

FACILITATING A COHERENT MIGRATION
MANAGEMENT APPROACH IN GHANA, NIGERIA,
SENEGAL AND THE LIBYAN ARAB JAMAHIRIYA
BY PROMOTING REGULAR MIGRATION AND
PREVENTING FURTHER IRREGULAR MIGRATION

AENEAS 2006

REPORT ON NIGERIA



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REPORT ON NIGERIA

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Lagos, 12 February 2009



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SELECTED ACRONYMS AND ABBREVIATIONS

CBN	Central Bank of Nigeria
CERPAC	Common Expatriate Residence Permits and Aliens Card
CERPOD	Centre for Studies and Research on Population for Development
CRC	Convention on the Rights of the Child
DFID	UK Department for International Development
EC-AENEAS	European Commission Programme for Financial and Technical Assistance to Third Countries in the Field of Migration and Asylum
ECOWAS	Economic Community of West African States
EU	European Union
FMoL	Federal Ministry of Labour and Productivity
GDP	Gross Domestic Product
HTA	Hometown Association
ILO	International Labour Organization
IOM	International Organization for Migration
LFN	Laws of the Federation of Nigeria
MDAs	Ministries, Departments and Agencies
MoFA	Ministry of Foreign Affairs
MoU	Memorandum of Understanding
MTOs	Money Transfer Organizations
NAPTIP	National Agency for the Prohibition of Traffic in Persons and Other Related Matters
NBS	National Bureau of Statistics
NIDO	Nigerians in Diaspora Organizations
NIS	Nigeria Immigration Service
NNVS	Nigerian National Volunteer Service
NPC	National Population Commission
OECD	Organisation for Economic Co-operation and Development
PEAs	Private Employment Agencies
SMEDAN	Small and Medium Enterprises Development Agency of Nigeria
UNHCR	United Nations High Commissioner for Refugees
USAID	United States Agency for International Development

PART A: DATA COLLECTION AND ANALYSIS

Data sources

Nigeria, with over 140 million inhabitants, is a country of origin, transit and destination for diverse migratory configurations, both internal and international – seasonal labour migration, undocumented or irregular migration, internal displacements, human trafficking, female migration and migration of skilled professionals. However, the data normally required to capture the basic configurations obtained from population censuses, border control posts and special surveys is very patchy.

There is a general lack of current information on demographic dynamics in the country; the lack of up-to-date data on both stock and flow of migrants within and outside the country is perhaps more striking as there are no precise information on the most basic migration profiles and its indicators. Nigeria has a chequered history of population censuses, the source of macro data on the size and characteristics of the population, patterns of migration and other sociodemographic variables (Adepoju and Kadejo, 1991). The last census was conducted in 2006 but only preliminary results have been released; at any rate, very limited direct information was obtained on migration in previous censuses, publication was considerably delayed, and the data are obsolete.

Estimates of migration flows based on information provided by border control posts are generally inadequate. Border regulations can be circumvented and Nigeria's extensive and porous land borders make effective policing against clandestine cross-border migration very difficult.

Nigeria does not regularly publish data collected at sea ports, airports and border posts by immigration officials. The departure and arrival forms collected daily by the Nigeria Immigration Service (NIS) at international airports are normally forwarded to the National Population Commission (NPC) charged with the responsibility for analysis and publication of such data. The one and only report remains the annual summary of entry and departure statistics issued in 1991. Officials of the NPC confirm that the backlog of these forms for the past 10 or more years have been stacked in their offices waiting to be analysed.

A series of small-scale sample surveys on migration were carried out principally in the 1970s. These focused on medium-sized towns and rural areas, and were confined to southern Nigeria. In 1993, the Centre for Studies and Research on Population for Development (CERPOD) conducted a survey of migration and urbanization in Nigeria as part of its West Africa research project. The most recent of migration surveys is that of the female migration conducted by the Human Resources Development Centre (Lagos) in the major cities of Gombe and Jos in the north, Osogbo and Lagos in the south-west, and Enugu and Port Harcourt in the south-east. The general finding is that most migrants from rural to urban areas are young,

educated persons, males and, increasingly, females also, in search of employment and educational opportunities in towns.

Apart from being outdated, by the very nature of small-scale sample surveys with varying objectives, coverage and objectives, estimates of the stock of migrants are bound to be location-specific. The NPC is planning to conduct the first internal migration study nationwide. Until that is done, our knowledge about patterns of internal migration in the country remains very limited indeed.

Source of information on Nigerians abroad

Information on the stock and flow of Nigerians abroad is not available at any statistical organization in the country. The Ministry of Foreign Affairs (MoFA) does not have such information, and also claims that Nigerian missions abroad do not maintain a register of nationals in their respective jurisdictions. Embassy sources claim that they usually track nationals who are detained, imprisoned, or awaiting deportation and who need urgent assistance from the missions. Hence, figures of between 10 million and 20 million Nigerians in the diaspora must be viewed with circumspection, as these are based on a weak statistical base. Besides, the frontiers of the definition of who constitutes a member of the diaspora are fluid and imprecise.

Estimates of Nigerians living in developed countries are more available in the destination countries than in Nigeria. The Organisation for Economic Co-operation and Development (OECD) annually publishes statistics on international migration in Member States, for those resident in regular situations, and especially highly skilled professionals. The United Nations Population Division also publishes global data on international migration, as does the Migration Policy Institute, based in Washington, D.C. The Development Research Centre on Migration, Globalization and Poverty at the University of Sussex also maintains a database on international migration. However, figures from these sources often underestimate the total stock of immigrants from Nigeria, as is the case with other nationals resident abroad, principally because an unknown number reside in destination countries in an irregular situation.

Another source of indirect estimates on the flow of Nigerian emigrants to European Union countries and other destinations in Africa, Asia and Latin America can be obtained through the numbers of visa applications. However, this information is often classified and is not readily accessible to researchers.

As indicated in Table 1, Nigerians are widely dispersed in many countries of the world. While many Nigerians are to be found living and working in large numbers in Europe and North America, by far the largest concentration of Nigerians are in sub-Saharan Africa, where an estimated 3 million or more live.

Table 1: Estimates of migrants from Nigeria living in different world regions

Region	Nigerian population
East Asia and the Pacific	37,878.53
Europe and Central Asia	954,154.59
Latin America and the Caribbean	10,950.85
Middle East and North Africa	145,703.47
North America	763,401.14
South Asia	61,776.72
Sub-Saharan Africa	3,197,540.02
Total	5,171,405.32

Source: Estimates from Orozco, 2007.

Among the major destinations for Nigerians in Africa, Sudan tops the list (Table 2). This can be traced to the trans-Saharan trade and the pilgrimage where many Nigerians had to work and travel the land route to and from Mecca. In the process, several thousands have made Sudan their home, and are still regarded as members of the Nigerian diaspora.

Table 2: Major destinations of Nigerian migrants in Europe and Africa

Region	Nigerian immigrant stock (Estimates)	Share (%)
Sudan	1,354,809	23.76
USA	783,327	13.74
Great Britain	490,517	8.60
Cameroon	478,317	8.39
Ghana	292,876	5.14
Niger	226,581	3.97
Germany	165,767	2.91
Benin	163,785	2.87
Burkina Faso	145,502	2.55
Guinea	141,740	2.49
Kenya	141,564	2.48
Italy	125,789	2.21
Togo	102,369	1.80
Gabon	80,986	1.42
Other	889,571	17.68

Source: Estimates from Orozco, 2007.

Intraregional migration

With respect to intraregional migration, the major source of current information is derived from ECOWAS Commission's publication (Table 3). The NPC publication on international migration statistics for 1991 is not only outdated, it is based on arrival and departure cards completed by migrants entering and departing from the country through legal entry and departure posts by air, sea and land routes. Between January and December 1991, data on 268,763 foreigners were captured at these entry points. Since then, no such data has been compiled.

The information on arrival by nationality in 1991 indicated that more than one third (34%) are from ECOWAS countries, led by Ghana. Europeans followed with 31 per cent, led by the British, French and Germans. Migrants from other African countries constituted 11.6 per cent, while 10.5 per cent of the migrants were from the Americas (mostly from the United States of America, Canada, Brazil and others). Israeli and Lebanese also featured among other nationalities. Americans were mostly professional, technical and related workers, followed by clerical and related workers and administrative and managerial cadres, in that order. Asians were dominated by clerical and related workers, followed by professional, technical and related cadres. Europeans shared a similar occupational distribution with Asians. More than a third of those from ECOWAS countries were clerical and related workers.

Table 3: Population of resident foreigners in Nigeria, 2001–2005

Total resident foreigners		Number/percentage of which were ECOWAS Citizens
2001	481,000	305,000 (63.4%)
2002	495,000	314,000 (63.4%)
2003	509,000	477,000 (93.7%)
2004	625,000	537,000 (85.9%)
2005	639,000	623,000 (97.5%)

Source: ECOWAS, 2006.

The statistics from the ECOWAS Commission also captured how the number of foreigners resident in Nigeria (Table 3) increased slowly from 2001 to 2005. These were mostly Community citizens from other ECOWAS countries, but the presentation of the statistics hinders desegregation by country of origin of the immigrants. However, research findings (Afolayan, 1988; Adepoju, 1988) indicate that several thousand foreigners from neighbouring countries enter Nigeria clandestinely through bush paths along the long porous borders with Chad, Niger, Cameroon, Benin and so on (Adepoju, 1988).

The NIS also compiles some data on the number of expatriate quotas granted. The Common Expatriate Residence Permits and Aliens Card (CERPAC) file contains a list of individual expatriates granted temporary residence for specific assignments,

such as the repair of facilities in oil-producing establishments. The expatriates are mostly technicians and engineers, and some are accountants and auditors.

In a policy document, the Ministry of Health states that nearly three thousand (2,968) expatriate doctors out of a total of about 39,210 doctors and 215 expatriate dentists (out of total of 2,773 dentists) were practicing in the Nigerian health sector in 2006.

Nigerian migrants and migrant workers in the Libyan Arab Jamahiriya

In part as a result of strict immigration control measures and tightened barriers to legal entry in what has become a fortified Europe, a growing number of young people are involved in daredevil ventures, hidden on board ships destined for southern Europe. Unscrupulous agents exploit desperate youths with promises of passage to Italy, Spain and France. Many use the Libyan Arab Jamahiriya, Morocco and Algeria as transit countries in the hazardous journey through the Sahara desert and across the Mediterranean Sea to southern Europe. Hundreds of irregular migrants and trafficked persons end up stranded in Las Palmas and Morocco, living in tin shanties in appalling conditions. Many others who survive the hazardous trip through the desert perish during life-threatening attempts to cross the sea to Spain in rickety boats. Those who are apprehended are deported.

Irregular migrants normally combine a variety of modes of transportation – trains, lorries, buses, inflatable rafts, rickety fishing boats, speed boats, and, of course, travelling on foot. They manoeuvre their way in precarious conditions through bush paths, deserts and creeks to avoid authorities and checkpoints. Some dig tunnels under border fences, or cut a hole through them. Many migrants carry false passports, and are assisted by agents – a network of traffickers and of migrant communities who have settled along these routes. The would-be migrants face a series of dangers along the route, including shipwreck and dehydration during the long trek across the Sahara desert. About 2,000 Africans are believed to drown in the Mediterranean each year while attempting illegal crossings to Europe (Byrne, 2004).

The Libyan Arab Jamahiriya is home to a large Maghrebi community (200,000 Moroccans, 60,000 Tunisians and 20,000 to 30,000 Algerians). The 2 million to 2.5 million foreigners who live in this oil-producing country constitute between 25 per cent and 30 per cent of the population. This includes 1 million to 1.5 million Africans south of the Sahara.

The Libyan Arab Jamahiriya has also emerged as a major transit country for irregular migrants forging their way to Europe through the Strait of Sicily. This is due in part to the length of its borders with neighbouring countries, the free movement of people between the Libyan Arab Jamahiriya and non-Arab countries, and the Libyan Arab Jamahiriya's pan-African policy.

