

THE ABUSE OF NIGERIAN VISA AND IMMIGRATION LAWS BY FOREIGN NATIONALS: IMPLICATIONS FOR LABOUR RIGHTS AND NATIONAL SECURITY*

Abstract

This article examined the systemic exploitation of Nigeria's visa and immigration laws by foreign nationals, highlighting threats to labor rights and national security. Nationals from Lebanon, China, India, Syria, and neighboring African countries often enter Nigeria on business visas but overstay or work illegally without residence or work permits, violating Sections 18(1) and 36 of the Immigration Act, 2015, and the Labor Act, 2004. Weak enforcement enables these practices, allowing migrants to exploit loopholes, bribe officials, or evade detection, despite statutory frameworks like the 2017 Immigration Regulations and the 1999 Constitution (as amended). From a labor perspective, undocumented foreign workers undercut local wages, displace Nigerian professionals in sectors like construction and hospitality, and bypass labor protections under the Pension Reform Act (2014), National Minimum Wage Act (2024), and NHIA Act (2022). This erodes fair labor practices and economic equity. Concurrently, lax immigration controls jeopardize national security: illegal migrants avoid biometric registration, facilitating smuggling, cybercrime, and trafficking. A 2025 Lagos court case, which forfeited \$222,000 in digital assets tied to a foreign cybercrime syndicate, underscores these risks. Comparative case studies from South Africa, UAE, and Malaysia demonstrate how integrated biometric systems, inter-agency collaboration, and stricter enforcement curb such abuses. The article urged Nigeria to adopt similar reforms, recommending the creation of an Immigration and Labour Enforcement Unit (ILEU), a centralized foreign worker registry, public expatriate quota transparency, stricter employer sanctions, and enhanced inspector training. These measures aim to fortify immigration governance, safeguard labor markets, and mitigate security threats in a globalized context. Addressing these systemic gaps is critical to protecting Nigeria's socio-economic interests and national sovereignty.

Keywords: Abuse, Nigerian Visa, Immigration Laws, Labour Rights, Foreign Nationals, National Security

1. Introduction

Nigeria, as Africa's largest economy and most populous nation, remains an attractive destination for foreign investment, skilled labour migration, and commercial enterprise. However, this openness has increasingly been exploited by foreign nationals who circumvent immigration and labour regulations, thereby undermining the legal framework and national interests. The abuse of Nigeria's visa and immigration system is no longer an isolated phenomenon—it has become a persistent challenge with grave implications for employment, social welfare, and national security. Nigeria's strategic importance in West Africa and its liberal visa regime have created an environment where both legitimate and opportunistic migration thrives. While the Nigerian government continues to encourage foreign direct investment and cross-border partnerships, some foreign nationals exploit gaps in enforcement to enter the country under false pretenses often with business or tourist visas—and remain beyond the authorized duration.¹ These individuals engage in employment, establish unregulated enterprises, or operate within the informal economy without residence permits, work authorization, or compliance with national regulations. These actions contravene several provisions under Nigerian law, including Sections 18 and 36 of the Immigration Act, 2015, which prohibit unauthorized employment and require compliance with the expatriate quota system.² Violations also breach the Labor Act, which mandates fair employment practices,³ and Section 17 of the 1999 Constitution, which guarantees equality and economic justice.⁴ Despite the robustness of these legal frameworks, a culture of lax enforcement and institutional inertia has allowed violations to become routine and systemic.⁵

This paper investigated the nature and extent of these violations, highlighting the patterns through which foreign nationals enter and remain in the country illegally. It analysed the consequences for Nigerian workers, including displacement, wage suppression, and exposure to exploitative conditions, particularly in sectors such as construction, retail, hospitality, and manufacturing.⁶ It also examines the strain placed on public institutions that are either under-resourced or poorly coordinated, limiting their capacity to monitor, regulate, or prosecute offenders. Beyond labour implications, the unchecked presence of undocumented foreign nationals raises profound security concerns. The use of falsified documentation, evasion of biometric registration, and infiltration of high-risk sectors such as logistics and digital commerce point to broader vulnerabilities in Nigeria's national security apparatus. There is also the emerging risk that illegal migration could serve as a conduit for cross-border crimes, including money laundering, cybercrime, and human trafficking.⁷ This paper argued that despite Nigeria's well-established legal framework,⁸ poor enforcement and systemic administrative lapses have allowed illegal expatriate employment to thrive unchecked.⁹ To address these challenges, the study presents a comparative analysis

*By **Nancy NZOM, MCiarb (UK)**, Notary Public, Barrister & Solicitor of the Supreme Court of Nigeria; and

* **Daniel Moses EYYAZO**, Lecturer, Department of Private and Business Law, Faculty of Law, Nasarawa State University, Email: danielleyazo@nsuk.edu.ng

¹ Immigration Act, 2015.

² Immigration Act, 2015, Sections 18, 36.

³ Labour Act, Cap. L1, LFN 2004, Section 7.

⁴ Labour Act, Cap. L1, LFN 2004; Constitution of the Federal Republic of Nigeria, 1999, Section 17

⁵ FIDH, Labour Abuses in Informal Manufacturing in Nigeria, 2022.

⁶ Ibid

⁷ ONSA, Security Briefing on Border Infiltration Attempts, 2022

⁸ Nigerian Immigration Act, 2015 (Act No. 8), s 36–41

⁹ CLEEN Foundation, Corruption and Migration Governance in Nigeria (Abuja: CLEEN, 2020), 23–25, <<https://cleen.org/publications/>> accessed 22 April 2025

of effective enforcement models from countries such as South Africa, Ghana, the United Arab Emirates, Kenya, and Malaysia.¹⁰ These case studies offer insights into how digital tools, transparent quota systems, biometric identification, and multi-agency task forces can serve as powerful instruments of migration governance.¹¹ A coordinated response that includes regulatory reform, inter-agency cooperation, digital monitoring, capacity building, and judicial oversight is necessary to reclaim the integrity of Nigeria's immigration regime and protect its domestic labour market.¹² The goal is not to deter lawful foreign investment or migration, but to ensure that such activities occur within a fair, transparent, and accountable legal framework.¹³

2. Nigeria's Legal Framework on Immigration and Employment

Nigeria's immigration and labour regimes are underpinned by a robust statutory framework that governs the lawful entry, residence, and employment of foreign nationals within its territory. Central to this framework is the *Immigration Act, 2015*, complemented by the *Immigration Regulations, 2017*, which collectively establish the regulatory architecture for controlling migrant labour and enforcing compliance with visa and permit requirements.¹⁴ The Nigeria Immigration Service (NIS) serves as the principal enforcement agency tasked with administering these laws, issuing entry visas, residence permits, and expatriate quotas in accordance with statutory mandates. The NIS operates under the policy supervision of the Federal Ministry of Interior and maintains enforcement alliances with the Department of State Services (DSS), the Nigeria Police Force, and the Federal Ministry of Labour and Employment. The Immigration Act recognises various visa categories, including business, tourist, subject-to-regularisation (STR), and temporary work permits (TWP). For long-term employment, expatriates are required to obtain the Combined Expatriate Residence Permit and Aliens Card (CERPAC). Pursuant to Section 18(1) of the Act, no foreign national shall engage in any form of employment in Nigeria without lawful authorisation¹⁵. Section 36 further mandates employers to comply strictly with expatriate quota approvals¹⁶ issued by the Ministry of Interior, thus preventing indiscriminate engagement of foreign personnel to the detriment of Nigerian labour. Complementing these immigration statutes is the Labour Act, Cap. L1, LFN 2004,¹⁷ which codifies the legal rights and duties of employers and employees in Nigeria. Section 7 of the Act imposes a legal obligation on employers to furnish written contracts of employment within three months of engagement, setting forth material particulars including remuneration, hours of work, and termination provisions. Additionally, Section 17 of the 1999 Constitution (as amended)¹⁸ mandates the State to promote fair labour standards, equality of opportunity, and the protection of human dignity in employment relations. Further reinforcing this framework are ancillary legislations. The National Minimum Wage Act, 2024 prescribes a legally binding wage floor for all workers in both public and private sectors, while the Pension Reform Act, 2014 mandates that employers contribute a defined percentage of employees' earnings into retirement savings accounts. The National Health Insurance Authority (NHIA) Act, 2022 further compels employers with five or more employees to enrol staff in a registered health insurance scheme that covers the worker, one spouse, and up to four children under 18 years.

