

**Legal Framework for Involvement of Private Sector in
Migration Services and Operations: Appraisal of the
Nigeria Immigration Laws and Practices**

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Certification

This thesis entitled

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was carried out by Oyinlola-Michael, Oyewale, Raphael with Matric N0.LCU/PG/002069 in the Department of Private and Business Law, Faculty of Law, Lead City University, Ibadan, Nigeria, under my supervision.

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Dedication

This research work is dedicated to my sons, Bibire, Adebare
and Adedire; be blessed and prosper.
And, to the memory of my father, Prophet Michael Dada Oyinlola (World Best Dad),
and memory of my younger brother, John Aduragbemi Oyinlola;
May your memories never fade ...

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Abstract

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Migration services and operations are of great importance to the development of nations, owing to the significance of human and non-human movements across national borders. The undeniable importance of trans-nationality in global economic indices as well as the preponderance of migration-related issues in policy formulation and implementation, national security, and international relations, have given credence to the need for a better understanding between the public and private sectors in migration practices based primarily on enabling national and international laws. There is robust body of laws at the International level, we also have provisions within our national laws to engineer the desired collaboration between the public and the private sectors in migration, and however, there is the absence of the will to make these laws work. This lack of will is due to a couple of factors, all of which can be addressed systematically. However, the big question remains, if the public sector will be receptive to the idea of collaboration with the private sector, as this partnership will liberalize migration processes and operations, and eliminate some inordinate gratifications enjoyed by public officers.

This work employs exploratory research method to probe the Nigeria extant immigration laws in relation to international migrations laws and practices to determine the essence and extent of private sector involvement in migration practices and operations in Nigeria. This qualitative research approach enables the justification for the determinacies of appropriateness and applicability of Section 102 of the Immigration Act 2015, the Immigration Regulation 2017, the New Visa Policy 2020, and other relevant statutes that affect the practice and operation of migration in Nigeria. The International Migration Laws (IML), is a jurisprudence combining branches of law like Civil Law, Criminal Law, Human Rights Law, Humanitarian Law, Labour Law, Refugee Law, Family Law, Constitutional Law, Company Law and Immigration Law. These legal provisions govern the movement of people across the national borders.

Our findings reveals the unpreparedness of the public sector to collaborate with the private sector in migration practices, this is even as there are restrictive migration legislations, criminalizing what should be coordinated for a tripartite benefit; government, individual migrants and their families, and the general public. An exploration of the Public-Private-Partnership activities is an indication that there are potentials for public-private sectors engagement in the migration industry, in the same way that the International community has embraced the private business community in migration policy formulation and implementation.

This work seeks collaboration from stake-holders in the migration industry, including faculties of law, migration practitioners, associations, the National Assembly and the Nigeria Immigration Services. The major contribution of this work is the proposed Nigeria Migration Society. It is expected that through the proposed Nigeria Migration Society, we may work out a beneficial relationship between the public and private sectors in the Nigeria migration industry.

University Compliance Certification

This is to certify that this thesis by Oyinlola-Michael, Oyewale Raphael, in the Department of Private and Business Law, Faculty of Law, Lead City University, Ibadan is in full compliance with approved University format and style.

Name

Date

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15. International Legal Protection of Search and Rescue Humanitarian Aid Workers Facing Criminalization in the Mediterranean
16. National Development Plan (NDP) 2020-2025
17. National Integrated Infrastructure Master Plan (2022)
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19. National Policy on Inclusive Volunteerism for Nigeria (2020)
20. National Visa Policy 2020. Nigeria Immigration Service
21. Nigeria Immigration Act 2015
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23. Nigerian Oil and Gas Industry Content Development Act (NOGIC Act) 2010
24. NOGIC Act 2010
25. Public Procurement Act
26. The International Convention on Migrant Workers
27. The International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families
28. Universal Declaration of Human Rights
29. US Immigration and Nationality Act

CHAPTER ONE

Introduction

1.1 Background to the Study

The Immigration Act 2015 provides the basis for the Nigeria migration operations and practices which include, the control of persons entering or leaving Nigeria, issuance of travel documents to bona fide Nigerians within and outside the country's borders; issuance of residence permits to foreigners in Nigeria, border surveillance and patrol, enforcement of laws and regulations; and performance of para-military duties within or outside Nigeria as may be required.¹

The Act provides for the public-private partnership under Section 102 Sub-section (1) as follows: 'The service shall collaborate with public and private sector interest groups on a Public-Private Partnership platform to attract funds for acquisition, provision and development of infrastructure and equipment to enable the service provide appropriate professional skills and modern migration management facilities.' There are no other clear provisions of the Immigration Act, or other allied legislations on this provision. Though the laws on the Public-Private Partnership applies to all areas of national interest which should ordinarily include migration, there are no direct corroborations to the provisions of Section 102 of the Immigration Act 2015. So to what intent and extent is the provisions of this section implemented in migration operation and service delivery?² What Nigerians experience is the gross inadequacy of the Nigeria Immigration

1 Nigeria Immigration Act 2015, s. 2

2 James Leigland, Public-Private Partnerships in Developing Countries: The Emerging Evidence-based Critique, The World Bank Research Observer, Volume 33, Issue 1, February 2018, Pages 103–134, <https://doi.org/10.1093/wbro/lkx008><https://academic.oup.com/wbro/article/33/1/103/4951689> accessed 12 February 2023

Service in carrying out its basic duties as specified by the enabling legislations, this has placed a burden on Nigerians, both home and abroad.³ One of such is the hardship Nigerians face in obtaining International passports; ranging from non-availability of the document to exorbitant unofficial price paid for the issuance. Nigerians, both at home and in diaspora, wait for months for the Nigeria Immigration Service to process the travel documents after paying an exorbitant amount for it. Also, there is the problem of border control; the country's borders are adjudged as one of the most porous in Africa with the resultant crime, terrorism and drug wars.⁴

The Immigration Regulation 2017 was enacted to provide the guide for the effective implementation of the Immigration Act 2015⁵. Has the Immigration Regulation 2017 made further clarifications on Section 102 of the Immigration Act 2015? Does the Regulation contemplate any collaboration between the Nigeria Immigration Service and the public in form of partnerships? Are there immigration practitioners, bodies or associations in Nigeria recognized by the Nigeria Immigration Service, and if there are, what is the extent of their involvement in migration practices? Also, what are the mechanisms put in place for the regulation of migration practices?⁶ One can observe that while the Nigeria Immigration Act, PART I provides that the Act shall apply to persons entering or leaving Nigeria, in practice however, much emphasis is placed on persons entering Nigeria to the exclusion of persons

3[https://un.org/development/desa/en/wp-content/uploads/2020/07/Recover Better 07221.pdf](https://un.org/development/desa/en/wp-content/uploads/2020/07/Recover_Better_07221.pdf)<accessed 4 April 2023

4 Border Control <<https://www.unodc.org/westandcentralafrica/en/newrosenwebsite/border-control.html>> accessed 4 April 2023

5 Nigeria Immigration Regulation 2017 <<http://citizenshiprightsafrika.org/wp-content/uploads/2017/03/Nigeria-Immigration-Regulations-SI-3-2017.pdf>> accessed 10 February 2022

6 Kathleen N., The governance of international migration: mechanisms, processes and institutions A paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration, Migration Policy Institute Global Commission on International Migration, September 2005 <<https://www.iom.int/sites/g/files/tmzbdl486/files/jahia/webdav/site/myjahiasite/shared/>> accessed 10 February 2020

leaving Nigeria, this is inadequate considering the peculiarity of Nigeria as a source country rather than a destination country in international migration trends.⁷

The Nigeria Immigration Services is the government organ created and empowered, by the enabling Act⁸, for the control of persons entering or leaving Nigeria; the issuance of travel documents to bona fide Nigerians within and outside her borders; the issuance of residence permits to foreigners in Nigeria; border surveillance and patrol; and enforcement of laws and regulations with which it has been directly charged,⁹ and performance of such para-military duties within and outside Nigeria as may be required of them under the authority of the Act or any other enactment. How well is this mandate being carried on by the Nigeria Immigration Services reflects in our realities. The country is currently faced with a lot of problems associated with migration operations and practices, some of these problems can be centered on three broad specters, namely; cross-border activities, cross-border crimes and territorial sovereignty.¹⁰ Migration is closely tied to bother security and national prosperity. In recent times in Nigeria, there has been growing concerns on the involvement of aliens in trans-border crimes and other criminal activities in the country¹¹.

7 African Journal of Politics and Administrative Studies (AJPAS) Volume 14, Issue 11 (December, 2021) 243-260 e-ISSN: 2787-0359, p-ISSN: 2787-0367 www.ajpasebsu.org.ng> accessed 9 January 2023

8 Immigration Act , 2015, S1 & 2 (pdf)

9 Nigeria Immigration Services, About Us, <<https://immigration.gov.ng/nis-core-mandate/>> Accessed 2 August 2021

10Ahmed TanimuMahmoud &AbanimebonChukwueroke Augustine, (2022), Migration, Border Issues and Border Control in Nigeria: Patterns, Implications and Management (2022) SP -89, EP- 95<https://www.researchgate.net/publication/359843931MigrationBorderIssuesandBorderControlinNigeriaPatternsImplicationsand_Management> accessed 11 March 2023

11 ibid

Trans-border robbery, kidnapping and assassination are common occurrences¹². A report published by Premium Times newspaper on June 18, 2021 captured the situation with succinct elaboration.

