a powerful example, housing UK Visas and Immigration (UKVI), Immigration Enforcement, and the Border Force under one ministerial roof. This aims to ensure coherence between policy, visa issuance, border control, and enforcement.

The Canada Border Services Agency (CBSA) similarly consolidates border enforcement, while Immigration, Refugees and Citizenship Canada (IRCC) handles admissions and integration. A key advantage is clear accountability; a risk is creating a monolithic institution where security imperatives may overshadow service and rights-based functions.

The Fragmented/Inter-Ministerial Model: In other systems, authority is dispersed. In Germany, the Federal Office for Migration and Refugees (BAMF) processes asylum claims and promotes integration, but labour migration permits often require approval from the Federal Employment Agency, and states (Länder) execute many residence regulations. This model can allow for specialised input (e.g., labour market testing by employment experts) but may lead to bureaucratic complexity and slower decision-making for applicants navigating multiple entities.

The Nigerian Context: Nigeria's administration is evolving. The lead agency is the Nigeria Immigration Service (NIS), established by the Immigration Act, 2015. The NIS is responsible for border control, issuance of passports and visas, and residency administration. However, critical policy input and international coordination come from the Federal Ministry of Interior and the Federal Ministry of Foreign Affairs. The National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) handles protection matters. This structure presents coordination challenges, particularly in developing a seamless, migrant-centred procedural system that aligns with national development goals, as highlighted in policy documents like the National Migration Policy (2015).

1.4 Procedural Pathways: Admission, Status Determination, and Compliance

Procedures are the tangible interface between the state and the migrant. They must balance efficiency with fairness, and national interest with individual rights.

Labour Migration Procedures: The OECD's International Migration Outlook 2008 extensively analysed systems for managing labour migration. Procedures here often involve a multi-step, multi-actor process. A typical skilled worker pathway in a country like Australia involves:

- (i) Employer sponsorship approval,
- (ii) Labour market testing (demonstrating no suitable local worker is available),

- (iii) Nomination of a specific position, and
- (iv) The migrant's visa application, demonstrating skills, health, and character.

The use of points-based systems (PBS), as in the UK and Canada, automates parts of this by objectively scoring applicants on education, age, language, and job offer. The OECD noted that overly complex procedures can push demand into irregular channels or discourage needed talent. Judicial review often focuses on whether labour market tests were applied fairly or if points were calculated correctly (*R (on the application of New London College Ltd v Secretary of State for the Home Department* [2013] UKSC 51).

Family Reunification Procedures: These procedures test a state's commitment to the right to family life (Article 8, ECHR). Common requirements include proof of familial relationship, adequate housing, stable income, and health insurance. The procedure is often scrutinised for proportionality. In the landmark case of *Chavez-Vilchez v. The Netherlands* (ECtHR, 2017), the European Court of Human Rights ruled that states must assess the actual dependency of a child on their migrant parent before refusing residence, placing the child's best interests at the heart of the procedure.

Asylum and Refugee Status Determination (RSD): This is one of the most rights-sensitive procedures. It involves a detailed interview to assess the applicant's credibility and well-founded fear of persecution. Quality hinges on trained officers, access to legal counsel, and country-of-origin information. The principle of non-refoulement is proceduralised through appeals and suspensive effect (the right to remain while an appeal is pending). Comparative jurisprudence is rich here. The *UK Supreme Court's ruling in R (on the application of AAA) v Secretary of State for the Home Department* [2023] on the Rwanda asylum policy underlined that fair procedures require a proper, individualized assessment of risk, not wholesale externalisation.

Compliance and Enforcement Procedures: These include visa-monitoring, workplace inspections, detention, and removal. Procedures must be lawful and respect human dignity. The European Union's Returns Directive sets common standards on detention conditions, forced return, and the issuance of return decisions. Judicial oversight is critical. In the US, the case of *Jennings v. Rodriguez* (2018) highlighted procedural deficits in automatic, indefinite detention of non-citizens without adequate bond hearings.

1.5 The Role of Judicial and Statutory Authorities

The administration of migration is not left solely to the executive branch. Independent judicial and statutory authorities provide essential checks and balances.

Judicial Review and Appeals: Courts do not re-make immigration decisions but ensure they are made lawfully, rationally, and fairly. Key grounds for challenge include:

Procedural Fairness: Was the applicant given a fair opportunity to present their case? (*Kioa v West* (1985) HCA).

Error of Law: Did the administrator misinterpret the statute or relevant legal test?

Irrationality/Unreasonableness: Was the decision so unreasonable that no reasonable decision-maker could have made it?

Proportionality: Was the interference with a right (e.g., family life) proportionate to the legitimate aim pursued?

Specialised tribunals often form the first tier of appeal. The UK's First-tier Tribunal (Immigration and Asylum Chamber) and Australia's Administrative Appeals Tribunal (Migration & Refugee Division) are examples where legal and factual merits are re-examined.

Statutory Independent Authorities: Some jurisdictions establish expert bodies with oversight or advisory roles. The Australian Migration Review Tribunal (now part of the AAT) was a classic statutory authority for merit review. The UK's Independent Chief Inspector of Borders and Immigration (ICIBI) audits and reports on the efficiency and effectiveness of the immigration system, providing a vital layer of accountability outside the court system.

The Nigerian Judiciary: Nigerian courts play a growing role. In *Dikko v. Federal Republic of Nigeria* (2018), the Court of Appeal affirmed the powers of the NIS but stressed they must be exercised in accordance with the law and fundamental rights. Cases often revolve around the legality of detention, deportation orders, and the right to fair hearing before removal. The establishment of a dedicated Migration and Related Matters Division within the Federal High Court, as contemplated in the National Migration Policy, could enhance specialised judicial oversight.

1.6 Comparative Case Studies in Administration and Procedure

Case Study 1: The "Hostile Environment" and Windrush Scandal case study highlights administrative failures with racial implications due to UK policies aimed at reducing net migration since 2012. These measures forced checks on immigration status by various entities, inadvertently affecting the Windrush generation—Commonwealth citizens who legally arrived between 1948 and 1971—whose records were poorly maintained or destroyed. This led to wrongful denials of services, job losses, detentions, and deportations for individuals legally residing in the UK. The inquiry emphasised the need for procedural safeguards, recognising the importance of empathy in bureaucratic processes to prevent such injustices.

Case Study 2: The "Global Talent" Digital Procedure in Australia showcases a streamlined, tech-enabled model for high-value migrants, featuring an online process, dedicated case officers, and rapid processing focused on attracting specific skills. While it minimizes bureaucratic obstacles and supports economic policy objectives, it raises concerns about equity and potentially fosters a "two-tier" system that privileges highly skilled individuals.

Case Study 3: The Common European Asylum System (CEAS) and the Dublin III Regulation illustrate the challenges of shared administration in the EU. The Dublin Regulation sets out a process to identify the Member State responsible for asylum applications, typically the first country of entry, but this has proven complex, particularly during the 2015-16 refugee crisis when countries like Greece and Italy faced overwhelming numbers. The European Court of Justice has played a crucial role in interpreting these rules, notably in the case *C.K. and Others v Slovenia*, focusing on lawful transfers and the protection of fundamental rights. The situation underscores the difficulties in creating efficient and humane multinational procedures under pressure.

1.7 Digital Transformation and Biometrics in Migration Procedures

Modern migration administration is increasingly digital. E-visas, online applications, and automated border gates (e-gates) using biometrics (fingerprints, facial recognition) are commonplace. The European Union's Entry/Exit System (EES) and European Travel Information and Authorisation System (ETIAS) represent the frontier of this trend, pre-screening travellers and digitally recording border crossings.

Benefits: Increased efficiency, reduced paperwork, enhanced security screening, and improved data for policy analysis.

Risks: The digital divide may exclude applicants without reliable internet or digital literacy. Algorithmic decision-making in visa processing or risk assessment raises profound concerns about transparency, fairness, and bias. Data protection and the risk of function creep (using migration data for unrelated purposes) are major legal issues under frameworks like the EU's GDPR. Judicial authorities are now grappling with how to ensure procedural fairness when a "decision-maker" is partially an inscrutable algorithm.



1.8 Summary

This unit has established that migration administration is not a dry, technical backwater but the dynamic, contested arena where law, policy, and human lives intersect. The design of institutions and the fairness of procedures are as consequential as the substantive rules themselves. We have seen how robust judicial oversight is indispensable for remedying administrative errors and protecting rights, and how comparative examples—from the failures of the Windrush scandal to the innovations of digital pathways—offer critical lessons.

For Nigeria, as it seeks to manage migration for development, the imperative is to build an administrative system that is not only secure and efficient but also transparent, accountable, and rights-respecting. This requires clear laws, well-trained officers, coordinated institutions, accessible appeal mechanisms, and the thoughtful adoption of technology. The goal is a system that commands public confidence and treats every individual with the dignity and fairness required by the rule of law.



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UNIT 3 BORDER MANAGEMENT AND ENFORCEMENT

Unit Structure

- 3.1 Introduction
- 3.2 Learning Outcomes
- 3.3 The Legal and Conceptual Framework of Border Management
- 3.4 Enforcement Models: Deterrence, Interception, and Externalisation
- 3.5 The Non-Refoulement Principle and Access to Asylum at Borders
- 3.6 Immigration Detention and the Law of Removal
- 3.7 Technology, Data, and the "Smart Border"
- 3.8 References/Further Reading/Web Sources



3.1 Introduction

Unit 3 of Module 3 focuses on Border Management and Enforcement, emphasising that borders represent complex legal and operational zones rather than mere geographical lines. It addresses the interplay of national security, economic interests, international obligations, and human rights in controlling entry and exit. Modern border management encompasses pre-border screening, port-of-entry controls, and international cooperation, aiming to exclude threats while facilitating legitimate movement. The unit examines legal frameworks, institutional roles, and enforcement practices, analysing principles such as non-refoulement and legal regimes surrounding detention and removal. Comparative studies of various jurisdictions will illustrate how the law navigates the balance between state power and individual rights at borders.



3.2 Learning Outcomes

By the end of this unit, you will be able to:

- analyse the legal principles and components of an integrated border management system.
- critically evaluate different models of border enforcement (e.g., deterrence, interception, externalisation) and their human rights implications.
- assess the application of the non-refoulement principle at international borders and the legal procedures for asylum seeker interception.

- examine the national and international legal frameworks governing immigration detention and removal/deportation.
- conduct a comparative legal analysis of border management strategies in key jurisdictions and derive lessons for legal and policy reform.



3.3 The Legal and Conceptual Framework of Border Management

Border management is the exercise of a state's inherent right to control who enters and remains in its territory. However, this sovereignty is not unfettered; it is constrained by international treaty obligations, customary international law, and domestic constitutional norms.

From Static Control to Integrated Border Management (IBM): The traditional model focused on online watching and checkpoint control. The modern Integrated Border Management (IBM) model, promoted by bodies like the European Union and the International Organisation for Migration (IOM), adopts a "whole-of-government" and "whole-of-journey" approach. Its components include:

- (i) **Pre-border Measures:** Visa regimes, carrier sanctions (fines on airlines transporting improperly documented passengers), and international data-sharing (e.g., Advance Passenger Information systems).
- (ii) **Border Control Proper:** Entry/exit checks, biometric verification, and border surveillance.
- (iii) **Inland Enforcement:** Workplace raids, status verifications, and the detection of overstayers.
- (iv) **Return and Reintegration:** Procedures for the voluntary or forced return of those without legal status, linked to the reintegration assistance frameworks discussed in resources like the IOM Reintegration Handbook.
- (v) **International Cooperation:** Bilateral agreements on readmission, joint patrols, and capacity-building with origin and transit states.

The Legal Foundations: Key legal instruments include:

- (i) **National Legislation:** Nigeria's Immigration Act (2015) grants the Nigeria Immigration Service (NIS) the power to control borders, issue visas, and effect removals.
- (ii) **International Refugee Law:** The 1951 Refugee Convention and its 1967 Protocol, particularly Article 33 (Non-refoulement),

which prohibits the return of a refugee to a territory where their life or freedom is threatened.

