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## IMMIGRATION ACT, 2015



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SCHEDULE

**IMMIGRATION ACT, 2015****ACT No. 8**

AN ACT TO REPEAL THE IMMIGRATION ACT CAP. 11 LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE IMMIGRATION ACT, 2015 ;  
AND FOR RELATED MATTERS

[25th Day of May, 2015]

Commence-  
ment.

ENACTED by the National Assembly of the Federal Republic of Nigeria :

PART I—ESTABLISHMENT, STRUCTURE AND FUNCTIONS OF THE  
NIGERIA IMMIGRATION SERVICE, AND THE APPOINTMENT AND  
DUTIES OF IMMIGRATION OFFICERS

1. There is established the Nigeria Immigration Service (in this Act referred to as “the Service”) which shall be a body corporate with power to sue and be sued.

Establishment  
of Nigeria  
Immigration  
Service.

2. The Service shall be responsible for—

General  
duties of the  
Immigration  
Service.

(a) the control of persons entering or leaving Nigeria :

(b) issuance of travel documents, including Nigerian passports, to bona fide Nigerians within and outside Nigeria ;

(c) issuance of residence permits to foreigners in Nigeria ;

(d) border surveillance and patrol ;

(e) enforcement of laws and regulations with which they are directly charged ; and

(f) performance of such para-military duties within or outside Nigeria as may be required of them under the authority of this Act or any other enactment.

3.—(1) The Comptroller-General of Immigration shall be appointed by the President from among the serving officers of the Service on the recommendation of the Board.

Appointment  
of  
Immigration  
Officers.

(2) The Comptroller-General shall, subject to directives by the Minister on matters of policy, be charged with the responsibility for the day-to-day administration of this Act or any other enactment conferring immigration duties upon him, including the performance of those duties specified in Section 2 of this Act.

(3) The President shall appoint, on the recommendation of the Board, such number of persons from among serving officers of the Service to be Deputy Comptrollers-General.

(4) (a) The Board shall appoint, from among serving officers of the Service, Assistant-Comptrollers-General.

(b) The Board shall appoint, from among serving officers of the Service, Comptrollers of Immigration and such other officers as may from time to time be employed to assist the Comptroller-General of Immigration under this Act and to be subject to his directive and control.

Oaths and  
Declarations  
to be taken  
by officers  
on  
appointment.

4.--(1) On the appointment or promotion of any person as a member of the Service to or above the rank of Assistant Superintendent II, the provisions of the Oaths Act shall apply and such person shall take and subscribe to the Oath of Secrecy.

(2) Every non-commissioned officer shall make and subscribe to the Oath of Secrecy and the Service Declaration.

Appointment  
of Medical  
Inspectors.

5. The Minister, in consultation with the Minister of Health, shall appoint a duly qualified medical practitioner as a medical inspector for the purpose of this Act, who shall act in accordance with such instructions as may be given by the Minister of Health, from time to time.

Command  
structure of  
the Service.

6. The Command structure of the Service shall comprise—

(a) the Comptroller-General of Immigration, who shall be the head of the Service, charged with the day to day administration of the Service, and with the responsibility of directing the performance of the functions specified in Section 2 of this Act ;

(b) the Deputy Comptrollers-General, who shall assist the Comptroller-General of Immigration in the performance of his duties and head Directorates at the Service Headquarters ;

(c) the Assistant Comptrollers-General, who shall be in charge of Divisions at the Service Headquarters and head Zonal Offices ;

(d) the Comptrollers of Immigration Service, who shall head Sections at the Service Headquarters, and be the head of State Commands and Training Schools ;

(e) the Assistant Comptrollers of Immigration, who shall head Area Offices, each of which shall exercise supervisory functions over at least three Local Government Areas in each State of the Federation ;

(f) officers in charge of Borders, Land, Marine and Air Border Patrol Units ; and

(g) Immigration Local Government Area Officers who shall head Local Government Immigration Offices.

7.—(1) A Deputy Comptroller-General is the second in command in the Service and shall act for the Comptroller-General in the Comptroller-General's absence from Service Headquarters.

Duties of the Deputy Comptroller-General of Immigration.

(2) When acting for the Comptroller-General, the Deputy Comptroller-General shall be guided by the following—

(a) all matters involving any change in Service policy shall be held in abeyance pending the return of the Comptroller-General except where a matter is urgent when it shall be referred directly to the Comptroller-General for instruction ; and

(b) all matters of importance dealt with by the Deputy Comptroller-General during the absence of the Comptroller-General shall be referred to the Comptroller-General on his return for his review.