Despite the existence of these legal safeguards, implementation remains inconsistent.¹⁹ Regulatory oversight is weakened by the absence of an integrated enforcement strategy and insufficient data-sharing between the NIS, the Ministry of Labour, the Federal Inland Revenue Service (FIRS), and the Corporate Affairs Commission (CAC).²⁰ These deficiencies create systemic loopholes that enable the evasion of compliance by both foreign nationals and their local sponsors.²¹ Moreover, limited prosecutorial follow-through and reports of administrative corruption further undermine the credibility of the enforcement apparatus.²² To enhance the efficacy of the legal regime, Nigeria must adopt a unified compliance system that digitises immigration and labour records, facilitates real-time monitoring, and supports regular inter-agency inspection of foreign-operated establishments.²³ Only through such reforms can the country preserve the integrity of its legal framework, promote decent work, and ensure that foreign participation in its labour market aligns with national development priorities.²⁴

¹⁰ International Organization for Migration (IOM), *Global Migration Trends and Governance Strategies* (Geneva: IOM, 2021), 112–115.

¹¹ UAE's use of biometrics under Federal Decree-Law No. 29 of 2021 (Foreigners and Residence), <<https://u.ae/en>>; Malaysia's Expatriate Committee (EC) digital platform, MYXPats, <<https://www.myxpats.com.my/>> accessed 22 April 2025

¹² Judicial oversight: National Industrial Court of Nigeria (NICN) rulings on labor violations, e.g., *Nigerian Labour Congress v. Ministry of Labour* (2021), Suit No. NICN/ABJ/299/2020.

¹³ Lawful foreign investment: Nigerian Investment Promotion Commission Act (NIPC Act No. 16 of 2004), s 20, which guarantees non-discriminatory treatment of foreign investors

¹⁴ Immigration Act, 2015; Immigration Regulations, 2017.

¹⁵ Immigration Act, 2015, Section 18(1).

¹⁶ Immigration Act, 2015, Section 36.

¹⁷ Labour Act, Cap. L1, Laws of the Federation of Nigeria 2004, Section 7.

¹⁸ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 17.

¹⁹ T Adebayo, 'Challenges of Regulatory Compliance in Nigeria: A Case Study of Labour and Corporate Governance.' *Journal of African Law and Policy*, 45(2), 112–130. (2023).

²⁰ C. E. Okonkwo, 'Institutional Coordination Gaps in Nigeria's Regulatory Ecosystem.' *West African Governance Review*, 19(1), 78–95. (2024).

²¹ Nigeria Regulatory Reform Commission. (2022). *Annual Report on Compliance and Enforcement*. Abuja: NRRC. (Reporting that fragmented enforcement mechanisms across agencies like the NIS, Ministry of Labour, and CAC lead to regulatory inefficiencies.)

²² N. Eze, 'Data Governance and Inter-Agency Collaboration in Nigeria.' *African Journal of Public Administration*, 30(4), 201–218. (2023).

²³ A. Adepoju, *Migration Dynamics in West Africa*. (Lagos: University of Lagos Press, 2020) 78–92.

²⁴ National Planning Commission. (2023). *Nigeria Vision 2050: Economic Diversification and Labour Market Policies*. Abuja: Federal Government of Nigeria, 55–70.

3. Common Pathways of Immigration Law Abuse by Foreign Nationals

A recurrent and increasingly visible pattern of abuse involves foreign nationals entering Nigeria under legitimate immigration categories but subsequently overstaying their permitted duration or engaging in unauthorised activities.²⁵ These individuals, predominantly from countries such as Lebanon, China, India, Pakistan, Turkey, Syria, Egypt, Bangladesh, and neighbouring African states like Niger, Mali, Chad, and Benin,²⁶ frequently exploit visa classifications such as business, tourist, subject-to-regularisation (STR), and temporary work permits (TWP) to enter the country under false pretences.²⁷ The business visa, intended for short-term commercial transactions such as trade expos, negotiations, or attending conferences, is often misused by individuals who assume full-time employment roles or establish unregistered businesses shortly after arrival. These individuals circumvent the legal requirement to obtain work authorisation or regularise their stay under the STR visa route. Many remain in the country indefinitely, in violation of Section 18(1) of the *Immigration Act, 2015*, which expressly prohibits unauthorised employment.²⁸ Likewise, the tourist visa, designed for leisure visits, is frequently abused. Foreign nationals enter with this visa and quickly integrate into informal economic activities, particularly in urban hubs like Lagos, Kano, and Abuja. Without valid documentation or oversight, they engage in sectors such as hospitality, transport, and petty trade. This undermines immigration control efforts and facilitates illegal employment under the radar of enforcement agencies.²⁹

The STR visa is the designated pathway for foreign nationals who intend to work and reside in Nigeria for extended periods. However, many applicants fail to follow through with the regularisation process or obtain a CERPAC, yet continue working or conducting business. This not only violates the expatriate quota system governed by the Federal Ministry of Interior but also results in loss of tax revenue and oversight. The CERPAC, which enables long-term residence and employment, is often bypassed deliberately by employers and individuals wishing to evade scrutiny.³⁰ Another common abuse involves Temporary Work Permits (TWPs). These are issued for short-duration, specialised assignments not exceeding 60 days.³¹ However, cases have emerged where individuals secure TWPs and remain in-country for years, sometimes engaging in permanent employment or managing enterprises.³² This undermines the integrity of the permit and frustrates the statutory role of the Nigeria Immigration Service (NIS) in regulating short-term assignments.³³ A frequently employed tactic is the use of front companies—registered by Nigerians or dual nationals to mask the true ownership or control by foreign entities.³⁴ This allows foreign nationals to operate under the guise of investors or consultants while performing active roles in the business. Such operations often bypass expatriate quota approvals³⁵ and evade obligations to register staff with regulatory bodies such as the National Health Insurance Authority (NHIA) or Pension Commission (PENCOM).³⁶ Abuse of immigration privileges is particularly prevalent in the construction, manufacturing, hospitality, and informal trade sectors.³⁷ Investigations by local authorities and NGOs have revealed that Chinese-owned factories in Ogun State, Indian-run supermarkets in Lagos, and Lebanese-owned building sites in Abuja routinely engage Nigerians in exploitative conditions.³⁸ Most employees lack formal contracts, and employers often fail to remit pension contributions, register workers for health coverage, or comply with wage laws.³⁹ These practices contravene Section 14 of the NHIA Act, 2022,⁴⁰ and Section 3(1) of the National Minimum Wage Act, 2024.⁴¹

Additionally, Nigeria's porous land borders have facilitated the entry of undocumented migrants from neighbouring African countries. In border communities such as Jibia (Katsina State), Illela (Sokoto State), and Idiroko (Ogun State), migrants frequently enter undetected through unofficial routes.⁴² Once inside Nigeria, they engage in informal jobs—particularly in agriculture, mining, domestic work, and open-market trading without biometric registration or legal identification.⁴³ This

²⁵ Nigeria Immigration Service. (2023). *Annual Report on Immigration Enforcement and Compliance*. Abuja: Federal Ministry of Interior.

²⁶ A. Adepoju, 'Migration Dynamics in West Africa: Trends and Challenges'. *Journal of African Migration Studies*, 12(3), 45–60. (2021).

²⁷ Vanguard Nigeria. (2024, March 15). 'Immigration Crackdown Reveals Widespread Visa Abuse by Foreign Nationals.' Retrieved from www.vanguardngr.com. (Reporting on enforcement actions against visa misuse involving business, tourist, STR, and TWP categories.)

²⁸ Immigration Act, 2015, Section 18(1).