Irregular migrants from Nigeria, Ghana, Senegal and other countries of West Africa often travel from Agadez to Dirkou, an oasis in the north of Niger, and a gathering point before crossing the Libyan border. The demand for seasonal labourers in Sicily during the late 1990s made this route attractive. In 1998, the extradition treaty signed between Italy and Tunisia resulted in intensified border controls by Tunisian authorities, and made passage by fishing boat from Tunisia to Lampedusa or Malta more difficult for irregular migrants. Consequently, irregular immigrants from West Africa and Asia shifted to the Libyan Arab Jamahiriya–Lampedusa–Malta route that was more patronized by North African migrants (European Commission, 2004).

The towns of Sebha, Tamanrasset, Layoune, Agadès, and Abéché have emerged as transnational crossroads for both regular and irregular migrants between West Africa, the Maghreb and Europe. As Boubakri (2004) argues, “the free movement of people between Libya and Tunisia, and between the Maghreb and sub-Saharan African countries has been fuelled in large part by the proximity between Morocco and Spain and between Tunisia and Italy that turned the Strait of Gibraltar and Sicily into ‘bridges’ for irregular crossings to Europe.”

Following the announcement in 1999 by the Libyan Arab Jamahiriya’s leader of a new organization – the Community of Sahel Sahara States (CSSS) – linking the Libyan Arab Jamahiriya with Sudan and the former French colonies of Chad, Mali, Burkina Faso, Niger and the Central African Republic, immigrants from these and other countries have been attracted to the Libyan Arab Jamahiriya. Over time, immigrants from sub-Saharan Africa have increased in number and now account for one sixth of the Libyan population.

During September and October 2000, a general crackdown on immigrants by Libyan authorities led to clashes with local residents in Tripoli and Ezzouiya, who allegedly attacked immigrants in their homes and on the streets. About 500 were reported dead and more than 6,000 Nigerians and Ghanaians were subsequently repatriated. The clashes were blamed in part on the vacillating effects of decades of international embargo on the Libyan Arab Jamahiriya, the tightening of the domestic labour market, social tension and increased anti-foreigner sentiment among the Libyan population. During the ensuing mass expulsion of migrants, often in inhumane conditions, many were reportedly killed (Obisesan, 2000).

Although the searchlight of the media, the general populace and policymakers is focused on irregular West African migrants using the Maghreb states as transit countries to enter Europe clandestinely, in reality there are several thousand others resident and working in regular situations or studying in tertiary institutions in these countries. Statistics are imprecise on the number, qualification, employment status, nationality and duration of residence of such regular migrants in the Maghreb, especially the Libyan Arab Jamahiriya, Morocco and Tunisia. In Morocco, for example, there were over 1,200 Senegalese, 800 Ivorians, 576 Malians, 1,225

Mauritanians, 620 Guineans and 410 Nigerians resident in regular situations as at the end of 2003 (Musette, 2005). Even these migrants often face hostile reactions from the local population.

The Libyan Arab Jamahiriya signed an agreement with Italy in June 2005 to hold African refugees in detention camps to prevent them from trying to cross into Europe. The Libyan Arab Jamahiriya has not ratified the Geneva Convention relating to the Status of Refugees, and the United Nations High Commissioner for Refugees (UNHCR) has no official status there; hence non-Libyans, including refugees, are likely to be picked up by the police, thrown into camps and expelled (Amnesty International, 2005).

The lesson to be learnt from reinforcing security around Europe's borders is that the problems of irregular migration are simply pushed further south. Europe seems to be using Maghreb states to keep irregular African migrants and refugees out of Europe (Belguendouz, 2006). The authorities in the Libyan Arab Jamahiriya and Morocco bully and expel them, often sending them to desert border posts to face death, torture and hunger.

Initially, the Libyan Arab Jamahiriya dismissed repeated calls by Italy and other EU countries to put an end to irregular migrants forcing their way through the Libyan Arab Jamahiriya to Italy and then to Europe, arguing that stopping irregular immigration would require cooperation between Africa and the EU. Nevertheless, the Libyan Arab Jamahiriya has stepped up efforts to crack down on irregular migrants from other African countries, in part in order to appease the North. Libyan authorities have now started to take action against human smugglers and migrants, by meting out heavy punishments, including imprisonment and deportation, for both parties involved in the illegal trade.

PART B: RECRUITMENT AND SUPPORT SERVICES

Background

According to the International Labour Organization (ILO), the rapid growth of private employment agencies (PEAs) is due to a number of factors, especially the rapidly changing and flexible labour market, constraints in the operations of public employment services, and the use of other networks for placement. Consequently, three approaches have dominated the regulation of PEAs: strict prohibition of any placement or other services offered by private agencies, strict regulation of PEAs that were allowed to operate alongside PES, and minimum regulation of PEAs that were accepted as private players in the labour market.

With the adoption of ILO Convention No. 181 concerning Private Employment Agencies, 1997, the roles of PEAs have been streamlined in respect of regulation, placement and employment of workers by these agencies. The convention also empowers ILO to assist Member States to establish clear policies, legislation and implementing mechanisms for the effective registration and licensing of PEAs to enable them function adequately in the labour market free from exploitative conditions.

The Nigerian experience: Issuance of recruiter's licence by the Federal Ministry of Labour and Productivity (FMoL)

The ILO's Action Programme against Human Trafficking and Forced Labour in West Africa facilitated a workshop for officials of the Ministry of Labour and Productivity, recruitment agencies and representatives of the Nigerian Labour Congress in mid-2005. The overall objective of the workshop was to improve the capacity of the Ministry to promote law-abiding PEAs and control fraudulent ones. The discussions during the workshop covered wide-ranging topics, including the evolution of PEAs, monitoring models, definitions of forced labour and trafficking, existing labour laws and regulations in Nigeria, problems of enforcement, the experience of recruitment agencies, public information and links with migration management.

Many PEAs in Nigeria operate on a small scale and provide job placement services, mostly into the informal sectors such as domestic work, cleaning services, private security services, sports, and modelling. In general, many of these PEAs operate without licences and without being regulated by the government. Partly for these reasons, many agencies recruit people fraudulently, often in the form of disguised trafficking.

Reports and complaints of unfair labour practices arising from contract staffing or outsourcing of employment in some companies have brought about concern

over the health, safety and general welfare of employees in such undertakings. In response, the FMoL, in the discharge of its statutory functions of protection of employment and employees, is implementing those aspects of labour laws that are consistent with the regulation of recruitment outside the conventional and traditional methods of recruitment.

The FMoL has since embarked on issuing recruiters' licences and employers' permits to PEAs, in line with sections 23, 24, 25 and 71 of the Labour Act Cap. 198 (Laws of the Federation of Nigeria (LFN) 1990). The licensing of recruiters and private labour contractors is designed to monitor and regulate the activities of private employers of labour within and outside the country. The overall objective is to minimize cases of unfair labour practices in the workplace, as well as to check incidences of child labour and trafficking in persons. The process is also designed to ensure compliance with government rules and regulations on recruitment by the PEAs within and outside the country. The statistics gathered through this process are indispensable for evaluating the government's employment generation programmes.

Policy formulation

Sections 24(4), 25(1) and (3), and 71(1) of the Labour Act Cap. 198 (LFN 1990) empower the Minister of Labour to grant employer's permits, recruiter's licences and private employment agency certificates to persons he considers fit and proper. Section 88(f) and (g) of the Act further empowers the Minister to make regulations to prescribe fees and such other procedural or ancillary provisions he considers necessary or convenient to facilitate the operation of the Act. The Federal Executive Council has also authorized the Ministry to commence issuing the permits and licences for a fee.

Article 1 of the ILO Convention No. 181 concerning Private Employment Agencies (PEAs) of 1997 defines the term "private employment agency" as any natural or legal person, independent of the public authorities, which provides one or more of the following labour market services:

- services for matching offers of and applications for employment, without the private employment agency becoming a party to the employment relationships which may arise therefrom;
- services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person (referred to below as a "user enterprise") which assigns their tasks and supervises the execution of these tasks;
- other services relating to job-seeking, determined by the competent authority after consulting the most representative employers' and workers' organizations, such as the provision of information, that do not set out to match specific offers of and applications for employment. Article 3(2) states that "...a Member State shall determine the conditions

governing the operations of the Private Employment Agencies (PEAs) in accordance with the system of licensing or certification, except where they are otherwise regulated or determined by appropriate national laws and practice”.

For the purpose of the Convention, the term “workers” includes jobseekers, and “processing of personal data of workers” means the collection, storage, combination, communication or any other use of information related to an identified or identifiable worker.

The registration and licensing (accreditation, authorization and incorporation) is designed to ensure the regulation of the activities of PEAs. While PEAs are registered with a government authority, licensing requires the previous authorization of a PEA before commencing business. This process is in accordance with article 3(2) of Convention No. 181, which calls on Member States to “determine the conditions governing the operation of PEA in accordance with a system of licensing or certification, except where they are otherwise regulated or determined by appropriate national law and practice” (ILO, 2007).

Regulating and monitoring the activities of PEA requires a responsible administrative authority for the enforcement of the legislation. However, practices differ from one country to another. The authority may be located in a designated department within the Ministry of Labour, or a specially created unit to embrace other stakeholders with the responsibility to monitor the activities of PEA. This helps to widen and legitimize the effectiveness of the monitoring process.

In Nigeria, the Labour Migration Desk was established to, among other functions detailed in part C below, promote employment opportunities for Nigerians to work legally abroad, without fear of molestation, exploitation, or any form of inhumane treatment or unfair labour practice. Through the Desk, the activities of migrant workers abroad and the private recruitment agencies locally will be monitored.

In compliance with the relevant provisions of Labour Act Cap. 198, Convention No. 181 and its recommendation No. 42, the Ministry has taken steps to regulate the uncoordinated multiple levels at which recruitment of workers take place, through the issuance of recruiter’s licences and employer’s permits.

The objectives of the recruiter’s licence/permit

The overall objective is to check unfair labour practices and eliminate abusive practices such as child labour, low wages, excessive hours of work, exploitation of workers and uncondusive work environment, and to regulate the untoward way in which some of the PEAs operate in order to foster decent work. The recruiter’s licence serves the purpose of identification, formalization, regulation and streamlining

of the labour recruitment business. It confers on the labour contractor or PEA a formal status to carry out the business of hiring labour for other establishments legitimately within established rules and regulations.

Guidelines on recruiter's licence

In carrying out its statutory regulatory responsibilities, the Ministry has formulated guidelines for the operation of the PEAs, following an extensive consultation with most representative organizations of employers and workers in line with article 13(1) of the ILO Convention No. 181 of 1997. Valuable inputs from these organizations were incorporated in the final document.

The main conditions and guidelines are the following:

- (i) Permits/licences will be withdrawn if not renewed at the period of expiration.
- (ii) Recruitment in labour health areas should be in accordance with the provisions of section 26 of the Labour Act.
- (iii) Every recruiter shall keep comprehensive records from which all recruiting operations and conditions of service of his/her workers as specified in sections 1–20 of the Labour Act can be verified on demand by an authorized labour officer.
- (iv) The transfer of any contract for service from one employer to another shall be reflected in the conditions of service.
- (v) Where an employer and/or a recruiter violates the provisions of sections 23, 24, 25, 46 and 71 of the Labour Act Cap. 198 (LFN 1990) (or any amendment thereto), the recruiter (labour contractor) and final beneficiary (secondary employer) shall be jointly and severally liable for the offence.
- (vi) Every employer or recruiter shall render quarterly reports to the FMOl in the state in which he or she operates on the following:
 - (a) the number of workers employed or recruited;
 - (b) place(s) where work is/are being or are to be performed; and
 - (c) nature of work.

