

EXAMINING THE IMPACT OF MIGRATION IN SUB-SAHARA AFRICA: A CASE STUDY OF NIGERIA*

Abstract

The movement of human population across the globe is not a recent phenomenon. This movement can be from a place of residence to another, and could be within the same country or across borders. This is migration. Migration could be long term or permanent. It inherently affects the population and other diverse factors both from country of emigration and immigration. What factors spur migration? If the driving factors were addressed, could migration ever stop? What impact does migration have on both sides of the divide? What measures have Sub-Sahara Africa taken to stem the tide of migration? This work principally aims to assess the impact of migration on the Sub-Sahara African Sub-Region irrespective its legality or otherwise. The work found that migration of any sort impacted immensely on both home country and receiving country at varying degrees. However, since migration cannot be completely stopped, it is emphasized that international framework be streamlined and adopted in dealing with migrants.

Keywords: Migration, Climate, Impact, Policy, Sub-Saharan Africa, Nigeria

1. Introduction

The insatiable taste and nature of human have put him to constant move and quest for discovery. Beyond the search for food, shelter and clothing which may be classified as the primary drive for migration, impact of war and desire for discovery are part of the culprits for migration. The phenomena of climate change cannot be overemphasized. There is an upsurge in international migration today. The world is becoming increasingly integrated and interdependent; there are vast refugee flows as a result of international conflicts or civil wars, or some combination of the two...¹ Emigration in quest of a country of refuge has been an historic phenomenon for centuries. It was prompted by fear for persecution for religious, racial or political reasons, or the consequence of wholesale expulsion from country of residence.²

Migration has been observed to be a feature of social and economic life across many countries³. However, the profile of movement of persons from one point to other internally or across border vary considerably⁴. Movement of persons is a history which affects all societies and nobody or group is left out.⁵ In Australia, Canada and New Zealand, the type of migration invoked is classified as labour migrations play major role. Other kinds of migrations include family and humanitarian migration. Whatever the source or driver for migration, migration has impacted our societies. Migration is one of the indicators of growth population of different societies.

In most countries of the world, citizens move from one part of the country to another or sometimes from their country beyond the recognized territorial borders. Such movement may be spurred by socio-economic to political. It is meant to improved standard of living, good quality life, qualitative education and in other cases for humanitarian reasons. Many migrants move as a result of human rights violations, effects of armed conflict leading to internal displacement, harsh political policies which threaten the existence and security of the people. Others migrate as victims of trafficking and may not even have intended to move in the first place. These and many more will be discussed in this work while addressing the all important issues raised herein.

2. Conceptual Clarifications

Migration

Migration is a movement of people from one region to another and often back again especially according to the season of the year.⁶ This definition relates to the concept of geography and involves in ordinary sense the movement of the individual or persons from their place of habitual residence to another place temporarily or permanently as case may be.⁷ From the perspective of economics, migration is movement of people from a place to another temporarily or permanently to secure a

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¹ Sergio D. Briquets and Sidney Weintraub (eds.), *Determinants of Emigration from Mexico Central America, and the Carribbean*. (USA: Western Press, 1999) 2.

² J.H.N Verjijl, *International Law in Historical Perspective* (Utrecht: Institute for International Law of the University of Utrecht, 1972) 264.

³ Ibid.

⁴ OECD Report on Migration, 2014.

⁵ Ibid.

⁶ Y. A. Mohammed 'Cause and Consequence of Cross Border Illegal Migration from Wollo, Ethiopia' *Arts and Social Sciences Journal* 2016 (7) 2.

⁷ Cambridge Dictionary online.com.org.

⁸ A. U. Abonyi *Emerging Issues in Humanitarian Law* (Nnewi; Chemag Tech. Press Ltd. 2022) 8.

job or paid employment.⁸ Migration goes beyond geographical and economic consideration and involves the movement of people within and outside the territorial borders of a state⁹. This gives rise to what is called domestic and cross border migration or internal and international migration. Migrants may or may not comply with any known law. Where migration negates the dictates of the law it becomes an illegal migration. Migration could be internal, within the borders of a state or international: across borders.