“Security threats in West Africa due to activities of illegal migrants, smugglers, drug/human traffickers and the recently jihadist movements have provoked serious concerns across the nations in the sub-region, including Nigeria.”¹³

These problems are attributed to the failure in border management with the attendant risks posed to the security and sovereignty of the country¹⁴. There are several of such accounts documented daily in our reportage.¹⁵ On the flip side of the coin however, are the benefits accruable to the country from in-bound and out-bound movements of people. The United Nations Report 2017, indicated that there are an estimated 1.24 million Nigerians living in the Diasporas¹⁶, with over 21 billion dollars (US) in annual inflow from diaspora remittances. Remittances from the Diasporas are the second-largest source of foreign exchange inflow into the country, second only to crude oil earnings.¹⁷ This is just one of the benefits of immigration and perhaps the most outstanding, as it bears on the economy. Even the most advanced economies of the world cannot disregard the positive impact of migration on their economy. One of such advanced nations is the

12 Ya'uMukhtar, Trans-Border Crimes and Lingering Security Challenges In Nigeria, (2021) <<https://emergencydi gest.com/2021/06/16/trans-border-crime-security/>>accessed 20 February 2022

13 American University Washington College of Law, Immigration Law, My academic Pathway<<https://pathways.wcl.american.edu/path/immigration-law/>> Accessed 29 July 2023

14Ya'uMauktarTrans-border crimes and lingering security challenges in Nigeria, (2021) (June 18,2021) <<https://www.premiumtimesng.com/opinion/468444-trans-border-crimes-and-lingering-security-challenges-in-nigeria-byau-mukhtar.html>> accessed2 August 2023

15Joseph K. Ukwayi&Bassey E. Anam, Cross-Border Crimes and Security Challenges in Nigeria, International Journal of Scientific Research in Humanities, Legal Studies & International Relations (2019) p-ISSN: 2579-0986 | e-ISSN: 2579-0994,(February, 2019)<pdf>accessed 2 August 2023

16 ibid

17Agustos Consulting, Nigeria Diaspora Remittance Report Survey, <<https://www.agustoresearch.com/report/2021-nigeria-diaspora-remittance-report-survey/2021>> accessed 3 August 2023

United States of America. Pia Orrenius,¹⁸ states that America is strengthened by the contributions from immigrants.¹⁹ This buttresses the fact that there are several benefits of migration, more so that some of the gains cannot be captured statistically, as presented in a report by the United Nations International Organization for Migration.²⁰ Migration affects a wide range of national activities, predicated on the social, cultural, political and of course, the economic. When people move across the borders, they move with them, knowledge and skill, financial assets, and other potentials attributable to the human person. In conceptualizing the impact of migration, a clear distinction should be made between its two key types: the impact of migration on society, the economy and development as a whole, or the macro-level impact; and the impact on the individual migrant and his or her household and family, or the micro-level impact.²¹ This can further be expatiated upon to reflect the tripartite nature of migration impact; basically there are two nations involved in immigration: the sending nation and the host nation, and on the other side of the concept is the individual migrants (and his family), all the three participating entities benefit in diverse ways.²² Whether the impact is positive or negative, it is obvious that migration matters have assumed such a prominent dimension in international discuss, necessitating a

18 PiaOrrenius is a vice president and senior economist at the Federal Reserve Bank of Dallas. Dr. Orrenius's research focuses on Mexico–U.S. migration, unauthorized immigration, and U.S. immigration policy. As a labor economist at the Dallas Fed, she analyzes the regional economy, with special focus on labor markets and demographic change. She is also adjunct professor at Baylor University and a Tower Center Fellow at The Tower Center for Political Studies at Southern Methodist University. <<https://www.iza.org/person/3172/pia-m-orrenius>> accessed 20 August 2023

19 PiaOrrenius, Benefits of Immigration Outweigh the Costs, The Catalyst, <<https://www.bushcenter.org/catalyst/north-american-century/benefits-of-immigration-outweigh-costs.html> 2016> accessed 3 August 2023

20 Uche C. Isiugo-Abanihe and IOM Nigeria, Impact of Migration, Migration in Nigeria A Country Profile; International Organisation for Migration(2014) pdf

21 ZsokaKoczan, Giovanni Peri, MagaliPinat(2021) International Monetary Fund IMF Working Paper Institute for Capacity Development The Impact of International Migration on Inclusive Growth: A Review1 Prepared by, and DmitriyRozhkov Authorized for distribution by Valerie Cerra March 2023<<file:///C:/Users/Administrator/Downloads/wpica2021088-print-pdf>>(2021) accessed 15 March 2023

22 Douglas S. Massey, Joaquin Arango, Graeme Hugo, Ali Kouaouci, Adela Pellegrino and J. Edward Taylor, Theories of International Migration: A Review and Appraisal, Population and Development Review, Vol. 19, No. 3, pp. 431-466 (36 pages), Population Council, 1993 <<https://www.jstor.org/stable/2938462>> accessed 4 April 2023

continuous debate and policy development²³. In an article published by the United Nations, International Organization for Migration, Marie McAuliffe and others made the following submissions:

‘A glance through previous World Migration Reports, and other policy and scientific publications on international migration, shows that at least two observations have been prevalent over time: i) recognition that migration, particularly immigration, has emerged as a prominent international and national policy issue; and ii) that the public discourse on migration has increasingly become polarized with the space for balanced, rigorous, and evidence-based analyses having diminished over time. While the nature of the public discourse has changed over time, there is widespread recognition that the “toxicity” of the migration debate has further intensified over the last few years, with the politics of fear and division increasingly framing discussions ...’²⁴

With such an importance attached to migration issues, the essence of private sector involvement cannot be ignored. As observed by International Dialogue on Migration, “Partnerships between the private sector and governments can yield desirable results in many spheres of integration, and are particularly relevant to the economic integration of migrants. The private sector is an ideal partner for governments in assessing the gaps and shortages in the national labour market. The incentives for businesses themselves are substantial as they stand to gain from effectively

23 Synthesis Report, The Economic and Social Aspects of Migration, The European Commission and the OECD Conference, Brussel, <<https://www.oecd.org/migration/mig/15579866.pdf>> accessed 17 July 2023

24 Marie McAuliffe, Adrian Kitimbo and BinodKhadria, (2020) Reflections on Migrants’ Contributions in an era of increasing disruptions and disinformation, World Migration Report (2020), International Organization for Migration (pdf)<<https://www.google.com/url?sat&rctj&qAOvVaw2cbkbNctglwUzrIHsQx6wl>> accessed 3 August 2023

organized migration and well-integrated migrants.”²⁵ With the foregoing, this work queries the extent to which the Nigeria migration laws and practice accommodate the private sector, and what is the impact of the private sector involvement in migration operations and practices.

1.2 Statement of the Problem

What is the essence and extent of public sector involvement in Nigeria migration practices? It is within the constitutional precinct of the Federal Government to regulate legal and regular migration, and sanction irregular and illegal migration practices.²⁶ The increase in international migration is not limited to movement of people, it also involves the movement of goods, capital, and ideas across the nations.²⁷ The twentieth century brought about an enhanced globalization which has developed the world into what has been severally described as a global village. One of the major factors responsible for this is technological innovations which has made communication much more easily accessible than it had ever been. Humans are now aware, more than ever before, of happenings in other climes beyond their countries of birth and or residence.²⁸ Globalization, along with other factors, has facilitated an upsurge in international migration with the resultant security challenges, hence state institutions must adjust their capacities to cope with the new realities of migration need, and more importantly, the migration space should be opened up to accommodate the private sector operators; and this must be achieved within the provisions

25 International Dialogue on Migration, N0.11, Migrants and the Host Society: Partnerships for Success, International Organization for Migration, (2008) Australian Government(pdf)<https://www.google.com/url-https%publications.iom.int%2pdf%2Fidm_11_en.pdf> accessed 13 August 2023

26 Council on Foreign Relations, International Institutions and Global Governance Program, Domesticating the Giant: The Global Governance of Migration (A global policy framework and consolidated institutional architecture can help states facilitate regular migration, cope with illegal crossings, and humanely respond to forced migration.), June 18, 2018 <<https://www.cfr.org/report/domesticating-giant-global-governance-migration>> accessed 13 August 2022

27 ibid

28 Jerome, Afeikhen. (2008). Privatization and Enterprise Performance in Nigeria: Case Study of Some Privatized Enterprises. African Economic Research Consortium, Research Papers. <<https://www.researchgate.net/publication/4902429PrivatizationEnterprisePerformanceinNigeriaCaseStudyPrivatized>> accessed 14 October 2023

of laws.²⁹How adequate, in law and practice, is the extent and quality of the private sector involvement in migration matters in Nigeria? What is the country losing by not involving the private sector adequately in migration practices? What will the country benefit from an inclusive migration regime? How can the migration legal regime accommodate the private sector? This study examines the international migration legal provisions like the Convention on the Rights of Migrant Workers and their Family, and other relevant laws concerning issuance of travel documents, border security, migrant integration, labour and economic migration, irregular migration, visa rules and citizenship, with a view to recommend a new migration legal regime through reforms that would adequately accommodate effective private sector participation in Nigeria migration practices.

1.3 Research Questions

- a. How has lack of private sector inclusiveness impaired the Nigerian Migration practices?
- b. How will the private sector inclusiveness in Nigeria migration legal regime improve national development?
- c. How would migration legal reforms address existing challenges to private sector involvement in migration practices?

1.4 Aim & Objectives

Aim

To investigate the private sector involvement in migration practices through appropriate legal frameworks, towards a more inclusive migration practice.

²⁹ How Immigrants Contribute to Developing Countries 'Economies, OECD/ILO (2018), OECD Publishing, Paris. <<http://dx.doi.org/10.1787/9789264288737-en>> 2018, accessed 4 August 2022

Objectives

1. To discuss evolution of migration in Nigeria.
2. To evaluate the legal framework for inclusion of the private sector in migration practices and operations in Nigeria.
3. To critically analyse the challenges posed to the private sector in their involvement in Migration services in Nigeria.

