

APPRAISAL OF NIGERIA'S LEGAL FRAMEWORK ON IMMIGRATION LAWS: REFORMS IN VISA REGULATIONS, DEPORTATION PROCEDURES, AND REFUGEE RIGHTS

Jared Theophilus, Ph.D

ABSTRACT

This research critically appraises Nigeria's legal framework on immigration laws, focusing on reforms in visa regulations, deportation procedures, and refugee rights. Nigeria, a significant migration hub in West Africa, faces complex challenges in managing its diverse immigrant population, which includes tourists, business professionals, students, and refugees. The study examines the current visa categories, highlighting bureaucratic obstacles, lengthy processing times, and high costs that applicants encounter. Recent reforms, such as the introduction of e-visas and visa-on-arrival policies, are evaluated for their effectiveness and user-friendliness. A comparative analysis with other countries reveals that while Nigeria has made progress, further improvements are needed to reduce bureaucratic red tape and enhance transparency. Deportation procedures, governed by the Immigration Act of 2015, are scrutinized for their adherence to human rights standards, with recommendations for clearer guidelines and legal safeguards to protect individuals from arbitrary deportation. The research also explores the challenges faced by refugees in Nigeria, despite the country's commitments to international conventions, and suggests reforms to improve their access to essential services and legal protection. The study concludes that comprehensive reforms in Nigeria's immigration laws are crucial for national security, economic development, and the protection of human rights, emphasizing the need for collaboration among government agencies, civil society, and international partners to promote a more efficient and humane immigration system.

Keywords: Nigeria immigration laws, Visa regulations, Deportation procedures, Refugee rights

1. Introduction

Nigeria, with its strategic geographical position and robust economy, stands as a significant hub for migration in West Africa. The country witnesses a substantial influx of immigrants, including tourists, business professionals, students, and refugees. According to the World Bank, Nigeria is one of the top destinations for migrants in Sub-Saharan Africa, with an estimated 1.3 million international migrants residing in the country as of 2020.¹ This diverse immigrant population contributes to Nigeria's socio-economic fabric but also poses complex challenges in terms of governance and policy.

The dynamic nature of migration patterns necessitates a robust and adaptive legal framework. Nigeria's immigration laws, primarily governed by the Immigration

Jared Theophilus
Esq, Ph.D.,
Institute of Legal and Global
Studies, Law Department,
Captain Elechi Polytechnic
Rumuola, Port Harcourt,
Rivers State.
theophilusjared79@gmail.com

¹ Li, Q., & Samimi, C. (2022). Sub-Saharan Africa's international migration constrains its sustainable development under climate change. *Sustainability Science*, 17(5), 1873-1897.

Act of 2015, aim to regulate the entry, stay, and exit of foreigners. However, these laws face significant criticism for being outdated and inefficient in addressing contemporary migration issues. Effective immigration policies are essential for national security, economic development, and the protection of human rights. Evaluating and reforming these laws is crucial to ensuring they meet international standards and effectively manage the migration challenges of the 21st century.²

The history of immigration laws in Nigeria dates back to colonial times, with the first formal regulations established under British rule. Post-independence, Nigeria developed its own set of immigration policies, culminating in the enactment of the Immigration Act of 1963, which was subsequently replaced by the current Immigration Act of 2015.³ This Act aims to modernize immigration control and facilitate the lawful entry and exit of individuals, reflecting Nigeria's commitment to international migration standards.

Despite these efforts, Nigeria's immigration framework has often been criticized for its inefficiencies and lack of comprehensive protection for immigrants and refugees. For instance, visa regulations have been notorious for bureaucratic delays and high processing costs, which can deter potential investors and tourists.⁴ Deportation procedures, while necessary for maintaining national security, have raised human rights concerns, particularly regarding the treatment of deportees and the adherence to due process. Moreover, Nigeria's approach to refugee rights, although guided by international conventions such as the 1951 Refugee Convention, has struggled with implementation issues, leading to inadequate protection and integration of refugees.⁵

Recent reforms have sought to address these challenges. The introduction of e-visas and visa-on-arrival policies represents significant strides towards simplifying visa acquisition processes. However, these reforms require continuous assessment to ensure they achieve the desired outcomes.

Similarly, efforts to humanize deportation procedures and enhance the rights and living conditions of refugees indicate progress but also highlight the need for ongoing improvements and resource allocation.

This article appraises Nigeria's legal framework on immigration laws, focusing on three critical areas: visa regulations, deportation procedures, and refugee rights. It examines recent reforms, identifies existing challenges, and proposes further improvements to enhance the efficiency and humaneness of Nigeria's immigration system.

² Nanda, V. P. (2016). Migrants and Refugees Are Routinely Denied the Protection of International Human Rights: What Does the Future Hold. *Denv. J. Int'l L. & Pol'y*, 45, 303.

³ Ojukwu, U. (2024). Ethnic Politics and Democratic Governance in Nigeria (2015-2023). Available at SSRN 4801981.

⁴ Roy, M., Azad, F., & Quaderi, N. (2022). Legislations and Technology Applications for Passport, Visa, and Immigration for Tourists in Bangladesh. *Handbook of Technology Application in Tourism in Asia*, 977.