8. An Assistant Comptroller-General shall act for the Comptroller-General in the absence of both the Comptroller-General and the Deputy Comptroller-General and when so acting, the provisions of Section 7 (2) (a) and (b) of this Act shall, with all necessary modifications, apply to him.

Duties of Assistant Comptroller-General of Immigration.

#### PART II—PASSPORTS AND PASSPORTS OFFENCES

9.—(1) The power to issue Nigerian Passports shall be vested in the Comptroller-General of Immigration.

Power to issue procedure for the issuance and types of Nigeria passport.

(2) Nigerian Passports shall be issued only to bona fide Nigerians, within and outside Nigeria.

(3) Application for Nigerian passports made in Nigeria shall—

(a) be made to the appropriate Immigration Office closest to the applicant's place of residence within Nigeria ; and

(b) in a foreign Country, to the appropriate Diplomatic Mission established abroad and shall be issued by the Immigration Attaché to that Mission :

Provided that where there is no Nigerian Diplomatic Mission in the foreign country in which the Nigerian citizen is resident, then he shall direct his application to the Nigerian Diplomatic Mission in the nearest country performing immigration duties for the country in which he is resident.

(4) On the receipt of an application for the Nigerian passport, the officer in charge of issuance of passports shall forthwith issue the passport to the applicant who has satisfied all the requirements for the issuance of the passport :

Provided that where an applicant fails to satisfy any requirement, that officer shall notify the applicant in writing of the requirement which he needs to satisfy within such reasonable period as may be specified in that notice.



(5) In this section, “passport” means a document of protection and authority to travel issued by the Nigeria Immigration Service to Nigerians wishing to travel outside Nigeria, and includes, as defined in section 10 (3) and (4) of this Act, the following—

- (a) a Standard Nigerian Passport ;
- (b) a Nigerian Diplomatic Passport ;
- (c) a Nigerian Official Passport ;
- (d) a Nigerian Pilgrim’s Passport ; and
- (e) a Seaman’s Passport or Seaman’s Certificate of Identity.

Certain offences in respect of passports.

**10.—(1)** A person who—

(a) has, holds or is in unauthorised possession of more than one valid standard Nigerian Passport,

(b) unlawfully alters, tampers with or mutilates any passport or any pages thereof,

(c) knowingly makes or causes to be made any false statement for the purpose of procuring a passport whether for himself or for another person,

(d) submits multiple application forms to one or more passport offices with the intention of obtaining multiple passports,

(e) knowingly conceals, hides from or fails to disclose to the proper authority the loss of a passport,

(f) acts as a broker at or in the vicinity of any passport office or elsewhere, for the procurement of a passport,

(g) forges or traffics in passports or holds or is in possession of any forged passport knowing the same to be forged, or

(h) attempts, aids, abets, counsels, procures, connives or conspires with any other person to do any of the acts mentioned in this subsection,

commits an offence and is liable on conviction to imprisonment for a term of ten years or a fine of Two Million Naira or both.

(2) A person shall not be regarded as being in possession of more than one standard Nigerian Passport if, in addition, he is in possession of any other passport of the following descriptions issued to him by the lawful authority—

- (a) a Nigerian Diplomatic Passport ;
- (b) a Nigerian Official Passport ;
- (c) a Nigerian Pilgrim’s Passport ; or
- (d) a Seaman’s Passport or Seaman’s Certificate of Identification.

(3) In this section, “Standard Nigerian Passport” means any passport of certain description normally issued to a Nigerian citizen, not being a passport of the description specified in subsection (2) (a)-(c) of this section.

(4) For the avoidance of doubt—

(a) a person seeking entry shall be treated as in Nigeria after he has complied with all formalities prescribed for inspection by immigration, health and customs authorities and whether the compliance is subject to conditions or otherwise ; and

(b) any permit issued under any repealed Act and valid immediately before the commencement of this Act, shall, on the commencement thereof, be deemed to have been issued under this Act for the unexpired balance of the term of the permit and may be dealt with accordingly.

**11.** A recommender or guarantor who signs any application form which contains any false declaration knowing same to be false or to hide or conceal any material information commits an offence and is liable on conviction to imprisonment for a term of six months and fine of five hundred thousand Naira.

Liability of a recommender or guarantor signing application containing false declaration.

**12.—(1)** Any person not being a citizen of Nigeria, who has, holds or is in possession of any Nigerian Passport commits an offence.