1.5 Methodology

This is an analytical qualitative research which examines the existing migration legal framework and its provision for private sector involvement.³⁰ It is an exploratory study of the forms, extent and scope of private sector involvement in migration operations and practices against the background of available legislations and governmental policies, with a view to achieving global standardization by exploring what is obtainable under international legal provisions.³¹ The focus is on the instrumentalities of laws and how that can be used to engage and broaden the scope and extent of private sector involvement in solving some pressing migration challenges facing the country, thus promoting a more robust private-public sectors migration practice. The qualitative tools of library and desktop study have helped in the exploration of available legislations in Nigeria, and investigate its compliance in practice and in standard, with international jurisprudence on migration.

This is an exploratory research, engaging qualitative tools to gather and analyze information. The following methods are employed:

30Nawarathna Banda, Universidad Nacional de Itapúa, International Migration Law; https://www.researchgate.net/publication/330511767_International_Migration_Law, accessed 10 February 2023

31AderonkeAdegbite LLM Lesson Notes, Research Methodology, Lead City University, Faculty of Law 2021

- a. Interview: This work employed an interview instrument to gather information from officers of the Nigeria Immigration Services.
- b. Library / Desktop/ Documentary: The major source of data in this work are available resource on the internet and published materials concerning domestic and international migration laws, policies and practices.³²

Primary source of information for this work is the Key Personality Interview, while the secondary sources are published works like books, journal, reports and internet resources.

1.5 SCOPE

The institutional and migration theories are used as theoretical framework for this study.³³ The findings are presented according to the research questions as follows; the extent, adequacy and appropriateness of the involvement of the private sector in migration services and operation;³⁴

Social-economic, and political factors as well as environmental issues affecting private sector involvement in migration practices, availability of relevant laws to enable private sector involvement in migration practices, and how the laws may help in solving problems associated with private sector involvement in the migration industry.

Based on these findings, recommendations are made concerning the development of a national security framework involving Nigerian border security agencies and private sector actors in fighting trans-border crimes.³⁵ This is considered with the possibility of a more enhanced private sector involvement and participation in a broad spectrum of migration operations and practices.

32 ibid

33 The Nigeria Immigration Service (NIS) is the government agency that has been charged with the responsibility of migration management in Nigeria. <<https://immigration.gov.ng/home/nis-history/>> accessed 4 April 2023

34 Government Objectives: Benefits and Risks of PPPs, The World Bank Public-Private Partnership Legal Resource Centre <<https://ppp.worldbank.org/public-private-partnership/overview/ppp-objectives>> accessed 15 April 2023

35Nwachukwu, A.C, The Nigeria Immigration Service and the Challenges of Immigration (1986-2012), A Thesis Submitted to the School of Postgraduate Studies, University of Lagos 2014 accessed 13 July 2023

To what extent is the private sector involved in the process? What should be the extent and limit of the private sector involvement in migration operations and practice? What are the benefits of involving the private sector in migration operations and practices? These are the basis of this work.

The limitations to this research is basically the apparent reluctance on the part of government official to share information on the subject matter. Interviews were declined by the Nigeria Immigration Services (NIS) officials.

1.7 Significance of Study

It is hoped this study will bring out an improved debate on the quality of Nigeria immigration laws in relation to migration operations and practices. Migration law in Nigeria needs more scholarly investigation to facilitate further development; and it is expected that this work will be an addition to the body of knowledge for academic and practicing lawyers, migration scholars and migration practitioners. It is expected that migration legal practice in Nigeria can attain a professional dimension; and this work seeks to be a modest contribution in that regard. Hopefully, the recommendations of this study will be of appreciable significance to citizens and institutions in these regard:

1. **Policy Makers.** The information shared in this work should engage policy makers more profoundly as regards the legal provisions and the expectation of the Nigerian populace, and more specifically, practitioners and professionals in the migration industry on the essence and modalities for the inclusion of the private sector actors through appropriate legal framework.³⁶

36 Understanding challenges, shaping prospects, Non-Standard Employment Around The World, International Labour Organisation, International Labour Office (2016) Geneva <<https://www.ilo.org/wcmsp5/groups/public/dgreports/dcomm/publ/documents/publication/wcms.pdf>> accessed 15 August 2023

2. **Professionals and Practitioners in the Travel and Migration Industry.** Practitioners may gain a deeper awareness as regards the provision for, and the extent of, their involvement in migration practices; and how it can be enhanced for the benefit of private and public sectors.
3. **Legal Practitioners-** The discussions created by this study may help to increase the quality of involvement of legal practitioners in migration practices through greater consciousness of the existing migration laws and the potentials for a more robust legal practice in the migration industry. This will open up the vista and encourage more specialization in the area of migration law practice.³⁷
4. **Students and researchers.** This study may be useful to students and researchers in providing information and generate more research work in the study area. This work provides information regarding existing international migration legal framework, migration laws and practices in Nigeria as it suggests modalities for creating a more inclusive legal framework for migration services and operations in Nigeria.
5. **Faculty of Law.** This study hopefully may be a step further in the development of a curriculum for Migration Law as a subject of learning in the faculty of Law, thus preparing law students for an eventual migration law practice.

1.8 Limitations³⁸

Inability to access information freely from the Nigeria Immigration Service is a major constraint which stalled the conduct of Key Informant (Personality) Interview(s) with policy makers and

37 Hahn, Lisa, Quality Legal Advice - Strategically Mobilizing (against) Migration Law, 2018<<https://www.researchgate.net/publication/QualitylegaladviceStrategicallyMobilizingagainstMigrationLaw>> accessed 15 August 2023

38 Business Research Methodology, Research Limitations, <<https://research-methodology.net/about-us/ebook/>> accessed 17 August 2023

key officials of NIS as earlier designed in the study proposal.

1.9 Operational Definition of Terms³⁹

The three key terms in this study are:

1. **Migration** - Migration would mean immigration into and emigration out of Nigeria.⁴⁰

Migration laws are legislations pertaining to the enabling migration laws in Nigeria, namely, the Immigration (Amendment) Act 2015, Immigration Regulations 2017, Nigeria Visa Policy (NVP) 2020, and, the Constitution of Federal Republic of Nigeria (CFRN) 1999.⁴¹

2. **Private Sector** - The private sector refers to individuals, corporate entities and non-governmental agencies that engage in sustainable activities in the migration industry.⁴²

These include travel and tour agencies, visa consultants, legal practitioners, employment agencies, educational recruiters, international sports scouts, transportation companies, technology companies, medical institutions and practitioners, security companies and sundry relevant entities. This also includes not-for-profit groups, professional organizations and trade associations who have some particular interests in migration.⁴³ The main focus of this work is on the business private sectors, that is, those practitioners who are engaged in profitable migration activities and operations directly or indirectly. There are professional

39 Operational Definition in Research, It is critical to operationally define a variable to lend credibility to the methodology and ensure the reproducibility of the study's results. Another study may identify the same variable differently, making it difficult to compare the results of these two studies. <<https://www.iedunote.com/operational-definition>> accessed 21 August 2023

⁴⁰Ebunoluwa Bayode-Ojo, Nigeria: Nigerian Immigration and the Mode of Visa Application in Nigeria, 2021 <<https://www.mondaq.com/nigeria/work-visas/nigerian-immigration-and-the-mode-of-visa-application-in-nigeria>> accessed 21 August 2023

⁴¹ Constitution of Federal Republic of Nigeria 1999 Item 30, Second Schedule, Part 1 -Exclusive List

⁴²Gammeltoft-Hansen, T., & Sørensen, N. N. (Eds.), The migration industry and the commercialization of international migration (Vol. 69). London: Routledge.

2013 <<https://api.taylorfrancis.com/content/books/mono/doi&identifierValuetypepdf>> accessed 15 August 2023

⁴³Caoagdan, A., Milallos, J., Grino, R. H., Vigonte, F., & Abante, M.V. Job Satisfaction and Motivation: A Comparative Analysis within the Sphere of Public and Private Administrative Domains 2023 Available at SSRN 4628371. <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4628371> accessed 17 August 2023

organizations who are primarily concerned with migration practices in other countries, such as South Africa Immigration Consultants, African Association of Professional Immigration Consultants Kenya, Immigration and Emigration Consultants in Namibia, National Association of Immigration Consultants (USA), Canada Association of Professional Visa Consultants, and United Kingdom Visa Consultants. In Nigeria, there is the Association of Professional Visa Consultants of Nigeria incorporated in 2018.

3. Migration Operations and Practices

Migration includes the act of entering a country with the intention of settling there permanently.⁴⁴ It has been described as a process through which individuals become permanent residents, or in some cases citizens of another country other than their country of birth.⁴⁵ Within the context of this work, migration is used particularly to mean the process of human movement in and outside of Nigeria for various activities, including but not limited to, social, economic, cultural and political.⁴⁶ The scope of the term will not bear so much on whether the intention of the ‘migrant’ is to spend a few days in the country of destination or to live there permanently. This is based on the assumption that most visa applications by aliens (especially from Nigeria) are treated as immigration applications unless and until the contrary is proved.⁴⁷

The Immigration Act 2015 does not expressly define the word immigration. However, Section 1 of the Act, which created the Nigeria Immigration Service, provides that the Nigeria Immigration

44 Black’s Law Dictionary, Tenth Edition, 2004 @866

45 Martin D.A. Effects of International Law on Migration Policy and Practice: The Uses of Hypocrisy, National Library of Medicine, <<https://pubmed.ncbi.nlm.nih.gov/12282793/1989>> accessed 12 June 2023

46 King, R., & Kuschminder, K. (2022). Introduction: definitions, typologies and theories of return migration. In Handbook of return migration (pp. 1-22). Edward Elgar Publishing 2022 <<https://www.elgaronline.com/edcollchap/edcoll>> accessed 15 May 2023

47 US Immigration and Nationality Act Section 214(b): ‘Every alien shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer, at the time of the application for admission, that he is entitled to a nonimmigrant status...’