Illegal Migration

The term illegal migration means the same thing as irregular migration.¹⁰ Illegal or irregular migration means the movement that takes place outside the regulatory norms of the sending, transit and receiving countries.¹¹ From the perspective of destination countries, it is entry, stay or work in a country without the necessary authorization or documents required under immigration regulations. The illegality or irregularity is seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfill the administrative requirements for leaving the country.¹² There is however a tendency to restrict the use of the term illegal migration to cases of smuggling of migrants and trafficking of persons. Illegal or irregular migration simply means unauthorized, unlawful entry, admission undocumented.¹³ Migration is said to be irregular or illegal where the movement fails to comply with the procedure laid down by authority in country of departure, transit and destination.¹⁴

Immigration and Emigration

Immigration is movement into a country while emigration is movement out of a country. What is important is the fact that in each case there must be a departure from a country and entry into another country. Immigration is a process by which non-nationals move into a country for the purpose of settlement.¹⁵ Several factors account for this phenomenon. Emigration is the movement out of a country by the nationals of such country to a country of destination. Emigration most often results in 'brain drain' due to usually high number of emigrants from poorer countries to more advanced or richer countries. The factors leading to emigration ranges from greater job opportunities and prospects with good earnings to improved standard of living, qualitative education, advancement of professional skills and job satisfaction, etc. This list is not exhaustive. These concepts are governed by laws of different states and the immigrants and emigrants must comply with the rules prescribed under the law for such movement to be legal or legitimate, except where there is waiver.

National Migration Policy

Migration has become more topical in recent times. Several significant events have given credence to this view at international, regional, interregional and sub regional levels.¹⁶ Migration and development are interrelated. The African Union (AU) and ECOWAS have made efforts at ensuring sound migration policy frameworks at the level of states. Thus, migration conferences and summits have been held to drive these efforts.¹⁷ The broad focus of the national migration policy in Nigeria is that the country must co-operate with other states to ensure free legal movements across borders and hence there must be protection for persons migrating from one point to the other.¹⁸ Nigeria supports the harmonized migration management and sector development policies, protection of the rights of migrants, asylum seekers and refugees, ensuring the implementation of the protocol on free movement of persons within the ECOWAS Zone and the International Convention on the Rights of Migrants and their Families.¹⁹ Due to the increasing number of female migrants, the national migration policy framework provided the need to recognize the gender dimension of migration and the basis and need to provide gender disaggregated data on the profiles of migrants and ensuring the inclusion of gender dimensions in migration policy made adequate consideration of laws to protect the migrants just like other citizens and specifically in line with their own peculiar situation and also place reliance on regional and international instruments for the realization of rights of migrants, their protection, promotion of their assistance and welfare. The national policy on migration is aimed at achieving the following objectives namely:

- i. Provide platform for uniform administration of migration in Nigeria.
- ii. Provide strategic direction for efficient and effective migration management in Nigeria.
- iii. Ensure that the human, economic, labour and civil rights of Nigerians resident abroad are well protected.
- iv. Encourage orderly and regular migration of Nigerians.
- v. Eliminate irregular migration
- vi. Promote sensitization of Nigerian on the dangers inherent in migration.
- vii. Eradicate trafficking in persons, migrant smuggling and all forms of exploitation of Nigerians at home and abroad.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ I.O.M (n. 26) 2005 No. 25.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ Abonyi (n. 9)

¹⁵ IOM Glossary on Migration 2005 No. 25.