A non-Nigerian citizen and penalties for such non-Nigerian offenders.

(2) Any person who unlawfully assists a non-Nigerian citizen to procure or be in possession of a Nigerian Passport commits an offence.

(3) Any person who commits an offence under sub-section (1) of this section, is liable on conviction to imprisonment for a term of seven years or a fine of two million Naira.

(4) A non-Nigerian citizen who is recommended or guaranteed or in any way assisted to procure a Nigerian Passport in contravention of subsection (1) of this section, is, on conviction, liable to imprisonment for a term of seven years and a fine of Two Million Naira, and it is immaterial that the non-Nigerian citizen concerned has not actually procured the passport.

(5) In addition to the penalties imposed under this section, the non-Nigerian citizen concerned may be deported from Nigeria.

**13.—(1)** The Minister may, at any time, cancel or withdraw any passport issued to any person if—

Cancellation or withdrawal of passports. etc.

(a) the passport is obtained by fraud ; or

(b) a person unlawfully holds more than one passport at the same time.

(2) The number of the passport, name and particulars of the holder of any passport withdrawn or cancelled pursuant to the provisions of sub-section (1) of this section shall be published in the Federal Gazette.

PART III—ENTRY INTO AND DEPARTURE FROM NIGERIA

Persons  
liable to  
examination.

14.—(1) Subject to the provisions of this section, this Act applies to persons arriving or departing Nigeria and to persons who are at any time therein after the commencement of this Act.

(2) Nothing in this section shall be construed to—

(a) require Nigerians to complete disembarkation cards on arriving Nigeria ;

(b) impose any restriction or liability under this Act as to entry, repatriation or deportation in respect of persons who satisfy an immigration officer that they are entitled, under any rule of law or enactment, to immunity from suit or legal process not being immunity in respect only of things done or omitted to be done in the course of their duties, and complete any other requirement of this Act before entry or departure ;

(c) in respect of any particular requirement, affect persons exempted therefrom by the Minister under this Act ;

(d) prohibit the entry of any person who satisfies an immigration officer as to his identity as a citizen of Nigeria or as the holder of a valid travel document or that he is a person in the employment of the Federal, State or Local Government, as the case may be ;

(e) authorise the deportation from Nigeria of any citizen of Nigeria ; and

(f) exempt any person from medical examination if required by the immigration officer.

(3) Where a person enters Nigeria as an exempted person under this Act and while in Nigeria thereafter ceases to be entitled to such exemption, he shall as soon as possible report the fact in writing to the Comptroller-General of Immigration, and this Act shall have effect as if the person who ceased to be exempted were a person desirous of entering Nigeria for the first time and the Comptroller-General of Immigration may, if he thinks fit, refer the case to the Minister or may deal with the case himself.

(4) A person affected by sub-section (3) of this section may, in the discretion of the Minister or such officer as the case may require, be issued with a permit to remain in Nigeria and if a permit is refused, the person affected shall be deemed to be a prohibited immigrant, and may be dealt with in accordance with the provisions of this Act.

15.—(1) A person entering or leaving Nigeria shall—

(a) report to an immigration officer for examination ; and

(b) furnish such information in his possession as that officer may reasonably require for the purpose of this Act.

Examination  
of persons  
entering or  
leaving  
Nigeria.

(2) The immigration officer may refuse admission in any improper case.

(3) A person liable to be examined by an immigration officer shall, if directed to do so by such officer in the course of his examination—

(a) declare whether or not he is carrying or conveying any document of any description specified by that :

(b) officer, being a description appearing to that officer to be relevant for the purpose of the examination ; and

(c) produce to the officer any document of such description which he is carrying or conveying, and the power to examine any such person shall include power to search him and any baggage belonging to him or under his control with a view to ascertaining whether he is carrying or conveying any such document :

Provided that nothing in sub-section (1) of this section shall authorize the search of any woman or girl except by a female officer.

(4) An immigration officer may examine, and may detain, for such time as he thinks proper for the purpose of examination not exceeding seven days, any document produced pursuant to or found on a search under this section.

(5) Reference in this Act to person landing in Nigeria from or arriving at parts in Nigeria as members of the crew of ships or aircrafts, or any other means of transportation, does not include reference to persons landing from a ship or aircraft which began its journey at a place in and has not during the journey called at any place outside Nigeria.