Service is to be responsible for, inter alia: the control of persons entering or leaving Nigeria.⁴⁸

We may deduce therefore that the Act conceptualizes migration operations by the NIS as follows;

*Control of persons entering or leaving the Nigeria borders, issuance of travel documents including Nigerian passports, issuance of residence permits to foreigners, and border surveillance and control.*⁴⁹

1.10 Chapterization

Chapter 1 - Introduction

Chapter 2 – Literature Review and Theoretical Framework

Chapter 3 – Methodology

Chapter 4 - How Lack of Private Sector Inclusiveness Impairs Migration Operations and Practices: Assessing Nigeria Migration Laws

Chapter 5 – Summary of findings and Conclusion

48AdekemiSijuwade, Safe Landing: An Overview of the Nigeria Immigration Act, 2015 <overview of the immigration act.pdf> accessed 2 October 2023

49 United States of America, Department of Homeland Security <<https://www.dhs.gov/immigration-statistics/data-standards-and-definitions/definition-termspermanentresidentialien>> accessed October 2, 2023

CHAPTER TWO

Literature Review

2.1 Introduction

An exploration of the body of extant work on migration and private involvement reveals that most of the efforts are from scholars in the western world or those with western inclination, thus scholarly migration narratives may not present valid African perspectives. The essence of the literature review is to understand the trend and extent of work done on private sector involvement in migration matters, on the global, regional and national levels; and to discern the required direction for migration development in the African continent and most specifically, in Nigeria.

While extensive research has been carried out on migration studies in other disciplines, essentially the social sciences, there is a whole lot to be done in the exploration of the potentials for growth in migration in the legal discipline. In spite of established institutions and faculties studying law courses, there is still a lot to cover in the understanding of migration especially in relation to professionalism, practice and private sector involvement.

2.2 Migration: Natural Concept Moderated by Positive Laws

Nation states have always been concerned with the ability to control entry and exit into their territories, and those who could assume their identities, these are the main concerns in migration and citizenship.⁵⁰ Like John Salt and Jeremy Stein, we may agree that ‘migration predates the arrival of nation states and international law in the seventeenth century’.⁵¹ Migration is also

50 Johanna L. Waters, *International Encyclopedia of Human Geography (Second Edition)*, 2020

51 John Salt & Jeremy Stein, *Migration as a Business: The Case of Trafficking*, IOM International Migration 2002 <<https://doi.org/10.1111/1468-2435.00023>> accessed 20 April 2023

considered as a business with active participation of the private and the public sectors.⁵² The role of the public sector is basically regulatory while the private sector handles the business of migration. In other words, governments control migration activities through policies based on domestic and international laws.⁵³

Article 2 of the Universal Declaration of Human Rights indicates that the declaration is universal and extends to all humans irrespective of their political, jurisdictional or ‘territorial’ status; that is the human rights shall apply to all humans wherever they are, whether in their country of birth or country of ‘sojourn’. This is quite relevant when we consider refugees rights.⁵⁴

“Everyone is entitled to all the rights and freedom set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.⁵⁵This is a protection for all humans irrespective of jurisdictional status.⁵⁶

The UDHR gives an elaboration of natural right to migrate: “(2) Everyone has the right to leave any country, including his own, and to return to his country.”⁵⁷

52 IOM UN Migration, Mapping the Private Sector Potentials for the Involvement in the Migration Management Processes: Case of Serbia <<https://www.undp.org/sites/g/files/zskgke326/files/2022-11/REPORT%Mapping%private%20sectorpotentialformigration%20management.pdf> accessed 15 April 2023

53 United Nations: Universal Declaration of Human Rights, “The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A) as a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected and it has been translated into over 500 languages. The UDHR is widely recognized as having inspired, and paved the way for, the adoption of more than seventy human rights treaties, applied today on a permanent basis at global and regional levels.” <https://www.un.org/en/about-us/universal-declaration-of-humanrights#Articlepropertybirth%otherstatus>.accessed 12 May 2023

54 IOM UN Migration, (2022) Mapping the Private Sector Potentials for the Involvement in the Migration Management Processes: Case of Serbia <https://www.undp.org/sites/g/files/zskgke326/files/2022-11/REPORT%Mapping%private%20sector%20potential%20for%20migration%20management.pdf><accessed> 15April 2023

55 Ibid pg. 112

56Ramcharan, B. G. The concept and present status of the international protection of human rights: forty years after the universal declaration (Vol. 13). BRILL. (2021)<<https://books.google.com.ng/books>> accessed 14 July 2023

57 Ibid pg. 49

This Article provides for free movement for all humans within any country and amongst any country states.⁵⁸ Juanita Elias⁵⁹ in her article “ Governing Domestic Worker Migration in Southeast Asia Public-Private Partnerships, Regulatory Grey Zones and the Household, highlighted three inter-related issues in private sector involvement in Migration operations, as follows: “(i) how states have increasingly come to regulate migration via partnership arrangements with private sector actors; (ii) how these partnership arrangements are emblematic of broader processes of state transformation that take shape within the complex governance practices surrounding domestic worker migration in Southeast Asia; (iii) how a focus on the micro-processes of domestic worker governance also highlights the significance of private actors in this aspect of governance.”⁶⁰

The Universal Declaration of Human Rights reiterates the provision that everyone has the right to seek and to enjoy in other countries asylum from persecution in home country.⁶¹ The UDHR extended to citizenship also as it relates to migration. In Article 15, it provides that everyone has the right to a nationality.⁶² This Article provides the right to change one’s nationality, which borders on citizenship, an extension of migration. The International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.⁶³ has 59 parties and 39

58 Legal Instruments on International Migration. <<https://www.un.org/pdf/migration>> accessed 10 February 2023

59 Juanita Elias is Associate Professor in International Political Economy. She joined the University of Warwick in 2013 from Griffith University, Queensland, where she held an Australian Research Council Future Fellowship.

<https://www.google.com/search?q=juanita+elias&oq=JuanitaElias&gs_lcrp8> accessed 30 November 2023

60 Juanita Elias, *Governing Domestic Worker Migration in Southeast Asia Public-Private Partnerships, Regulatory Grey Zones and the Household: Non-State Actors and Transnational Governance in Southeast Asia*, (2020) <<https://www.taylorfrancis.com/chapters/edit/10.4324/484-5/governingdomesticworker-migration-southeast-asia-juanita-elias>> accessed 21 October 2023

61 Universal Declaration of Human Rights, Article 14

62 Ibid

63 United Nations: *The International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.*, Human Rights Instruments, <<https://www.ohchr.org/en/instrumentsmechanisms/instruments/international-convention-protection-rights-all-migrant-workers>> accessed 10 February 2023

signatories, although some countries expressed reservations on some provisions of specific articles of the convention.⁶⁴ The Convention is fundamentally centered on international migration and the protection of the rights of migrant workers and their families, these rights extend to both the country of source and country of destination.⁶⁵

Some of the Articles are of a special interest; Article 1 affirms that the Convention applies to all migrant workers and members of their families without distinction of any kind.⁶⁶

Article 5 further specifies that migrant workers are documented or in a regular situation if they are authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party”. Otherwise, they are considered to be non-documented or in an irregular situation. The Convention provides for the Principle of Non-Discrimination.⁶⁷

2.2 International Laws: Guaranty of Human Rights for all Migrants

Articles 8 to 35 (Part III) of the Universal Declaration of Human Rights provide a wide range of rights to all migrant workers and members of their families, notwithstanding their migration status.⁶⁸ The Convention provides a mandate for States to ensure the protection of lives of the migrant workers and members of their families.⁶⁹

64 United Nations, Treaty Series, vol. 2220, p. 3; Doc.<https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsgno=IV-13&chapter=4&clang=_en> accessed 21 April 2023

65Statusat(2022)<https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-13&chapter=4&clang=en> accessed 21 April 2022

66Fact Sheet No. 24 (Rev.1), The International Convention on Migrant Workers and its Committee, Office of The United Nations High Commissioner For Human Rights, United Nations, New York and Geneva, <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet24rev.1en.pdf> accessed 22 April 2022

67The International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, Article 7

68 Grant Haynes, Migration Data Portal: Migrant Rights, Migration and Development (2016) <<https://www.migrationdataportal.org/themes/migrant-rights>> accessed 15 February 2022

69The International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, Articles 9, 10 & 11

In the event that the rights of the migrant workers and or that of the family members to liberty are violated, Article 17 provides for remedies by the State.⁷⁰

The Convention contemplates irregular migration and makes provision for rectification.