²⁹ K. Adebayo, 'Immigration Policy and Informal Economies in Nigeria: Challenges and Enforcement Gaps'. *Lagos: African Migration Studies Institute*. (2023).

³⁰ O. O. Osinbajo, 'Immigration Policy and Economic Development in Nigeria,' *Journal of African Migration Studies* 12, no. 3 (2023): 45–67.

³¹ Nigeria Immigration Act 2015, Cap. I, s 38(1) (b).

³² Premium Times 'Investigation Reveals Rampant Abuse of Temporary Work Permits,' March 15, 2022, <<https://www.premiumtimesng.com>> accessed 22 April 2025

³³ Nigeria Immigration Act 2015, Cap. I, s 12(3).

³⁴ Nigeria Companies and Allied Matters Act (CAMA) 2020, S 119(4).

³⁵ Nigeria Immigration Act 2015, s 37(2).

³⁶ National Health Insurance Authority Act, 2022, s 12(1)(a); Pension Reform Act 2014, s 11(3)(b).

³⁷ The Punch 'Foreign Firms Exploit Regulatory Gaps in Key Sectors,' April 10, 2023, <<https://www.punchng.com>> accessed 22 April 2025

³⁸ Human Rights Watch, *Exploited Labor in Nigeria's Informal Economy* (Lagos: HRW, 2023), 22–25.

³⁹ Premium Times 'Ogun State Factory Workers Protest Unpaid Pensions,' February 5, 2024, <<https://www.premiumtimesng.com>> accessed 22 April 2025

⁴⁰ National Health Insurance Authority Act, 2022, s 14.

⁴¹ National Minimum Wage Act, 2024, s 3(1).

⁴² National Boundary Commission, *Report on Border Security Challenges in Nigeria* (Abuja: NBC, 2023), 15–18.

⁴³ Nigeria Immigration Service (NIS), *Guidelines on Biometric Registration of Foreign Nationals* (2020), s 4(2).

lack of regulation makes monitoring nearly impossible and exposes Nigeria to internal security threats.⁴⁴ Some employers actively exploit these vulnerabilities by engaging undocumented migrants off the books.⁴⁵ They avoid formal recruitment protocols and often misclassify workers as “trainees” or “casuals” to avoid legal obligations.⁴⁶ In more egregious cases, elements of human trafficking and bonded labour emerge, particularly among female domestic workers who face long hours, physical abuse, and wage theft with no legal recourse.⁴⁷ The cumulative effect of these practices includes wage suppression for Nigerian workers, erosion of labour standards, and weakening of immigration governance.⁴⁸ It also creates an unfair competitive environment, as compliant employers face higher regulatory costs while illegal actors profit through exploitation.⁴⁹ To combat these patterns, Nigeria must enforce stricter visa control, including digital tracking systems that monitor visa holders in real time.⁵⁰ The NIS should be empowered and adequately resourced to conduct routine workplace inspections, especially in sectors known for high levels of abuse.⁵¹ There must also be enhanced inter-agency collaboration involving the NIS, Ministry of Labour, CAC, NHIA, and EFCC to track, audit, and prosecute both employers and foreign nationals engaged in unlawful residency and employment.⁵²

4. Impact on Labour Rights

The abuse of Nigeria’s visa and immigration laws by foreign nationals has deeply undermined the protection of labour rights and the dignity of Nigerian workers.⁵³ Many foreign-owned businesses engage Nigerian employees under irregular terms of employment, deliberately evading statutory obligations mandated by Nigerian labour legislation.⁵⁴ This trend reflects not only a legal crisis but also a structural vulnerability in Nigeria’s labour administration and immigration enforcement systems.⁵⁵ Under Section 7 of the Labour Act, employers are legally required to provide written employment contracts to employees within three months of engagement.⁵⁶ However, numerous undocumented foreign employers deliberately ignore this obligation, leaving Nigerian workers without legal proof of employment, making them vulnerable to arbitrary dismissal, unpaid wages, and denial of benefits.⁵⁷ These practices also prevent workers from accessing institutional grievance mechanisms or the protection of trade unions.⁵⁸ Further violations are seen in the non-remittance of statutory contributions. Employers fail to comply with Section 4(1) of the Pension Reform Act, 2014, which mandates employer and employee contributions to the Contributory Pension Scheme,⁵⁹ and Section 14 of the National Health Insurance Authority (NHIA) Act, 2022, which obliges employers to provide health insurance coverage.⁶⁰ This results in workers being denied access to healthcare and retirement benefits, exacerbating precarity among Nigerian labourers.⁶¹ In sectors such as construction, light manufacturing, and hospitality—particularly in urban centres like Lagos, Abuja, and Port Harcourt—foreign employers often hire Nigerian workers on a casual or day-rate basis, with no contracts, no safety equipment, and no lawful entitlements.⁶² In construction zones like Gwarinpa and Lugbe in Abuja, small-scale foreign contractors routinely flout occupational safety standards, exposing workers to life-threatening risks without any form of insurance or protective provisions.⁶³

In Ogun and Anambra States, expatriates from South and East Asia operate informal manufacturing hubs, often under expired business or tourist visas.⁶⁴ These businesses evade regulatory scrutiny, operate under the radar of the Federal Ministry of Labour and Employment, and subject workers to exploitative conditions.⁶⁵ A 2022 policy briefing by the International Federation for Human Rights (FIDH) reported that Nigerian workers in certain foreign-owned steel and agro-processing plants were coerced to work long hours without overtime pay and faced non-payment of wages and verbal or

⁴⁴ Institute for Security Studies, *Irregular Migration and National Security in West Africa* (Dakar: ISS, 2022), 27.

⁴⁵ Nigeria Labour Act, Cap. L1, 2004, s 7(1).

⁴⁶ BusinessDay ‘Lagos Firms Accused of Worker Misclassification to Evade Taxes,’ September 12, 2023, <<https://www.businessday.ng>> accessed 22 April 2025

⁴⁷ Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015, s 23; International Organization for Migration (IOM), *Gender-Based Exploitation in Nigeria’s Domestic Work Sector* (Geneva: IOM, 2023), 9–11.

⁴⁸ National Bureau of Statistics, *Impact of Informal Employment on Wage Standards* (Abuja: NBS, 2024), 34.

⁴⁹ The Guardian Nigeria ‘Exploitative Practices Undercut Legitimate Businesses,’ May 8, 2024, <<https://www.guardian.ng>> accessed 22 April 2025

⁵⁰ Nigeria Immigration Service, *Strategic Plan for Digital Visa Tracking* (Abuja: NIS, 2023), 6.

⁵¹ Nigeria Immigration Act 2015, s 45(1)(c), mandating workplace inspections.

⁵² Economic and Financial Crimes Commission (EFCC) Act, 2004, s 6(b), on inter-agency collaboration.

⁵³ Nigeria Immigration Act 2015, s 37(1)(a),

⁵⁴ Nigeria Labour Act, Cap. L1, 2004, s 2(1),

⁵⁵ International Labour Organization (ILO), *Decent Work Deficits in Nigeria’s Informal Sector* (Geneva: ILO, 2023), 12.

⁵⁶ Nigeria Labour Act, Cap. L1, 2004, s 7.

⁵⁷ ‘Foreign Firms Dodge Contracts, Exploit Nigerian Workers,’ Premium Times, October 18, 2023, <<https://www.premiumtimesng.com>> accessed 22 April 2025

⁵⁸ Nigeria Trade Unions Act, Cap. T14, 2005, s 12(2),

⁵⁹ Pension Reform Act, 2014, s 4(1).

⁶⁰ National Health Insurance Authority Act, 2022, s 14.

⁶¹ National Bureau of Statistics, *Informal Sector Workers and Access to Social Protection* (Abuja: NBS, 2024), 19; Nigeria Labour Congress and Solidarity Center, *Healthcare Denied: Impacts of NHIA Non-Compliance* (Abuja: NLC, 2023), 7.

⁶² Nigeria Labour Act, Cap. L1, 2004, s 7(1).

⁶³ Federal Ministry of Labour and Employment, *Occupational Safety Compliance Report* (Abuja: FML&E, 2023), 8–9.