¹⁶ National Policy on Migration, 2015 (Analysis Publication of the Federal Republic of Nigeria (FRN), 2015.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*

viii. Encourage efficient management of border issues etc.²⁰

The above issues are germane and will guarantee a well coordinated migration administration in Nigeria.²¹

3. Factors that Drive Migration

Labour Factors

Labour migration is somewhat controversial notwithstanding that both sending and receiving countries gain, winners and losers are accommodated in each country. Accordingly, it has been observed that 'In sending nations, employers lose and unskilled workers gain'²². There is no doubt that international worker migration despite obvious good intentions can go away. First, even though emigration relieves domestic unemployment this comes with: [C]osts, such as costs to labour exporters, such as in opportune recruitment stops, inflation and remittances in good times and reduced remittances when they are needed most. In addition, workers may then return with skills²³. For which there is no market in the sending nation. Invariably it could be said that it is very easy to overestimate the benefits of exporting workers.

To a large extent, illegal migration has its genesis in the recruitment by employers or their agents from receiving nations. An example has been giving that many illegal Mexican migrants to United States in the 1980s and 1990s are traceable to recruitment of *bracero* farmworkers in Mexico's central highlands from the 1940s to the 1960s²⁴. Invariably from this village families saw the green light from the external pipeline remittances lacking economic multipliers giving room or ground to a rationalization to staying at home. Notably, as a fall out of World War II policies for movement of people across borders were liberalized. This, in turn, occasioned the push for free trade. The International Labour Charter also has a labour mobility that boosted economic integration and advancement across ECOWAS states and has positively impacted on positive links between migration and development which has received increasing attention.²⁵ Migration has also posed a number of challenges for Africa raising concerns over skills drain, discrimination and social exclusion.²⁶ Labour migration which involves movement of workforce within and outside the territorial borders of a state is most often embarked upon due to lack of opportunities or decent work at home.²⁷

Apart from opportunities for good job, other factors drive and compel labour migration, namely, violation of human rights, bad governance, corrupt leadership which suffers the citizenry with abject poverty, political intolerance, insecurity, religious intolerance, political intolerance and victimization, sectional and ethnical politics, wars and conflict, displacement and some other times, fear and apprehension of being trafficked. In destination countries, migration rejuvenates workforce, improves agriculture and services, promotes entrepreneurship, meet demand for skilled high-tech industries as well as UN labour needs. In regions of origin, positive contributions of migrant workers are reflected in remittance flows, transfer of investments, increased technological and critical skills.²⁸ In the present global realities, destination countries impose stringent entry conditions and other countries encourage return of their nationals through incentive packages. However, in Nigeria, migration is seen as a vital economic and social features and the country have benefits from labour migration. Regrettably, Nigeria at present has not improved her migration policy regulating labour migration and hence there is no formal structure to aid her nationals migrating to other countries and people are left to decide on their own to emigrate to escape economic hardship.²⁹ Many therefore migrate in risky and unsafe travelling conditions and upon arrival obtain low skilled jobs notwithstanding their training or qualification.³⁰ Some die in the process of 'transit' in deserts and seas. Migrants are poorly informed or misinformed about conditions governing entry hence some travel as illegal migrants. Our view is that major driver for labour migration in Nigeria is 'employment. There must be a clear and comprehensive national policy on labour migration to be driven by legal framework and other relevant international conventions.

Economic Factors

Illegal migration in Nigeria and anywhere in the world impacts negatively in the overall development of such a country. Similarly, illegal migrants of ECOWAS citizen to Nigeria adversely affect development in Nigeria in diverse areas. The presence of illegal immigrants in Nigeria has multidimensional effects which are socio-economic in nature. It is multidimensional in the sense that both Nigeria as the receiving state, the states of origin of the illegal immigrants, the illegal immigrants themselves and also the citizens of Nigeria are affected³¹. Different states all over the globe have the sovereign prerogative powers to determine the conditions of entry and stay of non-nationals or foreigners in their domain.³²

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

³¹ M.O.U Gasiokwu, *ECOWAS: Problems of Citizenship and Free Movement* (Enugu: Chenglo Ltd. 2010) 84.