‘1. States Parties shall, when there are migrant workers and members of their families within their territory in an irregular situation, take appropriate measures to ensure that such a situation does not persist.’⁷¹

2.3 Sovereignty and Migration: A Pseudo Dilemma

Generally, every sovereign state is at liberty to manage her affairs without interference from other entities. However, there seems to be limitations on this sovereign liberty due to international provisions on migration.⁷² One can also argue that the liberty is absolute, this is true as the State can further exercise her liberty in ratifying, acceding or denouncing the international migration regulation as provided in Sections 88 and 89 of the Convention.⁷³

The United Nations recognizes this paradox; this is evident in the article prepared by the Deputy Director-General, International Organization for Migration, Laura Thompson, titled, Protection of Migrant’s Rights and State Sovereignty.⁷⁴ Protection of the rights of the migrant workers and their family is also the protection of the sovereignty of every state in this global sphere.⁷⁵ This ensures that every human being has his or her fundamental human rights protected regardless of

⁷⁰ *ibid*

⁷¹ Regularization of Migrants in an Irregular Situation in the OSCE Region Recent Developments, Points for Discussion and Recommendations, (2021) Office for Democratic Institutions and Human Rights, <<https://www.osce.org/documents/b/3/494251.pdf>> accessed 14 December 2023

⁷² Human Rights of Migrants: An Overview, State Sovereignty and Human Rights <<https://emm.iom.int/handbooks/human-rights-migrants-overview/state-sovereignty-and-human-rights>> accessed 12 June 2023

⁷³ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, <<https://www.sciencedirect.com/topics/social-sciences/nations-state>> accessed 30 December 2023

⁷⁴ UNChronicles, <<https://www.un.org/en/chronicle/article/protection-migrants-rights-and-state-sovereignty>> accessed 5 May 2023

⁷⁵ Glory O., (2019) Towards a Human Rights Approach for the Treatment of Migrants in Nigeria, NAUJILJ 10 (1) 2019 page 91 <<https://www.ajol.info/index.php/naujilj/article/view/183721>> accessed 15 January 2023

whether or not they are in their country of origin. The violation of a citizen is invariably violation of the State, hence when the freedom and rights of every person is guaranteed wherever they are within this global space, then the rights of every state is inversely protected.⁷⁶ It is therefore expected of every State to uphold the sanctity of fundamental human rights and freedom,⁷⁷ this becomes expedient as foreigners are more vulnerable to human right violations and abuses than citizens.⁷⁸ Migrants are faced with several challenges, and understandably women migrants are inundated with additional issues predicated on their sex.⁷⁹

A major factor for consideration is the document status of the migrants, however, migrants, whether regular, (that is documented) or irregular (undocumented), will necessarily face some challenges in the actualization of their rights in their land of sojourn.⁸⁰ Essentially, human rights are inalienable and available to all humans in every State, not minding whether one is a citizen and the other, a migrant.⁸¹ However, States possess the sovereign authority to protect their borders and hence determine admissibility of non-citizens through statutes, policies and regulations.⁸² Irrespective of the immense powers States possess to regulate international migration through their borders, determine migrants' status through authorization, and taking

76 Bhavé, D. P., Teo, L. H., & Dalal, R. S. (2020). Privacy at work: A review and a research agenda for a contested terrain. *Journal of Management*, 46(1), 127-164. <sagepub.com Privacy at work: A review and a research agenda for a contested terrain> accessed January 13, 2023

77 United Nations Human Rights Office of the High Commissioner, Human Rights Handbook for Parliamentarians (N0.26), Inter-Parliamentary Union 2016 <<https://www.ohchr.org/sites/default/files/Documents/Publications/HandbookParliamentarians.pdf>> accessed March 12, 2022

78 Lee, C., Lindström, R., Moore, W. H., & Turan, K. Ethnicity and repression: The ethnic composition of countries and human rights violations. *Understanding Human Rights Violations*, 186-201. (2019) <academia.edu Ethnicity and repression: The ethnic composition of countries and human rights> accessed 13 January 2023

79 Erinfolami, Temitope P, Sex and Remittance Practice: Challenges of Female Internal Migrant in Nigeria, 2015,

80 "Migration and International Human Rights Law," *International Commission of Jurists* (2011), p. 29.

81 Akani, E. C. The United Nations (UN) and human rights: Challenges and prospects. *African Journal of Political Science and International Relations*, 14(3), 91-102. (2020) <https://academicjournals.org/journal/AJPSIR/article-full-text/04DC72A64507> accessed 11 January 2023

82 International Covenant on Civil and Political Rights; Declaration on the Human Rights of Individuals Who Are Not Citizens of the Countries in Which They Live; International Convention for Migrant Workers and Their Families, Article 16, p 101

measures against irregular migration, there exists an obligation imposed by international laws on States to adhere to the observance of human rights regardless of the migration status of non-nationals within the territories and under the jurisdiction of nation states. Scholars have argued that protecting individual migrant's rights is fundamental and inalienable through international laws, though there are limits imposed by sovereignty of States.⁸³ Other scholars argue, however, that the existing international laws, which constitute the international legal framework, are not in any way imposed on the States.⁸⁴ Modalities for local migration are not dictated to States, what we have in the international migration legal framework is a 'sustainable basis for having long-term migration governance with respect for the individual, as well as recognizing the States' competence in governing the entrance and stay of non-nationals'.⁸⁵ The United Nations created an exception to this in the non-refoulement cases, a practice of not forcing refugees or asylum seekers to return to a country in which they may be subjected to persecution.⁸⁶

The United Nations has always canvassed that, respect for the rights of migrants, irrespective of the status, either documented or undocumented, does not undermine the sovereignty of nation States. A well-developed migration management law, regulation, policy and practice needs to protect the rights of migrants and enhance sovereignty through the protection of national security, and public order. By enacting laws, formulating policies and encouraging practices which protect

83Bauder, Harald. Migrant solidarities and the politics of place. *Progress in Human Geography*, 44(6), 1066-1080. (2019) <https://www.researchgate.net/publication/335917772_Migrant_solidarities_and_the_politics_of_place> accessed 11 March 2023

84Santini, A., Cammarata, S. M., Capone, G., Ianaro, A., Tenore, G. C., Pani, L., &Novellino, E. Nutraceuticals: Opening the debate for a regulatory framework. *British journal of clinical pharmacology*, 84(4), 659-672. (2018) <[wiley.com Nutraceuticals: Opening the debate for a regulatory framework](https://wiley.com)> accessed 14 January 2023

85 Ibid

86 The principle of non-refoulement in the migration context: 5 key points, 2018 <<https://reliefweb.int/report/world/principle-non-refoulement-migration-context-5-key-points>> accessed 5 May 2023

human rights of irregular migrants (like victims of human trafficking), States have a better opportunity to address the vices associated with transnational and trans-border crimes.⁸⁷

The international legal framework on migration provides for the protection of the civil, social, labour and political rights of migrants, either documented and undocumented.⁸⁸ Undocumented and irregular migrant workers are mostly employed under a less favourable working condition than regular migrant workers.⁸⁹

Migrant workers are relevant in the economic growth and development of, not only the host nations but also, their home countries. This relevance, (to impact on the economy of the states of origin and residence) however, depends greatly on their level of integration, the living condition and the work atmosphere in the residence country.⁹⁰ For states to manage migration effectively in achieving a safe and productive environment for migrant workers and their families, it is pertinent that the rights of migrant workers are protected, only then can migration become a viable factor in the development of nation states. These rights include, but not limited to, protection of the lives and properties of the migrants, creating opportunity for the migrant worker to enjoy decent work conditions, and allowing the migrant worker to earn a handsome wage.⁹¹

The legal framework required to ensure that the rights of the migrant workers and their families are guaranteed is not limited to migration laws and regulations on both local and international

87 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, Article 7.

88 Ibid.

89 Convention for the Protection of the Rights of all Migrant Workers and Members of Their Families (Preamble). C097 - Migration for Employment Convention (Revised), 1949 (No. 97) <<https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100NO>> accessed 19 April 2023

90 Zare-Shourijeh, M. A., (2019). A Closed-loop Supply Chain Network Design Under Uncertainty: A Combined Resilience and Sustainability Approach. 10.13140/RG.2.2.23901.56802. (2019) <https://www.researchgate.net/publication/337049450_A_ClosedloopSupplyChainNetworkDesignUnderUncertaintyACombined_Resilience_and_Sustainability_Approach> accessed 11 May 2023

91 Ibid 65

levels, it extends to other areas of law like labour legislations, human rights laws, criminal laws, constitutional laws, customary laws, property laws, company laws, laws of banking and of course all legislations that relate to human relationships,⁹² and expediently prevent unnecessary ‘criminalization’.⁹³ The development of laws which manage migration effectively through ensuring that the rights of migrant workers and their family members are guaranteed creates an environment of growth and development for both the source and host nations.⁹⁴ State sovereignty is not compromised when states uphold human rights for migrants and their family members, rather, adherence to protection of those rights ensures peaceful co-existence between citizens and migrants.⁹⁵ States are mandated to ensure the healthy development of every child, provide treatment for diseases and provide medical services for everyone within the territories of the state.⁹⁶ It has been argued that placing the responsibility for the health of migrants on the state subjects the states to extra burden in so much as resources are limited and every states is expected to plan for her nationals.⁹⁷ It is further argued that this, in a way, is an infringement on the sovereignty of the states, as the states are compelled to give allocation, out of their limited resources, to cater for the health of migrants, even when they are considered undocumented or irregular.⁹⁸ But when we consider this argument against the benefits of observing the rights to

92 Study (2022) The Fundamental Rights of Irregular Migrant Workers in the EU Understanding and reducing protection gaps Policy Department for Citizens’ Rights and Constitutional Affairs Directorate-General for Internal Policies PE 702.670 - July 2022 EN <[https://www.europarl.europa.eu/RegData/etudes/STUD/2022/702670/ IPO LSTU\(2022\)702670EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2022/702670/ IPO LSTU(2022)702670EN.pdf)> accessed 15 January 2023

93 Ibid 140

94 Ibid 145

95 Zare-Shourijeh, M. A. A Closed-loop Supply Chain Network Design Under Uncertainty: A Combined Resilience and Sustainability Approach. 10.13140/RG.2.2.23901.56802. Office of the United Nations High Commissioner for Human Rights, “Migration and Development: A Human Rights Approach”, pp. 8-9. (2021) <https://www.researchgate.net/publication/A_Closed-loop_Supply_Chain_Network_Design_Under_Uncertainty_A_Combined_Resilience_and_Sustainability_Approach> accessed 14 June 2023