Condition (v), which is in accordance with the Workmen's Compensation Act Cap. 470 (LFN 1990) section 23, is inserted to get all actors – the "Principal" and the contractor – interested in each other's operation, particularly in relation to how the employee is treated. This is to ensure that the interest of the final employer (Principal) goes beyond just having recruits supplied to him.

Licence requirements and procedures

The requirements for the registration of PEAs are attached as appendices to the application forms. The process is as follows:

- The applicant procures application forms at a non-refundable fee of N5,000 in state offices.

- The applicant then fills out the form in triplicate, retains a copy, and takes the remaining copies to the state office where he purchased the form. The state labour office will retain a copy and send the original copy to the Ministry's headquarters.

The following documents must be attached to the form:

- i. prototype contract of employment between the recruiter/contractor and his employees or workers;
- ii. letter/document of recommendation from the government of the place (country) where work is to be performed certifying the trustworthiness of the applicant (contractor/recruiter) in case of recruitment for work outside the country;
- iii. evidence of provision of medical facilities pension fund administrator, and workmen's compensation insurance policy;
- iv. security deposit in certified bond from insurance company or a bank (original copy); the security deposit ranges from N200,000.00 to N2,000,000.00 depending on the average number of recruits the recruiter wishes to recruit or has already recruited.

The security deposit is to take care of the following:

- unpaid salaries and wages;
 - contractual arrears owed the recruit(s);
 - wages and travelling expenses of workers not paid for;
 - any expenses which may be incurred by the government in respect of the worker(s) and families;
 - any fine imposed on the employed/employer;
 - other contingencies that the Ministry may deem fit.
- v. copy of receipt of purchase of form;
 - vi. photocopy of the company's articles and memorandum of association;
 - vii. photocopy of the form indicating particulars of the directors signed and stamped by Corporate Affairs Commission (CAC Form C.07);
 - viii. copy(ies) of agreement between the company and the recruiter/contractor.

The agreement must reflect the following:

- estimated number of persons to be recruited;
- range of basic salary and allowances;
- average age of recruits;
- financial terms of contract in case of contract jobs;
- other terms of employment.

Table 4: Applications received from PEAs and number of certificates issued by the Ministry of Labour

States	No. of applications	%	No. issued	%
Lagos	70	35.2	56	60.2
Rivers	40	20.1	14	15.1
Akwa Ibom	10	5.0	1	0.1
Ogun	21	10.6	6	6.5
Delta	12	6.0	0	-
Edo	8	4.0	4	4.3
Enugu	4	2.0	1	0.1
Abia	4	2.0	1	0.1
Abuja	7	3.5	3	3.2
Ondo	2	1.0	2	2.2
Kaduna	3	1.5	2	2.2
Oyo	12	6.0	3	3.2
Anambra	1	0.5	0	-
Cross Rivers	3	1.5	0	-
Sokoto	1	0.5	0	-
Osun	1	0.5	0	-
Total	199	100.0	93	100.0

Source: FMoL, Abuja.

Upon submission of the application form with the required documents, Ministry officials in the field carry out pre-registration inspection to verify the information supplied in the form. Based on the report, the officers at the headquarters will proceed to process the form. If the application is found to be adequate and in full compliance with the regulations, it is recommended for the approval of the Honourable Minister, after which the applicant is advised to pay a registration fee of N100,000.00. After payment of the registration fee, the licence is then prepared and sent for the Honourable Minister's signature, and then the certificate/permit is issued to the applicant. The initial life span of the certificate is two years, renewable every year thereafter for a fee of N50,000.00.

So far, 199 applications have been filed, out of which 93 or 46.7 per cent have been approved and issued with certificates. The largest number, more than one third, of applications (35%) was received from Lagos State, followed by Rivers (20%), Ogun (11%), Delta and Oyo (6%, respectively), and Akwa Ibom States (5%), in that order (Table 4). Correspondingly, Lagos State has the largest share of certificates issued (60%), followed by Rivers State. No applications were received from other states in the federation.

Challenges

Several challenges have been identified in the implementation process. These include the following:

- Lack of adequate financial resources to effectively monitor the activities of the registered PEAs: Transport fares for inspecting officers have to be paid and there are no project vehicles dedicated to the desk. This limits the activities of officers in the states and headquarters.
- Lack of adequate manpower/human resources: To effectively check the illegal activities of PEAs, there is need for regular inspection of recruitment sites and counselling of would-be migrants who are planning to go abroad for work through a registered PEA. The Ministry's manpower is inadequate to effectively cope with this situation.
- Unscrupulous PEAs: While many Nigerian newspapers are replete with advertisements by PEAs offering immigration services to persons seeking to work or study and live abroad, only very few of these PEAs can be verified, as some carry no contact information, except mobile phone numbers. Others that operate on the Internet offering job placement activities and recruitment, without physical infrastructure, are especially difficult to monitor. Moreover, PEAs engaged in the recruitment of migrant workers for jobs abroad cannot be held accountable for abuses occurring in the recruitment process.
- Absence of immediate sanction for contravention of laid-down rules: Currently, the Ministry is constrained to utilizing litigation in enforcement as provided in Cap. 198 LFN 1990. Although no cases of lack of compliance have been reported yet, it is expected that the delay experienced in the legal system could slow down the process.
- Lack of adequate financial resources to embark on necessary sensitization and media campaigns: Many Nigerians are unaware of the nefarious activities of some PEAs. The Ministry is aware of the need to publicize its activities aimed at protecting employment, preventing exploitation and dissuading Nigerians from patronizing unregistered PEAs.
- Capacity-building for staff of the Ministry: Since the registration of PEAs has only recently been begun by the Ministry, there is urgent need for training and retraining of staff of the Ministry in state offices and headquarters on the processes involved. The technical aspects of the process also require regular training of officials to empower them and enable them to perform better. The immediate benefit is the reduction in the average time it takes to process a licence.

PART C: INSTITUTIONAL STRUCTURES AND INTER-INSTITUTIONAL COLLABORATION

Background

Labour migration is an important component of migration generally, which also includes migration of highly skilled professionals, cross-border movements, brain gain and brain drain, student migrations and female migration, among others.

There is no policy on labour migration in place in Nigeria; however, a draft national migration policy has been crafted. The FMoL, along with other ministries, departments and agencies (MDAs) in the Committee chaired by the Special Assistant on Migration and Humanitarian Affairs, collaborated in the process leading to the drafting of the policy, which was structured into several categories, namely:

- the reality of migration (definition and causes of migration);
- preamble and objectives of the national policy;
- migration and development (collaboration with Nigerians in the diaspora, diaspora earnings and remittances, brain drain);
- migration and cross-cutting social issues (migration, poverty and conflict; migration and health; migration and education; migration and the environment; migration and trade; migration and gender; migration, children, adolescents, and youth; migration and the elderly);
- national security and irregular movement (national security; migrant smuggling; human trafficking; return, readmission and reintegration of migrants; border management);
- forced displacement (refugees and asylum-seekers; internally displaced persons; crisis prevention, management and resolution);
- human rights of migrants (legislation; principles of non-discrimination; integration of migrants; stateless persons);
- organized labour migration (regional and international cooperation);
- internal migration (rural–urban drift);
- national population, migration data and statistics (collection and analysis of national migration data; regional migration data exchange);
- funding for migration management.

Institutional structures and collaboration

In early April 2007, the draft policy was presented at the First National Conference on Migration, where stakeholders from wide-ranging constituencies reviewed and made recommendations for improving the draft. A final version is already awaiting endorsement by the government. The central agency responsible for coordinating the implementation of policies on migration has not been set up. However, in the meantime, several agencies are engaged in sectoral activities on migration and development, including aspects of the draft national migration policy.

Ministry of Labour

A Desk to manage international labour migration was created within the Ministry of Labour in 2004. The functions of the National Electronic Labour, Exchange/ International Labour Migration Desk, established in 2006 within the Department of Employment and Wages, Division of Migration and National Electronic Labour Exchange, are the following:

- Work towards providing cogent advice on the formulation of coherent, comprehensive, consistent and transparent policies and procedures to effectively manage labour emigration and immigration in Nigeria.
- Ensure coherence between labour migration, employment and other national policies, in recognition of the wide social and economic implications of labour migration and in order to promote full, productive and freely chosen employment.
- Establish mechanisms to ensure coordination and consultation among different line departments of government involved in the process of labour migration.
- Undertake and/or contract analysis of the national labour market in order to detect, assess and predict labour shortages at the national level for both skilled and less-skilled employment, and establish whether labour migration can provide a solution.
- Take initiative in developing procedures for wide-ranging dialogue and cooperation on labour migration issues and policies, in consultation with social partners, civil society and migrant worker organizations.
- Provide assistance to projects and programmes; generate or increase opportunities for decent work for women and men migrants and liaise with donor agencies and governments.
- Develop and support the implementation of initiatives that create productive employment and decent work for all migrant workers, guided by international labour standards and other relevant international instruments and multilateral agreements concerning migrant workers.
- Monitor and evaluate the PEAs through appropriate regulatory frameworks.
- Ensure that effective enforcement mechanisms for the protection of migrant workers' human rights are in place and provide training on human rights to all involved in migration through awareness-raising campaigns.
- Provide the Minister and the Permanent Secretary of the ministry, who have key roles to play in the articulation of migration policy, with briefs on the management and administration of labour migration to ensure that migration is taken into account along with the larger labour and employment policy considerations (ILO Mission 2007).

Basically these functions revolve around the formulation and implementation of a national policy on labour migration; providing information on jobs and conditions of service abroad, as well as pre-departure counselling; and ensuring overseas placement and implementation of bilateral employment agreements. Others include designing and implementing programmes and information campaigns to discourage undocumented/irregular migration, protection of migrants' rights, designing and implementing arrival and reintegration programmes for repatriated migrants, and promoting skilling and re-skilling of local migrants.

The Desk has been equipped by the government with computers offering public access to the Internet. It has organized a media campaign on the dangers of irregular migration. The Desk is the Nigeria counterpart in the IOM regional Labour Migration Programme; it has also received support from the ILO mission on the "Establishment of Labour Migration Desk in the Ministry of Labour" conducted in May 2007.

National Population Commission (NPC)

The NPC was established to provide pertinent data and to: periodically conduct national population censuses and sample surveys; promote continuous and universal registration of births and deaths; and collect, collate and publish data on migration statistics. NPC plans to establish booths at airports with officials who would perform on-site data entry of entry and departure cards. It is also planning to undertake the first survey on internal migration in the country. The role of the Commission is critical to the timely production and dissemination of data, and especially its use for planning and policy formulation and implementation.

National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP)

NAPTIP was established in 2003 and expanded its mandate in 2005 as the focal agency dealing with trafficking, child labour and exploitation. Nigeria signed memorandums of understanding (MoUs) that cover trafficking-related issues with Italy and the UK. In particular, in relation to the trafficking of women and children to these countries, their repatriation and readmission back to Nigeria.

Nigeria Immigration Service (NIS)

The functions of NIS include: border control, the issuance and administration of Nigeria travel documents (passports and other documents), endorsement of all categories of travel documents of persons arriving and departing Nigeria, visa issuance and interpretation of such visas, issuance of residence permits to foreign investors and other expatriates who wish to reside in Nigeria, examination of all persons leaving and entering Nigeria at any designated port, and also the right to examine those in Nigeria before the commencement of this act with a view to determining their rights of residence in Nigeria.

The CERPAC unit in NIS is responsible for the registration of expatriates and delivery of temporary work permits. It maintains a database of foreigners, but no statistical data have been published so far.

NIS collaborates with NAPTIP and embassies in the fight against trafficking, and the issuance of passports to persons aged 18–33 and to first-time travellers is particularly screened. Biometric e-passports have been introduced to prevent falsification of documents. NIS is planning to open 47 “electronic (land) border plazas” to facilitate proper border clearing and border patrolling.

