



## Nigeria's new Immigration Regulations (2017)

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Nigeria's Minister of Interior launched the new Immigration Regulations 2017 (the Regulation) on 20 March 2017. The objectives of the Regulation is to drive effective implementation of the Immigration Act of 2015 which replaced the Immigration Act of 1963. It also aimed at consolidating existing immigration regulations and provide

a “one-stop” reference on immigration rules in Nigeria. With these new regulations, Nigeria seems to have taken a major step forward in dealing with modern immigration realities.

In addition, the provisions contained in the Regulation are expected to fast-track the ease of doing

business in Nigeria since this is one of the key objectives of the current administration. Some of the salient points in the Regulation are noted below:

### Entry and exit from Nigeria

The Regulation makes provisions for those who intend to visit, work

and/or reside in the country. Some of the key provisions are as follows:

- **Short term**

One of the major highlights of the Regulation is that short term business visas can now be issued at the point of entry into Nigeria (visa on arrival). This is however subject to the Comptroller-General (CG)'s pre-approval. Visa on arrival was originally issued to high net-worth individuals and investors, but it is now available to all business visitors.

A visitor coming to Nigeria must have a valid visiting permit not exceeding 90 days. In the case of a transit visa, the initial permit is for a maximum period of 7 days. However, this could be extended for a further period of 14 days from the original date of entry.

Also, a temporary work permit (TWP) can be obtained without prerequisite for an expatriate quota. Issuance of the TWP is subject to the CG's pre-approval which will be in the form of a cablegram and will be transmitted to the appropriate embassy.

- **Long term**

An entry visa is a prerequisite to enter Nigeria for business purposes, except where the foreign national who is coming to pick up employment, is a citizen of a country with which Nigeria has a visa abolition agreement in place. Citizens of Economic Community of West African States (ECOWAS) are also exempted from applying for entry visa.

An approval in the form of a business permit must be obtained from the Minister of Interior prior to setting up a

business, profession or trade in Nigeria by foreign nationals.

Holders of this permit are required to notify the Minister of any changes to business information e.g. business name, nature or address, within 21 days of such change.

However, obtaining a business permit does not preclude the need for a valid resident permit. Foreign nationals must obtain residence permit to enable them lawfully reside or work in Nigeria for a maximum period of two (2) years, subject to subsequent renewal. This requirement is however relaxed for citizens of ECOWAS who may obtain residence permits easily upon registration with the Nigerian Immigration Service (NIS).

The residence permit allows the holder re-entry into Nigeria within the period of its validity. It must be noted that the residence permit, if deemed necessary, may be revoked by the CG. Permanent residence permit may be granted where an applicant imports an annual minimum threshold of capital into Nigeria, subject to non-withdrawal of the investment. However, the Regulation did not specify the amount of the minimum threshold.

There is also provision for dependents. A dependent's residence permit would be tied to the validity of the principal immigrant's residence permit. Where a foreign national is married to a Nigerian, the foreign national will be issued a permit which will serve as a multiple re-entry permit irrespective of the class of entry visa.

## Control of immigrants

The Regulation spells out the responsibility of a house holder which could be in form of a hotel, lodging-house or rest-house. The house holder is mandated to complete a register showing the particulars of foreign visitors within its facilities. This requirement will not apply in the following instances:

- Persons below 18 years
- Visiting diplomats accredited by the Federal Government of Nigeria
- A visiting head of state, his family and entourage
- A seaman, unless he leaves his ship and remains ashore for a period exceeding 28 days
- An immigrant on visitor's permit i.e. not more than 90 days

All immigrants must however notify NIS within 7 days of any change in residence. The aim is to effectively monitor and track activities of immigrants.

## Issuance of Nigerian passports and other travel documents

Issuance of a Nigerian passport is vested in the CG. However, application for a passport can be made to the appropriate immigration office, appropriate diplomatic mission or Nigerian diplomatic mission in the nearest country performing immigration duties.

The Regulation indicated that replacement of lost or damaged passports for Nigerian should be processed at the Nigerian Immigration Headquarters. However, as a fallout from the 60-day national action plan for ease of

doing business in Nigeria which was recently approved by the Presidential Enabling Business Environment Council (PEBEC), NIS has authorized its state commands to replace lost passports. Also, the state commands have commenced issuance of passports requiring change of name as a result of marriage. Please note that prior to now, such passports were only issued at NIS headquarters in Abuja.

### Offences and penalties

In order to discourage non-compliance and enforce strict adherence to provisions of the Regulation, various penalties have been outlined relating to individuals, agents and corporate bodies. Some of the common offences and corresponding penalties include:

- **Individuals** – Refusal to apply for the regularization of stay in Nigeria within three (3) months, failure to renew business permit or transit visa or visitor's visa or temporary work permit after expiration, non-renewal of residence permit 30 days after its expiration will attract three (3) years imprisonment or a fine of ₦500,000 or both.

Where any individual is guilty of an offence where no specific penalty is provided, such person will be liable upon conviction to one (1) year imprisonment or a

fine of ₦100,000 or both and may also be deported. The Regulation emphasized that ownership of multiple Nigerian international passports fraudulently is a crime and if convicted, the offender will not be issued another passport until after 5 years. This penalty will also be applicable to a Nigerian deported for any other criminal offences not related to immigrations. Offences related to immigrations would attract a two years ban before issuance of another passport.

- **Agents** - An agent acting on behalf of a foreign national, if guilty of an offence under the Regulation where no specific penalty is provided will be liable upon conviction to a term of ten (10) years imprisonment or a fine of ₦2,000,000 or both.
- **Body corporate** - A corporate body in violation of any provision of the Regulation or Act will be liable to a fine of ₦5,000,000 and the court may wound up its operations.

Other penalties include: ₦3,000,000 fine for refusal to renew expatriate quota within the stipulated time, ₦3,000,000 fine for failure to render monthly returns, ₦3,000,000 fine for allowing unauthorized use of its expatriate quota positions by any

other organization. Refusal to employ Nigerians to understudy expatriate employees attracts ₦3,000,000 fine for each month the expatriate quota position has been occupied by the expatriate without an understudy and the concerned expatriate may also be deported.

Further, any employer that re-designates or changes its employee's employment without pre-approval is liable to a term of five years imprisonment or ₦5,000,000 fine.

Copy of the Regulation may be obtained [HERE](#).

### Conclusion

Although majority of the provisions contained in the Regulation have been in existence prior to its release, the underpinning idea is to create awareness and put in place a mechanism for ensuring compliance. All foreign nationals are therefore advised to review applicable provisions and ensure compliance to avoid disruption of activities.

Deloitte immigration team is on hand to provide necessary advisory and compliance support as such has become far more important in navigating the ever-changing landscape.

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