(6) For the avoidance of doubt—

(a) a person seeking entry shall be treated as having been admitted into Nigeria after he has complied with all formalities prescribed for inspection by immigration, health and customs authorities and whether the compliance is subject to conditions or otherwise ; and

(b) any permit or visa issued under any repealed Act and valid immediately before the commencement of this Act, shall, on the commencement thereof, be deemed to have been issued under this Act for the unexpired balance of the term of the permit.

Passenger  
list  
(Manifest)  
and Medical  
Examination.

**16.—(1)** Where any ship or aircraft lands in Nigeria, the master or captain, as the case may be, shall supply to the immigration officer in charge, separate list showing disembarking and transit passengers and the immigration officer may, if he thinks fit, examine transit passengers as if they were immigrants.

(2) An immigration or transit passengers named in any such list whose international certificate of health fails to comply with the requirement of the Comptroller-General or whose state of health the immigration officer has cause to suspect, shall submit to such medical examination or vaccination as a medical inspector may reasonably require.

Production  
of travel  
document.

**17.—(1)** Every passenger who arrives or departs Nigeria by any means at or from any recognized port, shall produce to an immigration officer landing or embarkation cards in such form as the Minister or Comptroller-General may specify, and shall satisfy the immigration officer that he is the holder of a valid travel document :

Provided that nothing in this subsection shall be construed as requiring a Nigerian to complete a disembarkation card.

(2) The Minister or the Comptroller-General of Immigration may by order direct the owners or agents of ships and aircrafts, and other means of transportation to supply to passengers with such landing or embarkation cards.

(3) Every member of the crew of a ship or aircraft who lands in or leaves Nigeria shall produce such evidence or travel document as an immigration officer may require.

(4) No person, whether in possession of a travel document or not, who is a prohibited immigrant, shall enter Nigeria without the consent of the Minister.

(5) For the purposes of this section, the expression: "travel document", in the case of any member of the crew of a ship or aircraft, includes any card or other document in a form approved by or acceptable to the Comptroller-General of Immigration.

Entry  
Requirement.

**18.—(1)** An immigration officer shall, unless the Minister or the Comptroller-General of Immigration otherwise directs, admit into Nigeria a person who—

(a) has in his possession a valid passport or such other travel document as is approved by the Minister or Comptroller-General of Immigration for admission into Nigeria ;

(b) is in possession of a valid visa, residence or work permit, or any other permit, or other form of approval ;

(c) is not a prohibited immigrant ;

(d) is not considered to be a risk to public health, public interest or national security ; and

(e) should not be admitted into Nigeria on any other ground that may be prescribed from time to time by the Minister or the Comptroller-General of Immigration.

(2) A resident or work permit granted to a foreign immigrant shall be treated for purposes of entry into Nigeria as a multiple entry permit.

**19.**—(1) The power of an immigration officer to refuse entry or to admit into Nigeria subject to conditions, shall, unless the Minister otherwise directs, be exercised by notice in writing, and subject to sub-section (2) of this section, any such notice shall be given by being delivered by the immigration officer to the person to whom it relates.

Power to  
refuse entry  
or to admit  
into Nigeria.

(2) Where an immigrant who is to be admitted into Nigeria subject to conditions is a member of a group in the charge of a person appearing to the immigration officer to be a responsible person, the notice under this section shall be duly given if delivered to the person in charge of the group.

(3) A notice refusing a person admission into Nigeria may at any time be cancelled by a subsequent notice in writing given to him by an immigration officer, and where a notice under this subsection cancelling such a notice is given to any person at any time, the immigration officer may at the same time give to that person a permit admitting him into Nigeria, subject to conditions.

(4) Any condition specified in a notice under this section may at any time be revoked or varied by the Minister or the Comptroller-General of Immigration either by notice in writing given to the immigrant to whom those conditions apply or by order applying to immigrants of any class to whom the conditions for the time being apply.

(5) Any notice under this section and any condition specified in such a notice shall unless previously cancelled or revoked under the provision of this Act, cease to have effect if the person to whom the notice was given again enters or seeks to enter Nigeria.

(6) An immigration officer shall have the power to refuse entry into Nigeria of any person who is not a citizen of Nigeria, if—

(a) the person concerned is a prohibited immigrant ;

(b) where a visa is required, such person has no valid visa ;

(c) where a resident or other permit is required as a condition of entry it has not been obtained ; or

(d) on the advice of a medical inspector, it is undesirable for medical reasons to admit such a person.

Visa requirements and conditions and power to issue visa.

20.—(1) The power to issue visa shall be vested in the Comptroller-General of Immigration.