³² ILO Document (Issue Brief 6, 2017 'Irregular Migration Pathways, Decent Work, Labour Mobilization')

The state must have all that it requires to make fair and adequate decisions concerning the inflow and movement out of its territories. Illegal migration poses a lot of challenges to the state and to the migrants.³³ Migrants may be exposed to exploitation of different forms, forced labour and trafficking in persons. In the United States and United Kingdom and in some other African states with regimented colonial history, the border control system is often very strict. Owing to the strict border control and border regulations, there is the increased tendency for migrants to adopt very unhealthy and illegal means of entry to circumvent the border control measures that are put in place to check illegal entry or movement in the borders.³⁴ Foremost in Nigeria from economic point of view the presence of illegal aliens is injurious to the welfare of the country under the Immigration Act. Illegal aliens are disallowed from taking up employment or establishment of any form of business in host member states. The negative economic impact of illegal migrants is also in the area of economic stability. They cannot remit any money legally. They resort to smuggling and trafficking in currency and patronize illicit agents where foreign currencies are sold. In Nigeria, the situation is quite different. Nigerian borders are so porous and prone to illegal movement of all kinds. Some migrants sneak out undetected with fake documents, others do not even have document but their movement is always facilitated by corrupt security and border control officers and officials who did the 'pass' of such illegal migrants.³⁵ Those who enter with forged or counterfeit identity documents, who enter without authorization or who rely on smuggling networks pose a variety of challenges for states.³⁶ The challenges include security threats, economic, social and legal, too.

It is interesting to observe that irregular migration is a complex phenomenon and varies greatly in scope according to the national and regional context. While global figures are difficult to obtain, it is estimated that 20% out of 50 million of all international migrants are in an irregular situation.³⁷ There is also problem as to the status of some migrants hence the classification of 'irregular entry' and 'irregular stay'. A migrant can enter a country without documentation and is considered 'undocumented' or in an irregular situation.³⁸ However, that person that entered irregularly without proper documentation can, thereafter as he or she is staying, acquires the right of stay and therefore becomes a migrant with regularized status.³⁹ Likewise, migrants who enter a country regularly and lawfully but overstay their visas or take up employment in violation of their visa restrictions become irregular migrants.⁴⁰ This and other breaches of the conditions attached to the visa and original purpose of stay can lead to irregular status and therefore lead to removal or deportation.⁴¹

The offence of irregular migration impacts on the country and the migrants. The impacts on the state may be economical, social and legal as case maybe. In the areas of economy, irregular migration leads to:

- a. Dwindling revenue gain and brain drain which affects overall economic development of the country.
- b. Non-remittance of earnings of migrants: More often than not, the earnings of the illegal migrants are not remitted back to the country of origin instead the earnings are domiciled in the country of destination.
- c. The increasing number of irregular migrants in Nigeria leads to inadequate supply of labour in the economy especially skilled labour, this will have a chain effect of lowering productive capacity and industrialization
- d. One of the bases for the justification of illegal migration by migrants in Nigeria is the obvious lacks of equalities in the social, political and environmental scale which make them to migrate from their native places.

In the view of the Organization of European Economic Development (OECD), the economic impact of migration has been intensively studied but is still driven by ill-informed perceptions which in turn can lead to public antagonism towards migration.⁴² The negative views about migration have made it difficult for countries within the organization to adopt migration policies.⁴³

The migration debates focus on three main areas on the effect of migration particularly irregular migration namely the labour market, public purse and economic growth.⁴⁴ In Europe, citizens enjoy extensive right of free movement. In Australia, Canada and New Zealand, managed labour migration plays an important role. In the aspect of labour market consideration, migrants in United States accounts for 4% of the increase in the workforce and 70% in Europe in the last ten years. Migrants fill important spaces in fast growing declining sectors of the economy.⁴⁵ In addition, the native born young migrants are better educated than those nearing retirement and migrants contribute to labour market flexibility notably in Europe. The above consideration does not represent the position in Nigerian and in many other developing countries as it is rarely

³³ Ibid.

³⁴ Ibid.