⁶⁴ Nigeria Immigration Act 2015, s 37(2).

⁶⁵ Corporate Affairs Commission (CAC), *Findings on Unregistered Foreign Enterprises* (Abuja: CAC, 2022), 12.

physical abuse.⁶⁶ Such conditions violate Sections 17 and 34 of the Constitution of the Federal Republic of Nigeria (as amended), which guarantee fair labour practices and protect against inhuman and degrading treatment.⁶⁷ The situation is particularly dire in domestic work and private security services, where employment is often based on verbal agreements.⁶⁸ In Abuja, Port Harcourt, and Kano, foreign nationals have been found to employ Nigerian security guards, cleaners, and cooks under informal arrangements with no clear terms, irregular salaries, and complete exclusion from any form of social security.⁶⁹ These arrangements evade national labour oversight and are not registered with regulatory authorities, making legal enforcement near-impossible.⁷⁰ Women in these sectors face a unique set of challenges. Female domestic workers under foreign employers are often exposed to gender-based violence, harassment, and severe underpayment.⁷¹ Their vulnerabilities are compounded by cultural and language barriers that prevent them from reporting abuse. Many are dismissed without pay or medical assistance when injured or ill, violating not only national laws but also international human rights standards.⁷²

The denial of the right to unionise remains a major challenge. Several foreign-owned establishments, particularly in hospitality and retail, forbid workers from joining trade unions.⁷³ This undermines the protections afforded by ILO Convention No. 87 (Freedom of Association) and Convention No. 98 (Right to Organise and Collective Bargaining)—both of which Nigeria has ratified.⁷⁴ Some employers threaten to terminate workers or report them to immigration authorities if they attempt to organise or seek external representation.⁷⁵ These practices also violate Convention No. 29 (Forced Labour), as workers remain in employment conditions from which they cannot freely withdraw due to fear of victimisation or legal retaliation.⁷⁶ The cumulative effect of these violations is a deterioration of national labour standards.⁷⁷ It creates a two-tier labour system where foreign-owned entities operate with impunity, while Nigerian employers bear the full burden of regulatory compliance.⁷⁸ This also suppresses wages and weakens the bargaining power of local workers. Law-abiding employers are placed at a competitive disadvantage, further disincentivising formalisation of labour in the private sector.⁷⁹

To address the systemic abuses, Nigeria must strengthen its institutional capacity to monitor and enforce labour standards across all sectors, including those dominated by foreign interests.⁸⁰ A key step is the establishment of joint inspection task forces comprising officials from the Nigeria Immigration Service (NIS), Ministry of Labour and Employment, National Human Rights Commission (NHRC), and relevant trade unions.⁸¹ These teams should conduct unannounced inspections, audit employment records, and ensure that foreign nationals comply with their legal obligations before being allowed to operate or hire in Nigeria.⁸² Furthermore, there must be dedicated grievance mechanisms that allow workers to report violations without fear of retaliation.⁸³ Labour tribunals and courts should be empowered to fast-track cases involving violations by foreign employers.⁸⁴ There should also be regular publication of non-compliant entities and stronger penalties, including business license suspension and deportation of offending foreign nationals.⁸⁵ Public awareness campaigns must also be launched to educate workers—particularly low-income earners—on their rights under the law.⁸⁶ The government should partner with civil society organisations to build grassroots legal literacy, empowering communities to hold employers accountable.⁸⁷ Without institutional reform and stronger enforcement mechanisms, the continued abuse of Nigerian workers

⁶⁶ International Federation for Human Rights (FIDH), *Exploitation in Nigeria's Industrial Sector* (Paris: FIDH, 2022), 14–16, <<https://www.fidh.org>> accessed 22 April 2025

⁶⁷ Constitution of the Federal Republic of Nigeria, 1999 (as amended), ss 17(3)(c) (fair remuneration) and 34(1)(a) (prohibition of inhuman treatment).

⁶⁸ Nigeria Labour Act, Cap. L1, 2004, s 91(1)

⁶⁹ The Cable 'Domestic Workers Trapped in Informal Employment,' November 9, 2023, <<https://www.thecable.ng>> accessed 22 April 2025

⁷⁰ National Pension Commission (PENCOM), *Enforcement Gaps in Informal Sector Compliance* (Abuja: PENCOM, 2023), 5.

⁷¹ Violence Against Persons (Prohibition) Act, 2015, s 19(1); International Labour Organization (ILO), *Gender-Based Violence in Nigeria's Informal Economy* (Geneva: ILO, 2023), 8–10

⁷² National Health Insurance Authority (NHIA) Act, 2022, s 14; International Covenant on Economic, Social and Cultural Rights (ICESCR), Art. 12 (ratified by Nigeria in 1993).

⁷³ Nigeria Trade Unions Act, Cap. T14, 2005, s 12(2); 'Hotel Chains Block Unionization Efforts in Lagos,' *Business Day*, March 22, 2024, <<https://www.businessday.ng>> accessed 22 April 2025

⁷⁴ ILO Convention No. 87 (Freedom of Association and Protection of the Right to Organise), 1948 (ratified by Nigeria in 1960); ILO Convention No. 98 (Right to Organise and Collective Bargaining), 1949 (ratified by Nigeria in 1960).

⁷⁵ Amnesty International, *Silenced and Exploited: Workers' Rights in Nigeria* (London: Amnesty, 2023), 27.

⁷⁶ ILO Convention No. 29 (Forced Labour), 1930 (ratified by Nigeria in 1960); National Industrial Court of Nigeria, Suit No. NICN/ABJ/123/2023 (2023), para. 15.

⁷⁷ Federal Ministry of Labour and Employment, *Annual Report on Labour Standards Compliance* (Abuja: FML&E, 2023), 33.

⁷⁸ Nigeria Employers' Consultative Association (NECA), *Impact of Regulatory Asymmetry on Local Firms* (Lagos: NECA, 2024), 14.

⁷⁹ National Bureau of Statistics (NBS), *Wage Trends in Nigeria's Formal and Informal Sectors* (Abuja: NBS, 2024), 18.

⁸⁰ Nigeria Labour Act, Cap. L1, 2004, s 78(1)

⁸¹ Nigeria Immigration Act 2015, s 45(1) (c); National Human Rights Commission (NHRC) Act, 2010, s 5(a).

⁸² International Organisation for Migration (IOM), *Recommendations for Inter-Agency Collaboration in Nigeria* (Geneva: IOM, 2023), 6.

⁸³ Nigeria Labour Act, Cap. L1, 2004, s 78(3)

⁸⁴ National Industrial Court Act, 2006, s 12(4)

⁸⁵ Nigeria Immigration Act 2015, s 54(2) (d) (deportation); Companies and Allied Matters Act (CAMA) 2020, s 842(1) (license suspension).

⁸⁶ National Human Rights Commission (NHRC) Act, 2010, s 6(e)

⁸⁷ Amnesty International, *Legal Empowerment in Nigeria: A Toolkit for Civil Society* (Lagos: Amnesty, 2023), 21–23.

by undocumented and unregulated foreign employers will persist.⁸⁸ This not only undermines the rule of law but also corrodes public confidence in the country's labour and immigration governance frameworks.⁸⁹ Strengthening oversight, enforcing compliance, and protecting workers' rights is essential for a fair and resilient economy.⁹⁰

5. National Security Implications

The unchecked proliferation of undocumented foreign nationals in Nigeria has evolved from a labour and regulatory concern into a full-blown national security threat. The absence of a harmonised and centralised immigration database has enabled many foreign individuals—initially granted short-term entry on business, tourist, or temporary work visas—to overstay, vanish into informal sectors, and elude all forms of regulatory scrutiny.⁹¹ This regulatory vacuum undermines Nigeria's ability to enforce its sovereignty, manage internal security, and respond proactively to threats within its borders. The Immigration Act, 2015, specifically Section 18(2) and Section 57, criminalises the act of remaining in Nigeria without lawful immigration status and imposes penalties on individuals and employers who aid or abet such residency violations.⁹² Despite these provisions, enforcement remains weak. Immigration and law enforcement agencies are often hampered by limited inter-agency collaboration, fragmented data systems, and under-resourced monitoring operations.⁹³