(2) Application for visa shall be made to the Comptroller-General of Immigration or to the appropriate Nigerian Diplomatic Mission established abroad.

(3) Visa shall be issued in such Diplomatic Missions by the Immigration Attaché :

Provided that where no Immigration Attaché is available in any Mission, that duty shall be performed by any other officer designated for the purpose by the Head of Mission.

(4) On the receipt of an application for visa, the officer in charge of issuance of visa shall, in the case of—

(a) a person visiting Nigeria, if satisfied that it is proper, issue a visa :

(b) crew seeking permission to land in Nigeria, issue appropriate visa :

(c) persons falling within the categories listed below seeking entry into Nigeria, issue appropriate visa to—

(i) diplomatic or government officials of countries other than Nigeria,

(ii) personnel of the United Nations Organization and its agencies,

(iii) personnel of the African Union and its agencies,

(iv) personnel of Economic Community of West African States and its agencies,

(v) personnel of international and non-governmental organizations,

(vi) persons seeking entry under any technical aid scheme,

(vii) special organised economic and trade delegations,

(viii) other specialised delegation, and

(ix) persons specially invited by the Federal, State and Local Governments of Nigeria ;

(d) a person seeking entry into Nigeria for the purpose of taking up employment under a contract of service with the Federal, State or Local Government of Nigeria (other than by way of technical aid), his spouse and dependants, on the production by that person of the contract of service or such other evidence as may be satisfactory to the Comptroller-General of Immigration, issue the appropriate visa ;

(e) a person seeking entry into Nigeria for the purpose of taking up employment in Nigeria, refer the application to the Comptroller-General of Immigration.

(5) Where no diplomatic Nigerian Mission is established in the country concerned, an application shall be made to the nearest Nigerian Mission if—

(a) there is an agreement between Nigeria and the government of that country for the performance by that government of consular functions on behalf of Nigeria, be made to that government ; and

(b) there is no such agreement, be made to such Diplomatic Mission as may be designated by the Minister of Foreign Affairs.

(6) Nothing in this section shall apply to—

(a) persons who, after a tour of duty with the Federal, State or any Local Government, Corporation or Company owned or controlled by any such government, are abroad on leave with the intention of resuming duty in Nigeria thereafter ;

(b) spouse and children of person within paragraph (a) of this subsection ;

(c) persons otherwise employed in Nigeria and their spouses and dependants who before departure on leave apply for and obtain a re-entry visa from the Comptroller-General of Immigration ; and

(d) transit passengers who remain in or in the vicinity of the port of entry for a period of time not exceeding 48 hours.

(7) The Comptroller-General of Immigration shall authorise the issuance of Short Visit Visas at the port of entry to frequent travel business persons of international repute, executive directors of multinational companies, members of government delegations, holders of United Nations Laissez-passer, Africa Union Laissez-passer, Economic Community of West African States Laissez-passer, and holders of any other official travel documents of other recognized international organisations, who are on short visits to Nigeria.

**21.—(1)** An immigration officer may, by notice given at any time to any person who—

(a) has arrived at a recognized port in Nigeria as a visitor or as a transit passenger on board a ship or other water vessel, aircraft, motor vehicle, or other means of transportation, and

(b) is for the time being on board a ship or other water vessel, aircraft, motor vehicle, or other means of transportation :

prohibit him from landing from the ship or other water vessel, aircraft, motor vehicle, or other means of transportation, as the case may be, while he remains

Control of  
Visitors and  
Transit  
Passengers.



at such port or entry point, unless authorized to do so by a superior immigration officer.

(2) An immigration officer may, by notice given at any time to any person who—

(a) lands from a ship or other water vessel, aircraft, motor vehicle, or other means of transportation in contravention of a prohibition imposed on him under sub-section (1) of this Section :

(b) being a visitor refused admission, or a transit passenger, remains in Nigeria after the ship or other water vessel, aircraft, motor vehicle, or other means of transportation has left the port of entry : or

(c) having been admitted as a visitor into Nigeria subject to a condition restricting the period for which he may remain, remains in Nigeria in contravention of that condition,

such person shall, subject to sub-section (3) of this Section, where necessary, be treated for the purposes of this Act as if he had been refused admission into Nigeria.