- (iii) **International Human Rights Law:** Instruments like the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT) impose absolute bans on torture and inhuman treatment, applicable at all times, including during border enforcement.
- (iv) **Regional Frameworks:** The ECOWAS Protocol on Free Movement creates a unique regional context for West Africa, establishing rights of entry, residence, and establishment for community citizens, which Nigeria's border management must accommodate.

3.4 Enforcement Models: Deterrence, Interception, and Externalisation

States implement various strategic models to manage unauthorised migration, each carrying legal and ethical implications. The U.S.-Mexico Border employs the Deterrence and Militarisation Model, using physical barriers and surveillance to deter crossings, raising questions about state responsibility for deaths and suffering.

Legal challenges have emerged regarding policies like "Remain in Mexico." Conversely, the European Union uses the Interception and Maritime Pushback Model to intercept migrant boats, facing scrutiny over pushbacks that violate human rights as established by the European Court of Human Rights.

Lastly, Australia's Externalisation and Offshore Processing Model externalises border controls by transferring asylum seekers to offshore centres, a practice criticized for breaching human rights obligations despite its legal endorsement by the Australian High Court.

Comparative analysis of enforcement models reveals distinct strategies and associated legal challenges across three key jurisdictions: the U.S.-Mexico border employs deterrence through physical barriers and increased patrols, facing issues like fatalities and family separations; the EU Mediterranean border utilises interception to return migrant vessels, risking violations of non-refoulement; while Australia externalizes asylum processing to third countries, grappling with indefinite detention and denial of resettlement rights.

3.5 The Non-Refoulement Principle and Access to Asylum at Borders

The principle of non-refoulement is fundamental to refugee protection, mandating that states allow individuals to claim asylum and assess their risk before removal. It prohibits various actions that could expose individuals to danger, including rejection at borders and pushbacks.

Access to asylum procedures is crucial, with legal scrutiny over border policies and procedures, as demonstrated by the UK Supreme Court's recent ruling against the Rwanda asylum plan, highlighting that shortcuts cannot compromise protection.

Additionally, agreements like the EU's Dublin Regulation and the U.S.-Canada Safe Third Country Agreement emphasise that transfers are permissible only when the receiving state does not pose a risk of inhuman treatment.

3.6 Immigration Detention and the Law of Removal

When enforcement leads to the apprehension of individuals without legal status, two primary legal tools are employed: detention and Removal /deportation.

Legal Standards for Immigration Detention: Detention must not be arbitrary. Under international law, it must be:

- (i) **Prescribed by Law:** Authorised by clear, accessible national legislation.
- (ii) **Necessary and Proportionate:** Used only as a last resort where less coercive measures (reporting requirements, bail) are insufficient. Common grounds include verifying identity, determining status, or effecting removal.
- (iii) **For the Shortest Necessary Period:** Detention must be subject to judicial review and periodic re-assessment.
- (iv) **In Appropriate Conditions:** Facilities must be humane, not punitive.

The European Court of Human Rights, in *Saadi v. United Kingdom* (2008), accepted detention for administrative purposes but stressed the need for due diligence in removal proceedings. In contrast, the United Nations Human Rights Committee and other bodies have repeatedly found that Australia's mandatory, indefinite offshore detention violates the right to liberty and freedom from torture.

The Removal/Deportation Process: Removal is the formal act of compelling a non-citizen to leave the territory. The procedure must be lawful and fair:

- (i) **Due Process:** The individual must be notified of the decision, the reasons for it, and have access to a fair appeal process, often with suspensive effect (staying removal pending appeal) in protection cases.
- (ii) **Prohibition of Collective Expulsion:** Each case must be examined individually (Article 4 Protocol 4 ECHR, Article 22(1) of the Migrant Workers Convention).
- (iii) **Voluntary vs. Forced Return:** States increasingly promote Assisted Voluntary Return and Reintegration (AVRR) programmes, like those detailed in the IOM Reintegration Handbook, as a more dignified and sustainable alternative to forced removal.

3.7 Technology, Data, and the "Smart Border"

Modern border enforcement is increasingly technologized, raising novel legal issues.

Biometrics: The use of digital fingerprints, facial recognition, and iris scans for identification and verification is now standard (e.g., Eurodac in the EU). While enhancing security and efficiency, it poses massive data protection and privacy challenges under laws like the GDPR. The risk of function creep (data used for purposes beyond original intent) and discriminatory profiling is high.

Algorithmic Decision-Making & Risk Assessment: Systems like the EU's ETIAS (European Travel Information and Authorisation System) will use algorithms to pre-screen visa-exempt travellers, flagging "risks." This shifts enforcement "upstream" but creates a "digital border" with opaque criteria. The lack of transparency and potential for bias in such automated systems poses a fundamental challenge to principles of procedural fairness and the right to an effective remedy.

Unit 3 emphasises that border management is a complex aspect of migration governance, with strict legal frameworks guiding state powers. While states have sovereignty over their borders, international laws impose non-negotiable rules, such as non-refoulement, prohibition of torture, and the right to fair hearings. Enforcement strategies that neglect these obligations encounter legal challenges. For Nigeria, an effective border management strategy must balance security and rights compliance, accommodating both ECOWAS free movement and procedures for non-ECOWAS migrants and asylum seekers.

Investments in technology should be complemented by training border officials in refugee law and human rights, alongside establishing independent oversight mechanisms, ensuring that the borders uphold legal and humanitarian values.



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MODULE 4 VISA SYSTEMS, ASYLUM, AND CITIZENSHIP

Introduction

Module 4 of the course on Legal and Policy Issues in Migration addresses critical legal statuses for migrants: visa systems, asylum, and citizenship. It highlights the relationship between these statuses and state sovereignty. Unit 1 focuses on visa systems, detailing categories and legal criteria for issuance, along with the impact on state policies and concerns regarding equity and access. Unit 2 examines international refugee law and the asylum process, emphasising the obligation of states to protect those fleeing persecution, the complexities of Refugee Status Determination, and contemporary migration challenges. Unit 3 explores pathways to citizenship and the naturalisation process, comparing citizenship models, and assessing integration as a mutual process between migrants and host societies. The module underscores the interconnectedness of visa, asylum, and citizenship systems, noting how the design of one influences the others and can lead to legal conflicts.

This module will enable the students to be able to:

1. Critically analyse the legal structure, policy objectives, and human rights implications of national visa systems.
2. Apply the international legal definition of a refugee and evaluate the fairness and efficacy of national asylum determination procedures.
3. Compare different philosophical and legal approaches to citizenship acquisition and assess their impact on social cohesion and migrant integration.
4. Synthesize the relationships between visa policy, asylum law, and citizenship regimes in shaping national migration outcomes.
5. Construct legally sound arguments on contemporary issues such as visa discrimination, the protection gap for climate-displaced persons, and the debate over birthright citizenship.

UNIT 1 VISA SYSTEMS AND ENTRY REQUIREMENTS

Unit Structure

- 1.1 Introduction
- 1.2 Learning Outcomes
- 1.3 The Legal Nature and Categories Of Visas
- 1.4 Legal Frameworks and Procedural Governance
- 1.5 Consular Discretion, Judicial Review, and the Problem of "Non-Reviewability"
- 1.6 Comparative Analysis of Key Visa System Models

- 1.7 Contemporary Legal and Ethical Challenges
- 1.8 References/Further Reading/Web Sources



1.1 Introduction

The visa stamp in a passport symbolises a state's legal authority to regulate entry and migratory movement, serving as a preemptive screening tool for classifying migrants. This document explores the legal architecture of visa systems, highlighting their role in implementing national migration policies, as discussed in a previous module. Visa regimes reflect a state's foreign policy, security considerations, and economic interests, while the visa "map" indicates geopolitical alliances and risk perceptions. The complex application process imposes significant legal hurdles for migrants, involving detailed procedures and discretionary powers of consular officers. The discussion categorises visa types, analyses legal principles of issuance and refusal, and involves comparative insights into global models like the U.S. system and the Schengen visa code. Furthermore, it addresses contemporary challenges, including biometric visas, algorithmic risk assessment ethics, and concerns regarding discrimination and transparency in visa administration.



1.2 Learning Outcomes

By the end of this unit, you will be able to:

- distinguish between different categories of visas and the specific legal rights and restrictions attached to each
- identify the statutory and regulatory grounds for visa issuance and refusal in different jurisdictions
- evaluate the legal principles governing consular discretion and the challenges of seeking judicial remedy for visa denial
- conduct a comparative analysis of the visa policies of key destination states and regional blocs
- critically assess the impact of new technologies and security paradigms on the fairness and efficiency of visa systems.



1.3 The Legal Nature and Categories of Visas

A visa is a conditional authorisation granted by a state, permitting the bearer to apply for entry at its border. Crucially, it is not a guarantee of entry; the final authority to admit rests with the border control officer (as established in Module 3, Unit 3 on Border Management). Legally, it is generally considered a privilege granted by the sovereign state, not an enforceable right, and its issuance is a quintessential act of state sovereignty.

1.3.1 Non-Immigrant Visas (NIVs): For Temporary Stay

Non-immigrant visas are legal instruments designed for specific, temporary purposes. Each category functions as a precise legal container with defined permissions and strict prohibitions.

Visitor/Tourist Visas (e.g., U.S. B-2 Visa, Schengen Type-C Visa): Granted for purposes of tourism, leisure, or visiting family/friends. The core legal restriction is the prohibition on engaging in any remunerative work or gainful employment. Violation of this condition is a ground for deportation and future visa ineligibility.

Work Visas (e.g., U.S. H-1B, UK Tier 2 (General)): These are employer-specific and often job-specific. They are the primary legal tool for states to manage labour migration. Issuance is typically contingent upon:

Labour Market Tests: The employer must demonstrate that no qualified national or permanent resident worker is available for the position (a process analysed in the OECD's International Migration Outlook 2008).

Numerical Caps (Quotas): Many countries, like the U.S., impose annual limits on certain work visas, making the process highly competitive.

Prevailing Wage Requirements: Employers must pay at least the market wage to prevent undercutting domestic workers.

Student Visas (e.g., U.S. F-1, UK Tier 4): Require formal enrollment at an accredited educational institution. Holders are typically granted limited work rights (e.g., on-campus employment or curricular practical training) to support themselves without displacing local labour. These visas are a critical component of global higher education policy and soft power.

Business Visas (e.g., U.S. B-1): Facilitate activities such as contract negotiations, conferences, and consultations. The legal line between permissible "business" and prohibited "work" is often thin and subject to scrutiny.

1.3.2 Immigrant Visas (IVs): For Permanent Residence

Immigrant visas lead to Lawful Permanent Resident (LPR) status (e.g., U.S. Green Card, UK Indefinite Leave to Remain). This status confers the right to live, work, and study indefinitely in the host country and is typically the prerequisite for naturalisation to citizenship (covered in Unit 3).

Family-Based Immigration: This channel prioritises family unity. It is usually tiered, giving immediate relatives (spouses, minor children, and sometimes parents of citizens) preferential treatment over other family members (adult children, siblings), who face longer waiting periods and numerical limits.

Employment-Based Immigration: Directly tied to economic policy. Categories often include:

Priority Workers: Individuals of extraordinary ability, outstanding professors/researchers, and multinational executives.

Professionals with Advanced Degrees: Individuals filling positions requiring specialised knowledge.

Skilled Workers, Professionals, and Unskilled Workers (Other Workers): Subject to strict labour certification processes.

Investor Visas (e.g., U.S. EB-5): Grant residence in exchange for a substantial capital investment and job creation.

Diversity Visa Lotteries (e.g., U.S. Diversity Immigrant Visa Program): A unique policy tool that allocates a limited number of visas annually to nationals of countries with historically low rates of immigration to the host state. It is a legal embodiment of a policy goal to promote demographic diversity.