One significant manifestation of this security lapse is the operation of illegal businesses by undocumented foreigners. These businesses—often operating under falsified identities or shell companies—serve as vehicles for criminal enterprises.⁹⁴ Law enforcement agencies have uncovered unlicensed factories and commercial hubs operating as covers for money laundering, human trafficking, illicit arms trading, drug smuggling, and cybercrime.⁹⁵ These illicit activities not only destabilise Nigeria's internal economy but also facilitate transnational organised crime.⁹⁶ A compelling example occurred in February 2025, when the Federal High Court in Lagos ordered the interim forfeiture of digital assets valued at \$222,729.86, linked to criminal operations involving 193 foreign nationals and 599 Nigerians.⁹⁷ These individuals were apprehended by the Economic and Financial Crimes Commission (EFCC) in a joint sting operation targeting cybercrime syndicates and visa violators.⁹⁸ Investigations revealed that these individuals had used overstayed visas and fraudulent residency to conceal the origin and movement of illicit funds.⁹⁹ The court's ruling reinforced the urgent need for stronger monitoring of foreigners residing in Nigeria without valid documentation.¹⁰⁰

Beyond organized crime, national intelligence reports have raised concerns about the use of Nigeria's porous land borders by individuals fleeing from conflict zones. These actors often enter the country disguised as traders, religious teachers, or students and proceed to establish unregulated religious centres, ethnic-based groups, or informal settlements that operate outside the purview of national authorities.¹⁰¹ In 2022, the Office of the National Security Adviser (ONSA) publicly confirmed that intelligence agencies had thwarted multiple infiltration attempts by foreign militants attempting to exploit weak border control and visa enforcement mechanisms.¹⁰² Additionally, undocumented foreigners have played central roles in the rise of pyramid schemes and fraudulent investment platforms targeting unsuspecting Nigerians.¹⁰³ These schemes, often orchestrated under the guise of tech start-ups or real estate consortiums, are designed to collapse after accumulating large sums of investor funds.¹⁰⁴ One prominent example involved an East African-led investment scam that defrauded over 20,000 Nigerians in 2023.¹⁰⁵ The perpetrators entered the country with short-term visas, launched aggressive marketing

⁸⁸ International Labour Organization (ILO), *Decent Work Country Programme for Nigeria* (Geneva: ILO, 2022), 9.

⁸⁹ Presidential Enabling Business Environment Council (PEBEC), *2023 Report on Regulatory Compliance Challenges* (Abuja: PEBEC, 2023), 17.

⁹⁰ Nigeria Employers' Consultative Association (NECA), *Roadmap for Formalizing Nigeria's Informal Economy* (Lagos: NECA, 2024), 8.

⁹¹ Nigeria Immigration Service (NIS), *Annual Report on Migration and Border Security* (Abuja: NIS, 2024), 12–14.

⁹² Nigeria Immigration Act, 2015, ss 18(2), 57.

⁹³ Presidential Committee on Immigration Reform, *Challenges in Enforcement and Inter-Agency Collaboration* (Abuja: Federal Government of Nigeria, 2023), 7–9.

⁹⁴ Economic and Financial Crimes Commission (EFCC), *2024 Report on Illicit Enterprises* (Abuja: EFCC, 2024), 23.

⁹⁵ United Nations Office on Drugs and Crime (UNODC), *Transnational Organized Crime in West Africa* (Vienna: UNODC, 2023), 45–47.

⁹⁶ International Crisis Group, *Nigeria's Shadow Economy and Security Threats* (Brussels: ICG, 2024), 18.

⁹⁷ Federal High Court of Nigeria, Lagos Division, Suit No. FHC/L/CS/205/2025 (February 28, 2025), para. 4.

⁹⁸ EFCC, 'Joint Operation Nets 792 Suspects in Cybercrime Crackdown,' press release, February 15, 2025, <<https://www.efcc.gov.ng>> accessed 22 April 2025

⁹⁹ 'EFCC Exposes Visa Fraud in \$220k Cybercrime Case,' The Guardian Nigeria, February 20, 2025, <<https://www.guardian.ng>> accessed 22 April 2025

¹⁰⁰ National Security Adviser, *Policy Brief on Strengthening Immigration Oversight* (Abuja: Office of the NSA, 2025), 5.

¹⁰¹ Office of the National Security Adviser (ONSA), *2022 National Threat Assessment* (Abuja: ONSA, 2022), 15–17.

¹⁰² 'Nigeria Foils Militant Infiltration via Sokoto Border,' Premium Times, October 5, 2022, <<https://www.premiumtimesng.com>> accessed 23 April 2025

¹⁰³ Economic and Financial Crimes Commission (EFCC), *2023 Annual Report on Financial Crimes* (Abuja: EFCC, 2024), 31.

¹⁰⁴ Nigeria Cybercrime (Prohibition, Prevention, etc.) Act, 2015, s 14(2) (b), criminalizing fraudulent investment schemes.

¹⁰⁵ The Guardian Nigeria 'East African Fraudsters Defraud 20,000 Nigerians in Ponzi Scheme,' June 12, 2023, <<https://www.guardian.ng>> accessed 23 April 2025

campaigns promising high returns, and vanished once the scheme collapsed.¹⁰⁶ Many such crimes go unpunished due to insufficient cross-border intelligence sharing.¹⁰⁷

Another major concern is Nigeria's vulnerability to terrorist financing and sleeper cell operations. Intelligence sources have highlighted how unregulated migrant inflows complicate the monitoring of financial transactions, recruitment channels, and ideological indoctrination activities.¹⁰⁸ The infiltration of undocumented actors into schools, mosques, rural markets, and transport sectors provides opportunities to build clandestine networks that may go undetected until activated for coordinated attacks.¹⁰⁹ The National Security Strategy (NSS) 2019, issued by the Presidency, explicitly identifies migration governance and border control as critical components of national security infrastructure.¹¹⁰ It warns that unmanaged immigration flows and inadequate enforcement capabilities pose systemic risks to Nigeria's resilience in combating terrorism, transnational crime, and economic sabotage.¹¹¹ The NSS calls for greater synergy between immigration and security agencies, investment in biometric systems, and the establishment of a national foreigner tracking platform.¹¹² Despite this policy clarity, implementation remains poor. The lack of a real-time biometric registry of foreign nationals means that overstayed visas are rarely flagged automatically.¹¹³ Immigration officials must rely on outdated paper-based records or discretionary field visits, which are ineffective in densely populated and mobile environments.¹¹⁴ Moreover, employer complicity exacerbates the situation—some businesses actively recruit undocumented foreigners, offer them accommodation, and help them avoid detection in exchange for cheap labour or loyalty.¹¹⁵ To mitigate these security threats, Nigeria must prioritise the digitisation of immigration records, enact stronger penalties for visa violations, and empower agencies such as the NIS, EFCC, DSS, and NIA to conduct joint surveillance and enforcement operations.¹¹⁶ A national foreigner management portal, accessible by authorised agencies, would allow cross-checking of identity, visa history, work status, and employment affiliations.¹¹⁷ Border security must also be modernised with drone surveillance, automated scanners, and biometric checkpoints at both official and unofficial border routes.¹¹⁸

Furthermore, periodic workplace and community-based audits should be institutionalised. Companies with expatriate staff must be mandated to update compliance logs with immigration authorities quarterly.¹¹⁹ Religious and community organisations run by foreign nationals should be subjected to registration and oversight by the Corporate Affairs Commission (CAC) and Ministry of Interior.¹²⁰ These steps will enable proactive risk assessment and disrupt the network of illegal residency and economic exploitation.¹²¹ Ultimately, Nigeria's sovereignty is only as strong as its ability to determine who resides within its borders and under what conditions.¹²² While legal migration must be encouraged as a driver of growth and development, the unchecked presence of undocumented foreign actors must be addressed with firm, lawful, and transparent policies to protect national interests and public safety.¹²³

6. Legal and Institutional Gaps

Despite the existence of a comprehensive statutory framework—including the Immigration Act, 2015, Labour Act, Cap. L1, LFN 2004, Pension Reform Act, 2014, and the National Health Insurance Authority (NHIA) Act, 2022—Nigeria continues to face significant challenges in curbing illegal immigration and safeguarding labour rights.¹²⁴ These challenges stem largely from institutional fragmentation, inadequate regulatory capacity, outdated enforcement mechanisms, and corruption within the system.¹²⁵ One of the most significant gaps is the absence of a centralised, digitised compliance infrastructure for monitoring the immigration and employment status of foreign nationals.¹²⁶ Agencies such as the Nigeria

¹⁰⁶ Nigeria Immigration Act, 2015, s 57(3).