(3) An immigration officer may, by notice in writing given at any time to any person who has landed or remained in Nigeria as mentioned in sub-section (2) of this Section, authorise him to remain in Nigeria either without conditions or subject to conditions the Minister may impose, including in particular, conditions requiring him to leave Nigeria—

(a) in specified ship or other water vessel , aircraft, motor vehicle, or other means of transportation : or

(b) within a specified period in accordance with the conditions of his permit or as the case may be, with arrangements made and where such a notice is given to any person, he shall not be treated as a person to whom admission to Nigeria has been refused unless, in the case where he is subject to conditions requiring him to leave Nigeria, he fails to comply or is reasonably suspected of intending to fail to comply with those conditions.

(4) A permit under this section shall be in such form as the Minister may from time to time, prescribe and any permit issued or condition endorsed may at any time be varied or revoked by the Comptroller-General of Immigration, or such officer may replace the permit in any proper case.

Power to  
exempt from  
certain entry  
requirements.

**22.**—(1) The Minister may, by order and in the national interest, exempt from the requirement of entry under this Act any person or class of persons and, with the concurrence of the Minister of Health, may restrict the classes of cases in which medical examination of persons landing in Nigeria is required.

(2) The Minister may, by order and in the national interest, exempt any person or class of persons from the requirement of this Act as to departure from Nigeria.

**23.** An immigration officer or medical inspector may board any ship, aircraft or a vehicle of any description at any frontier in Nigeria for the purposes of inspection.

Power of immigration officer to board Ships.

**24.** For the purpose of this Act, the Minister may by order prescribe any aerodrome, airport, seaport or control post as recognised port of entry, and may likewise permit any aircraft or ship to land in Nigeria for the purpose of immigration clearance.

Recognition of ports of entry.

**25.** Where any ship, water vessel, aircraft, motor vehicle, or other means of transportation lands by sea or air, or arrives overland in Nigeria elsewhere than at a recognised port, the master of the ship or water vessel, the captain of the aircraft, the driver of the motor vehicle or the operator of the other means of transportation shall report to the nearest immigration office and no person on board or in the vehicle shall leave the ship or water vessel, aircraft, motor vehicle, or other means of transportation which lands by sea or air, or arrives overland without the authority of an immigration officer.

Arrival elsewhere other than at a recognized port.

#### PART IV—CONTROL OF CREWS AND STOWAWAY

**26.** A person who enters Nigeria by inland waters or overland, shall proceed to the nearest recognised port and appear before an Immigration Officer, and that immigration officer after such examination as he may consider necessary, shall if the person appears to him to be a prohibited immigrant, detain that person ; and the provisions of this Act as to deportation shall have effect accordingly.

Control of immigrants entering Nigeria by inland waters.

**27.—(1)** Where a person arriving by ship or water vessel, aircraft, motor vehicle, or other means of transportation which lands by sea or air, or arrives overland is for any reason refused entry into Nigeria, an immigration officer may give the following directives—

Removal of immigrant where entry is refused.

(a) the master of the ship or captain of the aircraft, the driver of the motor vehicle or the operator of the other means of transportation in which the immigrants arrived in Nigeria, to remove the immigrant from Nigeria in that ship, aircraft, motor vehicle or the operator of the other means of transportation ;

(b) the owners or agents of the said ship or water vessel, aircraft, motor vehicle, or other means of transportation, to remove the immigrant from Nigeria in any ship or water vessel, aircraft, motor vehicle, or other means of transportation specified in the directives, being a ship or water vessel, aircraft, motor vehicle, or other means of transportation of which they are the owners or agents ;

(c) the said owners or agents to make arrangement for the removal of the immigrant from Nigeria in any ship or water vessel, aircraft, motor vehicle, or other means of transportation bound for a country or territory specified in the directives, being a—

(i) country of which the person refused entry is a citizen,

(ii) country or territory from which he has obtained a passport or other documents of identity,

(iii) country or territory from which he embarked for Nigeria, or

(iv) country or territory to which there is reason to believe that the immigrant will be admitted and for securing him a passage to that country or territory.

(2) If it appears to the Minister, that in the circumstances it is not practicable for directives to be given under sub-section (1) of this Section in respect of an immigrant, or that directives so given would be ineffective, the Minister or the Comptroller-General of Immigration may give to the owners or agents of any ship or water vessel, aircraft, motor vehicle, or other means of transportation such directives as may be given under sub-section (1) (c) of this section to the owners or agents of the ship or water vessel, aircraft, motor vehicle, or other means of transportation in which the immigrant arrived in Nigeria and, in any such case, the cost of complying with the directives shall be borne by the owners or agents, as the case may be, of the ship or water vessel, aircraft, motor vehicle, or other means of transportation.