96 International Covenant on Economic, Social and Cultural Rights, Article 12(1).

97 Ibid 148

98 International Organization for Migration, International Migration, Health and Human Rights (Geneva, 2013), p. 50.

health of all migrants by states, we realize that the cost to states is inconsequential. Accordingly the World Health Organization, posited that the inclusiveness of migrants in health care program of states ‘improves their health status; avoids stigma, long-term health and social costs; protects global public health, facilitates integration and contributes to social and economic development.’⁹⁹

States are required to make adequate health care provisions for migrants in order to bring about their integration and guarantee their continual contribution to the development of the host state. In situations where there is inadequate or insufficient health provision for migrants, public health of the host state is compromised and this may eventually lead to unnecessary increase in health costs.¹⁰⁰ Hence, through strategic policies and legislations, states can provide sufficient access to health care for migrants and thus reduce increased cost of health care for the state.¹⁰¹ The deliberate and well planned provision and protection of migrants’ rights is of a great benefits to the individual migrants by making them more productive, and it also promotes peace and stability in the host states thus ensuring an all-encompassing advantage for the individual migrants, his state of origin as well as the host state.¹⁰²

2.3 Nigeria Migration Laws: The Extant Legal Framework for Migration Operations and Practices

99 World Health Organization, “Health of Migrants—The Way Forward: Report of a Global Consultation”, (2010), p. 5.

100 Ibid. p 8-11

101 Ibid p14

102 Ibid p14-18

Migration laws in Nigeria comprised of statutes, policies and case laws. The principal legislation on migration law and practice is the Immigration Act (2015).¹⁰³ Next to that is the Immigration Regulations of 2017 which was issued as a subsidiary legislation by the Minister of Interior, pursuant to Section 112(1) of the Immigration Act, to provide effective implementation of the Act.¹⁰⁴ There is also the New Visa Policy (NVP) 2020 which was launched by the then President, Muhammadu Buhari. The New Visa Policy (NVP) provides for a reformed visa regime for the country. A major focus of the New Visa Policy (NVP) 2020 is attraction of Foreign Direct Investment (FDI) into the country, with the objectives of inviting innovation; specialized skills and knowledge into the country to assist development through capacity building.¹⁰⁵ The Immigration Act 2015 directly provides that the management and control of immigration matters in Nigeria will be handled by the Nigeria Immigration Service (NIS), a body corporate to be headed by the Comptroller General of Immigration.¹⁰⁶

2.3.1 Legal Control on Immigration Movement: Legislations on Categories of Visas

The primary enactments, Immigration Act 2015 and the Immigration Regulations 2017, provide for classes of visas and permits available to non-nationals of the country, under the Nigeria immigration practices, viz, Short Visit Visas, Temporary Residence Visas, and Permanent Residence Visas.¹⁰⁷ And aside these three major visa categories, there are seventy six other classes and several sub-classes of visa provided by the New Visa Policy, each class with

103 Adekemi Sijuwade, A general introduction to immigration law and policy in Nigeria <<https://www.lexology.com/library/text=Nigerian%20immigration%20law%20is%20derived%20principally%20from%20statute%2C,the%20Immigration%20Regulation%20Immigration%20Regulations%29>> accessed 10 May 2023

104 Immigration Act (2015), <<https://www.placng.org/laws/nigeria/laws/11.pdf>> accessed 20 December 2021

105 Gaur, M. Studies on Nigeria. (2018). <[researchgate.net](https://www.researchgate.net)> accessed 10 November 2023

106 DOUGLAS, T. An Appraisal of the Rights and Protection of Migrant Workers under Nigerian Law. Madonna University, Nigeria Faculty of Law Journal, 6(2). (2021) <[ezenwaohaetorc.org](https://www.ezenwaohaetorc.org) An Appraisal of the Rights and Protection of Migrants> accessed 15 May 2023

107 <https://ngembassy.info/page/tourist-visa> accessed 27 May 2023

specialized codes.¹⁰⁸ Applications for visas and permits are made to the Comptroller General of Immigration or to the relevant Nigeria diplomatic mission abroad.¹⁰⁹ Application, payments and biometric enrolment are done at the port of entry by officers of Nigeria Immigration Services.¹¹⁰

2.3.2. ‘Crimigration’- Offences in Migration Matters¹¹¹

The Immigration Act 2015 and the Immigration Regulations set out various offences of non-compliance by individuals and corporations. The penalties range from administrative fines to imprisonment and deportation; winding-up for offending corporate bodies. The 2015 Act provides for expansive powers of enforcement, and the Immigration Regulations empowers immigration officers to implement and enforce the Act. The Act empowers immigration officers to arrest any immigrant found committing an offence stipulated under the 2015 Act or the Immigration Regulations.¹¹² This provision tends to exclude the private sector involvement.

The Federal High Court is vested with powers to hear and determine all matters relating to immigration.¹¹³ Immigration cases enjoy priority over other cases at the Federal High Court, be it civil or criminal. This may be partly due to the fact that foreign nationals are usually involved in immigration matter, and foreign nationals who may eventually be deported should not be subjected to prolonged detention pending trial. The laws generally allows for up to 90 days custody before deportation.¹¹⁴

108 Visa Application Guidelines <<https://portal.immigration.gov.ng/?p=visaguidelines>> accessed 12 June 2022

109Ibid. p 42

110 Immigration Act, 2015 (Act No. 8 of 2015) pdf

111 ibid.96

112Immigration Act 2015, Section 8

113Omeh, G. O. Thematic Examination of the Regulatory Framework Governing Foreign Investments in Nigeria. AJLHR, 6, 84. (2020)<ezenwaohaetorc.org Thematic Examination of the Regulatory Framework Governing Foreign> accessed 13 June 2023

114 Prisons and Probation: Foreign National Offenders, Volume 747: debated on Tuesday 12 March 2024 <<https://hansard.parliament.uk/commons/2024-03-12/debates/841C7297-E462-40E6-A461-66F25D55B1E3/PrisonsAndProbationForeignNationalOffenders>>accessed 29 May 2024

To initiate an action against the National Immigration Services, a pre-action notice must be issued. 'no civil action shall be commenced against the Service or its authorized officers before the expiration of a period of 30 days after a written notice of intention to commence the suit shall have been served.'¹¹⁵

2.3.3 Immigration Structures¹¹⁶

a. The Nigeria Immigration Service

This is the body designated by the Immigration Act 2015 as the executing authority on immigration policies and matters. It is a body corporate whose responsibilities are highlighted in Section 2 of the Act.¹¹⁷ The Act and the Regulation provide for the structure, appointment, duties and operations of immigration officers. The President appoints the Comptroller General of Immigration (CGI) and his deputy, from serving officers of the Nigeria Immigration Services (NIS) based on the recommendation of the Civil Defence, Fire, Immigration and Prisons Services Board.¹¹⁸

b. The Federal Ministry of Interior

The Ministry is mandated to formulate and implement policies related to border management and supervision of the operations of the National Immigration Service. The Ministry under the

¹¹⁵ Immigration Act 2015, Section 109(1)

¹¹⁶ Organisational Structure of the Nigeria Immigration Services <<https://immigration.gov.ng/home/nis-structure/>> accessed 20 April 2022

¹¹⁷ *ibid* 76

¹¹⁸ Okeoghene, E. P. International migration and the study of socio-economic development in Nigeria: The role of Nigerian immigration service. Unpublished Dissertation, Department of Political Science and International Relations, Covenant University, Ota, Ogun State, Nigeria. (2017) <core.ac.uk International migration and the study of socio-economic development in> accessed 12 June 2023

leadership of the Minister is responsible for all matters of citizenship and other sundry functions.¹¹⁹

c. Other Migration-Related Bodies

There are other statutory bodies that have responsibilities and functions which impact, in varying degrees, on immigration policies, processes and operation in the country, these authorized bodies include:

- i. **Nigerian Investment Promotion Commission (NIPC)** – This commission was established in 1995 to promote, coordinate, and monitor investments in Nigeria.¹²⁰ This extends to Foreign Direct Investment and Foreign Portfolio Investment, (FDI & FPI).
- ii. **Corporate Affairs Commission-** Created by the Company and Allied Matters Act (CAMA) to regulate incorporation and operation of companies in Nigeria. The CAC is also concerned with matters relating to foreign companies and business interest in Nigeria. The Act (CAMA) was recently amended by the CAMA 2020.¹²¹

119 The Ministry of Interior was created in 2015 following a merger between the Ministry of Internal Affairs and the Ministry of Police Affairs. It is a Federal Government Organ which evolved from the Ministry of Internal Affairs which was created in 1957. It came as a result of the merger of various Departments and Units of Government over the years. Some of its components like Prisons were pulled out from the defunct Native Authorities of the Federation; other arms of it, like the Immigration Service, came from the old Nigeria Police Force while other units were previously in the office of the Secretary of State in the Colonial days. <<https://interior.gov.ng/about-the-ministry/>> accessed 15 April 2023

120 <https://www.nipc.gov.ng/> accessed 20 April 2023

121 Foluke, Olayemi & Dada, Foluke & Ojo-Solomon, Rachael & Eyongndi, David. Comparative Appraisal of Nigeria's Companies and Allied Matters Act 2020 With Some Selected Jurisdictions (2023) <https://www.researchgate.net/publication/Comparative_Appraisal_of_Nigeria's_Companies_and_Allied_Matters_Act_2020> accessed 5 February 2024

- iii. **Security and Exchange Commission (SEC)** created by the Investment and Security Act 2007, regulates foreign investments in Nigeria capital market.¹²²
- iv. **Federal Inland Revenue Service and States revenue services**– responsible for the collection of corporate taxes and personal income taxes of employees from other nationalities living in Nigeria.¹²³
- v. **Federal Ministry of Labour and Productivity**- This is the agency of government responsible for the regulation of the labour market and relationships, and also monitoring employment of migrants, through such activities as protecting the employment and social rights of migrant workers.¹²⁴
- vi. **National Population Commission**- this was established under the National Population Act 1989 as an independent body for the conduct of national censuses. Its functions include the compilation of migration and civil registration.¹²⁵
- vii. **National Planning Commission of Nigeria**¹²⁶ deals with economic co-operation with other countries, including the Economic Community of West African States (ECOWAS).