Central Bank of Nigeria (CBN)

The CBN is responsible for the implementation of monetary and exchange policy and the management of the financial sector. In order to generate evidence-based data to inform its policy on remittances, the Bank’s research division undertook in June 2007 a nationwide survey of remittances, covering money transfer organizations (MTOs), commercial banks, bureaux de change and travellers at airports. The report of the survey, when published, could provide valuable and timely information on the volume of remittance flows to Nigeria, trends, patterns and use.

Ministry of Health

The Government initiated, in 1990, a process to formulate a policy to guide the recruitment of medical personnel abroad. A national health policy was adopted in 2004. In 2006, a revised document entitled “National Human Resources for Health Policy”, was drafted and is awaiting official endorsement.

The document restates that the shortage of health workforce has been exacerbated by accelerated migration in open labour markets (prominently the United Kingdom, the United States and Ireland). It lists the factors that prompts emigration of professionals and proposes actions likely to make the public health sector more attractive to retain capable and motivated health workers. It also recognizes that both the federal and most state ministries of health do not have structures and capacities to facilitate the development and implementation of health human resources plans.

One relevant objective set out by the draft National Policy on Migration is to reduce the impact of “brain drain” through the development of organized labour migration and bilateral labour migration agreements. Another objective of the draft national migration policy for the health sector is to “encourage transfer of skills and knowledge by nationals returning home for short or long periods to contribute to the development of Nigeria” in liaison with organizations such as the IOM, World Health Organization (WHO), and ILO.

Ministry of Women Affairs

The Ministry of Women Affairs is working in collaboration with other stakeholders to domesticate the 1979 Convention on the Elimination of All Forms of Discrimination against Women, through a bill at the National Assembly. The Ministry has established gender focal points in all the line ministries at federal and state levels as a vehicle to promote gender equality and mainstreaming of gender in development activities. The Ministry developed a National Gender Policy, which was launched in 2007 after it was adopted by the Federal Executive Council. The policy's strategic implementation framework is being popularized in all states. The Draft Labour Standards Bill, aimed at challenging discrimination and promoting gender equality at the workplace, has been submitted to the National Assembly for enactment.

Ministry of Foreign Affairs (MoFA)

The National Policy on Migration sets as one of its objectives the mandatory inclusion into bilateral agreements on voluntary return of a provision for the training and education of returnees for meaningful self-employment to enhance the chances of sustainable return. One of the objectives of the Policy on Migration is the enactment of legislation that would enable diaspora to participate in the election and census. In addition, Nigerians abroad are encouraged to take part in the development of Nigeria within the framework of activities developed by the missions abroad and the Nigerians in Diaspora Organizations (NIDO) which are hosted by these missions.

The MoFA briefly had a unit of NIDO which served as the headquarters of NIDO worldwide (in Europe, North America, Africa and Asia). The Ministry has recently created a Migration Unit to handle migration matters and also link with Nigerians abroad.

Nigerian National Volunteer Service (NNVS)

NNVS is responsible for coordinating the activities of members of the Nigerian diaspora who wish to render some services in Nigeria. Since 2003, the organization has organized an annual diaspora event attracting large numbers of professional Nigerian diaspora from different parts of the world and from different fields such as medicine, engineering, information technology and so on. The homecoming also provides these professionals with an opportunity to meet with their counterparts at home, exchange ideas and explore career opportunities. Some have decided to transfer their practice to Nigeria after regular visits.

Nigerian Technical Aids Corps has, since its inception, engaged and sent out 30,000 volunteers (mathematics and science teachers, doctors, engineers, and so on) to 35 African, Caribbean and Pacific (ACP) countries, including 20 African countries.

Subnational level

At state and local government levels, there are no MDAs directly charged with migration matters. However, the Ministry of Labour has state labour offices responsible for registration of applicants and for job placement. These offices should be playing a larger role in respect of job placement for the preferential work quotas to Italy, and possibly, in due course, to other EU countries. The state offices also do pre-registration inspection of PEAs and issue reports to headquarters, after verifying attachments to PEA applications.

PART D: MIGRANTS' REMITTANCES

Background

Nigeria received the largest amount of remittances in sub-Saharan Africa – nearly 65 per cent of official recorded remittance flows to the region and about 2 per cent of global flows. Depending on the definition of remittance flows (whether through formal or informal channels), remittances to Nigeria have been estimated to have increased from USD 2 billion in 2003 to USD 2.3 billion in 2004; by 2007, over USD 17.9 billion was remitted to the country. These are underestimates and the figures exclude informal remittances, which observers believe constitute between 30 per cent and 50 per cent of total remittances.

Forms of remittances

Remittances to Nigeria take three major forms, namely: cash flows through banks and MTOs, money sent through informal networks (hand-to-hand in cash), and money sent in kind (in goods and services). Remittances to Nigeria are also categorized into individual remittances and remittances from NGOs, hometown associations (HTAs) and faith-based organizations.

Not all remittances are routed via official channels, in view of heavy transaction costs and risks. Transaction costs of money transfers are exorbitant, and may be risky through informal channels. The transaction cost of 20 per cent or more of the funds remitted for small transfers is usually very high. These charges are astronomical in comparison with the costs of bank transfers in industrial economies. Migrants, depending on their legal status at destination, use a variety of channels to send money home. Irregular migrants who are vulnerable, exploitable and subject to uncertainty and insecurity normally opt for informal channels of remittances for fear of apprehension and deportation.

Remittances inflow

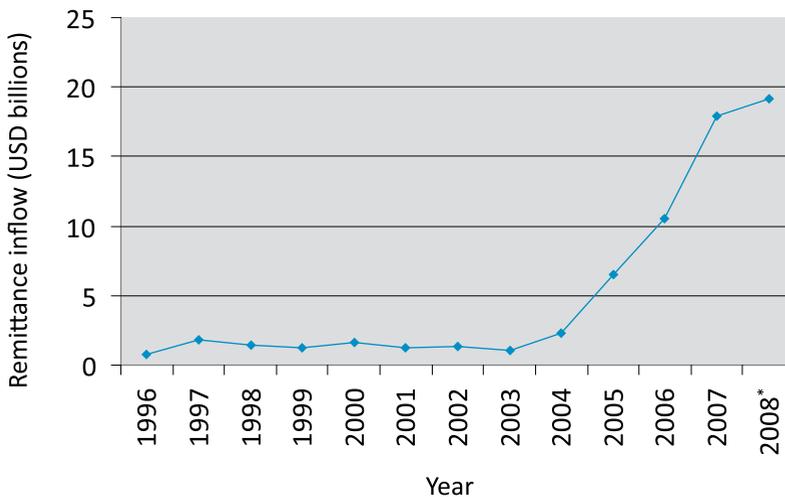
Findings of recent surveys of remittances to Nigeria – the UK–Nigeria corridor study (2005), the CBN remittance study (2006) and the United States Agency for International Development (USAID) Nigeria–UK corridor study (2007) – all indicate that the major source countries of remittances are the United States, followed by the UK and other countries such as Italy, Canada, Spain, Germany, France, Australia, Netherlands, Ireland and Denmark, in that order. Remittances also flow from the Gulf States, especially from the United Arab Emirates, Saudi Arabia and Kuwait. In Africa, remittances flow to the country through the money transfer organizations (Matos) from the Libyan Arab Jamahiriya, Egypt, Equatorial Guinea, South Africa, Sierra-Leone and Ghana. China is also becoming an important source of remittance flow to the country. This pattern also reflects the major concentration of the Nigerian diaspora population, estimated at over 5 million (Orozco, 2007).

According to the World Bank (2007), in 2006, the recorded flow of remittances through the banking sector was about USD 4.2 billion, a 30 per cent increase from 2005. If informal transfers and remittances from countries in West Africa, Southern Africa, and elsewhere are included, the estimated total remittances of USD 4–5 billion sent to Nigeria is very plausible.

Most of the person-to-person flows came from the United States, the UK, Italy and other Western European countries. Figure 1 shows the significant increase in flows over time, as reported by Western Union and MoneyGram and including the Central Bank’s estimates of account-to-account transfer and hand-carried cash.

In Nigeria, remittance has become an important source of financial flow. The estimated official inflows of over USD 18.0 billion in 2007 now constitute about 10 per cent of global flows. This reflects in part the political stability and restoration of confidence in the domestic economy, improved economic performance, the rapid development of information and communication technologies (ICT) that facilitates financial settlements, and financial and banking reforms.

Figure 1: Estimated remittance flows to Nigeria from the United States and Western Europe



*Estimates.

Source: World Bank, 2006.

Use of remittances

The use of remittances varies widely – as a lifeline to poor relations left behind; for investment in real estate; payment for basic services, health care in particular; for the education of siblings and children; for setting up enterprises; and for enhancing agricultural production through improved irrigation schemes. Data from sources such as the CBN, USAID and the UK Department for International Development (DFID) show that nearly half of the remittances was allocated for household consumption, about

18 per cent for the payment of school fees, 9 per cent for medical bills, 15 per cent for investment in small enterprises, and the remaining for charity and community-level investment in infrastructure (Mordi, 2007).

Remittances, their quantum, role and use as an instrument of poverty alleviation and measures to reduce transaction costs and enhance the productive use of remittances at the micro and macro levels are topical issues. The focus should be on measures by all stakeholders, especially the finance sector, to reduce transaction charges, transfer costs and the risks of transfer, and to improve accessibility to recipients. The Nigerian government at all levels should also endeavour to foster an enabling environment for a more productive investment of remittances.

In essence, policy should focus on the impact of remittances at the family (micro), community (meso) and national (macro) levels, so that remittances can benefit poor households when used to pay for education, health care and improved housing. HTA investments can improve basic infrastructural facilities that benefit all households, with local, often wider, multiplier effects. Remittances in general are an important source of foreign exchange to ease credit constraints.

Policy measures to enhance the development impact of remittances

The key question is: How can we make remittances work productively for poor recipients, communities and countries? For so long, economists held the view that remittances are used for conspicuous consumption and fuel inflation and that they aggravate inequalities. However, in the context of many poor countries, remittances should be viewed in terms of the following considerations: migration is essentially a household decision process and increasingly a survival strategy. Several poor persons financed their migration through communal funding, cooperative assistance or outright loans, and remittances are designed initially to pay off such loans. In poor communities that lack basic services normally provided by the government, the pressing needs are for better housing, funds to pay for school fees and buy textbooks and uniforms, and access to basic health services – needs that migrants' remittances supplement or pay for. Migrants have worked hard to earn their money and should be free to spend it to fulfil their most pressing needs. The investment portfolio of international migrants is not at variance with those of internal migrants and, indeed, non-migrants, except that the volume of investible funds is substantial for the former. Many migrants harbour the ambition to return home ultimately and invest in petty trading, refurbished or new buildings, high-yielding real estate and savings as fallback on return.

All stakeholders – governments, financial institutions, regulatory agencies, HTAs, migrant communities, researchers and development institutions – should work in concert to explore the opportunities and minimize the obstacles for remittances, in particular by lobbying for low-cost transfer services and less-stringent regulations in order to increase the productive micro–meso–macro level use of remittances.

Comparative perspective: Remittance flows to Ghana

The Exchange Control Act 1961 (L133), which provided the legislative framework for conducting remittances operations in Ghana, permits all banks to act as authorized dealers that engage in money transmission. The formal channel remittances service providers operating in the country include licensed banks, credit unions, and small and large money transfer companies such as Western Union and MoneyGram. Remittances sent through informal channels are routed through third parties; through the purchase and importation of equipment and vehicles, which are then sold and the proceeds passed on to relations; and other non-regulated channels.

Remittances of USD 1.5–3 billion by Ghanaians in the diaspora in 2003, up from USD 400 million two years earlier, reflected the response to the favourable (tax and related) incentive-based policy environment in Ghana. These funds were invested in real estate or used to set up micro enterprises and build clinics and schools, including a high-tech university. Emigrants have taken advantage of conducive local fiscal measures to invest in a fast-rewarding capital market.

As in Nigeria, Ghanaian migrants to the United States and the UK constitute the highest remitters (USAID, 2005), followed by migrants to Canada, Germany, and Netherlands. Remittances were used to pay for school fees, augment working capital for business and pay off real estate loans.