³⁵ E. A. Erasmus Ekong Labour Migration caused and Patterns in Nigeria (2003) in Research and Scientific Innovation S. <https://www.rsisinternational.org>. assessed on 27th May 2023.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² OECD Report on Migration Policy Debates, May 2014 at OECD report online.com (accessed 7/6/2023).

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

difficult to see migrants from Europe, Canada and other western countries including United States coming to Nigeria and indeed other poor countries in African and in other continents.

The destination countries benefit economically from migrants whether regular or illegal migrant, this is because, they contribute to public purse especially with regards to payment of taxes and other social contributions, they pay tax for housing, power, facilities in the house and this impact positively on the public purse. Large chunk of 'Gross Domestic Income' and earnings in most European states comes from taxes from migrants.⁴⁶ Employment is the single biggest determination of migrant's net fiscal contribution.⁴⁷ In Nigeria, there are low level of immigrant migrants as opposed to emigrants. Thus, the country economically does not benefit much rather is put at a disadvantage⁴⁸

In respect of economic growth, migration boosts the working age population while the aged are due for retirement and are beginning to find it uneasy to move, the young people within the working age bracket are inclined to freely move and are inspired to break the jinx of poverty and refocus their future. This orientation makes the young migrants to move out from their places of origin to destination countries.

Social Factors

Irregular migration has in addition to economic implications, the social aspect rooted in the social capital theory.⁴⁹ The social capital theory posits clearly the social implications and impact of migration on the economy and this is notwithstanding whether the migration is irregular or regular. Usually, the driving force and indicator is the expected earnings differential. The migration potential and standing are usually determined by the family orientation and the capacity of the family to finance the movement of the migrant abroad. This is irrespective of whether the migration is legal or illegal in the first place. What it means is that in the specific terms of social perspective is that what really play out and influence migration is most often the financial capacity of the family of the migrants. The migrants in the urban cities are well disposed to available migration networks as opposed to the rural migrants.⁵⁰ Illegal migration routes and success of migrants can also have a link with religion. There may be high risk faced by irregular migrants in Muslim dominated communities as opposed to the liberalized movement structure and flexible or loose migration protocols in Christian dominated cities.⁵¹ Where border control is flexible, the criminal index will be high. In Nigeria, in the aspect of social consideration and impact, it is usually evident that there is family pressure which induces irregular migration. The family looks at other families and everybody wants to belong in the social strata of the society and every family wants to be reckoned with.

Legal Factors

Migration is primarily seen in development terms as a response to disparities in income levels and employment opportunities between countries. Unemployment and poverty are often indicated as the main 'push' factors which impel individuals to leave their home countries and cross border differences in wage levels and employment are among the pull factors which direct them to more major developed economics.⁵² Unemployment and poverty remain the major push factors for migration in Nigeria. Unemployment and poverty also boost criminality. When crime is committed and as more crimes are committed, the security of the state is threatened and the legal environment is also in danger. There are several legal issues that arise as a result of migration, such issues include among others:

1. The prevalent case of criminality which is triggered by poverty and rising unemployment in different parts of the country. The people are frustrated and lack basic amenities including housing, health facilities, poor standard of living, inadequate educational opportunities, bad road network, and dearth of other basic amenities. Faced with the above, the citizens always feel rejected and discouraged and will be prepared to move out by hook or by crook.⁵³ As the citizenry became highly exposed to all the above issues, there is the tendency that the security of the country as well as her sovereignty will be threatened too.
2. The menace of irregular migration and the security and sovereignty of Nigeria. Migration legally speaking impacts on the security and sovereignty of the state. When the state cannot adequately control the movement of people and population out and into its territory, such state security wise is in danger. Similarly, the sovereignty of such a state cannot be guaranteed in long terms. As the insurgency in the Northeast escalated and as the herders went on rampage, there was increased movement of people from one part of Nigeria to another. There was also influx into Nigeria of migrants from almost all countries within and outside the African continent.⁵⁴
 - a. Commission of many cross-border crimes including smuggling, drug trafficking, arms proliferation, prostitution and child trafficking, money laundering, and even terrorism financing.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Y. A. Mohammed 'Causes and Consequences of Cross Border Illegal Migration from South Wollo, Ethiopia, arts and Social Science Journal Vol 7 No 2, 2016 16 of 20.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Report of the UN Office of High Commissioner for Human Rights 'Migration and Development', A Human Rights Approach 2017.