1.3.3 Regional Free Movement as a Visa Waiver Regime

Regional integration creates exceptional legal spaces where the visa requirement is abolished for member-state citizens. This represents the most significant exception to standard visa control.

The European Union (EU) / Schengen Area: The Schengen Borders Code abolishes internal border controls and establishes a common visa policy for non-EU nationals. EU citizens enjoy the fundamental right of free movement and residence under Article 21 of the Treaty on the Functioning of the European Union (TFEU).

The Economic Community of West African States (ECOWAS): The ECOWAS Protocol on Free Movement (1979) and its supplementary protocols grant community citizens the right to enter, reside, and establish businesses in member states. For Nigeria, this creates a dual reality: facilitating mobility for West Africans while managing a restrictive visa regime for other Africans and global nationals. This tension is a key focus of Nigeria's migration policy.

1.4 Legal Frameworks and Procedural Governance

Visa systems operate within a hierarchy of legal instruments, from international agreements to detailed administrative regulations.

National Legislation: The foundational authority. Examples include the U.S. Immigration and Nationality Act (INA), the UK's Immigration Rules, and Nigeria's Immigration Act (2015). These statutes establish the categories, set eligibility criteria, and delegate regulatory power to the executive.

International Agreements:

Visa Waiver Agreements: Bilateral or multilateral treaties that abolish visa requirements for short stays (e.g., the U.S. Visa Waiver Program with 40+ countries).

Reciprocity: Visa policies are often based on the principle of reciprocity—Country A imposes visa requirements on citizens of Country B because Country B imposes them on citizens of Country A.

Procedural Steps and Evidentiary Burden: The application process places a heavy burden of proof on the applicant. Key steps include:

Application Form: Disclosure of personal, professional, and travel history.

Supporting Documentation: Proof of funds, employment, property ties, travel insurance, and a detailed itinerary.

Interview: A consular officer assesses the applicant's credibility and intent. The central legal question is often whether the applicant has overcome the presumption of being an intending immigrant (for NIVs) by demonstrating non-immigrant intent—strong ties to their home country that compel their return.

Biometric Enrollment: Now standard practice, involving digital fingerprints and facial photographs stored in databases for security and identity verification.

1.5 Consular Discretion, Judicial Review, and The Problem of "Non-Reviewability"

A defining legal feature of visa adjudication is the extraordinary discretion granted to consular officers and the correspondingly narrow scope for judicial challenge.

The Doctrine of Consular Nonreviewability: Particularly strong in U.S. jurisprudence, this doctrine holds that a consular officer's decision to deny a visa is final and not subject to judicial review on the merits. The U.S. Supreme Court, in *United States ex rel. Knauff v. Shaughnessy* (1950) stated that the admission of non-citizens is a "privilege granted by the sovereign" and an act "plenary in nature," vested exclusively in the political branches. This means a court will generally not reweigh the evidence or substitute its judgment for the officer's.

Limited Grounds for Challenge: Judicial intervention is typically restricted to very narrow circumstances:

Constitutional Claims: If a visa denial infringes upon the constitutional rights of a U.S. citizen (e.g., the right to marry or familial association), courts may exercise jurisdiction. In *Kerry v. Din* (2015), the U.S. Supreme Court was divided on what procedural due process a citizen is owed when a spouse's visa is denied, highlighting the ongoing legal tension.

Statutory Interpretation: A claim that the consular officer misapplied the law, rather than just the facts.

Bad Faith or Discrimination: Allegations that the decision was based on racial, religious, or national origin discrimination, though such claims are extremely difficult to prove given the opacity of the process.

Comparative Perspectives: Other jurisdictions offer slightly more recourse. In the UK, visa refusals can be appealed or administratively reviewed in certain categories (like family visas), and decisions must comply with the principles of fairness and rationality under administrative law. The EU's Schengen Visa Code provides that

applicants who are refused a visa have the right to a written justification and can appeal the decision in the member state that refused it.

1.6 Comparative Analysis of Key Visa System Models

This section outlines four distinct immigration models across jurisdictions. The U.S. Categorical Model is characterised by complex quotas and discretionary power, aiming for fine-grained control over labour markets and national security through the Immigration & Nationality Act (INA), but faces challenges like judicial oversight limits and lengthy backlogs. The EU Schengen Model facilitates free internal movement while securing external borders, guided by the Schengen Borders Code and Visa Code, yet struggles with balancing visa facilitation against migration pressures. Australia's Points-Based System (PBS) is skills-focused and aims to attract skilled migrants for economic growth, based on the Migration Act 1958, although its rigid criteria may not align with market needs. Lastly, ECOWAS promotes free movement via a treaty-based approach for regional integration, as per the ECOWAS Protocol, facing challenges with weak enforcement and member-state barriers.

1.7 Contemporary Legal and Ethical Challenges

The Digitalisation of Control: The integration of large databases (like the EU's Entry/Exit System (EES) and Visa Information System (VIS)) enables unprecedented tracking but raises major data privacy concerns under regulations like the GDPR. The shift towards e-visas and online applications, while efficient, risks exacerbating the digital divide.

Algorithmic Decision-Making & Profiling: States are increasingly using algorithms to assess visa application risk, flagging applicants based on nationality, travel patterns, or other data points. This practice risks entrenching systemic bias and violating principles of individualised assessment and non-discrimination. The lack of transparency in these "black box" systems makes meaningful legal challenge almost impossible.

Visa Discrimination and Reciprocity: Visa requirements disproportionately affect citizens of poorer, predominantly Global South countries. While framed as security or overstaying risks, these policies often reflect and reinforce global inequalities. The principle of reciprocity can lead to politically motivated visa "wars," harming individuals caught in the crossfire.

The Humanitarian Challenge: Strict visa requirements effectively bar most refugees from accessing legal pathways to seek asylum, forcing them into the hands of smugglers and onto dangerous irregular journeys. This creates a fundamental contradiction between states' border control objectives and their obligations under the 1951 Refugee Convention, which we will explore in depth in Unit 2.

In Conclusion, Visa systems are the legal embodiment of a state's selective openness to the world. They are powerful, indispensable tools for managing migration in accordance with national interest. However, as this unit has demonstrated, the legal architecture governing them—characterised by broad discretion, limited review, and increasing technologization—creates significant risks of arbitrariness, discrimination, and opacity.

For lawyers and policymakers, the central challenge is to design and administer visa systems that are efficient and secure yet also transparent, fair, and compliant with fundamental rights. This requires robust legal safeguards, clear and published criteria, training to combat implicit bias among consular officials, and ethical frameworks for the use of new technologies. As the first gate in the migration journey, the fairness of the visa system sets the tone for all that follows.

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UNIT 2 ASYLUM, REFUGEES, AND FORCED MIGRATION

Unit Structure

- 2.1 Introduction
- 2.2 Learning Outcomes
- 2.3 International and Regional Legal Frameworks
- 2.4 Nigeria's Domestic Legal and Institutional Framework
- 2.5 Refugee Status Determination (RSD) Procedure
- 2.6 Internally Displaced Persons (IDPs)**
- 2.7 Emerging Challenges
- 2.8 Summary
- 2.9 References/Further Reading/Web Sources
- 2.10 Possible Answers to SAEs



2.1 Introduction

This unit addresses the legal response to forced migration. While visas regulate voluntary movement, asylum protects those fleeing persecution or conflict. Nigeria is a party to key international and regional refugee treaties and is significantly affected as a country of origin, transit, and destination for forced migrants. We will examine the legal definitions, procedures, and critical gaps in protection, with a focus on the crisis of Internal Displacement in Northeast Nigeria.



2.2 Learning Outcomes

By the end of this unit, you will be able to:

- define a "refugee" under the 1951 UN Convention and the 1969 OAU Convention
- outline Nigeria's institutional framework for refugee protection and IDP assistance
- identify key challenges in the Refugee Status Determination (RSD) process
- differentiate the legal regimes for refugees and IDPs
- analyse protection gaps for climate-displaced persons.



2.3 International and Regional Legal Frameworks

2.3.1 The 1951 Refugee Convention & 1967 Protocol

Article 1 addresses persecution stemming from various categories such as race, religion, nationality, political opinion, or membership in a particular social group. Article 33 emphasises the principle of non-refoulement, which is the fundamental obligation preventing the return of refugees to situations of danger. This principle is recognised as customary international law, signifying its widespread acceptance and adherence among nations. Notably, Nigeria formally acceded to these obligations in the years 1967 and 1968, reflecting its commitment to upholding the protections defined in these articles.

2.3.2 The 1969 OAU Refugee Convention

The refugee definition encompasses individuals escaping from "external aggression, occupation, foreign domination, or events that seriously disturb public order," emphasising the importance of safeguarding individuals fleeing conflicts, such as those occurring in Cameroon. Judicial Authority: In this context, the ECOWAS Court of Justice has applied this convention to uphold the rights of asylum seekers, as exemplified in the case of Cameroonians in *Nigeria v. Attorney-General* (ECW/CCJ/APP/06/10), reaffirming the legal framework for protecting refugees.

Self-Assessment Exercises 1

A person flees widespread violence in Northern Cameroon where government forces are combating separatists. Does this person qualify as a refugee under the 1951 Convention, the 1969 OAU Convention, or both? Explain your reasoning.

2.4 Nigeria's Domestic Legal and Institutional Framework

The National Commission for Refugees (NCFRMI) Act of 1989 is significant as it establishes the lead agency responsible for refugee matters in Nigeria. However, it has faced criticism for being outdated in the context of evolving challenges in refugee protection. The Terrorism (Prevention) Act of 2011 raises concerns as it may create tensions with the protection of refugees, especially if asylum seekers are mistakenly linked to insurgent groups, thus complicating their legal status and protection.

Key institutions involved in refugee and asylum processes in Nigeria include the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI), the Nigeria Immigration Service (NIS), and the United Nations High Commissioner for Refugees (UNHCR), which often supports the process of Refugee Status Determination (RSD).

Furthermore, the National Policy on Internally Displaced Persons (IDPs) established in 2017 serves as Nigeria's main framework for addressing internal displacement issues. This policy aligns with the African Union's Kampala Convention of 2009, which emphasises the rights and welfare of IDPs within member states. The policy outlines approaches for improving the living conditions and legal protections for those displaced within Nigeria, reflecting the government's commitment to adhering to international guidelines on displacement.

2.5 Refugee Status Determination (RSD) Procedure

RSD, or Refugee Status Determination, is the process by which asylum claims are evaluated in Nigeria. This process is overseen by the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) with support from the United Nations High Commissioner for Refugees (UNHCR).

However, several significant challenges hinder its effectiveness. Firstly, there is a notable absence of formal procedural rules in Nigerian law that specifically govern the RSD process. Additionally, there is limited legal assistance available to asylum seekers, which complicates their ability to navigate the application system. The situation is further exacerbated by extensive backlogs in processing asylum claims, leading to prolonged uncertainty for applicants.

As for legal recourse, asylum seekers in Nigeria have the right to seek judicial review for unlawful detention through fundamental rights applications, as outlined in Chapter IV of the 1999 Nigerian Constitution. A pivotal legal case, *Dikko v. Federal Republic of Nigeria* (2018), reinforces this right by affirming that the Nigeria Immigration Service (NIS) must adhere strictly to legal standards during deportation proceedings, ensuring that due process is not undermined. This case has set a critical precedent in highlighting the need for adherence to legal norms in matters concerning the rights of asylum seekers.

2.7 Internally Displaced Persons (IDPs)

IDPs in Nigeria, numbering over 2 million due to the Boko Haram insurgency and farmer-herder conflicts, remain under national authority without crossing international borders. The Refugee Convention is not applicable, with the Kampala Convention and Nigeria's IDP Policy as the main frameworks. However, implementation is hindered by severe protection issues in IDP camps, including insecurity and gender-based violence, exacerbated by the absence of a dedicated Domestic IDP Law that weakens enforcement.