Comparative perspective: Remittance flows to Senegal

The upsurge in remittance flows to Senegal can be attributed to the increased emigration of professionals that accounted for 24.1 per cent of the total migrant population. The co-development scheme between France and Senegal in 2000 also played a substantial part in encouraging inflows of remittances. The stock of emigrants of about 464,000 constitutes 4 per cent of Senegal's population. Remittance flows of USD 633 million accounted for 7.6 per cent of gross domestic product (GDP) in 2005, from USD 233 million in 2000 (World Bank, 2007). The major source countries to Senegal are France, Gabon, Gambia, Guinea-Bissau, Italy, Mauritania, Nigeria, Republic of the Congo, Spain and the United States, where many Senegalese diasporas are heavily concentrated.

Senegalese emigrants have adapted the indigenous, trust-based traditional human courier system (Kara International Exchange) and network of traders, visiting relations and associates to send money home. This process is prompt, avoids exchange rate fluctuations and costly transfer charges, and overcomes the bottleneck of poor accessibility to remote rural areas. As elsewhere in Africa, remittances are used to augment recipients' resources and spur consumption, with multiplier effects through increased household spending.

The government has established transfer services among large migrant communities in destination countries: the Banque de l'Habitat du Senegal in Paris operates

remittance services by offering special incentives to their nationals at rates lower than those charged by private agents. Consequently, about USD 2.0 million was officially transferred to Senegal under the scheme in 1999, an equivalent of a quarter of the total remittances into the country (Africa Renewal, 2005). Domestic banking law in Senegal, which allows only banks and regulated institutions to engage in international money transfers, prohibits the establishment of private operators.

Table 5: Remittances inflow to Ghana and Senegal, 1999–2006 (USD millions)

Country	1999	2000	2001	2002	2003	2004	2005	2006
Ghana	31	32	46	44	65	82	99	105
Senegal	186	233	305	344	511	633	633	633

Source: World Bank, 2007.

Conclusion

Remittances to Nigeria, Ghana, and Senegal have overtaken ODAs, and now constitute a major source of foreign exchange, second only to oil revenues in Nigeria, export earnings in Ghana, and a huge share of the GDP in Senegal. Understandably, governments should be interested, and are indeed increasingly becoming so, in promoting migrants' remittances for investment purposes and are using their embassies and diaspora networks to disseminate information on investment opportunities to their nationals abroad. Emerging evidence shows that remittances can benefit poor households when used to pay for education, health care, and improved housing. HTA investments can improve basic infrastructural facilities that benefit all households, with local and often wider multiplier effects. Remittances are also an important source of foreign exchange to ease credit constraints.

PART E: NATIONAL LEGISLATION AND INTERNATIONAL NORMS

International treaties

Nigeria has ratified the following international treaties:

Title of treaty	Date of ratification
African (Banjul) Charter on Human and Peoples' Right of 1981	22 June 1983
United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	1 November 1989
Convention against Torture and Other Inhuman, Cruel, Degrading Treatment or Punishment of 1984	28 June 2001
Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime of 2000	28 June 2001
United Nations Convention against Transnational Organized Crime of 2000	28 June 2001
African Charter on the Rights and Welfare of the Child of 1990	23 July 2001
Protocol against the Smuggling of Migrants by Land, Sea, and Air, supplementing the United Nations Convention against Transnational Organized Crime of 2000	27 September 2001
ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation of 1958	2 October 2002
ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of 1999	2 October 2002
ILO Convention No. 146 concerning Annual Leave with Pay for Seafarers of 1976	19 December 2003
ILO Convention No. 179 concerning the Recruitment and Placement of Seafarers of 1996	22 March 2004

National legislation on labour migration

The existing national legislation on labour migration in Nigeria includes the following:

1. Immigration Act 1963
2. NAPTIP Act, 2003, expanded in 2005
3. National Directorate of Employment Act
4. Factories Act
5. Workmen's Compensation Act
6. Child's Right's Act 2003
7. National Drug Law Enforcement Agency (NDLEA) Act
8. Labour Act 1974

Bilateral immigration agreements signed and ratified between Nigeria and other countries

Title of agreement	Date of ratification
Agreement on mutual administrative assistance in matters relating to Customs, Trade and Immigration between the Government of the Peoples' Republic of Benin, the Government of Ghana, the Federal Military Government of the Federal Republic of Nigeria and the Government of Togo	Signed on 10 December 1984 and Ratified on 10 March, 1985
Agreement on immigration matters between the Government of the Federal Republic of Nigeria and the Government of the Italian Republic signed on 12 September 2000	30 November 2000
Agreement on immigration matters between the Government of the Federal Republic of Nigeria and the Government of the Kingdom of Spain	November 2001
Agreement on immigration matters between the Government of the Federal Republic of Nigeria and the Government of South Africa	Signed on 28 March, 2002 and Ratified on 30 November, 2002
Agreement on immigration matters between the Government of Nigeria and the Republic of Ireland signed on 29 of August 2001	30 November 2002

The overall objective of these agreements is to improve mutual cooperation between both countries in the implementation of provisions relating to the migration of persons, to ensure that respect for fundamental human rights are guaranteed, as well as to effectively combat irregular immigration of their citizens to each other's country.

The Agreements often contain repatriation procedures, special identification procedures in cases where there are no valid travel documents, the conditions for repatriation, mutual legal assistance between parties, the country that bears the cost of repatriation (e.g. transportation), legally acquired personal belongings or properties of the deportee, exchange of information between parties, technical assistance, implementation process, the authorities empowered to implement, human rights guarantees, resolution of disputes, amendments, entry into force of the agreement and termination of the agreement.

Implementation mechanism

In the agreements, there is usually a proviso that a coordinating committee should be established to ensure effective implementation of the provision of the agreement. This committee is assisted by immigration, consular officials and other relevant experts on each side. Also, a high-ranking principal is to be appointed, directly answerable to the Minister of Foreign Affairs, in the case of the Federal Republic of Nigeria, and the Minister of Justice, in the case of other countries.

Current national legislation regarding labour migration

The focus of this section is to outline the laws relating to immigration, protection of migrants, laws against trafficking in human beings, child labour law and employment law. The brief discussion below gives a snapshot of the status of ratification and implementation.

Immigration laws

The law regulating immigration issues in Nigeria is the Immigration Act of 1963. Other subsidiary pieces of legislation are: the Immigration Regulations of 1963, Immigration (Control of Aliens) Regulations, 1963 and Passport (Miscellaneous Provisions) Act, 1990. The laws have to be screened and, whenever necessary, amended in order to comply with the provisions of the international agreements concluded by Nigeria.

Protection of migrants

On 27 July 2009, Nigeria ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which came into force in 2003.

Laws against trafficking in human beings and migrant smuggling

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children has been incorporated into Nigerian national legislation through the Trafficking in Persons (Prohibition) Law, Enforcement and Administration Act of 14 July 2003. Amendments to the Act of 7 December 2005 (the Trafficking in Persons (Prohibition) Law Enforcement and Administration (Amendment) Act, 2005) extended the powers of the agency to cover internal trafficking and exploitative child domestic labour, and provided for the forfeiture of assets and proceeds of crime of convicted traffickers.

Child labour/child rights/child trafficking law

The Child Rights Act of 2003 prohibits the worst forms of child labour, the exploitation of children for begging and child trafficking. However, the Child Rights Act has not come into force in all states. Some northern states are dragging their feet in domesticating the Act, citing conflicts with culture, traditional practices and religion. The result is to make the provisions of the Child Rights Act inapplicable in courts in such states.

The Labour Act of 1974

The Act prohibits the employment of children under the age of 15 in commerce and industry and restricts labour performed by children to home-based agricultural or domestic work. It also prohibits forced labour and stipulates that children may not be employed in agricultural or domestic work for more than eight hours per day, and that children under age 12 cannot be required to lift or carry loads that are likely to harm their physical development (Section 59 of the Labour Act).

International instruments, regional and bilateral migration agreements

Nigeria is party to several international migration law instruments.

Trafficking and smuggling

- Nigeria ratified in 1961 the Slavery Convention (1927) and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956).
- Nigeria ratified in 2001 the United Nations Convention against Transnational Organized Crime (2000) and its two supplementary protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air.
- Nigeria did not ratify the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949).

International labour law

Nigeria ratified the following conventions:

- the ILO Convention No. 29 concerning Forced or Compulsory Labour (1930), and the ILO Convention No. 105 concerning the Abolition of Forced Labour (1957) in 1960;
- the ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation (1958) in 2002;
- the ILO Convention No. 138 concerning Minimum Age for Admission to Employment (1973) in 2002;
- the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999) in 2002.

Human rights law

- Nigeria ratified in 1985 the Convention on the Elimination of All Forms of Discrimination against Women (1979).
- Nigeria ratified in 1991 the United Nations Convention on the Rights of the Child (CRC, 1989).
- Nigeria signed in 2000 the Optional Protocol to the CRC on the involvement of children in armed conflict and the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography.
- Nigeria acceded in 2009 to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) and became the 42nd State party.

Subregional agreements

The ECOWAS Protocols on free movement of persons

In May 1979, West African states adopted a Protocol relating to the Free Movement of Persons, the Right of Residence and Establishment. It stipulated, among other things, the right of community citizens to enter, reside and establish economic activities in the territory of Member States and outlined a three-phase approach to achieve the “complete freedom of movement” envisaged by the treaty.

Nigeria is a founding member of ECOWAS and it hosts the ECOWAS Commission headquarters in Abuja. Nigeria represents 70 per cent of the subregional population. The country has ratified the 1979 Protocol relating to the Free Movement of Persons, the Right of Residence and Establishment (i.e. right of entry and abolition of visa requirements) and the 1986 Supplementary Protocol on the second phase (right of residence), but it has not ratified the Supplementary Protocol of 1990 on the implementation of the third phase (right of establishment). To a very large extent, the rights of documented migrant workers and members of their families, majority of whom are from the West African subregion, are protected in Nigeria under the series of ECOWAS Protocols signed and ratified between 1979 and 1986.

Table 6: Major features of the Protocol on free movement of persons and its Supplementary Protocols

<p>1979 Protocol A/P.1/5/79 relating to Free Movement of Persons, the Right of Residence and Establishment</p> <ul style="list-style-type: none">- Sets out the right of Community citizens to enter, reside and establish in territory of Member States (Art. 2(1)).- Establishes a three-phased approach over 15 years to implementation of (I) right of entry and abolition of visas, (II) residence and (III) establishment (Article 2).- Conditions entitlement to enter territory of Member State on possession of valid travel document and international health certificate (Article 3(1)).- Reserves right of Member States to refuse admission into the territory of Community citizens deemed inadmissible under domestic law (Article 4).- Establishes some requirements for expulsion (Article 11).- Confirms that the Protocol does not operate to the detriment of more favourable provisions in other agreements concluded by Member States (Article 12).
<p>1985 Supplementary Protocol A/SP.1/7/85 on the Code of Conduct for the implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment</p> <ul style="list-style-type: none">- Obliges Member States to provide valid travel documents to their citizens (Article 2(1)).- Establishes additional (to Article 11 of Protocol) requirements for the treatment of persons being expelled (Article 4).- Enumerates protections for irregular immigrants (Articles 5 and 7).

1986 Supplementary Protocol A/SP.1/7/86 on the Second Phase (Right of Residence)

- Requires States to grant to Community citizens who are nationals of other Member States “the right of residence in its territory for the purpose of seeking and carrying out income-earning employment” (Article 2).
- Conditions entitlement to residence (and thus seeking and carrying out of income-earning employment) on possession of an ECOWAS residence card or permit (Article 5) and harmonization by Member States of rules appertaining to the issuance of such cards/permits (Article 9).
- Prohibits expulsion en masse (Article 13) and limits grounds for individual expulsion to national security, public order or morality, public health, non-fulfilment of essential condition of residence (Article 14).
- Stipulates equal treatment with nationals for migrant workers complying with the rules and regulations governing their residence in areas such as security of employment, participation in social and cultural activities, re-employment in certain cases of job loss and training (Article 23).