⁵ Granlund, A. (2022). *Criminalizing Migration, Rejecting Rights* (Master's thesis, University of South-Eastern Norway).

2. Visa Regulations

Current Visa Regulations in Nigeria

Nigeria's visa system is structured to accommodate various categories of visitors, including tourists, business professionals, students, and temporary workers. The primary types of visas available are:

- Tourist Visa: For individuals visiting for leisure or tourism purposes.
- Business Visa: For business-related activities such as meetings, conferences, and contract negotiations.
- Temporary Work Permit (TWP): For short-term employment.
- Subject to Regularization (STR) Visa: For long-term employment, usually followed by a residency permit.⁶

These visas are typically issued by Nigerian embassies and consulates abroad, and applicants must meet specific criteria, including providing necessary documentation and paying the applicable fees.

Challenges Faced by Applicants

Despite the structured visa categories, applicants face several significant challenges:

- Bureaucratic Hurdles: The application process is often marred by excessive paperwork and bureaucratic red tape, leading to delays and frustration for applicants.⁷
- Processing Times: The processing times for visa applications can be lengthy, with some applicants waiting weeks or even months to receive a decision.⁸
- Costs: Visa fees can be prohibitively high, especially for multiple-entry visas and long-term permits, deterring potential visitors and investors.
- Corruption and Inefficiency: There have been reports of corruption within the visa issuance process, including demands for bribes and preferential treatment, which undermines the integrity of the system.⁹

Recent Reforms and Their Impacts

In response to these challenges, the Nigerian government has introduced several reforms aimed at streamlining the visa process and making it more user-friendly:

- E-Visa System: The introduction of an electronic visa application system allows applicants to apply for visas online, reducing the need for in-person visits to consulates and embassies.¹⁰
- Visa-On-Arrival: To attract more business travelers and tourists, Nigeria has implemented a visa-on-arrival policy for citizens of African Union countries and select others, enabling eligible travelers to obtain their visas upon entering the country.¹¹

⁶ Omeh, G. O. (2022). Thematic Examination of the Regulatory Framework Governing Foreign Investments in Nigeria. *AJLHR*, 6, 84

⁷ Kadzomba, S. (2019). *An Exploration of the Lived Experiences of Women Accompanying Their Migrant Spouses in South Africa* (Doctoral dissertation).

⁸ Osuofa, F. (2021). *The lived experiences of Nigerian immigrant single parents raising their children in the United States* (Doctoral dissertation, Texas Woman's University).

⁹ Moiseienko, A. (2019). *Corruption and targeted sanctions: law and policy of anti-corruption entry bans*. Brill Nijhoff.

¹⁰ Hill, D., Ahmadi, M., & Rigg, J. (2020). Virtual embassy portal: the future of travel. *International Business Research*, 13(7), 199.

¹¹ Hill, D., Ahmadi, M., & Rigg, J. (2020). Virtual embassy portal: the future of travel. *International Business Research*, 13(7), 199.

- Simplified Documentation: Efforts have been made to simplify the documentation requirements for certain visa categories, although challenges remain in ensuring these reforms are uniformly implemented.¹²

Comparative Analysis with Other Countries

When compared to other countries, Nigeria's visa regulations exhibit both strengths and weaknesses:

- Ease of Access: Countries like Rwanda and Kenya have implemented highly efficient e-visa systems and visa-on-arrival policies, which have significantly boosted tourism and business travel. Nigeria's recent reforms are a step in this direction but still lag behind these benchmarks.¹³
- Processing Times: European Union countries typically offer streamlined visa processes with clear timelines and robust support systems, ensuring faster processing times. Nigeria's processing times, although improved, still fall short of these international standards.
- Costs: Visa fees in Nigeria are relatively high compared to other African nations such as Ghana and South Africa, which offer more competitive pricing to attract foreign visitors and investors.

By learning from these comparative experiences, Nigeria can further refine its visa policies to enhance accessibility, efficiency, and cost-effectiveness, thereby fostering greater economic growth and international engagement.

3. Deportation Procedures

Deportation procedures in Nigeria are governed by various laws, including the Immigration Act. These procedures are intended to manage the lawful removal of individuals who violate immigration laws while balancing legal enforcement with respect for human rights. However, there have been instances where deportation practices have drawn criticism for being harsh and inhumane. Reports have highlighted cases where deportees were subjected to poor treatment and lacked access to legal representation.¹⁴

Legal safeguards need to be strengthened to protect individuals from arbitrary deportation and ensure due process. One significant issue is the lack of clear guidelines, which can lead to inconsistent application of the law and potential abuses of power by immigration officials.¹⁵ Providing adequate legal representation for individuals facing deportation is another crucial area for reform. Many deportees are not afforded the opportunity to consult with a lawyer or receive proper legal advice, which undermines their ability to contest their removal and defend their rights effectively.¹⁶ Ensuring access to legal counsel would enhance the fairness of deportation proceedings and help safeguard against unjust deportations.

¹² Altes, C. (2018). Analysis of tourism value chain in Ethiopia. *Center for the Promotion of Imports (CBI Ministry of Foreign Affairs of the Netherlands)*.