122 Omeh, G. O. Thematic Examination of the Regulatory Framework Governing Foreign Investments in Nigeria. *AJLHR*, 6, 84. (2022) <ezenwaohaetorc.org Thematic Examination of the Regulatory Framework Governing Foreign> accessed 16 August 2023

123 Ojo, L. O. Impact of tax administration on government revenue in developing economy: A case study of Nigeria. *Advance Journal of Financial Innovation and Reporting*, 4(4). (2020) <aspjournals.org Impact of tax administration on government revenue in developing> accessed 11 August 2023

124 Omolawal, S. A. Labor Policy in Nigeria: Evolution, Trends and Implications for Industrial Relations. *Dhaulagiri: Journal of Sociology & Anthropology*, 16. (2022) <researchgate.net Labor Policy in Nigeria: Evolution, Trends and Implications for Industrial> accessed 12 August 2023

125 National Population Act No. 23 of 1989

126 Established under Decree No. 12 of 1992 and amended in 1983

viii. **Nigerian Content Development and Monitoring Board**¹²⁷ which function includes administration and management of applications for expatriate quotas, succession planning and deployment of expatriates in the oil and gas industry.¹²⁸

2.4 Citizenship and Migration: Natural Rights Enforced through Positive Laws

The consideration of migration will not be wholesome without a status evaluation. Scholars have broadly classify status in the context of citizens and migrants (non-citizens).¹²⁹ Then what make one a citizen of a country is as provided by the law. According to Leo Strauss¹³⁰, (a German who migrated to the United States of America), citizens and non-citizens are defined by conventional laws and not natural laws. He asserts that citizens are ‘made’ and not born. According to him; “it is convention that arbitrarily cuts off one segment of the human race and sets it off against the rest.”¹³¹

Migration has to be explained and understood from the perspective of international laws and global development.¹³² The global economy has so much advanced that goods and services are now exchanged more easily than before. This is attributable to developments in technology which has led to enhanced mobility. A recent report on Migration Data Portal¹³³ supports the assertion that it is the conventional laws that determine citizenship and not natural laws. Hence

127 Established under the Nigerian Oil and Gas Industry Content Development Act (NOGIC Act) 2010

128NOGIC Act 2010, Sections 31,32,33

129 Opara, I. Neither here nor there: exploring the transnational identity of West African migrants living in South Africa. *ActaAcademica*, 54(2), 138-162. (2022) <scielo.org.za Neither here nor there: exploring the transnational identity of West African> accessed 11 April 2023

130 Stanford Encyclopedia of Philosophy, Leo Strauss, revised Fri Apr 9, 2021<<https://plato.stanford.edu/entries/strauss-leo/>> accessed 14 July 2023.

131Arango, J. Explaining migration: a critical view. *International social science journal*, 52(165), 283-296. <https://onlinelibrary.wiley.com/doi/abs/10.1111/1468-2451.00259> (2000) accessed 14 July 2023

132 Hollifield, J. F., & Foley, N. (Eds.). *Understanding global migration*. Stanford University Press. (2020) <<https://books.google.com.ng/books?hl=en&lr=&id=fnd&pg=Migrationhastobeexplained+and+understood+from+the+perspective+of+international+laws+and+global+development>>accessed 14 July 2023

133 Migration Policy, updated June 21, 2022<<https://www.migrationdataportal.org/themes/citizenship-and-migration>>accessed 14 July 2022

citizenship is a product of the positive laws as codified by federal, state and local legislations.¹³⁴ Citizenship is a main concept of the international state system, this is the concept through which states are able to make laws to regulate human status and management of the state.¹³⁵ States are able to determine rights and obligations accruable to the different classes of humans within their geographical sphere.¹³⁶ The report clarifies differences in laws of individual countries as regards citizenship and electoral right and how these affect migration and migrants. The conditions for acquiring citizenship at birth vary from countries to countries, so also are the rules for naturalization. The report asserts that majority of countries embrace dual citizenship for non-nationals with varying considerations.¹³⁷ According to Leo Strauss, migration as a natural human phenomenal behavior is as old as mankind. Whether in search of food, new hunting ground, higher wages, or better lifestyle, migration is a natural human behaviour.¹³⁸ Migrants have always had their status determined solely by the law of their host countries, until the emergence of international laws traceable to the agreement between people in the ancient Middle East.¹³⁹ One of these first set of agreements was the treaty between Lagash and Umma in Mesopotamia approximately 2100 BCE¹⁴⁰, this includes the incursion of Israelites in Egypt amply recorded in

134 Staff Writer, Reference, What is an example of Positive Law? Updated April 11, 2020, <<https://www.reference.com/world-view/example-positive-law-a9f163e249d086c4>> accessed 14 July 2022

135 Rung, D. L. Processes of Sub-Citizenship: Neoliberal Statecrafting 'Citizens,' 'Non-Citizens,' and Detainable 'Others'. *Social Sciences*, 9(1), 5. (2020) <HTML] [mdpi.com Processes of Sub-Citizenship: Neoliberal Statecrafting 'Citizens,' 'Non-Citizens,' and Detainable 'Others'](https://www.mdpi.com/Processes%20of%20Sub-Citizenship%3A%20Neoliberal%20Statecrafting%20Citizens%2C%20Non-Citizens%2C%20and%20Detainable%20Others)> accessed 15 May 2023

136 Anghie, A., Chimni, B., Mickelson, K., & Okafor, O. C. (Eds.) *The third world and international order: Law, politics and globalization* (Vol. 45). Brill. (2021) <<https://books.google.com.ng/books?Statesareabletodeterminerightsobligationsaccruabletothedifferentclassesofhumanswithintheirgeographicalspherereport>> accessed 15 June 2023

137 *ibid*

138 Shaw, B. "The God of This Lower World": Leo Strauss's Critique of Historicism in Natural Right and History. *The Review of Politics*, 81(1), 47-76. (2019) <<https://www.cambridge.org/core/journals/review-of-politics/article/abs/god-of-lower-world-leo-strausss-critique-of-historicisminnatural-right-and-history/>> accessed June 21, 2023

139 Brumat, L., Geddes, A., & Pettrachin, A. Making sense of the global: A systematic review of globalizing and localizing dynamics in refugee governance. *Journal of Refugee Studies*, 35(2), 827-848. (2022) <https://academic.oup.com/jrs/article-/35/2/827/6377227> accessed 14 June 2023

140 International Law, Historical Development <https://www.britannica.com/topic/international-law/Historical-development> accessed 10 July 2023

the Holy Bible.¹⁴¹ This perhaps represents the earliest recorded migration scenario as documented in the history books.¹⁴² The historical development of migration on its own will make a very robust research interest which the scope of this work cannot accommodate.

2.5 Migration and Citizenship

It is trite that nationals of a country, Nigeria inclusive, enjoy certain exclusive rights. The concept of citizenship is a function of the laws of the country. In Nigeria, the Constitution of the Federal Republic of Nigeria 1999 (CFRN)¹⁴³ spells out what qualifies an individual to be a citizen and carry the International Passport of the country. According to the constitution, three types of citizenship exist in Nigeria.¹⁴⁴

Section 26 of the Constitution provides that a person who is not a citizen of Nigeria by birth can become a citizen by registration under certain conditions.¹⁴⁵

A person can apply to be a citizen of Nigeria by naturalization if he meets these conditions:

- i. The person is of full age
- ii. The person of good character
- iii. The person has expressed wish to be domiciled in Nigeria
- iv. The governor of the state where the applicant for citizenship wants to reside confirms readiness to accommodate the person
- v. The person should prove capability to contribute to the wellbeing and development of Nigeria and its citizens

141Hendel, R. The Exodus in biblical memory. *Journal of Biblical Literature*, 120(4), 601-622. (2001)
<academia.EduThe Exodus in biblical memory> accessed 11 January 2023

142 Harvard Divinity Bulletin, Pinpointing the exodus from Egypt <<https://bulletin.hds.harvard.edu/pinpointing-the-exodus-from-egypt/>> accessed 15 July 2023

143Constitution of the Federal Republic of Nigeria 1999 (as amended) Section 25

144 Ibid

145 Constitution of the Federal Republic of Nigeria, 1999, Sections 25 & 26

- vi. The applicant has lived in Nigeria for at least fifteen years preceding the application date.

2.5.1 Dual Citizenship

Dual citizenship is also directly relevant to migration. Either a Nigerian who migrates to another country or a national of another country who immigrates to Nigeria, the provisions of the law would be highly instructive as regards the available rights and obligations.¹⁴⁶

According to Section 28 (1) (2) of the Constitution, a person who is a citizen of Nigeria by birth can acquire the citizenship of another country, this option is not open to people who got Nigerian citizenship through naturalization or registration. The condition for non-nationals who want to acquire Nigerian citizenship by registration or naturalization is renunciation of the other citizenship within twelve months.¹⁴⁷

2.6 Migration and Development

A prominent feature of globalization is the increase in migration flows.¹⁴⁸ Jose Antonio Alonzo in his article, *International Migration and Development: A Review in Light of the Crisis*¹⁴⁹ affirms that one of the unarguable features of globalization is increase in migration among countries, regions and continents. It is evident that in spite of the restrictions created by domestic laws of different countries, migratory flows have increased as people move across borders in

146 Ibid

147 Bolarinwa, O. F., & Osuji, U. C. Political Elitism in Nigeria: Challenges, threats and the future of citizenship. *Open Journal of Philosophy*, 12(01), 105-122. (2020) <theputakas.com Political Elitism in Nigeria: Challenges, threats and the future of citizenship> accessed 19 July 2023

148 Lenzner, S. J. Strauss's Three Burkes: The Problem of Edmund Burke in Natural Right and History. *Political Theory*, 19(3), 364-390. (1991) <SJ Lenzner - Political Theory, 1991 - journals.sagepub.com> accessed 11 April 2023

149 Jose, A., *International Migration and Development: A Review in Light of the Crisis*, ResearchGate, January (2011) <https://www.researchgate.net/profile/Jose-Alonso32/publication/International_Migration_and_Development_A_review_in_light_of_the_crisis/links//International-Migration-and-Development-A-review-in-light-of-the-crisis.pdf?origin=publication_detail > accessed 10 July 2023

search of new opportunities which may or may not exist in their country of origin, or country of source.