1989 Supplementary Protocol A/SP.1/6/89 amending and complementing the provisions of Article 7 of the Protocol on Free Movement of Persons, the Right of Residence and Establishment

- Amends provisions of Article 7 of the Protocol to confirm obligation on signatories to resolve amicably disputes regarding the interpretation and application of the Protocol (Article 2).

1990 Supplementary Protocol A/SP.2/5/90 on the Implementation of the Third Phase (Right to Establishment)

- Defines the right of establishment, emphasizing the non-discriminatory treatment of nationals and companies of other Member States except as justified by exigencies of public order, security or health (Articles 2–4).
- Forbids the confiscation or expropriation of assets or capital on a discriminatory basis and requires fair and equitable compensation where such confiscation or expropriation exists (Article 7).

Source: Adepaju et al., 2007.

Phase I dealt with the right of entry and abolition of visas, Phase II with the right of residence and Phase III with the right of establishment. Each phase was scheduled to last five years.

Phase I provided for the elimination, over five years, of the need for visas for stays of up to 90 days within ECOWAS territories by Community citizens in possession of valid travel documents and an international health certificate. However, Member States reserved the right in article 4 of the Protocol to refuse admission to any Community citizen deemed an inadmissible immigrant under their domestic laws.

Phase II, which was set out in the Supplementary Protocol adopted in 1985, aimed to extend residency, including the right to seek and carry out income-earning

employment, to Community citizens in host ECOWAS States, provided they had obtained an ECOWAS residence card or permit. It obliged Member States to grant migrant workers, complying with the rules and regulations governing their residence under ECOWAS, equal treatment with nationals with respect to security of employment, participation in social and cultural activities and, in certain cases of job loss, re-employment and training.

Phase III focused on the facilitation of business through the right of Community citizens to establish enterprises (have access to, carry out and manage economic activities) in Member States other than their states of origin. However, only phase I has been fully implemented; the right of establishment and settlement remains to be implemented to the letter.

Monitoring the implementation of protocols

While ECOWAS urged its Member States to establish national committees to monitor the implementation of protocols, only about half of the Member States have so far done so (Adepoju et al., 2007). The system of harmonized immigration and emigration documents foreseen by the ECOWAS Council of Ministers in 1992 has not been implemented anywhere (Table 7).

The ECOWAS Brown Card Motor Vehicle Insurance Scheme was developed in 1982 to provide a common, minimum insurance coverage for vehicles travelling between participating Member States. In 1985, a standardized ECOWAS travel certificate was adopted to make cross-border movement easier and cheaper. These certificates are available in seven countries in the region and are valid for two years, renewable for a further two years.

Table 7: Implementation of selected ECOWAS initiatives

Country	ECOWAS initiatives				
	• Implemented	○ Not yet implemented			
Date of ratification of 1979 Protocol	Abolition of visa and entry requirements for 90-day stay	Introduction of ECOWAS travel certificate	Harmonized immigration and emigration forms	National committee for monitoring free movement of persons and vehicles	ECOWAS Brown Card scheme
Ghana 8 April 1980	•	•	○	○	•
Nigeria 12 Sept 1979	•	•	○	•	•
Senegal 24 May 1980	•	○	○	○	•

Source: Adepoju et al., 2007.

In 2000, the Authority of Heads of State and Government adopted at its meeting in Abuja a uniform ECOWAS passport, with a five-year transitional period during which national passports would be used in conjunction with ECOWAS passports while the latter was made more widely available. The ECOWAS travel certificate is currently used in Burkina Faso, the Gambia, Ghana, Guinea, Niger, Nigeria and Sierra Leone. The ECOWAS passport is currently only used by Senegal, Nigeria, Niger, Benin, Guinea, and Liberia, though Ghana will apparently make it available in the near future.

Most ECOWAS Member States do not charge fees for Community citizens' right to visa-free entry for stays of up to 90 days. The range of fees charged for residence entitlement in Nigeria, Ghana and Senegal is reflected in Table 8.

Table 8: Fees charged for residence entitlement under ECOWAS in Ghana, Nigeria and Senegal

Country	Annual fees for ECOWAS residence permit
Ghana	1,850,000 cedis (USD 200). The fee is waived for refugees (referred by UNHCR).
Nigeria	25,000 naira (USD 197) for Togolese citizens. 6,580 naira (USD 52) for Ivorian citizens. 5,500 naira (USD 43) for other ECOWAS citizens.
Senegal	The National Identity Card for Foreigners entitles residence and is valid for one year, renewable. Its cost varies according to the nationality and financial capacity of the applicant.

Source: Adepoju et al., 2007.

Table 9: Inadmissibility provisions in Ghana, Nigeria and Senegal

Protocol A/P.1/5/79 relating to Free Movement of Persons, the Right of Residence and Establishment, Chapter IV	
Article 4 Notwithstanding the provisions of article 3 (granting community citizens the right of entry and stay provided they have valid travel documents and health certificates) above, Member States shall reserve the right to refuse admission into their territory any Community citizen who comes within the category of inadmissible immigrant under its laws.	
Country	Law(s) and provisions
Ghana	Immigration Act, 202 February 2000 (Act 573) 4.1. Foreigners must have a valid passport or other valid travel document, or be exempt from needing a visa; 8.1. Individuals prohibited entry include those: facing a deportation order; destitute; refusing to have a medical exam; sentenced with an extraditable crime in a foreign country; medically unfit; not conducive to the public good; procuring or attempting to procure persons into Ghana for immoral purposes; carrying out activities that contradict the laws of Ghana; dependent on a prohibited person.
Nigeria	Immigration Act, Amended 1972 17. Prohibited migrants include those likely to become a public charge; idiots and insane persons; those convicted of crimes; whose presence is deemed contrary to the interest of national security; persons against whom an order of deportation is in force; and individuals without a valid passport.
Senegal	Decree n° 71-860 relating to the conditions of admission, stay, and establishment of foreigners [in Senegal], 28 July 1971 1. Foreigners must have a valid passport, entry visa, proof of sufficient funds to repatriate, and international health vaccination certificates.

Source: Adepouju et al., 2007.

Mass expulsions

Mass expulsions were a feature of West African migration management prior to the ECOWAS Treaty and Protocols: Côte d'Ivoire (1958, 1964), Senegal (1967), Ghana (1969), Sierra Leone (1968), and Guinea-Conakry (1968) (see Adepouju, 1984). The Protocols, the Revised 1993 ECOWAS Treaty and the 1994 ECOWAS Convention on Extradition specified procedures for migrant admission and expulsion consistent with international human rights instruments, in particular the International Covenant on Civil and Political Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. These instruments stipulate wide-ranging guarantees on expulsion.

The 1979 Protocol A/P.1/5/79 relating to Free Movement of Persons, the Right of Residence and Establishment sets out the general requirements of notice (to the individual concerned and their state of origin), the responsibility for paying for the expulsion and the need to ensure the security of the person concerned and protect his/her property.

The 1985 Supplementary Protocol A/SP.1/7/85 on the Code of Conduct for the Implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment confirms the undiminished entitlement of even irregular immigrants to their fundamental rights and dignity, requiring that expulsion orders be carried out humanely without injuring the rights or property of the persons concerned and that those concerned be given a reasonable time to leave.

The 1986 Supplementary Protocol A/SP.1/7/86 on the Second Phase (Right of Residence) explicitly forbids mass or collective expulsion and guarantees to all individuals subject to expulsion the right to contest such order through an appeal with suspensive effect. It also obliges expelling states to notify authorities of the state of origin of the person concerned at least two days prior to the expulsion taking effect.

Expulsions from Nigeria

The free movement of persons ushered in by the implementation of the Protocol on Free Movement of Persons in 1980 accelerated rather than triggered a labour migration momentum that would have occurred anyway. The coming into force of the Protocol coincided with a period of economic recession in most countries of the subregion at the same time as huge oil-sector earnings were fuelling Nigeria's economy. The vacillating economic situation, deteriorating condition of work and poor wages in Ghana pushed many Ghanaians, skilled and unskilled persons, to move to Nigeria, which had become the region's economic haven. The oil-led employment opportunities attracted migrants of all skills in droves from Ghana, Togo, Chad, Mali and Cameroon to work in the construction and services sectors. Thousands of ECOWAS nationals – men and women, and mostly Ghanaians – flooded Nigeria in regular and irregular situations. Professional and skilled immigrants were recruited as teachers in secondary schools in the country, but especially in Lagos State, to fill vacancies created by the introduction of the free secondary education scheme in 1979 (Adepoju, 1988).

The short-lived oil boom in Nigeria was followed by a rapid deterioration in living and working conditions and devaluation of the national currency, wage freeze and inflation. In early 1983, the Nigerian government revoked articles 4 and 27 of the Protocol to expel between 0.9 and 1.3 million migrants in an irregular situation, mostly Ghanaians (Afolayan, 1988). The ratification of the second phase of the

ECOWAS Protocol on Right of Residence that came into force in July 1986 coincided with the implementation of the belt-tightening structural adjustment programme in Nigeria. In June 1985, about 0.2 million migrants in an irregular situation were again expelled as the domestic economic crisis deepened (Adepoju, 1985). This development created a crisis of confidence that rocked the Community to its very foundation.

These, and other expulsions mentioned earlier, are often justified by the argument that migrants in an irregular situation aggravate economic conditions in the host country: in a few cases, aliens are expelled on the basis of the irregularity of their status. Migrants are often blamed for problems relating to unemployment and inadequate housing and other social amenities. The local population and the media often accuse migrants of living off taxpayers' contribution to such amenities, and politicians also find it convenient to blame policy inadequacies on the influx of migrants.

Bilateral immigration agreements between Nigeria and EU Member States

Formal bilateral agreements have been concluded between Nigeria and four European countries (Ireland, Italy, Spain and the UK). The negotiation of such agreements started in the early 2000s. Usually, the agreements are meant to facilitate cooperation in fighting irregular migration. Readmission agreements provide for collaboration for the return of undocumented migrants and for trafficked persons. Operational cooperation, most of the time conducted on an ad hoc basis, has also been established between Nigerian and European police agencies, allowing for joint investigation of trafficking networks, surveillance and arrests, including in Nigeria, of suspected traffickers.

Agreements include provisions for the delivery of technical assistance on immigration matters, training facilities for Nigerian immigration and consular officers, programmes of cooperation focusing on basic needs and poverty reduction, cooperation for the acquisition of skills vital to the reintegration of the persons covered by the agreement.

Key among the bilateral migration agreements between Nigeria and the EU countries are:

- agreement on immigration matters between the governments of Nigeria and the Italian Republic, signed 12 September 2000 and ratified 30 November 2000;
- agreement on immigration matters between the governments of Nigeria and Ireland, signed 29 August 2001 and ratified 30 November 2002;

- agreement on migration matters between the Government of the Federal Republic of Nigeria and the Kingdom of Spain, signed 12 November 2001 and ratified 30 November 2002;
- cooperation agreement between the governments of Nigeria and the UK to prevent, suppress and punish trafficking in persons especially women and children, signed June 2005;
- MoU on Migration between Nigeria and Italy, signed November 2003.

In recent years, European countries have been seeking the cooperation of Nigeria in the readmission of undocumented migrants and rejected asylum-seekers. Nigeria has become one of the most cooperative African countries on this issue and it has readmission agreements with Italy, Spain, Ireland and Switzerland. In return, Nigeria has asked for immigration quotas in exchange for collaboration in readmissions.

Nigeria and Italy

Italy is a major country of destination for trafficking in women and children, and it ranks among the top nine destination countries for trafficking for sexual exploitation in the world. Nigeria signed a readmission agreement with Italy providing for the readmission of citizens whose positions are found to be irregular (Carling, 2006; Delicato, 2004).