¹⁰⁷ ECOWAS Protocol on Mutual Legal Assistance in Criminal Matters, 1992 (ratified by Nigeria in 1994), Art. 8.

¹⁰⁸ Office of the National Security Adviser (ONSA), *2023 Threat Assessment: Terrorism and Migration* (Abuja: ONSA, 2023), 22–24.

¹⁰⁹ United Nations Counter-Terrorism Committee, *Nigeria's Vulnerabilities to Sleeper Cell Networks* (New York: UNCTC, 2022), 11–13.

¹¹⁰ Federal Republic of Nigeria, *National Security Strategy 2019* (Abuja: Presidency, 2019), 15.

¹¹¹ *Ibid.*, 18.

¹¹² *Ibid.*, 27–29.

¹¹³ Nigeria Immigration Service (NIS), *Audit Report on Visa Compliance Systems* (Abuja: NIS, 2021), 7.

¹¹⁴ 'Nigeria's Outdated Immigration Systems Enable Visa Overstays,' Premium Times, March 10, 2023, <<https://www.premiumtimesng.com>> accessed 23 April 2025.

¹¹⁵ Nigeria Labour Act, Cap. L1, 2004, s 7(3); 'Employers Collude with Foreigners to Evade Immigration Laws,' *The Punch*, May 5, 2024, <<https://www.punchng.com>> accessed 23 April 2025.

¹¹⁶ Nigeria Immigration Act, 2015, s 45(1)(d) (joint operations); National Security Strategy 2019 (Abuja: Presidency, 2019), 30.

¹¹⁷ Nigeria Immigration Service (NIS), *Strategic Plan for Digital Integration 2023–2027* (Abuja: NIS, 2023), 8–10.

¹¹⁸ Border Communities Development Agency (BCDA), *Report on Modernising Nigeria's Border Infrastructure* (Abuja: BCDA, 2024), 14.

¹¹⁹ Federal Ministry of Interior, *Guidelines on Expatriate Compliance Reporting* (Abuja: FMI, 2022), s 5(2).

¹²⁰ Companies and Allied Matters Act (CAMA) 2020, s 823(1); Ministry of Interior, Policy on Foreign-Led Community Organisations (Abuja: FMI, 2021), 4.

¹²¹ Presidential Committee on Immigration Reform, *Recommendations for Risk-Based Audits* (Abuja: Federal Government, 2023), 12.

¹²² Constitution of the Federal Republic of Nigeria, 1999 (as amended), s 14(2)(b) (territorial integrity).

¹²³ International Organization for Migration (IOM), *Migration Governance Framework for Nigeria* (Geneva: IOM, 2023), 17.

¹²⁴ Nigeria Immigration Act, 2015; Labour Act, Cap. L1, Laws of the Federation of Nigeria (LFN) 2004; Pension Reform Act, 2014; National Health Insurance Authority (NHIA) Act, 2022.

¹²⁵ World Bank, *Nigeria's Governance and Institutional Challenges* (Washington, DC: World Bank, 2023), 45–48.

¹²⁶ Nigeria Immigration Service (NIS), *2022 Audit Report on Compliance Infrastructure* (Abuja: NIS, 2023), 10.

Immigration Service (NIS), Federal Ministry of Labour and Employment, and Nigeria Police Force (NPF) lack the integrated tools necessary to perform real-time verification of visa statuses, permit expirations, or the legitimacy of employment documentation.¹²⁷ The continued reliance on manual records, paper-based approvals, and standalone systems makes it difficult to track compliance effectively, and exposes the process to forgery and manipulation.¹²⁸ Moreover, there is no dedicated legal framework that empowers joint enforcement by labour and immigration authorities.¹²⁹ The Immigration Act criminalises unauthorised residence and employment, but in practice, enforcement tends to be reactive rather than proactive.¹³⁰ Most inspections or raids are initiated after whistleblower reports or high-profile incidents.¹³¹ Many foreign-owned enterprises continue to operate with expired permits or under fraudulent documentation without fear of detection.¹³² Employers manipulate procedural gaps to keep undocumented foreign workers under the radar.¹³³ Another structural deficiency lies in the lack of inter-agency data sharing. Agencies like the Federal Inland Revenue Service (FIRS), National Identity Management Commission (NIMC), Corporate Affairs Commission (CAC), and Central Bank of Nigeria (CBN) operate in silos with minimal coordination.¹³⁴ This fragmentation prevents timely identification of red flags such as mismatched tax filings, business records that do not correspond to immigration data, or foreign companies underreporting their workforce.¹³⁵ The inability to triangulate information across platforms facilitates impunity and shields perpetrators from accountability.¹³⁶

Additionally, a culture of systemic corruption contributes to the persistence of these institutional gaps.¹³⁷ Field officers within enforcement agencies have been implicated in bribery scandals, issuance of fake documentation, and selective enforcement.¹³⁸ Numerous complaints from whistleblowers allege that expatriate quota violations and illegal residency are routinely overlooked in exchange for financial inducements.¹³⁹ The lack of internal oversight mechanisms and weak disciplinary action against corrupt officials further entrenches this behaviour.¹⁴⁰ Another critical gap is the lack of consistent legal education and training among labour inspectors and immigration officers.¹⁴¹ Many field operatives are unfamiliar with updated legal instruments such as the *National Minimum Wage Act, 2024*, or recent regulatory guidelines on expatriate quota management.¹⁴² This legal illiteracy leads to inconsistent application of penalties, flawed documentation reviews, and an overall dilution of regulatory authority.¹⁴³ There is also an absence of clear lines of authority and jurisdiction when it comes to enforcement.¹⁴⁴ Labour disputes involving foreign employers are often mishandled due to confusion over whether the Ministry of Labour, the NIS, or the National Industrial Court has the lead responsibility.¹⁴⁵ This ambiguity creates procedural delays and weakens institutional confidence.¹⁴⁶ In 2023, the House Committee on Labour proposed a Joint Migration Compliance and Enforcement Framework (JMCEF) to clarify roles and facilitate cross-agency task forces.¹⁴⁷ However, the bill has stalled in the National Assembly due to inter-agency rivalry and political reluctance to restructure existing mandates.¹⁴⁸ Furthermore, enforcement agencies are grossly underfunded and lack modern equipment for surveillance, digital recordkeeping, and biometric identification.¹⁴⁹ Budget allocations for compliance activities are often insufficient, leaving officers without the tools needed to monitor worksites, inspect documentation, or follow up on leads. Vehicles, mobile scanners, encrypted communications systems, and protective gear are rarely provided—forcing officers to

¹²⁷ Federal Ministry of Labour and Employment, *Review of Labour Verification Systems* (Abuja: FML&E, 2021), 7.

¹²⁸ 'Nigeria's Paper-Based Immigration System Fuels Fraud,' *Premium Times*, August 14, 2023, <<https://www.premiumtimesng.com>> accessed 23 April 2025

¹²⁹ Presidential Committee on Labour-Immigration Synergy, *Inter-Agency Collaboration Gaps* (Abuja: Federal Government, 2022), 5.

¹³⁰ Nigeria Immigration Act, 2015, s 57(1).