Self-Assessment Exercises 2

What is the fundamental legal distinction between a refugee and an Internally Displaced Person (IDP)? Name the key African treaty that addresses IDP protection.

2.7 Emerging Challenges

Mixed migration complicates the identification and referral of individuals due to the blend of refugees and economic migrants, particularly on routes like those through Libya. Additionally, persons displaced by climate-related issues such as floods or desertification face a legal protection gap, as there is no recognised "climate refugee" status under international law.

In conclusion, Nigeria has a solid treaty foundation for refugee protection but faces major implementation challenges, especially regarding IDPs and a slow RSD process. Legal reform, stronger institutions, and effective policy implementation are urgently needed to meet humanitarian obligations and protect the rights of forced migrants.

Identify two major procedural weaknesses in Nigeria's current Refugee Status Determination (RSD) process and suggest one legal reform to address each.

Self-Assessment Exercises 3



2.8 Summary

This unit covered the international and Nigerian legal frameworks for refugees and IDPs, the RSD process, and contemporary challenges like mixed migration and climate displacement.



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2.9 Possible Answers to SAEs

Answer to SAE 1

A person fleeing **widespread violence in Northern Cameroon** due to armed conflict between government forces and separatists raises important definitional questions.

Under the 1951 Refugee Convention

The **1951 Refugee Convention** defines a refugee as a person who:

- Is outside their country of nationality;
- Has a well-founded fear of persecution;
- For reasons of race, religion, nationality, membership of a particular social group, or political opinion;
- And is unable or unwilling to avail themselves of the protection of that country.

If the individual can demonstrate that they are personally targeted or face persecution on one of these five Convention grounds (e.g., perceived political opinion linked to separatist groups), they may qualify under the 1951 Convention.

However, **generalised violence alone** does not automatically satisfy the persecution requirement unless linked to one of the protected grounds.

Under the 1969 OAU Refugee Convention

The **OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969)** expands the definition. It includes persons compelled to leave their country due to:

- External aggression
- Occupation
- Foreign domination
- Events seriously disturbing public order

Widespread armed conflict and generalised violence clearly fall within “events seriously disturbing public order.”

In conclusion

- The person **would qualify under the 1969 OAU Convention** due to widespread violence.
- They **may qualify under the 1951 Convention** if they can show persecution linked to a protected ground.

Thus, protection under the OAU Convention is broader and more readily applicable in this scenario.

Answer to SAE 2

Fundamental Legal Distinction

The key distinction is **crossing an international border**:

- A **refugee** has crossed an international border and is outside their country of nationality.
- An **Internally Displaced Person (IDP)** has been forced to flee their home but remains within their own country.

Refugees benefit from binding international protection under the 1951 Convention and regional refugee instruments. IDPs remain under the jurisdiction of their own government and do not acquire a distinct legal status under international refugee law.

Key African Treaty on IDPs

The primary African treaty addressing IDP protection is the:

African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention, 2009).

This treaty is legally binding and requires states to prevent displacement, protect IDPs, and provide durable solutions.

Answer to SAE 3

Nigeria's Refugee Status Determination (RSD) process is managed by the National Commission for Refugees, Migrants and IDPs (NCFRMI).

While Nigeria recognises international refugee obligations, procedural weaknesses persist.

1. Weakness: Prolonged Delays in RSD

Applications often face significant backlogs due to limited staffing, inadequate infrastructure, and weak case management systems.

Impact:

- Prolonged uncertainty for asylum seekers
- Increased vulnerability
- Risk of detention or informal survival strategies

Suggested Legal Reform:

Introduce **statutory time limits** for initial RSD decisions and appeals, combined with mandatory periodic case review. This would enhance procedural efficiency and accountability.

2. **Weakness: Limited Access to Legal Representation and Appeals**

Many asylum seekers lack access to legal aid or structured appeal mechanisms.

Impact:

- Reduced procedural fairness
- Increased risk of wrongful rejection
- Limited compliance with due process standards

Suggested Legal Reform:

Establish an **independent refugee appeals tribunal** with guaranteed access to legal assistance, either state-funded or supported through partnerships with civil society and international organisations.

Nigeria's refugee framework is normatively aligned with international and regional standards, particularly due to the broader OAU definition. However, procedural inefficiencies and weak safeguards in the RSD process limit effective protection. Strengthening timelines and appeal mechanisms would significantly enhance compliance with international refugee law.

UNIT 3 CITIZENSHIP AND NATURALISATION

Unit Structure

- 3.1 Introduction
- 3.2 Learning Outcomes
- 3.3 Conceptual Foundations of Citizenship
- 3.4 Constitutional Framework For Nigerian Citizenship
- 3.5 Statutory and Administrative Procedures
- 3.6 Judicial Interpretation and Landmark Cases
- 3.7 Naturalisation Procedures
- 3.8 Contemporary Issues and Challenges
- 3.9 Summary
- 3.10 References/Further Reading/Web Sources
- 3.11 Possible Answers to SAEs



3.1 Introduction

Welcome to the final unit of this course. This unit examines the ultimate legal status in migration: citizenship. While previous units focused on entry (visas) and protection (asylum), this unit addresses the legal concept of full membership in a political community. Citizenship represents the culmination of the migration journey, conferring comprehensive rights including political participation, unrestricted residence, and protection against deportation.

In the Nigerian context, citizenship law is particularly significant given the country's complex history of colonialism, civil war, and ethnic diversity. The legal framework governing who is a Nigerian citizen reflects ongoing tensions between inclusive nation-building and exclusive ethnic politics. This unit will provide a comprehensive analysis of the constitutional, statutory, and administrative dimensions of Nigerian citizenship, with particular attention to the challenges of naturalisation, the risk of statelessness, and the evolving relationship between the Nigerian state and its diaspora.



3.2 Learning Outcomes

By the end of this unit, you will be able to:

- distinguish between citizenship and nationality in legal theory and practice
- analyse the constitutional provisions governing the acquisition of Nigerian citizenship
- evaluate the statutory and administrative procedures for naturalisation and registration
- critically assess judicial interpretations of citizenship rights in Nigeria
- compare Nigeria's citizenship model with those of other jurisdictions
- identify contemporary challenges in citizenship law, including statelessness and dual nationality.



3.3 Conceptual Foundations of Citizenship

3.3.1 Citizenship vs. Nationality

While often used interchangeably, these terms have distinct legal meanings. Nationality denotes a person's legal bond with a state under international law, creating rights and duties between the individual and the state on the international plane. Citizenship refers to the internal relationship between an individual and a state, conferring specific rights (to vote, hold public office) and imposing duties (taxation, military service). The 1999 Constitution consistently uses "citizen" rather than "national," emphasising the domestic legal relationship.

3.3.2 Historical Evolution of Nigerian Citizenship Law

Nigerian citizenship law has gone through several phases: Under colonial rule (pre-1960), Nigerians were considered "British Protected Persons." The 1960 Independence Constitution established citizenship by birth (*jus soli*) with provisions for descent. The 1963 Republican Constitution adopted a stricter approach focusing on descent (*jus sanguinis*), and the 1979 Constitution and later amendments further restricted birthright citizenship, leading to the current framework established by the 1999 Constitution.

3.4 Constitutional Framework for Nigerian Citizenship

3.4.1 Citizenship by Birth (Sections 25-26, 1999 Constitution)

Section 25 establishes that individuals born in Nigeria before October 1, 1960, gain automatic citizenship. Section 26 outlines citizenship for those born post-independence:

- (i) Individuals born in Nigeria with at least one parent or grandparent from an indigenous community, and
- (ii) Those born abroad to Nigerian citizens.

Nigeria's citizenship framework combines a modified *jus sanguinis* approach with limited *jus soli* aspects, leading to constitutional ambiguities and possible exclusion based on indigenous ancestry.

3.4.2 Citizenship by Registration (Section 26)

This discretionary form of citizenship applies to women married to Nigerian citizens and individuals born outside Nigeria with at least one Nigerian grandparent. However, the Minister of Interior's discretionary power in this context has raised concerns regarding procedural fairness and the potential for arbitrary decision-making.

Self-Assessment Exercises 1

Analyse the constitutional provisions on citizenship by birth in Sections 25 and 26 of the 1999 Constitution. How do these provisions potentially contribute to statelessness among children born in Nigeria to non-Nigerian parents?

3.4.3 Citizenship by Naturalisation (Section 27)

Requirements for citizenship in Nigeria include 15 years of continuous residence, good character, intention to reside, and the ability to contribute to the country's advancement. Applicants must also renounce any other citizenship, which conflicts with the 2017 constitutional amendment recognising dual citizenship for citizens by birth.

3.5 Statutory and Administrative Procedures

3.5.1 The Immigration Act and Citizenship Procedures

The Immigration Act of 2015 establishes an additional procedural framework for immigration processes. Notably, Section 13 of the Act

confers authority to the Minister of Interior concerning citizenship applications. The implementation of this Act highlights existing administrative bottlenecks, such as intricate documentation requirements and extended processing times, which pose substantial obstacles for applicants seeking citizenship.

3.5.2 Documentary Requirements and Evidentiary Challenges

Key documents necessary for naturalisation include a birth certificate or a statutory declaration of age, evidence of residency for a continuous period of 15 years, a police clearance certificate, a medical certificate of fitness, and two references from Nigerian citizens. However, a practical challenge arises for many long-term residents, including refugees, who often find it difficult to provide uninterrupted documentary evidence of their residency over the required period.

3.5.3 The Role of the Minister of Interior

The Minister responsible for citizenship matters operates within a quasi-judicial framework, possessing extensive discretionary powers that are accompanied by minimal oversight from Parliament. Although the decisions made by the Minister can be reviewed by the judiciary, successful challenges to these decisions are infrequent. Furthermore, there is a notable transparency deficit in the process, as there is a significant absence of published guidelines or established reasons for refusals, which impedes the ability of applicants to understand the decision-making criteria.

3.6 Judicial Interpretation and Landmark Cases

Key Nigerian judgments on citizenship include *Attorney-General of the Federation v. Ajayi* (1999), which established that applicants must provide credible evidence for citizenship claims, and *Dennis Osadebey v. Attorney-General of the Federation* (2001), clarifying citizenship by registration as a privilege. *Shugaba Abdulrahman Darman v. Minister of Internal Affairs* (1981) set limits on executive power regarding residency rights. In ECOWAS Court jurisprudence, *Saidykhon v. Republic of The Gambia* (2010) affirmed citizenship as a fundamental right under the African Charter, while *Kemi Omodele v. Federal Republic of Nigeria* (2018) highlighted discriminatory citizenship laws against women. Comparative analysis of citizenship models reveals

Nigeria's modified *jus sanguinis* system, which emphasises descent, contrasting with the more inclusive *jus soli* model of the United States and South Africa's mixed system that combines birth and parental residency.

3.7 Naturalisation Procedures

Nigeria's citizenship process is discretionary, requiring 15 years of residence and ministerial approval. In contrast, the United States has a rule-based system that necessitates 5 years of residence, a judicial ceremony, and a standardised test. Germany mandates 8 years of residency, alongside language and civic knowledge tests, incorporating some discretionary elements.

Self-Assessment Exercises 2

Compare the naturalisation requirements in Nigeria (15 years residence) with those in Germany (8 years) and the United States (5 years). What policy considerations might justify Nigeria's longer residency requirement, and what are the human rights implications?

3.8 Contemporary Issues and Challenges

3.8.1 Statelessness in Nigeria

Vulnerable groups in Nigeria include children of refugees and migrants, border communities, and victims of administrative failure. There is a legal gap, as Nigerian law lacks a statelessness determination procedure. A case study of the Egbira Koto community in Kwara State highlights documentation challenges that result in *de facto* statelessness.

3.8.2 Dual Citizenship and Diaspora Relations

The 2017 Constitutional Amendment allows dual citizenship for citizens by birth, while naturalised citizens are required to renounce their previous citizenship. There are about 17 million Nigerians abroad who encounter bureaucratic obstacles in passing citizenship to their foreign-born children.

