The changing face of Immigration compliance in Nigeria: Improved process, enhanced scrutiny

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As the largest economy in Africa and the most populous in West Africa, Nigeria has huge inward foreign investment which comes with the attendant immigration issues surrounding employment of expatriates. In this regard, there have been a lot of negative publicity on the management of migrants in Nigeria over the years, with some people alleging laxity in controlling the influx of migrants into Nigeria. On the other hand, migrants and their employers, mostly multinational companies (MNCs), appear dissatisfied about the timeliness of the Nigeria Immigration Service (NIS) in addressing immigration issues and the level of professionalism.

In a bid to curb these perceptions about immigration activities, NIS, the primary immigration regulatory body set up pursuant to the Immigration Act 1963, has in recent times taken giant steps in facilitating high standards of migrant policies. NIS has championed numerous laudable reforms which has rightly positioned it to achieve its set objective in line with the transformational agenda of the Federal Government of Nigeria.

The reforms can be largely viewed in two major prongs: streamlined operational processes thereby enhancing perception about efficiency of its operations on the one hand and aggressive monitoring of compliance on the other.

On its operational efficiency and perception enhancement, NIS has streamlined the hitherto cumbersome and tedious immigration procedures for resident expatriates. This has reduced the mobility burden for MNCs and facilitated a better transfer of technology to Nigerians.

One of the initiatives used in achieving operational efficiency is the Visa on Arrival (VOA) facility. This facility is available to high net worth investors, directors of MNCs and other persons in similar categories. This facility ensures that upon payment of appropriate fees and compliance with other requirements, a business visa (which does not permit employment in Nigeria) is issued upon the foreigner’s arrival in Nigeria.

While NIS seeks to enhance its perception as a professional agency, it has not lost sight of its compliance monitoring obligations which are aimed at ensuring international best practices. It has therefore embarked on the following initiatives:

- **Electronic Passenger Automated Registration System (e-PARS):** Under this, NIS built a proper database of migrants arriving and departing the country through international airports. This is much better than the erstwhile manual procedure (more stamping) and has ensured reduction of the number of migrants that would have attempted to enter or leave the country without valid documents. Therefore, MNCs and HR/Mobility teams should ensure the expatriates possess relevant and valid documentation to avoid sanctions.
- **Improved Security/Tracking features on Residence Permit:** The new CERPAC is also more durable and is valid for two years as against the one year validity of the old card.
- **Internal Monitoring control:** Under this initiative, NIS carries out surveillance activities around major cities with a view to finding and deporting illegal immigrants.
- **Expatriate Residence Permit and Aliens Card (CERPAC):** NIS introduced a new CERPAC designed to take care of the shortcomings of the old CERPAC. The new CERPAC contains electronic readable security features, thereby enabling NIS to tackle some of the security challenges in Nigeria and provide a platform to account for the location and activities of every foreigner in Nigeria. The new CERPAC is also more durable and is valid for two years as against the one year validity of the old card.
- **Appropriate entry permit/visa:** Ranging from tourist and business visas (for short term visits) to temporary work permits and subject to regularisation (STR) visa for long term employment, expatriates seeking to be admitted into Nigeria should ensure they apply for and obtain the right classification of visa.
- **Expatriate Quota (EQ) approval:** This enables a company to employ foreigners on a long term basis and must be valid at every point as it is the basis of employment in Nigeria.

- **CERPAC:** This should be obtained within 90 days of entry into Nigeria via the STR visa.
- **Fillers of story returns:** On the use of expatriate quota granted to the company and the number of secondees on TVP.
- **Appropriation of employees:** Upon cessation of employment the company is meant to regularise its records with the NIS to ensure it is cleared of all immigration responsibility.

With these reforms and initiatives geared at delivering efficient operations and monitoring compliance as well as the quick success in which NIS is re-strategizing and evolving, one can only expect that there will be a resulting aggressive drive for compliance. Companies are therefore expected to align their internal processes, document retention policies and protocols to ensure full compliance with the laws and regulations as may be applicable, and to ensure that they are not found wanting.

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