⁵³ Abonyi (n. 9)

⁵⁴ Ibid.

- b. Hybrid registration or proliferation of non-governmental organization that do not have genuine intention of promoting humanitarian assistance but rather established as a legal enterprise facilitating criminality as a 'cartel' for trafficking in persons for purposes of organ removal and other crimes.⁵⁵
- c. Failing and collapsing national security. Cross border crimes represent a number of illegal and notorious activities carried out by individuals and groups across national and international borders either for financial or economic benefits as well as socio-religious considerations.⁵⁶ The above activities have security implications and the borders are porous owing to factors like corruption, there is usually a sporadic rise in the number of migrants. The implications of the above is that Nigeria is not safe due to cross border population and its attendant economic activities, cross border crossing and immigration, ineffective border control and the porosity of the Nigerian borders which challenges national security and boundary question.⁵⁷ In the Northeast, the borders share by Nigeria with Cameroon, Niger and Chad stretch over 1,690, 1,497 and 87km respectively, the porosity of our border encourages proliferation of illegal arms and light weapons and this has made the area and indeed the country to be hotbed for insurgencies.⁵⁸
- d. The law and human rights of migrant workers: Law does not segregate but protects all the citizens irrespective of age, sex, marital status, religion, race or origin. The Constitution of the Federal Republic of Nigeria reinforces this position. By the constitution, all the citizens are entitled to the rights guaranteed in the constitution save as may be limited or permitted by the same constitution. In this respect, irregular migrants enjoy protection and are entitled to the human rights which are inalienable to every citizen by virtue of their being humans both within the provisions of the constitution of Nigeria and other international Bills of Rights including the UN Charter as well the African Charter which have all been ratified and domesticated by the country. Unfortunately, as reported by the office of the UN Commissioner for Human Rights, less attention has been paid to the role of human rights during the migration process or to the ways in which lack of respect for human rights reduces their ability to contribute to development. Unless, migration is also approached through this perspective two difficulties arise namely, their protection will not be given priority, and they may be regarded as commodities than individuals entitled to full enjoyment of human rights.⁵⁹ There is also relationship between human rights and development and the complementary relationship between human rights and the principles of equality and non-discrimination. All these are interconnected and the law drives all of them. Equity and equality assist development as people are giving equal opportunity and freedom under the law to exercise their potentials and denial of the rights whether civil, political, social, economic or cultural rights means much to the individual. Denial is a serious obstacle to development. Thus, policies recognizing the relations between human rights and development are needed to address the underlying causes of migration. Our view is that the specific vulnerability of persons faced with poverty, discrimination, lack of opportunity and human rights violations increases the risk of such persons or persons threatened by these menaces to migrate. and they stand chances and risk of being trafficked.
- e. Legalizing Migration Policy and Decisions: Legalizing undocumented and illegal workers and migrant can as well be an optional migration policy package and this is as it relates to both internal and cross border controls.⁶⁰ What this means is that where such undocumented migrants are caught by government officials in the borders, they may become legal migrants by way of amnesty policy of government. It also means that where such amnesty exist, it must be back-up by law to reinforce the policy. This policy is not available to illegal migrants into Nigeria. It is obvious that the factors discussed in this work are not exhaustive. They are however meant to highlight some of the issues associated with migration.