Self-Assessment Exercises 3

A Nigerian woman married to a Cameroonian refugee gives birth to a child in Abuja. The family has lived in Nigeria for 10 years. What is the child's citizenship status under Nigerian law? What practical steps should the parents take to secure the child's legal status?

3.8.3 Citizenship and Integration of Refugees

Legal barriers, such as the 15-year residence requirement for naturalisation, create obstacles for refugees. This situation reflects a policy conflict between security concerns and humanitarian obligations. In contrast, Tanzania's practice of naturalising 1972 Burundian refugees after 30 years illustrates a more lenient approach to refugee integration.

In conclusion, the Nigerian citizenship law reflects the complex interplay between constitutional principles, administrative practice, and socio-political realities. While the 1999 Constitution establishes a framework for citizenship acquisition, its implementation through discretionary ministerial powers and bureaucratic procedures creates significant barriers. The emphasis on descent and indigenous ancestry, though understandable in Nigeria's historical context, risks excluding long-term residents and creating statelessness.

The 2017 recognition of dual citizenship represents progressive reform, but further changes are needed. These include: reducing the naturalisation residency period, establishing a statelessness determination procedure, creating transparent naturalisation guidelines, and addressing gender discrimination in citizenship transmission. As Nigeria continues to evolve as a destination for migrants and refugees, its citizenship laws must balance national sovereignty with inclusive nation-building and compliance with international human rights standards.

Self-Assessment Exercises 4

Critically evaluate the discretionary power of the Minister of Interior in citizenship matters. To what extent does this discretion violate principles of rule of law and due process?



3.9 Summary

This unit has examined the differences between citizenship and nationality, outlined the legal framework for obtaining Nigerian citizenship through birth, registration, and naturalisation, and examined the processes involved in citizenship applications. It also covers judicial interpretations of citizenship rights, offers a comparative analysis of

various citizenship models, and addresses contemporary issues such as statelessness, dual citizenship, and the integration of refugees.



3.10 References/Further Reading/Web Sources

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Immigration Act, 2015, Laws of the Federation of Nigeria.

African Charter on Human and Peoples' Rights, 1981.

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Attorney-General of the Federation v. Ajayi (1999) 11 NWLR (Pt. 627) 439.

Dennis Osadebey v. Attorney-General of the Federation (2001) 15 NWLR (Pt. 737) 661.

Convention Relating to the Status of Stateless Persons 1954

Convention on the Reduction of Statelessness 1961

African Union Convention on Nationality, 2006.



3.11 Possible Answers to SAEs

Answer to SAE 1

Section 25 – Citizenship by Birth

Section 25 of the **1999 Constitution of the Federal Republic of**

Nigeria grants citizenship by birth to:

1. Persons born in Nigeria before independence whose parents or grandparents belong to a community indigenous to Nigeria;
2. Persons born in Nigeria after independence, where **either parent or grandparent is a Nigerian citizen;**
3. Persons born outside Nigeria where **either parent is Nigerian.**

Nigeria, therefore, follows primarily a **jus sanguinis (right of blood)** principle rather than **jus soli (right of the soil)**.

Section 26 – Citizenship by Registration

Section 26 allows citizenship by registration for:

- Foreign women married to Nigerian men;
- Persons of full age and capacity born outside Nigeria with Nigerian grandparents.

This provision does not automatically grant citizenship to children born in Nigeria to foreign parents.

Contribution to Statelessness

Children born in Nigeria to **non-Nigerian parents** do not automatically acquire Nigerian citizenship unless at least one parent or grandparent is Nigerian.

Potential statelessness may arise where:

- The parents are refugees or stateless themselves;
- The parents' country of nationality does not automatically grant citizenship by descent;
- The child cannot access consular registration or nationality documentation.

Because Nigeria does not generally grant citizenship by birth on its territory (pure jus soli), gaps may emerge where no other state confers nationality. Although Cameroon generally grants citizenship by descent, similar cases involving stateless or undocumented parents could result in de facto or de jure statelessness.

Critical Analysis

Nigeria's constitutional framework prioritises lineage and national identity, but it lacks explicit safeguards against childhood statelessness, potentially conflicting with international norms such as the Convention

on the Rights of the Child (CRC), which emphasises every child's right to a nationality.

Answer to SAE 2

Comparative Overview

- **Nigeria:** Minimum 15 years continuous residence (naturalisation).
- **Germany:** Generally 8 years (reducible with integration measures).
- **United States:** 5 years (3 for spouses of U.S. citizens).

Nigeria's residency requirement is significantly longer.

Policy Justifications for Nigeria's Longer Requirement

1. **National Security Concerns** – Longer residence allows deeper background assessment.
2. **Integration Verification** – Ensures stronger cultural and social integration.
3. **Preservation of National Identity** – Reflects cautious citizenship policy in postcolonial states.
4. **Demographic and Political Stability** – Avoids rapid naturalisation in politically sensitive contexts.

Human Rights Implications

However, long residency requirements may:

- Delay access to political participation and full civil rights;
- Perpetuate insecurity of status;
- Increase vulnerability to exploitation;
- Conflict with principles of inclusion and integration.

From a human rights perspective, excessively long requirements may undermine the right to nationality and equality, particularly for long-term residents who are socially and economically integrated.

Answer to SAE 3

Under Section 25(1)(c) of the Constitution:

A child born in Nigeria qualifies as a Nigerian citizen if either parent is Nigerian.

Since the mother is Nigerian, the child is automatically a Nigerian citizen by birth, regardless of the father's refugee status.

The 10-year residence of the family is legally irrelevant for citizenship by birth in this scenario.

Practical Steps to Secure Legal Status

1. **Register the Birth** with the National Population Commission (NPC).
2. **Obtain a Birth Certificate** indicating Nigerian parentage.

3. **Apply for a Nigerian Passport** for formal documentation.
4. Ensure the child is reflected in the mother's official records where required.

Although citizenship is automatic, documentation is crucial to prevent future disputes or bureaucratic obstacles.

Answer to SAE 4

The Minister of Interior plays a key role in naturalisation and registration processes, often exercising broad discretion in recommending or approving applications.

Concerns Under Rule of Law and Due Process

1. **Wide Discretion Without Clear Criteria:** If statutory standards such as “good character” or “sufficient integration” are vague, decisions may become subjective.
2. **Limited Transparency:** Applicants may not receive detailed reasons for refusal.
3. **Restricted Appeal Mechanisms:** Lack of structured administrative appeals weakens accountability.
4. **Risk of Political Influence:** Executive discretion in citizenship decisions can be influenced by non-legal considerations.

Rule of Law Analysis

Under rule-of-law principles:

- Decisions must be based on clear legal standards;
- Applicants should receive reasons;
- There should be opportunity for review;
- Discretion must not be arbitrary.

If discretion is exercised without transparency, reviewability, or clear guidelines, it risks violating due process and constitutional fairness standards.

Balanced Evaluation

Executive discretion in citizenship is not inherently unlawful. States traditionally retain sovereign authority over naturalisation. However, unchecked or opaque discretion undermines legitimacy, equality, and procedural justice.

Strengthening procedural safeguards—such as written reasons, statutory timelines, and independent review—would align ministerial discretion more closely with rule-of-law principles.

MODULE 5 REGULATORY INSTITUTIONS AND MIGRANT–HOST COMMUNITY RELATIONS

Introduction

You have now reached the final module of this comprehensive course on Legal and Policy Issues in Migration. In the preceding modules, you have acquired a thorough understanding of the foundational principles, legal frameworks, and specific procedures that govern migration—from international and human rights law (Module 1) to the operational mechanics of visas, asylum, and citizenship (Module 4). This journey has equipped you with analytical tools to understand what the law says and how it is technically applied.

Module 5: Regulatory Institutions and Migrant–Host Community Relations shifts the analytical lens from the law on the books to the law in action and its broader socio-legal impact. This module addresses two critical, interconnected dimensions that determine the ultimate success or failure of any migration policy: the institutional architecture that administers the law, and the societal context in which migration occurs.

This module is built on the premise that the most well-crafted legislation is ineffective without competent, coordinated, and accountable institutions to implement it. Conversely, even perfect implementation can falter if it ignites social tension between newcomers and receiving communities. Therefore, Module 5 bridges the gap between formal legal structures and the lived reality of migration, asking essential questions: Who executes migration law? How do institutions interact, and where do gaps appear? What are the sources of friction between migrants and host communities, and how can the law be used to foster cohesion rather than conflict?

The module is divided into two substantive units. Unit 1: Institutional Architecture and Inter-Agency Cooperation provides a detailed mapping and critical assessment of the complex web of Nigerian agencies involved in migration governance. You will move beyond simply naming institutions like the Nigeria Immigration Service (NIS) to analysing their statutory mandates, operational challenges, points of collaboration, and, crucially, points of failure. We will employ organisational theory and case studies of inter-agency task forces to evaluate Nigeria's capacity for a "whole-of-government" approach to migration management.

Unit 2: Sociological Dimensions, Integration, and Host Community Relations then zooms out to examine the human and social consequences of migration law and policy. Here, we transition from administrative law to the realms of sociology, community relations, and anti-discrimination law. This unit explores theories of migrant integration, the causes of xenophobia and community tension (with specific reference to incidents in Lagos, South Africa, and elsewhere), and the legal and policy tools available to promote social cohesion. We will critically evaluate Nigeria's role both as a host country within the ECOWAS region and as a country of origin concerned with the treatment of its diaspora abroad.

By the end of this module, you will be able to critically appraise the real-world functioning of migration governance and propose holistic solutions that address both institutional weaknesses and social dynamics. This integrated perspective is essential for any legal practitioner, policymaker, or advocate seeking to make migration work for the benefit of states, communities, and migrants themselves.

UNIT 1 MIGRATION REGULATORY INSTITUTIONS

Unit Structure

- 1.1 Introduction
- 1.2 Learning Outcomes
- 1.3 Conceptual Framework for Migration Governance
- 1.4 Primary Regulatory Institutions in Nigeria
- 1.5 Supporting and Coordinating Institutions
- 1.6 Institutional Architecture: Mandates, Gaps, and Overlaps
- 1.7 Inter-Agency Cooperation: Mechanisms and Challenges
- 1.8 Comparative Analysis: Institutional Models in Other Jurisdictions
- 1.9 Capacity Building, Accountability, and Reform
- 1.10 Summary
- 1.11 References/Further Reading/Web Sources
- 1.12 Possible Answers to SAEs



1.1 Introduction

This unit provides a critical examination of the institutional machinery that administers migration law and policy in Nigeria. While previous modules focused on substantive legal frameworks—from international conventions to constitutional provisions on citizenship—this unit

addresses the crucial question of implementation. Laws and policies do not self-execute; they require capable, coordinated, and accountable institutions to give them effect.

Nigeria's migration governance landscape is characterised by a complex institutional ecosystem involving multiple federal agencies with overlapping, complementary, and sometimes conflicting mandates. Understanding this architecture is essential for diagnosing systemic failures—such as bureaucratic delays, enforcement gaps, or contradictory policies—and for proposing effective reforms. This unit moves beyond a simple listing of institutions to provide a dynamic analysis of their statutory foundations, operational realities, and interrelationships. We will critically assess the capacity of these institutions to deliver on national policy objectives outlined in the National Migration Policy (2015) and to meet Nigeria's international obligations.