(3) An immigrant in respect of whom directives are given under this section, may be placed under the authority of an immigration officer, on board any ship or aircraft in which he is to be removed in accordance with the directives.

Determination  
of  
nationality in  
special cases.

**28.**—(1) The Minister may give such directives as he thinks fit for the determination of the nationality of any person, or if a deportation order is in force, for the disregarding of any change of nationality and where at any time before or after entry into Nigeria the nationality of any person is or may be questioned, or after entry into Nigeria person for any reason changes his nationality, the burden of proof shall in any case, lie upon the person asserting the nationality, as the case may be.

(2) Save in the case of any person in or resident in Nigeria and claiming to be a citizen of Nigeria, no directive given under this section shall be questioned in any court.

(3) Where a person is detained under this Act, any immigration officer authorised by the Comptroller-General of Immigration or Minister, may do all things reasonably necessary for photographing, measuring or otherwise identifying him and to obtain his biometric data.

**29.**—(1) Where the Minister is satisfied that the government of any other country or a minister thereof permits the entry of citizens of Nigeria into that country without requiring a visa by nationals of that other country, but without prejudice to any other requirements of this Act.

Power to abolish or suspend visa requirement.

(2) Notice of the making of any order under this section shall be given to such person outside Nigeria as the Comptroller-General of Immigration may think fit as soon as practicable.

**30.**—(1) The Minister may, from time to time, prescribe the conditions for entry into Nigeria and the fees payable in respect of any travel document, visa or permit and the relevant mission shall give effect in any proper case by issuance of a visa or other entry permit.

Power to prescribe entry conditions and fees.

(2) For the purpose of this section “embassy” includes any Nigerian High Commission or Consulate.

**31.**—(1) The Minister, if he thinks it fit to be in the public interest, may by order prohibit the departure of any person from Nigeria.

Power to prohibit departure.

(2) The Comptroller-General of Immigration may prohibit departure of any person under the following conditions—

(a) if there is to his knowledge an unsatisfied order of a court of competent jurisdiction ; or

(b) if there is a warrant of arrest relating to that person, an immigration officer may refuse to allow such person to leave Nigeria, or in his discretion, he may refer the case to the Comptroller-General of Immigration for further consideration.

(3) Nothing in this section shall apply to any person entitled under any rule of law or enactment to immunity in respect of things done or omitted to be done in the course of his duty.

**32.**—(1) A person required or authorised to be detained under this Act may be detained in such places as the Minister may direct.

General provisions as to detained persons.

(2) Where a person is detained under this Act, an immigration officer authorised by the Comptroller-General of Immigration or Minister may do all things reasonably necessary for photographing, measuring or otherwise identifying him and to obtain his biometric data.

Application  
of the Act  
to young  
persons.

**33.**—(1) Subject to the provisions of this Act, any person of or above the apparent age of eighteen years who is in Nigeria but is not a citizen thereof, shall apply to the Comptroller-General of Immigration –

(a) at such time and place as may be required under this section for a permit under this Act ; and

(b) for such permit, not later than three months after he attains that age, and notice of the requirements of this section may be published in such a manner as the Comptroller-General of Immigration thinks fit.

(2) The Minister may exempt any person or class of persons from the requirement of this section: and the Comptroller-General of Immigration may, from time to time, give notice of the requirements of this section in the Federal Gazette and in some newspapers printed and circulating in Nigeria.

(3) A permit under this section shall be subject to such conditions as the Minister may, from time to time prescribe, and the failure to comply, when required by this section shall be an offence, and any person affected shall be deemed to be a person seeking to enter Nigeria for the first time, and may be dealt with accordingly.

(4) A person under the apparent age of eighteen years may be permitted to enter Nigeria only when he has a valid passport and Visa, and may be permitted to remain in Nigeria as long as such person is with his parents and any person so admitted shall not live elsewhere without the approval of the Comptroller-General of Immigration.

(5) Such a person, if he attains the age of eighteen shall apply to the Comptroller-General of Immigration for the issuance of a residence permit under this Act to remain in Nigeria.

(6) The Comptroller-General of Immigration may issue a permit upon such conditions as he thinks fit, or he may refuse a permit: and if a permit is refused the person affected shall be dealt with in such manner as the Minister may direct.

(7) The failure to comply with the requirement of this section shall be an offence.

Admission  
of mentally  
ill or  
mentally  
subnormal  
persons.