¹³ Buckinx, B., & Filindra, A. (2015). The case against removal: Jus noci and harm in deportation practice. *Migration Studies*, 3(3), 393-416.

¹⁴ Mugadza, H. T., Mujeyi, B., Stout, B., Wali, N., & Renzaho, A. M. (2019). Childrearing practices among Sub-Saharan African migrants in Australia: A systematic review. *Journal of Child and Family Studies*, 28, 2927-2941.

¹⁵ Maluwa, T. (2020). Reassessing aspects of the contribution of African states to the development of international law through African regional multilateral treaties. *Mich. J. Int'l L.*, 41, 327.

¹⁶ Ibrahim, A. (2018). Bridging the international gap: the role of national human rights institutions in the implementation of human rights treaties in Africa. *Obiter*, 39(3), 701-726.

Furthermore, it is essential to ensure that all deportation actions comply with international human rights standards. Nigeria is a signatory to several international conventions that protect the rights of migrants and refugees, including the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights.¹⁷ Aligning national deportation procedures with these international obligations would help protect the dignity and rights of individuals facing deportation and promote a more humane immigration enforcement system.

Suggested Reforms

- **Establish Clearer Guidelines:** Developing comprehensive and clear guidelines for deportation procedures would help ensure consistency and fairness in the application of the law.
- **Provide Legal Representation:** Guaranteeing that individuals facing deportation have access to adequate legal representation would improve the fairness and transparency of deportation processes.¹⁸
- **Compliance with International Standards:** Ensuring that deportation actions comply with international human rights standards would protect the rights of deportees and align Nigeria's practices with its international obligations.

Refugee Rights

Nigeria hosts a significant number of refugees, primarily from neighboring countries affected by conflict, such as Cameroon and Chad. The country's legal framework for refugee rights is grounded in international conventions, including the 1951 Refugee Convention and its 1967 Protocol, which Nigeria has ratified. These international agreements obligate Nigeria to provide protection and support for refugees, ensuring their rights to safety, non-refoulement, and access to basic services.

Despite these commitments, refugees in Nigeria often face considerable challenges in accessing essential services, legal protection, and opportunities for integration. Many refugees live in camps or settlements with inadequate access to healthcare, education, and employment opportunities. Legal protection for refugees is also insufficient, with many facing difficulties in obtaining legal documentation and protection from exploitation and abuse.¹⁹

Recent reforms have aimed at improving conditions for refugees. For instance, the Nigerian government, in collaboration with the United Nations High Commissioner for Refugees (UNHCR), has initiated programs to enhance the registration and documentation process for refugees, providing them with identity cards that facilitate access to services and protection. However, these efforts need to be expanded and sustained to ensure comprehensive protection and support for all refugees in Nigeria.

¹⁷ Ogundiwin, A. O., & Adewumi, E. (2021). SECTION E: INTERNATIONAL ISSUES. *BOOK OF READINGS ON NIGERIA'S FOURTH REPUBLIC*, 151.

¹⁸ Chiarenza, A., Dauvrin, M., Chiesa, V., Baatout, S., & Verrept, H. (2019). Supporting access to healthcare for refugees and migrants in European countries under particular migratory pressure. *BMC health services research*, 19, 1-14.

¹⁹ Opon, D. (2021). *The Impact of Migration Governance on National Security in Africa: a Case of Kenya* (Doctoral dissertation, University of Nairobi).

Better Implementation of Existing Laws: Ensuring that national laws and policies align with international standards and are effectively implemented is crucial. This includes training for government officials and law enforcement on refugee rights and protections.²⁰

Increased Funding for Refugee Programs: Adequate funding is essential to improve living conditions in refugee camps, provide access to education and healthcare, and support livelihood programs. Increased financial resources from both the Nigerian government and international donors can significantly enhance the quality of support provided to refugees.

Stronger Collaboration with International Organizations: Strengthening partnerships with international organizations such as the UNHCR and non-governmental organizations (NGOs) can help leverage expertise, resources, and best practices in refugee protection and integration. Collaborative efforts can also facilitate the development of comprehensive strategies to address the complex needs of refugees (UNHCR, 2021).

4. Conclusion

The appraisal of Nigeria's legal framework on immigration laws reveals both progress and areas in need of further reform. Addressing the challenges in visa regulations, deportation procedures, and refugee rights is essential for developing a more efficient and humane immigration system. By streamlining visa processes, providing clear and fair deportation guidelines, and enhancing protections for refugees, Nigeria can create a more just and welcoming environment for all.

It is crucial for stakeholders, including government agencies, civil society, and international partners, to collaborate in promoting comprehensive reforms that uphold the dignity and rights of all individuals involved. Ensuring that immigration policies are both effective and compassionate will not only benefit those directly affected but also contribute to Nigeria's social and economic development. By working together, these stakeholders can help build a stronger, more inclusive Nigeria that respects and values the contributions of migrants, refugees, and all residents.

²⁰ Pascucci, E. (2021). More logistics, less aid: Humanitarian-business partnerships and sustainability in the refugee camp. *World Development*, 142, 105424.