1.2 Learning Outcomes

- Upon completing this unit, you should be able to:
- Identify and describe the core mandates of Nigeria's principal migration regulatory institutions.
- Analyse the statutory basis for the powers and functions of key agencies, including the NIS, NCFRMI, and NIDCOM.
- Map the institutional landscape to identify areas of functional overlap, coordination gaps, and potential inter-agency conflict.
- Evaluate mechanisms for inter-agency cooperation and their effectiveness in practice.
- Compare Nigeria's institutional model with those of other countries and draw lessons for potential reform.
- Assess capacity challenges and propose accountability measures for migration governance institutions.
- Map and critically analyse the mandates, functions, and interrelationships of key Nigerian institutions involved in migration governance.
- Identify institutional gaps, coordination failures, and capacity challenges within Nigeria's migration management system.
- Evaluate theories of migrant integration and apply them to the Nigerian context as both a destination and transit country.
- Analyse the socio-legal roots of host community-migrant tensions and assess the effectiveness of legal and policy responses to xenophobia and discrimination.

- Formulate integrated policy recommendations that address both institutional reform and improved community relations in migration management.



1.3 Conceptual Framework for Migration Governance

Migration governance encompasses the norms, laws, policies, traditions, and structures utilised by states and other actors to manage migration. Effective frameworks should be comprehensive, coherent, coordinated, and rights-based. The International Organisation for Migration (IOM) advocates for a "whole-of-government" and "whole-of-society" approach, which will be evaluated in the context of Nigeria.

1.4 Primary Regulatory Institutions in Nigeria

1.4.1 Nigeria Immigration Service (NIS)

It was created by the Immigration Act of 2015, replacing the 1963 Act. The main authority for border security, admission, registration, and expulsion of non-citizens, enforcing immigration laws, and issuing passports, visas, and residence permits. The Service is led by the Comptroller General, with operations from Abuja headquarters, state commands, and border control posts. While the NIS holds a strong security mandate, it faces critiques regarding corruption, lack of training, and resource shortages, which can detract from its service-delivery roles.

1.4.2 National Commission for Refugees, Migrants and IDPs (NCFRMI)

Established by the NCFRMI Act of 1989, the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) serves as the lead agency for the protection and assistance of refugees, returnees, and internally displaced persons (IDPs). Its core roles include Refugee Status Determination (RSD) and issuing refugee certificates, as well as advising the federal government on related issues. However, it faces criticism for being under-resourced and lacking operational capacity, particularly in its overlapping functions with the National Emergency Management Agency (NEMA), leading to coordination challenges in IDP management.

Self-Assessment Exercises 1

Scenario Analysis: A Cameroonian asylum seeker crosses the border at Danre, Borno State. Trace the likely institutional pathway for this individual from interception to status determination. Which agencies would be involved at each stage, and based on the unit material, what specific challenges or gaps might this person encounter in the process?

1.4.3 Nigerians in Diaspora Commission (NIDCOM)

Established by the NIDCOM Act in 2017, NIDCOM's core mandate is to coordinate and engage with the Nigerian diaspora to enhance national development, facilitate investment and knowledge transfer, and protect the interests of Nigerians abroad. It acts as a liaison between the diaspora and government agencies, representing a paradigm shift that views migrants as developmental assets. However, its effectiveness is challenged by its new status, reliance on other agencies for consular services, and the extensive scale of the diaspora.

1.5 Supporting and Coordinating Institutions

1.5.1 Federal Ministries

In Nigeria, the Ministry of Interior supervises the National Immigration Service (NIS) and guides internal security policies related to migration. The Ministry of Foreign Affairs manages international migration relations, negotiates bilateral agreements, and offers consular protection to Nigerians abroad. The Ministry of Labour and Employment focuses on labour migration policy, issues Expatriate Quotas, and safeguards the rights of migrant workers.

1.5.2 Security and Law Enforcement Agencies

The Nigerian Police Force (NPF) conducts internal enforcement and arrests of irregular migrants, which can lead to clashes with the Nigerian Immigration Service (NIS). The Armed Forces and Border Corps assist in border surveillance, particularly in insecure areas such as the Lake Chad basin. The National Intelligence Agency (NIA) focuses on security vetting and intelligence-sharing regarding cross-border threats.

1.5.3 National Agency for the Prohibition of Trafficking in Persons (NAPTIP)

The Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015, establishes a specialised agency dedicated to combating human trafficking and safeguarding victims, focusing on addressing issues related to irregular and exploitative migration.

1.6 Institutional Architecture: Mandates, Gaps, and Overlaps

A critical analysis identifies several issues in the operational landscape regarding asylum seekers and internally displaced persons (IDPs) in Nigeria. Key challenges include functional overlaps where both the Nigeria Immigration Service (NIS) and the National Commission for Refugees, Migrants, and Internally Displaced Persons (NCFRMI) deal with asylum seekers, while NEMA also has a role in assisting IDPs.

The conflict between the NIS's security mandate and the protection-focused NCFRMI creates policy coherence gaps. Statutory ambiguities in the division of labour among agencies lead to operational turf wars, which are exploited by migrants and traffickers. The institutional mapping highlights specific mandates and challenges faced by agencies such as NIS, NCFRMI, NIDCOM, and NAPTIP, illustrating the complexities of managing migration and trafficking issues in Nigeria.

Self-Assessment Exercises 3

Identifying Coordination Failure: Using the example of managing Internally Displaced Persons (IDPs) in Northeast Nigeria, explain how the mandates of the NCFRMI and the National Emergency Management Agency (NEMA) might overlap. What negative consequences can result from this overlap, and what specific mechanism (beyond creating a new agency) could be instituted to improve coordination?

1.7 Inter-Agency Cooperation: Mechanisms and Challenges

Formal mechanisms for coordination in migration policy, such as the National Consultative Committee on Migration (NCCM) and Technical Working Groups (TWGs), exist but are often weak. The NCCM, despite being chaired by the Ministry of Interior to ensure policy coherence, struggles with irregular meetings and limited functionality.

TWGs, while potentially more effective for specific issues, are typically ad hoc and project-dependent. A central challenge remains: sectoral silos and competition for resources obstruct information sharing and joint action, compounded by the absence of a strong coordinating body with authority over ministries and agencies.

1.8 Comparative Analysis: Institutional Models in Other Jurisdictions

1.8.1 The United States: Department of Homeland Security (DHS) Model

Established post-9/11, the Department of Homeland Security (DHS) brings together 22 agencies, prominently including U.S. Citizenship and Immigration Services (USCIS), Customs and Border Protection (CBP), and Immigration and Customs Enforcement (ICE). Lesson: While consolidation enhances coordination and clarifies command structures, it may result in prioritising homeland security over other critical policy objectives such as integration and humanitarian protection.

1.8.2 The European Union: Frontex and Shared Sovereignty

Frontex, the European Border and Coast Guard Agency, is responsible for coordinating operational cooperation among the border controls of EU member states. Equipped with its own staff and resources, Frontex illustrates how supranational agencies can consolidate efforts and establish standardised protocols. However, a key lesson learned is that this collaborative operation occurs within a framework of shared sovereignty, potentially leading to conflicts with national authorities. This dynamic is particularly pertinent for ECOWAS, highlighting the complexities involved in harmonising national and supranational interests.

1.8.3 Ghana and South Africa: Regional Counterparts

Ghana Immigration Service (GIS) operates under the Ministry of the Interior, akin to Nigeria's setup, but has enhanced coordination on migration policy by creating a specialized Migration Unit within the Ministry of Foreign Affairs. In contrast, South Africa's Department of Home Affairs is responsible for immigration and civic services; it has come under substantial criticism for inefficiency and corruption, underscoring that merely having a well-designed institution is insufficient without the requisite political will and accountability for effective governance.

Self-Assessment Exercises 3

Comparative Institutional Critique: The United States consolidated its major migration agencies under the Department of Homeland Security (DHS). Would a similar consolidation of the NIS, NCFRMI, and NAPTIP under a single “Ministry of Migration Affairs” be advisable for Nigeria? Argue for or against this proposition, using at least three substantive points from the unit.

1.9 Capacity Building, Accountability, and Reform

This section identifies significant capacity gaps in migration management, highlighting chronic underfunding, inadequate training—particularly in human rights and refugee law—and poor technological infrastructure at border posts. It points out weaknesses in accountability mechanisms, including weak parliamentary oversight, limited judicial review of administrative actions, and a lack of transparent performance metrics for agencies involved in migration.

To address these issues, various reform paths have been suggested, including conducting a legislative review to amend the NCFRMI Act to clarify and strengthen its mandate, potentially creating a comprehensive Migration Management Act for streamlined institutional mandates; strengthening the National Commission for Refugees, Migrants and Internally Displaced Persons (NCCM) by establishing a permanent secretariat, appropriate budget, and the authority to ensure agency cooperation; and investing in technology and training by implementing integrated data systems (such as a harmonised database between relevant agencies) and mandating rights-based training for all officers.

In conclusion, Nigeria's migration regulatory institutions exhibit strengths, particularly in border control through the NIS and protection via NCFRMI and NAPTIP. Nonetheless, challenges such as fragmentation, inter-agency rivalry, capacity issues, and coordination weaknesses hinder effective migration governance. While full consolidation may not be ideal, it is crucial to clarify mandates, establish robust coordinating bodies, and enhance institutional capacity to improve the overall migration governance framework.



1.10 Summary

This unit covers migration governance in Nigeria, focusing on its institutional requirements and the challenges faced by key institutions such as NIS, NCFRMI, and NIDCOM. It examines the roles of supporting ministries and specialised agencies like NAPTIP, identifies issues of overlap, gaps, and poor coordination within the institutional framework, and compares Nigeria's system to integrated, supranational, and regional models. The discussion also highlights capacity and accountability issues while suggesting paths for legislative and administrative reform.



1.11 References/Further Reading/Web Sources

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1.12 Possible Answers to SAEs

Answer to SAE 1

Primary Agency:

- **Nigerian Immigration Service (NIS)**

Under Section 2 of the Immigration Act 2015, the NIS controls entry into Nigeria. At Danre (Borno State), border officials would:

- Intercept and identify the individual
- Record biometric data
- Assess documentation (if any)

Potential Challenge:

- Risk of immediate refusal of entry or informal pushback
- Limited training of frontline officers in refugee identification
- Poor documentation or lack of interpreters

If the individual expresses fear of return, international law (non-refoulement principle) requires referral to asylum procedures.

Stage 2: Referral to Asylum Authorities

Primary Agency:

- **National Commission for Refugees, Migrants and IDPs (NCFRMI)**
- Often supported by **UNHCR**

The NIS should refer the asylum seeker to NCFRMI for registration and protection screening.

Challenges:

- Delays in referral
- Inconsistent awareness of asylum procedures at border posts
- Limited infrastructure in remote border regions

Stage 3: Registration and Temporary Protection

NCFRMI registers the asylum claim and may issue temporary documentation pending Refugee Status Determination (RSD).

Challenges:

- Weak data systems
- Delays in issuance of documentation
- Limited access to basic services

Stage 4: Refugee Status Determination (RSD)

NCFRMI conducts interviews and evaluates eligibility under:

- 1951 Refugee Convention
- 1969 OAU Convention

Challenges:

- Prolonged processing delays

- Limited legal aid
- Capacity constraints
- Weak appeal mechanisms

Stage 5: Outcome

If recognised:

- Protection and potential relocation to refugee settlements
- If rejected:
- Risk of detention by NIS
 - Possible deportation (raising non-refoulement concerns)

Overall Institutional Gaps

- Weak coordination between NIS and NCFRMI
- Capacity constraints
- Risk of arbitrary detention
- Limited legal safeguards

This pathway illustrates how administrative inefficiency can undermine protection obligations.

Answer to SAE 2

Argument Against Full Consolidation

1. Risk of Over-Securitisation

Combining enforcement (NIS) with protection agencies (NCFRMI) may prioritise security over humanitarian obligations. Refugee protection requires independence from enforcement pressures.

2. Functional Specialisation

NAPTIP addresses trafficking (a criminal justice function), NCFRMI handles protection, and NIS manages border control. Their mandates are conceptually distinct. Consolidation could dilute specialised expertise.

3. Capacity and Governance Concerns

Nigeria already struggles with bureaucratic inefficiency. Creating a super-ministry may increase centralisation without solving coordination failures.