**34.**—(1) A person who, without the approval of the Minister given on such term as he thinks fit, brings into Nigeria any mentally ill or mentally subnormal person, not being a citizen of Nigeria, shall be liable to pay the Minister all expense which may be incurred by the Minister in connection with the maintenance and transport of such mentally ill or mentally subnormal person and his deportation from Nigeria.

(2) The amount of any expense incurred shall be recoverable by action brought in the name of the Attorney-General of the Federation.

**35.**—(1) Subject to the provisions of this Act, any person who being—

(a) a national of more than one country including Nigeria elects within the time prescribed by the Constitution of the Federal Republic of Nigeria or any other enactment to be national of any country other than Nigeria ; or

(b) having acquired Nigeria: nationality, for any reason, loses that nationality such person who desires to obtain a residence permit shall within one month after the election or loss of nationality, as the case may be, apply to the Comptroller-General of Immigration for a permit to enter or remain in Nigeria : and the Comptroller-General of Immigration may grant or refuse the permit.

Application of the Act to cases of dual nationality.

(2) The Minister may upon application approve that a Permanent Residence Permit be issued to a Nigerian citizen by birth who had earlier on renounced his nationality.

(3) Where the issuance of the permit is refused, an appeal shall lie to the Minister for the grant of the permit under this sub-section.

#### PART V—RESIDENCE AND EMPLOYMENT OF FOREIGN NATIONALS IN NIGERIA

**36.**—(1) No person other than a citizen of Nigeria shall—

(a) accept employment (not being employment with the Federal, State or Local Governments) without the consent in writing of the Comptroller General of Immigration ; or

(b) on his own account or in partnership with any other person, practice a profession or establish or take over any trade or business whatsoever or register or take over any company with limited liability for any such purpose, without the consent in writing of the Minister given on such by or on behalf of such persons, as the Minister may prescribe.

Entry for business purposes.

(2) Any person desirous of entering Nigeria for any of the purposes in sub-section (1) of this Section, shall produce the consent of the Comptroller-General of Immigration to an immigration officer : and the failure to do so shall be an offence, and any person who commits such an offence shall be liable on conviction to a fine of one million Naira or deportation or both as a prohibited immigrant.

(3) Where any person exempt from any provision of the Act restricting his employment ceases to be so exempt, he shall be deemed to be a person seeking entry into Nigeria for the first time; and the provisions of this section shall have effect accordingly.

Residence  
permit.

37.—(1) A foreign national may, subject to the provision of section 20 of this Act, enter Nigeria for the purpose of residence on the production of a residence visa with his other travel documents, signed by or on behalf of the Comptroller-General of Immigration and issued subject to such conditions as may be endorsed thereon and if the entry is for any tour of service, such foreign national shall on production of any evidence which an immigration officer may reasonably require, be deemed to be in possession of a residence permit.

(2) The Comptroller-General of Immigration may grant residence permit for a period not exceeding two years, subject to renewal.

(3) A person, not a citizen of Nigeria, desirous of entering Nigeria for the purpose of residence shall, unless exempted under this Act, show evidence of immigration responsibility or any other security on his behalf, and shall supply such information as the Comptroller-General of Immigration may reasonably require, and if the Comptroller-General of Immigration is satisfied he may issue a residence permit accordingly.

(4) The residence permit issued under sub-section (2) of this Section shall be in such form as may be prescribed and may be issued by endorsement on any travel document or otherwise as the Comptroller-General of Immigration may direct.

(5) The Comptroller-General of Immigration may endorse on a residence permit such conditions not inconsistent with this Act as he thinks fit, and may replace any valid permit issued or deemed to have been issued.

(6) A person who has been lawfully allowed entry into Nigeria, may upon application to the Comptroller-General of Immigration in the prescribed manner, be issued with a resident permit.

(7) The failure by any person to comply with the requirements of this section or of any condition imposed shall be an offence, and such person may, if the Minister thinks fit, be required to leave Nigeria; and any bond may be entreated at suit of the Comptroller-General of Immigration.

(8) The Comptroller-General of Immigration Service may authorise the issuance of temporary work permit outside quota provision which may be issued by endorsement on any travel document or otherwise as the Comptroller-General may direct.

(9) The Comptroller-General of Immigration may authorise the issuance of Short Visit Visas to foreign nationals desirous of coming to Nigeria on short visit not exceeding a period of three months :

Provided that the visa shall not be renewed and provided further that the recipient shall not engage in any form of paid employment.