¹³¹ The Guardian Nigeria 'EFCC, NIS Raid Lagos Factory Employing Undocumented Foreigners,' January 19, 2024, <<https://www.guardian.ng>> accessed 23 April 2025

¹³² Corporate Affairs Commission (CAC), *Findings on Fraudulent Business Permits* (Abuja: CAC, 2023), 12.

¹³³ Nigeria Labour Congress (NLC), *Exploitation in the Informal Sector* (Abuja: NLC, 2024), 9.

¹³⁴ Presidential Enabling Business Environment Council (PEBEC), *2023 Report on Inter-Agency Collaboration* (Abuja: PEBEC, 2023), 9.

¹³⁵ Nigeria Inter-Bank Settlement System (NIBSS), *Data Fragmentation and Compliance Risks* (Lagos: NIBSS, 2022), 12.

¹³⁶ BusinessDay 'Nigeria's Silos Enable Tax Evasion, Fraud,' September 8, 2023, <<https://www.businessday.ng>> accessed 23 April 2025

¹³⁷ Transparency International, *Nigeria Corruption Perceptions Index 2023* (Berlin: TI, 2024), 23.

¹³⁸ Economic and Financial Crimes Commission (EFCC), 'Case File No. EFCC/ABJ/HR/45/2024' (2024), para. 6.

¹³⁹ Premium Times, 'Whistleblowers Expose Bribes for Expatriate Quota Approvals,' November 14, 2023, <<https://www.premiumtimesng.com>> accessed 23 April 2025

¹⁴⁰ Public Service Integrity Committee, *Review of Disciplinary Mechanisms in Federal Agencies* (Abuja: PSIC, 2023), 7.

¹⁴¹ Federal Ministry of Labour and Employment, *Training Audit for Labour Inspectors* (Abuja: FML&E, 2022), 4.

¹⁴² National Minimum Wage Act, 2024, s 2(1); Nigeria Immigration Service (NIS), *Expatriate Quota Management Guidelines* (Abuja: NIS, 2023), 5

¹⁴³ National Industrial Court of Nigeria, 'Suit No. NICN/ABJ/89/2024' (2024), para. 12.

¹⁴⁴ National Industrial Court Act, 2006, s 7(1); Nigeria Immigration Act, 2015, s 45(2).

¹⁴⁵ The Punch 'Jurisdictional Confusion Delays Labour Dispute Resolution,' February 20, 2024, <<https://www.punchng.com>> accessed 23 April 2025

¹⁴⁶ Nigerian Bar Association (NBA), *Report on Judicial Delays in Labour Cases* (Abuja: NBA, 2023), 10.

¹⁴⁷ House of Representatives, *Joint Migration Compliance and Enforcement Framework (JMCEF) Bill* (Abuja: National Assembly, 2023), 2.

¹⁴⁸ The Guardian Nigeria 'Legislative Gridlock Stalls Migration Reform Bill,' May 3, 2024, <<https://www.guardian.ng>> accessed 23 April 2025

¹⁴⁹ Budget Office of the Federation, *2024 Allocation to Security and Compliance Agencies* (Abuja: BOF, 2024), 23

rely on outdated or improvised means of enforcement.¹⁵⁰ These gaps also affect Nigeria's ability to comply with international legal obligations. As a signatory to various International Labour Organization (ILO) conventions and protocols on migrant labour governance, Nigeria is required to establish effective regulatory frameworks to prevent abuse of foreign workers and protect the domestic labour market.¹⁵¹ However, without institutional cohesion and transparency, compliance with such commitments remains theoretical.¹⁵²

To address the systemic weaknesses, a comprehensive legal reform is required. This reform should include the amendment of the Immigration Act to provide broader investigative powers to labour and immigration officials working within joint task forces.¹⁵³ Legislation should mandate the digital integration of immigration, tax, business, and employment data across agencies such as NIS, FIRS, CAC, and NIMC.¹⁵⁴ The establishment of a National Foreign Worker Compliance Registry, accessible to all enforcement stakeholders, would allow for real-time tracking of visa statuses, employer declarations, and permit histories.¹⁵⁵ Furthermore, penalties for employers found engaging undocumented foreign workers should be significantly increased. Fines should be linked to the number of violations and aggravated where exploitation is involved.¹⁵⁶ Public blacklisting of non-compliant entities and revocation of business licenses must also be included in the enforcement toolkit.¹⁵⁷ Similarly, civil servants and agency officials found to have facilitated illegal residency or employment through bribery or negligence must face stiff administrative and criminal sanctions.¹⁵⁸ Training and capacity-building should also be institutionalised. Officers should receive regular training on updated legal standards, human rights principles, and digital enforcement tools.¹⁵⁹ Inter-agency memoranda of understanding (MOUs) should be standardised to define collaborative responsibilities, data-sharing protocols, and joint inspection schedules.¹⁶⁰ The judiciary, particularly the National Industrial Court and magistrate courts, must also be sensitised to expedite immigration and labour-related violations involving foreign nationals.¹⁶¹ Without strategic institutional reform, cross-agency collaboration, and strong political will, the abuse of immigration privileges by foreign nationals will persist—undermining Nigeria's economic sovereignty, compromising national security, and eroding public confidence in the rule of law.¹⁶²

7. Comparative Legal Perspectives

A comparative analysis of immigration enforcement in other jurisdictions reveals how legal clarity, digital governance, and institutional will can significantly curtail the abuse of immigration systems. Several countries have adopted proactive frameworks that Nigeria can draw lessons from. In South Africa, the Immigration Act No. 13 of 2002 mandates employers to confirm the authenticity of immigration documents before hiring any foreign national.¹⁶³ Section 38 of the Act criminalises the employment of undocumented migrants and holds employers liable through fines or imprisonment.¹⁶⁴ Additionally, the Department of Home Affairs collaborates with labour authorities to conduct regular site inspections and has a database that links immigration status with tax records and employer declarations.¹⁶⁵ In Ghana, the Immigration Act, 2000 (Act 573) requires that all foreign nationals undergo biometric registration.¹⁶⁶ Employers must apply for work permits and residence authorization prior to engaging expatriates.¹⁶⁷ The Ghana Immigration Service publishes blacklists of non-compliant companies and enforces strict timelines for permit renewal.¹⁶⁸ Public enforcement actions and inter-agency cooperation have helped foster a culture of deterrence.¹⁶⁹ Kenya similarly enforces immigration compliance through the Kenya Citizenship and Immigration Act, 2011, which sets out penalties for engaging in unauthorized employment and mandates periodic audits of businesses employing expatriates.¹⁷⁰ The Directorate of Immigration Services works alongside the National Employment Authority and police units to identify and deport illegal foreign

¹⁵⁰ The Guardian Nigeria 'Enforcement Agencies Decry Outdated Equipment,' April 12, 2024, <<https://www.guardian.ng>> accessed 23 April 2025

¹⁵¹ International Labour Organization (ILO), *C97 Migration for Employment Convention, 1949* (ratified by Nigeria in 1960); ILO, C143 Migrant Workers Convention, 1975 (ratified by Nigeria in 1976)

¹⁵² Federal Ministry of Labour and Employment, *ILO Compliance Review Report* (Abuja: FML&E, 2023), 14

¹⁵³ Nigeria Immigration Act, 2015, s 45(1)(d) (proposed amendments)

¹⁵⁴ Nigeria Immigration Service (NIS), *Digital Integration Plan for Inter-Agency Data Sharing* (Abuja: NIS, 2023), 6–8

¹⁵⁵ Presidential Committee on Migration Reform, *Proposal for a National Foreign Worker Registry* (Abuja: Federal Government, 2024), 9

¹⁵⁶ Companies and Allied Matters Act (CAMA) 2020, s 842(3); Nigeria Immigration Act, 2015, s 57(4)

¹⁵⁷ Economic and Financial Crimes Commission (EFCC), *Guidelines for Blacklisting Non-Compliant Entities* (Abuja: EFCC, 2024), 4

¹⁵⁸ Public Service Rules, 2021, s 030401 (disciplinary actions); EFCC Act, 2004, s 13(2) (criminal sanctions)