Argument in Favour (Limited)

- Improved data sharing
- Unified strategic direction
- Reduced institutional fragmentation

Rather than full consolidation, Nigeria may benefit more from structured coordination mechanisms, shared databases, and statutory cooperation frameworks.

Answer to SAE 3

- **NCFRMI:** Protection and management of refugees and IDPs
- **NEMA:** Emergency response, humanitarian assistance, disaster relief

In Northeast Nigeria, both agencies may operate in IDP camps.

Potential Consequences of Overlap

1. Duplication of services
2. Conflicting policy directives
3. Delayed aid distribution
4. Resource wastage
5. Accountability gaps

Proposed Coordination Mechanism

Instead of creating a new agency:

Establish a Statutory Inter-Agency Coordination Framework, including:

- Formal Memorandum of Understanding (MoU)
- Joint operational command structures
- Shared digital database
- Clear division of functional responsibilities
- Periodic joint review mechanisms

A legally binding coordination protocol would clarify leadership roles and improve accountability.

UNIT 2 MIGRANT INTEGRATION AND SOCIAL COHESION

Unit Structure

- 2.1 Introduction
- 2.2 Learning Outcomes
- 2.3 Conceptualising Integration and Social Cohesion
- 2.4 Legal and Policy Frameworks for Integration in Nigeria
- 2.5 The Nigerian Context: Host Communities, Migrants, and the Diaspora
- 2.6 Barriers to Integration and Drivers of Social Tension
- 2.7 The Role of Law: Anti-Discrimination, Access to Services, and Political Participation
- 2.8 Comparative Models of Integration Policy
- 2.9 The Role of Civil Society, Media, and Local Governance
- 2.10 Measuring Integration and Evaluating Policy Success
- 2.11 Summary
- 2.12 References /Further Reading / Web Sources
- 2.13 Possible Answers to SAEs



2.1 Introduction

This unit of Module 5 focuses on the societal outcomes of migration, particularly addressing what occurs after migrants arrive in a host country. It emphasises that integration is a socio-legal process, influenced by migrants' actions and the host society's legal frameworks. Successful integration enhances social cohesion, whereas failure can lead to xenophobia and conflict. Nigeria, as a major destination for intra-regional migrants and a country that has experienced xenophobic violence, serves as a focal case for this study. The unit will assess Nigeria's limited formal integration policies, migrant experiences in urban centres like Lagos and Abuja, and legal frameworks aimed at combating discrimination. By comparing Nigeria's situation to models in Canada, France, and Germany, the course aims to identify ways to develop a cohesive national strategy addressing integration amidst global mobility.



2.2 Learning Outcomes

By the end of this unit, you will be able to:

- define and distinguish between the concepts of migrant integration, assimilation, and social cohesion.
- identify and critique the legal and policy frameworks relevant to migrant integration in Nigeria.
- analyse the specific challenges and dynamics of integrating ECOWAS migrants and internal migrants in Nigerian urban centers.
- evaluate the role of law in promoting integration, focusing on anti-discrimination statutes, access to justice, and political rights.
- compare different national models of integration policy and assess their potential applicability to the Nigerian context.
- propose legal and policy measures to enhance social cohesion between host communities and migrant populations in Nigeria.



2.3 Conceptualising Integration and Social Cohesion

Integration is a dynamic, reciprocal process allowing migrants and host societies to mutually adapt, distinct from assimilation. It involves structural integration (equal access to labour, education, housing, and healthcare), social-cultural integration (language acquisition, social connections, and shared values), and legal-political integration (permanent residency, naturalisation, anti-discrimination protections, and political participation). Social cohesion, marked by strong social bonds and trust, is enhanced by successful migrant integration, fostering long-term solidarity among diverse groups.

2.4 Legal and Policy Frameworks for Integration in Nigeria

Unlike many Western nations, Nigeria does not have a dedicated National Integration Policy for immigrants. Key frameworks include the National Migration Policy (2015), which mentions integration without a strategy, focusing instead on migrants' economic contributions. The ECOWAS Protocols provide legal rights for economic integration but lack emphasis on social and political inclusion.

The 1999 Constitution offers some anti-discrimination protections but does not explicitly cover nationality or migrant status, presenting a legal

gap. The National Policy on IDPs (2017) outlines integration strategies for internally displaced persons, which could serve as a model for broader integration initiatives.

2.5 The Nigerian Context: Host Communities, Migrants, and the Diaspora

2.5.1 Integration of ECOWAS Migrants in Urban Nigeria

Migrants from Ghana, Mali, Niger, Togo, and Benin are largely found in sectors such as retail, hospitality, and skilled trades. Their integration is mainly market-driven and informal, with high economic integration observed, particularly in communities like the "Ghanaian quarters" in Lagos, which offer social networks. However, tensions arise due to perceptions of competition, particularly during economic downturns, alongside cultural differences and occasional crime-related stereotyping.

2.5.2 The Challenge of Internal Migration and Urbanisation

Millions of Nigerians migrate from rural to urban areas, encountering integration challenges such as accessing housing and services, cultural adaptation, and discrimination from local urban residents. Conflicts between "indigenes" and "settlers" in cities like Jos highlight failures of internal integration and citizenship.

Self-Assessment Exercise 1

Legal Advocacy Task: You are advising a community in Bayelsa State facing permanent inundation due to rising sea levels. The community wishes to be relocated en masse within Nigeria. Based on the Kampala Convention and the National Policy on IDPs, what legal arguments can you make to compel state and federal authorities to plan and fund their relocation? What specific legal gaps make this difficult?

2.5.3 The Nigerian Diaspora as "Virtual Host Community"

Over 17 million Nigerians abroad form a "virtual host community" in countries like the UK, the US, and South Africa. Their experiences of integration (or marginalisation) abroad directly affect Nigeria's own attitudes towards migrants. The xenophobic attacks in South Africa (2019) triggered national outrage in Nigeria, highlighting the transnational nature of integration politics.

2.6 Barriers to Integration and Drivers of Social Tension

Legal and administrative barriers, such as complex procedures for obtaining residence permits, hinder integration and push individuals into informality. Socio-economic factors, including competition for jobs and services in overcrowded areas and prevailing poverty, contribute to divisive narratives. Cultural and religious misunderstandings can be manipulated by leaders, while sensationalist media representation fuels negative perceptions of migration, associating it with crime and disease. Additionally, a weak rule of law erodes trust in judicial systems, heightening the risk of conflict between host communities and migrants.

2.7 The Role of Law: Anti-Discrimination, Access to Services, and Political Participation

The law significantly influences integration outcomes in Nigeria. Key areas for reform include the Anti-Discrimination Law, which currently lacks protections for migrants, necessitating a comprehensive Equality and Non-Discrimination Act to ensure access to housing, employment, and services. The Cybercrimes Act, 2015, should be more effectively utilised to combat online hate speech against migrant groups. Furthermore, while the Constitution ostensibly grants rights to all individuals, irregular migrants struggle to access public schools and healthcare due to documentation requirements. Nigeria's naturalisation process is exceptionally restrictive, with a 15-year wait period, hindering political integration for most immigrants.

Self-Assessment Exercise 2

Ethical Analysis: The Nigerian government is considering procuring an AI-powered system from a foreign vendor to pre-screen all visa applications, assigning a 'risk score' to each applicant. Draft a memo to the Minister of Interior outlining three major legal and ethical risks of this system, with specific reference to Nigerian data protection law and the constitutional right to fair hearing.

2.8 Comparative Models of Integration Policy

Comparative analysis of integration models reveals diverse approaches: Canada's multiculturalism promotes cultural identity alongside societal participation, supported by the Multiculturalism Act, though criticised for enabling parallel societies.

France's assimilationist model emphasises the adoption of republican values and secularism through civic integration contracts and language training, often deemed culturally oppressive, raising questions about defining "core Nigerian values" for Nigeria. Germany's values-focused integration encourages language acquisition and adherence to democratic principles, signalling a potential path for Nigeria to require knowledge of its constitution from long-term residency applicants.

Self-Assessment Exercise 3

Policy Design: Propose a 'Nigerian Global Talent and Diaspora Strategy'. Outline two specific policy initiatives: one aimed at attracting/retaining high-skilled talent in Nigeria, and one aimed at leveraging diaspora expertise for national development. For each, identify the primary government agency that should lead and one potential legal or regulatory hurdle it would face.

2.9 The Role of Civil Society, Media, and Local Governance

Civil Society Organisations (CSOs) such as the Migration Enlightenment Project Nigeria (MEPN) and refugee-led groups are essential for providing services, advocacy, and community engagement. Responsible journalism, supported by training for journalists on ethical migration reporting, can help mitigate harmful stereotypes. Local governments play a crucial role in facilitating integration at the neighbourhood level, yet they remain the weakest and most under-utilised tier in Nigeria concerning community dialogue, local project support, and equitable service delivery.

2.10 Measuring Integration and Evaluating Policy Success

Without clear policy goals, success cannot be measured. Potential indicators of success include legal aspects (naturalisation application and approval rates, discrimination cases), economic factors (labour force participation, unemployment rates, migrant entrepreneurship), social metrics (social trust, intermarriage rates, language proficiency), and civic engagement (migrant participation in community organisations and voter turnout in migrant-dense areas).

In conclusion, migrant integration and social cohesion are crucial aspects of Nigeria's migration governance, which currently relies on an informal and economic approach. This method, while effective within ECOWAS, is inadequate for long-term societal cohesion. The lack of a

robust legal framework and a proactive integration policy risks social tensions and underutilises the immigrant population's potential.

To address this, Nigeria should implement a National Integration and Social Cohesion Strategy that includes anti-discrimination laws, pathways for residency and citizenship, language and civic education programmes, and support for local initiatives, adapting lessons from other contexts to enhance national unity and development.

Self-Assessment Exercise 4

Synthesis Question: How do the emerging issues of climate displacement (Section 3.1) and internal migration/urbanization (Section 3.4) intersect in the Nigerian context? Using the example of a farmer from a drought-affected rural area in the North who moves to Lagos, discuss how the failure to govern one crisis (climate) exacerbates the challenges of another (urban governance).



2.11 Summary

This unit defines integration as a vital two-way process for social cohesion and highlights the weaknesses in Nigeria's legal and policy frameworks regarding integration. It explores ECOWAS migrant integration, internal migration, and diaspora experiences, analysing legal, economic, and social barriers. The unit compares three international integration policy models, underscores the roles of non-state actors and local governance, and emphasises the necessity for measurable goals and a strategic national approach grounded in law.



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Answers to SAE 1

Section 42(1) of the **1999 Constitution of Nigeria** prohibits discrimination against a citizen on grounds of:

- Community
- Ethnic group
- Place of origin
- Sex
- Religion
- Political opinion

Notably, it does **not** explicitly mention *nationality* or *immigration status*. Moreover, the section primarily protects **citizens**, not non-citizens.

Hypothetical Scenario

A landlord in Abuja refuses to rent to a Ghanaian banker solely because of his nationality.

Potential Legal Recourse

1. **Constitutional Claim?:** The Ghanaian banker may struggle to rely directly on Section 42 because:
 - It protects “citizens of Nigeria.”
 - Nationality is not explicitly listed as a prohibited ground.
2. **Common Law or Contract Law Claim:** If the refusal violates contractual obligations or is discriminatory under tenancy regulations, civil remedies may exist. However, Nigeria lacks comprehensive anti-discrimination housing legislation covering nationality.
3. **Regional Law (ECOWAS Framework):** As a Ghanaian, he is an ECOWAS citizen entitled to free movement and residence rights under ECOWAS Protocols. He could potentially seek remedy before the ECOWAS Court of Justice if state action, not private conduct alone, enables discriminatory treatment.
4. **Human Rights Instruments:** Nigeria is party to the African Charter on Human and Peoples’ Rights (domesticated). Article 2 prohibits discrimination, and its broader scope may provide interpretive leverage.