In 2002, a reserved-entry quota of admittance into Italy was granted for the first time to 500 Nigerian workers, in recognition Nigeria's collaboration efforts in combating irregular immigration. Nigeria is so far the only sub-Saharan African country to benefit from a quota. This quota was then continued and increased, starting from a low 200 in 2003, to 2,000 in 2004 and 2005, and reaching 2,500 in 2006. No work permit has been granted through this procedure and quotas have been either abandoned, as in the case of Spain, or used to regularize irregular Nigerian migrants already resident in Italy (Adepoju, 2006).

It is understood that lack of implementation resulted principally from the lack of coordination between the Nigerian agencies involved, particularly the MoFA, Ministry of Labour, and NIS. In addition, the selection and recruiting procedure was too cumbersome and the procedures did not in fact involve Nigerian authorities at the final stage of selection. The implementation of these provisions has resulted in a complex process involving several authorities on both sides – the Ministries of Interior, Labour and Foreign Affairs; and employers/workers unions/representative organizations. This cumbersome process should be reviewed and replaced by a workable administrative infrastructure and cooperation mechanism.

Nigeria and Spain

The Nigerian agreement with Spain deals with victims of human trafficking and specifies joint measures to combat illegal migration, facilitate repatriation, exchange information on trafficking networks, and establish skills-acquisition centres in

Nigeria for those who have been repatriated. It also provides mechanisms for legal access to Spain for Nigerian workers.

On 12 November 2001, Nigeria signed a draft agreement with Spain and over 1,000 migrants in an irregular situation were repatriated in both 2002 and 2003, and about 900 in 2004. Similarly, a draft agreement signed with Ghana in Madrid on 21 February 2003 led to the repatriation of 370 migrants (Adepoju, 2004).

Nigeria and the United Kingdom

The 2005 MoU between the UK and Nigeria focuses on efforts to combat human trafficking and addresses the issue of poverty – the root cause of trafficking. It calls for greater sensitivity on the part of the UK’s immigration and law enforcement officers, and includes strategies to ensure the protection of trafficked persons, and technical and institutional capacity-building to prevent trafficking, protect victims and prosecute offenders. Other aspects are related to programmes to provide counselling for the physical, psychological and social rehabilitation of trafficked victims.

Bilateral agreements between Nigeria and other African countries

The following are agreements between Nigeria and some African countries:

- agreement on immigration matters between the Government of the Federal Republic of Nigeria and the Government of South Africa;
- agreement on Mutual Administrative Assistance in matters relating to Customs, Trade and Immigration between the Government of the Peoples’ Republic of Benin, the Government of Ghana, the Federal Military Government of the Federal Republic of Nigeria, and the Government of Togo.

Observation

The implementation of the readmission clauses has at times raised humanitarian/human rights issues (e.g. lack of respect of human dignity in case of massive returns, returnees not allowed to carry back their personal belongings).

Where necessary, Nigeria should renegotiate bilateral agreements to protect its nationals abroad and regularly review the implementation of these agreements, ensuring that readmissions comply fully with international standards for the protection of the rights of migrants and trafficked persons. The country’s consular offices in destination countries should provide information to migrants about their rights and obligations. In addition, the governments of destination countries should guarantee the humane treatment of victims of human trafficking during repatriation, and assist more actively in capacity-building and institutional support to the Nigerian government agencies responsible for tackling the problem of human trafficking.

PART F: RECOMMENDATIONS FOR ACTION PLAN

A. Data collection and analysis

Preamble

Data collection in Nigeria is problematic and statistical information on international migration is grossly inadequate. The NIS is responsible for granting entry and work permits and assessing exits. However, the NPC, which is responsible for recording and processing the data, merely stockpiled the forms unprocessed. The last report on international migration statistics published in 1991 contained scanty information, apart from being outdated. The 2006 census figures were presented to the National Assembly by the President only on 22 January 2009.

Good quality data is the foundation of relevant and comprehensive migration policy and programmes. However, there is a general lack of current information on demographic dynamics in the country and there are no precise information on the most basic migration profiles and its indicators. It is therefore imperative to capture and maintain proper statistics on migration in pursuance of the objective of formulating an international labour migration policy.

Action plan

The FMoL, in close coordination with the NPC and the National Bureau of Statistics (NBS), and the NIS should advocate for and ensure the following:

- Systematic and regular data collection collation, examination, analysis and timely dissemination of gender-disaggregated labour migration statistics in the country.
- Enhancing capacity and structures for appropriate data collation, analysis and dissemination of gender-disaggregated labour migration data from local, state and federal governments to assist in labour migration policy formulation.
- Incorporating migration modules into pre-existing national regular and ad hoc surveys on labour force, poverty profile and other related surveys.
- Soliciting for migration modules in household and establishment-based and specialized migration surveys, national manpower surveys and others for targeted groups.
- Encouraging and facilitating the international exchange of labour migration data.
- Collecting and exchanging profiles of good practices on labour migration information and data on a continuing basis.

- Timely publication and gender-disaggregation of the results of the first internal migration survey being conducted by the NPC.
- Review the procedure and computerization of data on irregular migrants collected by officials in local governments and transmitted to the state headquarters for processing.
- Fast-track the use of the redesigned, as well as the ECOWAS-harmonized arrival and departure forms, at international airports to incorporate pertinent information to differentiate between transit persons, temporary and permanent migrants, reason for entry and departure. The form for foreigners should also include place and duration of last residence and employment.
- Review, update and expand current data-collection methods and factor the collection of up-to-date information on migration within and across borders into the data-gathering procedures, by supplementing conventional censuses with special collaborative border survey data collection.
- Institutionalize the collection of data on internal, intraregional and international migration, and to endeavour to keep track of the number and characteristics of nationals emigrating and residing abroad through the country's missions abroad, branch offices of NIDO, etc.
- Fast-track, in collaboration with the MoFA, the proposed database of Nigerians in the diaspora.

B. Recruitment and support services

Preamble

The objectives of recruitment and support services are to protect and promote migrants' well-being, and also to ensure that employment contracts meet minimum standards. The FMOl has embarked on issuing recruiters' licences and employers' permits to PEAs in line with the Labour Act Cap. 198 (LFN 1990). The licensing of recruiters and private labour contractors is designed to monitor and regulate the activities of private employers of labour within and outside the country. The overall objective is to minimize cases of unfair labour practices in the workplace, as well as to check incidences of child labour and trafficking in persons. The process is also designed to ensure compliance with government rules and regulations on recruitment by the PEAs within and outside the country. The statistics gathered through this process are indispensable for evaluating the government's employment-generation programmes. However, the Ministry faces several challenges in the effective discharge of its statutory functions.

Action plan

In order for the FMOl to adequately discharge its statutory functions, it is imperative to do the following:

- Make adequate budgetary provisions to cater for the recruiters' licence exercise and the recruitment of additional labour officers to effectively cover the whole country.
- Monitor the activities of PEAs and the recruitment process to ensure that recruitment and placement services are operated in accordance with a standardized system of licensing or certification established in consultation with employers' and workers' organizations.
- Ensure that the licensing or certification system is properly enforced transparently, and that recruitment procedures respect the rights of workers, are transparent and accountable.
- Evaluate proper licensing of PEAs and establish procedures for their activities that hold them accountable for any transgression.
- Determine effective sanctions and penalties for all those responsible for violating migrant workers' rights and perpetrating abusive practices.
- Establish mechanisms for migrant workers to lodge complaints and seek remedies without intimidation and sanctions for unethical practices.
- Ensure that payment of registration fee is sufficient to cover the administrative procedure of the licensing agency and a proof of the financial capacity of a PEA wishing to enter the market.
- Periodically review fees to ensure that they are in tune with economic imperatives and market forces, while ensuring that PEAs are not deterred from starting their businesses by high registration fees.
- Monitor and evaluate the licence conditions of agencies' activities through a desk audit of information provided for regular inspection, in addition to the pre-licensing procedure inspections. Ensure adequate financial and human resources (there are fewer than 50 inspectors for the entire country) for regular on-the-spot spontaneous inspections, which are often the result of complaints or reports on violations of the regulations inspections.
- Extend inspections beyond the formal business sector to cover the country's informal sector, where most child labour occurs, and the agricultural sector in rural areas.
- Modernize the bureaucratic infrastructure that makes it cumbersome for statistics on all applications to be provided on the spot before the processing cycle is completed.

C. Institutional structures and inter-institutional collaboration

Preamble

There is no policy on labour migration in place in Nigeria; however, a draft national migration policy has been crafted awaiting formal endorsement by the relevant organs of government. The FMoL, along with other MDAs in the Committee collaborated in the process leading to the drafting of the draft policy. The central

agency responsible for coordinating the implementation of policies on migration has not been set up. However, in the meantime, several agencies are engaged in sectoral activities on migration and development, including aspects of the draft national migration policy.

Labour migration is an important component of migration generally, which also includes migration of highly skilled professionals, cross-border movements, brain gain and brain drain, student migration and female migration, among others.

Action plan

In respect of the road map leading to the formulation of international labour migration policy, it is pertinent to do the following:

- Advocate and lobby for the adoption of the draft national policy on migration.
- Promote coherence among sectoral policies in tune with the draft national migration policy in order to avoid duplication and ensure efficiency.
- Ensure that the respective roles and responsibilities of all agencies and ministries involved in the execution of the policy are clearly streamlined to prevent unnecessary overlap, competition and waste.
- Expand the membership of the AENEAS Working Group being coordinated by the Ministry of Labour to include more stakeholders to form the nucleus for effective inter-ministerial collaboration.
- Ensure that states and local governments create labour migration desks linked to the FMoL International Labour Migration Desk.
- Promote effective coordination among relevant MDAs and stakeholders to ensure information sharing on labour migration issues.
- Promote Nigeria's good practices in relation to job-matching and improve Employment Exchange offices in states where jobseekers are registered and matched with available jobs in companies.
- Fast-track the operational features of the National Electronic Labour Exchange database where jobseekers post their resumes and employers advertise their jobs on the Internet usually matched by the Ministry of Labour.
- Create a link with foreign missions to identify possible job opportunities for Nigerians.
- Compile information and provide counselling prior to departure (pamphlets, information campaigns, etc.).
- Develop mechanisms for liaising with the NIS, which is responsible for the expatriate quota and grants of entry and work permits, providing advice and assistance as and when required.
- Ensure effective coordination amongst the key agencies responsible for migration matters in the country.

D. Migrants' remittances

Preamble

Nigeria received the largest amount of remittances in sub-Saharan Africa, nearly 65 per cent of official recorded remittance flows to the region – over USD 17.9 billion in 2007 as cash flows through banks and MTOs, money sent through informal networks (hand-to-hand in cash), and money sent in kind (in goods and services). Not all remittances are routed via official channels, in view of heavy transaction costs and risks. Transaction costs of money transfers are exorbitant, and may be risky through informal channels.

How can workers' remittances work productively for poor recipients, communities, and countries, and how can financial institutions be encouraged to provide cheap and efficient facilities to migrants remitting funds?

Action plan

In order to promote the maximum inflow of remittances, maximize its impact on domestic development, offer migrants special financial instruments to encourage savings, and provide information and support services for domestic investment, the following action plan is pertinent:

- All stakeholders – governments, financial institutions, regulatory agencies, HTAs, migrant communities, researchers and development institutions – should work in concert in exploring the opportunities and minimizing the obstacles for remittances, in particular in lobbying for low-cost transfer services and less-stringent regulations in order to increase the productive micro–meso–macro level use of remittances.
- Negotiate with MTOs operating in the country to reduce the commission charged on money transfer services as a way to discourage use of informal channels.
- Promote competition among MTOs by diversifying and expanding the numbers of MTOs and agents in the country to include non-banking financial institutions such as the bureau de change and microfinance institutions to promote a wider network of agents and increase competition in remittance delivery.
- Governments should partner with the corporate private sector to enhance the domestic investment environment and consequently strengthen the productive use of remittances for the benefit of families migrant workers leave behind, and in a multiplier effect, for the benefit of communities as well.
- Deepen and facilitate financial flows with services such as online bank accounts and online domestic money transfer.