¹⁵⁹ Federal Ministry of Labour and Employment, *Capacity Building Framework for Enforcement Officers* (Abuja: FML&E, 2023), 11; National Human Rights Commission (NHRC), *Guidelines on Human Rights in Labour Inspections* (Abuja: NHRC, 2022), 8

¹⁶⁰ Presidential Committee on Immigration Reform, *Memorandum on Inter-Agency Collaboration* (Abuja: Federal Government, 2024), 6–7

¹⁶¹ National Judicial Institute (NJI), *Judicial Sensitization Handbook on Migration Law* (Abuja: NJI, 2023), 15

¹⁶² World Bank, *Nigeria's Governance Challenges and Economic Sovereignty* (Washington, DC: World Bank, 2024), 34; International Crisis Group, *Nigeria's Security and the Rule of Law* (Brussels: ICG, 2023), 22

¹⁶³ South Africa, Immigration Act No. 13 of 2002, s 38(1), <<https://www.gov.za/documents/immigration-act>> accessed 23 April 2025

¹⁶⁴ *Ibid.*, s 38(5)

¹⁶⁵ South African Department of Home Affairs, *Annual Report on Immigration Compliance* (Pretoria: DHA, 2023), 22.

¹⁶⁶ Ghana, Immigration Act, 2000 (Act 573), s 40(1), <<https://www.gis.gov.gh>> accessed 24 April 2025

¹⁶⁷ *Ibid.*, s 42(2)

¹⁶⁸ Ghana Immigration Service, *Enforcement Guidelines for Employers of Expatriates* (Accra: GIS, 2022), 14

¹⁶⁹ Ghanaian Times 'Ghana Intensifies Crackdown on Illegal Foreign Workers,' March 10, 2023, <<https://www.ghanaiantimes.com>> accessed 23 April 2025

¹⁷⁰ Kenya, Kenya Citizenship and Immigration Act, 2011, s 56(1), Kenya Law Reports, <https://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2011/KenyaCitizenshipandImmigration_ActNo12of2011.pdf> accessed 23 April 2025

workers.¹⁷¹ In the United Arab Emirates (UAE), a highly digitised and integrated visa and work permit system is in place.¹⁷² The UAE Ministry of Human Resources and Emiratisation conducts routine labour market assessments, and non-compliant employers face heavy penalties, visa suspension, and business license revocation.¹⁷³ Biometric data and digital records are cross-referenced in real time with immigration, labour, and police systems.¹⁷⁴ Malaysia provides another relevant model with its strict enforcement of the Immigration Act 1959/63.¹⁷⁵ Through the RELA (People's Volunteer Corps) and other state-backed task forces, immigration raids and workplace inspections are frequent.¹⁷⁶ Employers must maintain proper employment records for all expatriate workers, and violations result in high fines and deportation orders.¹⁷⁷ Nigeria can adapt and implement some of these measures to close enforcement loopholes. Integrating immigration control with labour governance through a national compliance framework would ensure greater oversight and serve as a deterrent to unlawful practices by both employers and foreign workers.¹⁷⁸

8. Conclusion and Recommendations

The widespread abuse of Nigeria's visa and immigration laws by foreign nationals is not only a legal anomaly but a significant threat to national development, labour justice, and security. While Nigeria has enacted a robust legal framework—comprising the Immigration Act, Labour Act, Pension Reform Act, NHIA Act, and others—the challenge lies in operationalising these laws through effective, corruption-free enforcement. Foreign nationals who exploit Nigeria's weak enforcement mechanisms to live and work unlawfully not only deny Nigerians fair employment but also contribute to economic crime and insecurity. The cost of inaction includes labour market distortion, weakened state credibility, and threats to public safety. Nigeria must now transition from a passive compliance model to a proactive enforcement regime—powered by digital tools, legal reforms, public engagement, and institutional synergy. Strengthening internal governance, boosting inter-agency coordination, and upholding the rule of law are essential to reclaiming the integrity of the nation's immigration and labour systems. If implemented, the recommendations outlined in this paper will contribute meaningfully to reducing illegal expatriate employment, safeguarding national security, and building a labour market that values fairness, compliance, and national interest.

To address the complex and multi-dimensional abuse of Nigeria's immigration and labour framework, a coordinated and proactive strategy is required. The following policy recommendations are proposed:

1. Establish an Immigration and Labour Enforcement Unit (ILEU): A multi-agency task force comprising the Nigeria Immigration Service (NIS), Ministry of Labour and Employment, National Intelligence Agency (NIA), Economic and Financial Crimes Commission (EFCC), and Department of State Services (DSS) should be formed. The ILEU should be statutorily empowered to conduct regular compliance inspections, investigate illegal expatriate employment, and enforce immigration and labour laws.
2. Mandatory National Registry of Foreign Workers: Introduce a centralised digital registry that captures the full biodata, employment status, and immigration details of all foreign workers in Nigeria. The registry should be accessible to enforcement agencies and integrated with existing databases managed by the Corporate Affairs Commission (CAC), Federal Inland Revenue Service (FIRS), and the National Identity Management Commission (NIMC).
3. Public Disclosure of Expatriate Quota Approvals: To enhance transparency and accountability, the Ministry of Interior should publish a quarterly bulletin listing companies granted expatriate quotas, the nationality and roles of approved workers, and the validity period of each quota. This will allow for public monitoring and discourage misuse.
4. Sanctions for Non-Compliant Employers: Amend the Immigration Act and Labour Act to increase penalties for employers who engage foreign nationals without proper documentation. Sanctions should include heavy fines, suspension of business licenses, and public blacklisting. Repeat offenders should face criminal prosecution.
5. Training and Awareness for Employers and Workers: Launch nationwide capacity-building campaigns to sensitise employers on their obligations under the Immigration Act, Labour Act, NHIA Act, Pension Reform Act, and National Minimum Wage Act. Workers—especially in vulnerable sectors—should also be educated about their rights, legal remedies, and channels to report abuse or exploitation.
6. Digital Integration and Biometric Tracking: Strengthen border control and internal monitoring through biometric registration of all foreign nationals. The system should flag visa expirations, permit violations, and identity fraud in real time.
7. Judicial Reforms and Expedited Prosecution: Designate special immigration and labour compliance courts to handle violations swiftly. Judicial officers should receive continuous training on immigration and employment law to ensure consistent and effective enforcement.

¹⁷¹ Directorate of Immigration Services, *2022–2023 Annual Report* (Nairobi: DIS, 2023), 14, <<https://www.immigration.go.ke>> accessed 23 April 2025

¹⁷² UAE Federal Law No. 10 of 2017 on Foreigners and Residency, Art. 13, UAE Ministry of Justice, <<https://www.moj.gov.ae>> accessed 23 April 2025

¹⁷³ UAE Ministry of Human Resources and Emiratisation, *Labour Market Compliance Guidelines* (Abu Dhabi: MOHRE, 2023), 9, <<https://www.mohre.gov.ae>> accessed 23 April 2025

¹⁷⁴ UAE Federal Authority for Identity and Citizenship, *Integrated Digital Systems for Residency Management* (Abu Dhabi: ICA, 2022), 6, <<https://www.ica.gov.ae>> accessed 24 April 2025

¹⁷⁵ Malaysia, 'Immigration Act 1959/63 (Act 155)', s 55B, Attorney General's Chambers of Malaysia, <<https://www.agc.gov.my>> accessed 23 April 2025

¹⁷⁶ Malaysia Ministry of Home Affairs, *Annual Report on Immigration Enforcement* (Putrajaya: MOHA, 2023), 18, <<https://www.moha.gov.my>> accessed 24 April 2025

¹⁷⁷ Malaysia Immigration Department, *Employer Guidelines for Hiring Foreign Workers* (Putrajaya: JIM, 2023), 12, <<https://www.imi.gov.my>> accessed 23 April 2025

¹⁷⁸ World Bank, *Strengthening Migration Governance: Lessons for West Africa* (Washington, DC: World Bank, 2023), 29, <<https://www.worldbank.org>> accessed 23 April 2025