Expulsion and Deportation cases

Illegal immigrants are to all intents and purposes largely undesirable elements. Those persons granted entry lawfully should be the only alien residing in the territory of any given state. Any state in her sovereign status has the right to remove an illegal immigrant at her pleasure. It is equally the right of a state to expel illegal migrants. The States enjoy an unqualified right to expel an alien depending on their own whims and caprices. This is an incident of sovereignty and is essential to the preservation of the ends for which the states exist.⁶¹ In *Italy v. Venezuela*⁶² referred popularly as BOFFOLO Claim, an Italian was expelled from Venezuela for publishing an article critical of the judiciary. It was the observation of the judicial umpire inter-alia:

- a. That a state possesses the general right of expulsion but;
- b. Resorted to in extreme instances in a manner least injurious to the person affected; and;
- c. Upon demand of occasion, state the reasons of such expulsion before an international tribunal.

⁵⁵ Ibid.

⁵⁶ J. K. Ukwaiy X Anam 'Cross Border Crimes and Security Challenges in Nigeria' International Journal of Scientific Research in Humanities Legal Studies and International Relations Vol. 4. No. 1 2019.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ F.N. Okeke 'International Law and Recent Developments Relating to Aliens in Nigeria' [1985] *University of Jos, Law Journal UJLJ* Vol. 2, 46.

⁶² (1903) 10 R.I.A.A 228, 537.

In *Palcrave Brown's*⁶³ case the manner of expulsion was queried and reversed. The Minister of Foreign Office in the House of Commons has quarreled about Brown's arbitrary expulsion at the shortest notice. Mr. Brown was a British student who was awarded a Hungarian state scholarship on November 20th 1949 to study for a year in Hungary. Within two weeks of his arrival in Budapest a notice came to him that he must leave the country by December 12, 1949 without giving reasons. In Nigeria in 1988, Dr. Patrick Wilmot, a Jamaican was expelled from Nigeria for undue radicalism and extremism⁶⁴. Earlier in 1983/85 Nigeria expelled ECOWAS citizen for illegal entry and residence placing reliance on Immigration Act, 1963 which provides to the effect that prohibited immigrants are liable to deportation in same vein a violator of Immigration Act⁶⁵ upon conviction; a recommendation may be made for his deportation⁶⁶. It is not questionable that states have the right to expel undesirable aliens but it has been argued that the manner of expulsion should not occasion unnecessary injury to the alien affected nor should he be exposed to unnecessary indignity.⁶⁷ Vaswani Brothers' case⁶⁸ were deported from Nigeria to London. They were alleged to have been involved in various economic crimes within Nigeria, their deportation raised so many economic legal, political and economic questions. As a background, the Vaswani brothers are business tycoons of Indian Origin. As pointed out their business tentacles traverse the length and breadth of the economy of Nigeria. The question is the deportation of the Vaswanis under international law in exercise of Nigerians sovereign right to remove an undesirable migrant is not in doubt. The worrisome implications of their deportation is underscored in the manner of removal. There was no question that the Vaswanis are of Indian origin nevertheless they were deported and who handed over to British immigration authorities because they have a case of money laundering pending in a United Kingdom Court⁶⁹.

4. Conclusion

Illegal cross-border migration poses significant legal, social, and economic challenges to Nigeria. Addressing these challenges requires a comprehensive approach that involves strengthening border control, enhancing regional cooperation, addressing economic drivers, and protecting human rights. The government should prioritize these efforts to ensure national security, economic development, and the well-being of migrants.

⁶³ Hansard, W.V Vol. 460 COLS. 154-1949 Whiteman, 854

⁶⁴ NAFCAspeaks on Deportation of Dr. Wilmot' (1988) Battle front Vol. 11 No. 11 July, 3.

⁶⁵ S. 17(1) of Immigration Act, 1963 CAP I LFN 2004 within the purview of prohibited immigrants among others are persons

⁶⁶ S. 18(11) of the Immigration Act without means of support, idiots, insane persons convicted of an extraditable crime among others.

⁶⁷ J.G Starke Introduction to International Law (8th ed. London: Butterworths, 1984) 397

⁶⁸ *Vaswani Trading Co. v Savalakh & Co.* (1972) 12 SC 77

⁶⁹ Ibid