What the Gap Reveals

The omission of “nationality” reflects:

- A constitutional framework prioritising **citizen protection over migrant integration**.
- Postcolonial emphasis on sovereignty and ethnic balancing.
- Limited anticipation of Nigeria as a migrant-receiving state.

The framers focused on managing internal diversity rather than protecting foreign nationals from discrimination. This suggests that integration of non-citizens was not a central constitutional priority.

Answers to SAE 2

Drawing from Canadian multiculturalism, French civic integration, and German structured residency models, a Nigerian Integration Charter could include:

1. **Civic Orientation Requirement (Requirement)**

Component: Mandatory civic orientation programme for long-term migrants.

Justification:

Nigeria's complex ethnic, religious, and federal structure requires migrants to understand constitutional values, federal character principles, and local norms. A civic programme would promote lawful participation and reduce cultural misunderstanding.

2. Equal Access to Essential Services (Right)

Component: Guarantee of non-discriminatory access to housing, employment, and basic public services for documented long-term migrants.

Justification:

Given Nigeria's informal housing and labour markets, migrants are vulnerable to exploitation. Ensuring access supports social stability and economic contribution.

3. State-Supported Language and Community Integration Programmes (State Support)

Component: Language support (where needed) and community mediation initiatives at local levels.

Justification:

Nigeria's multilingual environment (English plus major indigenous languages) can create barriers. Community-based mediation would address tensions in diverse urban centres like Lagos and Abuja.

Overall Rationale

The Charter should balance **responsibility (civic compliance)** with **rights (non-discrimination)** and **state support (integration services)**—adapted to Nigeria's socio-political realities.

Answers to SAEs 3

The 2019 xenophobic attacks in South Africa and retaliatory threats in Nigeria reveal a breakdown in social cohesion at both domestic and transnational levels.

Social Cohesion Lens

Social cohesion depends on:

- Economic inclusion
- Anti-discrimination norms
- Political rhetoric
- Public trust

In South Africa, migrants were framed as economic competitors. Weak integration policies and high unemployment intensified resentment.

Retaliatory responses in Nigeria reflected:

- Diaspora solidarity
- Nationalist mobilisation
- Public perception of collective victimisation

Policy Failure Analysis

This cycle demonstrates:

1. **Fragile Regional Integration:** ECOWAS and AU mobility frameworks lack strong social integration mechanisms.
2. **Domestic–Diaspora Link:** When citizens abroad are mistreated, domestic attitudes toward migrants can harden.
3. **Reciprocity Effect:** Poor migrant protection abroad may legitimise xenophobia at home.

Broader Implication

A country's treatment of migrants domestically influences its moral authority in protecting its diaspora. Integration is therefore not only a domestic issue but also a foreign policy and regional diplomacy issue.

Answers to SAEs 4

LGAs are closest to communities and thus most critical for daily social interaction, yet they are often excluded from migration governance design.

Why LGAs are Critical

1. They manage local markets, housing permits, and community dispute resolution.
2. They oversee primary education and grassroots health systems.
3. Social tensions emerge locally, not federally.
Yet, migration policy remains highly centralised at the federal level.

Two Legally-Backed Functions for LGAs

1. Local Integration Committees (Statutory Mandate)

LGAs could be legally required to establish Local Integration Committees composed of:

- Traditional leaders
- Migrant representatives
- Civil society actors

Purpose:

Mediation of disputes, community dialogue, and monitoring discrimination.

2. Registration and Community Liaison Function

LGAs could maintain a local migrant registry (coordinated with federal databases) to:

- Facilitate service delivery
- Identify integration needs
- Improve data accuracy

This must operate within data protection safeguards.

LGAs are essential to building everyday social cohesion. Without decentralised integration mechanisms, national migration policies remain abstract and disconnected from lived realities.

UNIT 3 CHALLENGES AND EMERGING ISSUES IN MIGRATION GOVERNANCE

Unit Structure

- 3.1 Introduction
- 3.2 Learning Outcomes
- 3.3 Climate Change, Environmental Degradation, and Human Mobility
- 3.4 Digital Transformation and the "Smart Border"
- 3.5 Pandemic Preparedness and Migration Health Security
- 3.6 Urbanisation and Internal Migration
- 3.7 The Future of Work, Skills Mobility, and Global Talent Competition
- 3.8 National Security, Terrorism, and the Securitisation of Migration
- 3.9 Diaspora Engagement and "Brain Circulation"
- 3.10 Summary
- 3.11 References/Further Reading/Web Sources



3.1 Introduction

This unit serves as a capstone, focusing on emerging challenges in migration governance globally and specifically in Nigeria. It highlights the transformative impact of megatrends such as climate change, digital technology, health crises, and talent competition on migration systems. The unit critiques existing legal frameworks and policies, addressing their inadequacies and ethical implications. It aims to equip learners with analytical tools to engage with these issues and contribute to the development of a resilient and rights-respecting migration governance framework for the 21st century.



3.2 Learning Outcomes

By the end of this unit, you will be able to:

- analyse the nexus between climate change, environmental degradation, and human mobility, and critically assess the legal protection gaps for climate-displaced persons
- evaluate the legal, ethical, and human rights implications of digital technologies and data-driven systems in migration management

- assess the impact of public health emergencies on migration governance and the principles of health security in mobility
- examine the governance challenges posed by rapid urbanisation and internal migration in Nigeria
- discuss the transformation of labour markets and the global competition for skills, and analyse Nigeria's position within this dynamic
- critically engage with the tension between national security imperatives and the protection of migrant rights.



3.3 Climate Change, Environmental Degradation, and Human Mobility

3.3.1 The Scale of the Challenge

The Intergovernmental Panel on Climate Change (IPCC) warns that climate change will greatly increase displacement, particularly in Nigeria, where desertification, coastal erosion, and flooding are major drivers of movement. Additionally, there is a legal protection gap for "climate refugees," as the 1951 Refugee Convention does not adequately cover environmental factors, leaving displaced individuals without guaranteed rights to entry or stay in other countries.

3.3.2 Emerging Policy Responses

The Kampala Convention is relevant for addressing internal displacement due to disasters in Nigeria, but its implementation regarding climate-induced displaced persons (IDPs) is inadequate. Human rights arguments emphasise the rights to life, health, and dignity, supported by the UN Human Rights Committee's ruling in *Ioane Teitiota v. New Zealand* (2020), suggesting that climate change may create non-refoulement obligations.

The African Union's Revised Migration Policy Framework (2018) acknowledges climate displacement, highlighting the need for ECOWAS to establish a regional protection framework. The Nigerian case study of coastal communities in the Niger Delta demonstrates the urgent necessity for legal frameworks for community resettlement, which are currently absent in national legislation.

3.4 Digital Transformation and the "Smart Border"

States are utilising technological tools such as biometric databases, Automated Border Control gates, Advanced Passenger Information systems, and algorithmic risk profiling to effectively manage migration.

3.4.1 Legal and Ethical Implications

Concerns regarding privacy and data protection in Nigeria involve the management of migrant biometric data under the Data Protection Act (2023) and the Malabo Convention. Questions arise about data ownership and security. Additionally, AI technologies used for visa screening could exacerbate biases if based on flawed data, conflicting with non-discrimination principles. The lack of transparency in algorithmic decisions can hinder due process, as affected individuals may struggle to challenge decisions made by opaque systems.

The emergence of "Digital Borders" complicates jurisdiction issues and the right to asylum. In Nigeria, the introduction of e-Passports and enhanced surveillance underscores the need for investments in data protection and algorithmic accountability.

3.5 Pandemic Preparedness and Migration Health Security

The COVID-19 pandemic resulted in global border closures and travel bans, highlighting the rapid suspension of the right to mobility. The International Health Regulations (IHR 2005) provide a legal framework for states' public health responses at borders, mandating that measures to prevent disease spread be science-based, proportionate, non-discriminatory, and respectful of human rights.

3.5.1 Key Challenges

Stigmatization of migrants as "disease carriers" intensifies xenophobia and poses challenges to their access to healthcare, especially for irregular migrants. The pandemic has underscored these vulnerabilities, framing access to healthcare as a public health and human rights issue.

Additionally, the rise of digital health certificates creates discrepancies in travel between wealthy and poorer nations, reinforcing global mobility inequalities. A comprehensive migration governance approach must incorporate health security planning, balancing public health needs with refugee protection and labour mobility considerations.

3.6 Urbanisation and Internal Migration

The rapid urbanisation in Nigeria, driven by internal migration to cities like Lagos, Abuja, and Port Harcourt, presents significant governance challenges. Local authorities are struggling with infrastructure, services, and labour market strains, which lead to informal settlements and social tensions. The lack of a coherent national policy and the 1999 Constitution's indigene-settler distinction hinder migrants' integration and access to rights, exacerbating conflicts in some regions.

To address these challenges, governance must shift to recognise internal migrants as development agents, necessitating proactive urban planning, revising indigeneity links to rights, and strengthening local governance for inclusive population management.

3.7 The Future of Work, Skills Mobility, and Global Talent Competition

The Global Context highlights that demographic changes and technological advancements are intensifying competition for skilled workers in fields such as technology, engineering, and healthcare. Nigeria is experiencing significant emigration of its professionals, often seen as "brain drain," but this can be reinterpreted as "brain circulation" through effective diaspora engagement, leveraging skills and investments for national growth.

To address this, Nigeria requires a proactive "Talent Strategy" that focuses on attracting and retaining talent by enhancing domestic opportunities in education and research, establishing favourable visa pathways, and negotiating Mutual Recognition Agreements (MRAs) to facilitate regional skills mobility.

3.8 National Security, Terrorism, and the Securitisation of Migration

The section discusses the increasing securitisation of migration post-9/11, where migration is often linked to security threats, leading to surveillance and restrictions on migrant rights. This includes the situation in the Lake Chad Basin involving Boko Haram and ISWAP, where ethnic profiling by security agencies poses risks to legal rights.

To achieve effective migration governance, adopting risk-based screening, strengthening legal safeguards, and addressing root socioeconomic causes through development rather than solely militarised border control is suggested.

3.9 Diaspora Engagement and “Brain Circulation”

Beyond Remittances: The Nigerian diaspora’s contribution is often reduced to financial remittances (over \$20bn annually). A modern diaspora policy must look to knowledge and network remittances.

3.9.1 Legal and Institutional Tools

The 2017 constitutional amendment regarding dual citizenship was significant as it enabled Nigerians living abroad to engage fully in both the political and economic spheres while keeping a connection to their homeland.

One of the contentious topics is diaspora voting; the establishment of secure voting rights for Nigerians in the diaspora has the potential to enhance their political integration and participation. Additionally, the role of the Nigerians in Diaspora Commission (NIDCOM) must adapt to better support diaspora engagement. This includes fostering structured initiatives that encourage diaspora investment, such as the issuance of diaspora bonds, as well as facilitating skills transfer through avenues like virtual consulting and sabbaticals. Furthermore, promoting entrepreneurship within the diaspora community is key to strengthening the ties between Nigerians abroad and their home country.

In conclusion, therefore, Migration governance is evolving into a dynamic field due to factors such as climate change, technology, health crises, and economic shifts, rendering traditional legal approaches insufficient, especially in Nigeria. The nation's stability hinges on effectively addressing citizen displacement, utilising digital tools ethically, managing urbanisation, competing for global talent, and engaging the diaspora. To tackle these challenges, Nigeria needs visionary legal reforms and innovative policies grounded in human rights principles, requiring the next generation of lawyers and policymakers to lead in creating a resilient migration framework.



3.10 Summary

This unit has explored the crisis of climate-related displacement and the shortcomings of international refugee law, the dual nature of digital technology in migration management regarding efficiency and rights violations, lessons from the COVID-19 pandemic affecting public health and mobility rights, the neglected issue of internal migration and urbanisation in Nigeria, the need for a coherent talent strategy amid

global competition for skills, the conflict between securitized migration approaches and fundamental rights protection, and the diaspora's potential as a development catalyst through brain circulation.



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