- Expand overseas branches of domestic banks in countries where Nigerian diasporas are concentrated to facilitate the transfer of funds home.
- Explore, adopt and expand cell phone-based remittance transfers to better reach rural areas with limited or no access to MTOs.
- Provide incentives to diaspora communities through home financing, tax breaks and public housing preferences programmes.
- Use HTAs to reach migrant communities through dialogue to encourage the inflow of remittances.
- Enact enabling legislation and regulations that encourage the inflow of remittances.
- Promote a payment system that is fast, low-cost and linked to infrastructure such as ATMs, cell phones, etc.
- Promote research on the use of remittances and how to promote productive investment in small and medium enterprises (SMEs) and cooperatives.

E. National legislation and international norms

Preamble

Migrant workers can make their best contribution when they enjoy decent working conditions, and when their fundamental human and labour rights are respected. Nigeria has ratified several international migration conventions, as well as multilateral and bilateral labour agreements. The overall objective of these agreements is to improve mutual cooperation between both countries in the implementation of provisions relating to the migration of persons, to ensure that respect for the fundamental human rights are guaranteed, as well as to effectively combat irregular immigration of their citizens to each other's country.

Nigeria is party to several international instruments, as well as protocols on migration. Nigeria's legal framework that relate to aspects of migration include the 1999 Constitution, Immigration Act 1990, NAPTIP Act 2003, Issuance of Expatriate Quota Permit, various bilateral and multilateral agreements and protocols signed on migration and the Labour Laws.

Action plan

It is pertinent to ensure that labour migration agreements entered into by Nigeria are in line with international labour conventions, more so where the implementation of the readmission clauses raise humanitarian/human rights issues.

- Nigeria should ratify conventions that it has signed and take appropriate legislative measures to domesticate international conventions, as appropriate and in the national interest.

- Civil society actors and relevant stakeholders should sensitize the National Assembly to the contents and orientation of bilateral and multilateral migration agreements entered into by the country.
- Social partners should advocate for the ratification and especially the implementation and domestication of labour conventions and endeavour to respect the rights of migrant workers in their territories.
- All stakeholders should advocate for the domestication of the 1977 Convention on the Elimination of All Forms of Discrimination against Women, through a bill at the National Assembly, as well as the Child Act.
- Where necessary, Nigeria should renegotiate bilateral agreements to protect its nationals abroad and regularly review the implementation of these agreements, ensuring that readmissions comply fully with international standards for the protection of the rights of migrants and trafficked persons.
- Realign domestic national laws with subregional, regional and international laws and conventions, especially those that discriminate against foreigners in the labour market.
- Governments of destination countries should guarantee the humane treatment of victims of human trafficking during repatriation, and assist more actively in capacity-building and institutional support to the Nigerian government agencies responsible for tackling the problem of human trafficking.
- The country's consular offices in destination countries should provide information and assistance to migrants on their rights and the general conditions of life and work in the countries of destination.
- Lobby international development partners to promote regular labour migration as a viable measure to diminish irregular migration.
- Reintegrate and rehabilitate returnees through provision of training, skills reorientation and take-off funds.
- Put in place proactive measures to encourage and create incentives for the return and reintegration of skills in Nigeria.
- Build and improve the capacity of migrant returnees in partnership with relevant stakeholders such as the Small and Medium Enterprises Development Agency of Nigeria (SMEDAN), NAPTIP, FMI, FMoL, and international organizations such as IOM, ILO and UNDP.

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ANNEX

Annex 1: Methodology

The method of data collection for this project is both participatory and forward-looking. Participatory because it actively involved all members of the Inter-Ministerial Working Group. Each member was requested to provide a set of data and information on the various aspects of the project that relate to their desk work. This process challenged them to source for, collate and disseminate pertinent migration-related information which they normally do not associate with their regular routine.

It was also innovative in the sense that officials discussed with the consultants visiting their offices in order to obtain interviews and information. This process was time-consuming for both parties, and was always interspersed with disruptions from colleagues, other visitors and official routines. Furthermore, experience from previous missions show that few such visits yield the expected results: several visits may be required to get the most basic data which are regarded as classified, secret, and embargoed or are simply unavailable. To avoid all that, the consultant was asked to list what kind of information was required from the various MDAs of government.

The Minister of Labour then wrote his counterparts in the various MDAs to help provide the required information within a specified time frame (see Annex 2). The letters were sent to the respective agencies and copies made available to the members of the working group for effective follow-up. The Programme Officer of IOM and the Desk Officer in the Ministry of Labour later followed up by telephone and physical visit to encourage early attention to the request. At the end of the deadline, reminders were issued. The process was rewarding as those agencies that responded did put the required information which they have, or do not have, in writing, thereby helping to authenticate whatever information was provided.

The overall data collection process gave the participants a sense of ownership of the content of the report. It also brought to sharp focus the fact that although data production is meant to be for public use, information is almost always hoarded by officials in the country. However, the reality is that the required information simply does not exist. Where they do exist, they are notoriously outdated (as is the case of the 1991 international migration data based on departure and arrival forms at airports), or are not stored in a format that can be reanalysed by researchers to meet their specific needs.

Above all, all of us – the consultant as well as the officials – were convinced that the state of migration data in Nigeria is poor, even by the standards of other

African countries, and that concerted efforts are needed to redress this undesirable situation that has persisted for so long.

Annex 2: Data and information requirements for the AENEAS Project: Facilitating a Coherent Migration Management Approach in Nigeria – from Ministries, Agencies and Parastatals (compiled by the consultant)

Ministry of Labour

- role in licensing and monitoring the activities of private and public labour recruitment agencies in the country;
- number of labour migration contracts with other countries; number of contract labour migrants in each country, by gender and year;
- data on employment and unemployment by age and gender from state labour offices/labour exchange;
- number, location and activities of labour recruitment agencies in the country;
- screening criteria and process for labour migrants for the migration quota scheme with Italy and other (EU) countries;
- counselling and related services undertaken or planned for potential labour migrants.

Ministry of Justice

- national legislation on labour migration/labour laws;
- bilateral (migration) agreements signed between Nigeria and other countries:
 - title, date, content;
 - status of implementation; lessons learnt;
- status of ratification of international conventions on labour migration;
- status of harmonization of national employment codes with ECOWAS Protocol on residence and establishment.

Ministry of Foreign Affairs

- mechanisms for collating and disseminating information from Nigerian missions on number and skills profile of available job opportunities abroad;
- number of Nigerians living abroad by gender and skills profile;
- counselling and related services in support of labour migrants by missions abroad;
- registration procedure of nationals with missions abroad; role of NIDO;
- legal services and support to labour migrants in need; deportees/repatriates;

- number of Nigerians legally resident in the Libyan Arab Jamahiriya and those stranded there.

Ministry of Women Affairs

- data on female migrants and skills profile;
- status of implementation of the 1979 Convention on the Elimination of All Forms of Discrimination against Women;
- programmes and policies to promote gender equity and equal pay.

Central Bank of Nigeria

Statistics on remittances by nationals living abroad:

- volume: amount of remittances received by year;
- origin: countries of residence of remitters;
- channels of remittances: official and unofficial;
- obstacles to remittances at country of residence and locally in Nigeria;
- use of remittances: challenges and prospects for poverty alleviation;
- government policy on transaction costs, remittances outflow and regulation of MTOs.

NAPTIP

- number of trafficked persons by state of origin, year, age and gender;
- major trafficking routes from Nigeria and out of ECOWAS borders;
- reception camps for victims: challenges;
- legal framework for protecting victims and punishing perpetrators.

Nigeria Immigration Service

- number, country of origin and skill profile of foreign expatriates working in the country;
- number of national passports issued, including for first-time travellers;
- number of ECOWAS passports issued;
- numbers of travellers refused exit, by reason for refusal;
- numbers repatriated, by gender, reason and countries of repatriation.

Ministry of Interior

- number of expatriate quota per year and skills profile;
- criteria for citizenship and number of beneficiaries by gender;
- criteria for naturalization and number of beneficiaries by gender.

Ministry of Information and Communications

- advocacy kits used for child labour and child trafficking enlightenment campaigns, etc.

National Bureau of Statistics

- statistics on youth unemployment by state, gender and educational qualification;
- cost of living index: income and consumption statistics;
- poverty profile data, by state, age and gender;
- rural–urban mobility, social and economic indicators;
- MDG (millennium development goals) indicators.

ECOWAS

- number of Nigerians working in Member States by gender and skills profile;
- number of Community nationals working in Nigeria by country of origin, gender and skills profile;
- status of implementation of ECOWAS free movement protocol with respect to labour migration to Nigeria.

National Population Commission

- number of Nigerians living abroad;
- number of foreign nationals living in the country;
- data on internal (rural–urban) migration, by age and gender.

Nigerian Employers' Consultative Association (NECA)

- sectors of the domestic economy with shortages of skills by gender;
- criteria for employing labour migrants: nationals of ECOWAS countries;
- criteria for employing labour migrants: nationals of other (non-ECOWAS) African countries;
- criteria for employing labour migrants: nationals of other non-African countries;
- types of services and support provided to local workers;
- recruitment process for foreign workers;
- measures in place to protect migrant workers' rights;
- types of training, counselling and information provided foreign workers.

Nigeria Labour Congress (NLC): Trade associations

- role in monitoring sectors of the economy with shortfalls and oversupply of labour force;
- monitoring of private and public recruitment agencies' activities;
- types of services and support provided local and foreign workers;
- activities to ensure and promote workers' rights;
- role in domesticating and enforcing international conventions on labour migration;
- role in promoting welfare services for labour migrants departing Nigeria to work abroad;

- liaison with foreign counterparts to ensure that nationals working abroad enjoy prevailing rights and are treated humanely.

Annex 3: Request from the Federal Ministry of Labour and Productivity to MDAs for data on their respective mandates and activities

FEDERAL MINISTRY OF LABOUR AND PRODUCTIVITY
EMPLOYMENT AND WAGES DIVISION

REQUEST FOR DATA AND INFORMATION FOR THE AENEAS PROJECT: FACILITATING
A COHERENT MIGRATION MANAGEMENT APPROACH IN NIGERIA

19 May 2008

1. The AENEAS 2006 Project is one of the Projects sponsored by the European Commission to further migration development in Nigeria, Ghana, Senegal, the Libyan Arab Jamahiriya and Italy, through ensuring more effective means of managing all aspects of migration. The Project's objectives include stemming irregular migration and developing regular migration within the context of these countries. It is being implemented in Nigeria by the International Organization for Migration (IOM) through the Federal Ministry of Labour and Inter-Ministerial Committee on Migration. The Inter-Ministerial Committee was set up at the instance of Mr. President to manage labour migration in the country.
2. One major aspect of the Project is the need to carry out a national assessment of labour migration policies, legislation and practices. This is with a view to determining the current status of migration and its related issues in the country. This would require collection of data and information from identified and relevant organizations.
3. The Project required that a working group be constituted to manage its activities. Your organization belongs to the working group. Accordingly, I am directed to request you to kindly furnish the working group with the following data / information from your organization:
 - a) national legislation on labour migration laws;
 - b) bilateral (migration) agreements signed between Nigeria and other countries:
 - title, date, content;
 - status of implementation; lessons learnt;
 - c) status of ratification of international conventions on labour migration;
 - d) status of harmonization of national employment codes with ECOWAS Protocol on residence and establishment.

4. Furthermore, I am to inform you that a migration expert would be visiting your organization with regards to the aforementioned issues on a date to be communicated to you.
5. It would be appreciated if your response (the required data) is received as soon as possible but before Friday, 6 June 2008.
6. Please accept assurances of the Honourable Minister's warm regards.

For: Honourable Minister

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