He quoted the United Nations report which states that there were 214 million international migrants in 2010, this figure constitutes about 3 per cent of the world population. He observed that this percentage is not exceptionally high in comparison to other cross-border transactions like trades and investments. The impact of migration however is beyond numbers: the concept of migration in practice involves people (families, communities and nations) with their dreams, aspirations, emotions, hopes, frustrations, ambitions and such attachments as are peculiar to humans.¹⁵⁰ Alonzo further states that ‘migrants are active forces driving new realities and corresponding social responses both at home and in host countries, this is likely a major force in shaping international realities. It is a fact that migrants mostly embark on the plan for the apparent opportunities for actualization of personal goals it offers. The article opined that it is in view of this important factors that the United Nations and the International Community have instituted bodies to respond appropriately to migration matters. These bodies include:

1. The Global Commission on International Migration and Development.¹⁵¹
2. The United Nations High Level Dialogue on International Migration and Development¹⁵²

150 Georgiana, F.T, Migration – an Overview on Terminology, Causes and Effects, January 2020 7(2):10-29, DOI: 10.18662/lumenlaw/24 (2020) <https://www.researchgate.net/publication/Migration_an_Overview_on_TerminologyCauses_and_Effects> accessed 12 January 2023

151 Global Commission on International Migration, <https://www.iom.int/global-commission-international-migration>

152 In 2006, the UN Secretary-General established the Global Migration Group (GMG), an interagency coordination mechanism including the International Organization for Migration (IOM) and 15 entities of the United Nations system, to promote the wider application of international and regional instruments and norms relating to migration and to encourage the adoption of more coherent, comprehensive and better coordinated inter-agency approaches. <<https://www.iom.int/united-nations-high-level-dialogue-international-migration-and-development-hld>> accessed 20 July 2022

3. The Global Forum on Migration and Development¹⁵³;

There are also regional bodies in continents, regions¹⁵⁴ and nations.¹⁵⁵ International organizations are not left out in the discuss and action to engage migration as a concept in international development.¹⁵⁶ Examples are:

1. United Nations Department of Economic and Social Affairs (UN/DESA)'s 2004 World Economic and Social Survey Study on International Migration.
2. World Bank's 2006 Global Economic Prospects on Economic Implications of Remittances and Migration
3. International Labour Organization (ILO)'s Report on the Effect of Migration on labour markets: Economic Implications of Remittances and Migration; International Labour and Migration Development: The ILO Perspective.

Of greater importance to this work is The Global Forum on Migration and Development, the Business Advisory Group on Migration, which is the private sector network that provides input to the global migration debate taking place across a range of platforms, including the Global

153 Created in 2007, the Global Forum on Migration and Development (GFMD) is a state-led, informal and non-binding process, which helps shape the global debate on migration and development. It provides a flexible, multi-stakeholder space where governments can discuss the multi-dimensional aspects, opportunities and challenges related to migration, development, and the link between these two areas. The GFMD process allows governments - in partnership with civil society, the private sector, local and regional governments, youth, the UN system and other relevant stakeholders – to analyze and discuss sensitive issues, create consensus, pose innovative solutions, and share policy and practices.

154 Established 2001, The Migration Dialogue for West Africa or MIDWA Process was designed to encourage the ECOWAS Member States to discuss common migration issues and concerns in a regional context for which immediate solutions may not be forthcoming on a national level. <<https://www.iom.int/midwa>> accessed 15 July 2023

155 Established in year 2000, The Migration Dialogue for Southern Africa (MIDSA) creates a framework for a regular migration dialogue among the Member States of the Southern African Development Community (SADC), to enhance inter-state cooperation in an effort to improve migration governance. <https://www.iom.int/migration-dialogue-southern-africa-midsa> accessed 15 July 2023

156 Douglas J. Besharov, M. H. L., 'Adjusting to a World in Motion: Trends in Global Migration and Migration Policy', Oxford University Press (2016) p.303 pdf

Forum on Migration and Development (GFMD) and Global Compact for Safe, Orderly and Regular Migration (GCM).¹⁵⁷

2.6.1 The Business Advisory Group of Global Forum on Migration and Development: Providing the Private Sector Perspective in Migration Policy and Development¹⁵⁸

Following the establishment of Global Forum on Migration and Development (GFMD), the government saw the importance of having business leaders as part of the effort on migration development. During the 8th. Annual Summit of GFMD (October 14-16, 2015) in Istanbul, Turkey, a GFMD Business Mechanism which included the private Sector in migration and development policy dialogues was approved. And in 2016, the Business Advisory Group on Migration was created as the Global Platform for the coordination of business perspectives in migration; this has remained one of the mechanisms providing the private sector perspective to the Global Forum on Migration Development.¹⁵⁹

The mission of the Business Advisory Group on Migration is stated as follows¹⁶⁰:

1. “Increase private sector impact on migration policy at national, regional and international level
2. Intensify promotion of business interests and more business-friendly migration policy

157 IOM, ‘Making Migration Work for All’ <<https://www.iom.int/bali-process-people-smuggling-trafficking-persons-and-related-transnational-crime>>, accessed 15 July 2023

158 Business Advisory Group on Migration is the private sector network that provides input to the global migration debate taking place across a range of platforms, including at the Global Forum on Migration and Development (GFMD) and Global Compact for Safe, Orderly and Regular Migration (GCM). <<https://gfmdbusinessmechanism.org/about-us/>> accessed 10 July 2023

159 Ibid

160 The aim is to collectively discuss and bring forward business recommendations to address how to best harness the opportunities in migration associated with tomorrow's needs for skills, as well as to promote collaboration between governments and private sector on labor migration issues. <<https://mena.iom.int/news/iom-ioe-business-advisory-group-migration-and-business-africa-host-first-consultation-private-sector-The%20aim%20is%20to%20collectivelysector0on0labor0migrationissues.>> accessed 14 June 2022

3. Advocate for a regulatory environment in which labour migration policies support business creation and development in order to create job opportunities and economic prosperity”

The core areas of focus are¹⁶¹:

1. Skills Mobility
2. Responsible Recruitment
3. Skills Development and Matching
4. Technology and Migration

The involvement of the Business Advisory Group on Migration¹⁶² in coordinating the private sector is as follows:

1. Engaging governments on migration issues through dialogue
2. Providing strategic policy advice to governments for necessary policy changes, in cooperation with the national employers’ organizations.
3. Establishing and maintaining regular interaction among the members and coordinating the interests of businesses within international and regional initiatives
4. Raising public awareness and promoting a better understanding of employers’ perspectives, inter alia, by showcasing best practices.

161 Ibid

162 Carlos V., Madeleine S. & Peter W. W., The Fiscal Impact of Immigration in the UK, The Migration Observatory at the University of Oxford, 30 MAR 2022

<<https://migrationobservatory.ox.ac.uk/resources/briefings/the-fiscal-impact-of-immigration-in-the-uk/>> accessed 22 December 2023

The Business Advisory Group on Migration is governed and managed by an Executive Committee of 15 members including five Employer's Organizations, four Companies, and three Business Associations¹⁶³

Why is the Private Sector important? Why the private sector involvement in migration matters? In answering this question, the Business Advisory Group states that the Roles of the Private Sector in supporting governments in migration policies are as follows¹⁶⁴:

1. Advise governments on ways to decrease the difficulty and cost of recruitment
2. Share strategies for integrating immigrants into the Workforce
3. Network with peers and engage policy-makers
4. Acquire tools to navigate the complex world of migration policy and regulation

The above as stated by the Business Group is to ensure that government policies on migration reflect business realities; this is achieved through the private sector engagement with government on the governance of migration.¹⁶⁵

At the international level, the relevance of the private sector involvement in migration matters was recognized, hence the Global Forum on Migration and Development GFMD at its meeting in Istanbul formalize the public-private sector interaction which brought together decision-

163 International Organization of Employers, <<https://gfmdbusinessmechanism.org/about-us/>> accessed 4 July 2023>

164 <https://gfmdbusinessmechanism.org/why-is-private-sector-engagement-important/> <accessed 11 July 2022>

165 MacKenzie, R., & Lucio, M. M. Regulation, migration and the implications for industrial relations. *Journal of Industrial Relations*, 61(2), 176-197. (2019) <researchgate.net Regulation, migration and the implications for industrial relations> accessed April 12, 2023

makers from companies, business association and high-level migration policy makers and representatives from relevant international organizations and civil society.¹⁶⁶

2.7 Restrictive Legislation: A Limitation to Migration Development

Scholars have identified the limitation in migration development caused by restrictive legislations.¹⁶⁷ Despite the international efforts, migration is still under-legislated at the domestic levels, unlike the increasing liberalization of other economic flows, (like banking, insurance, oil, education).¹⁶⁸ The restrictions imposed by inadequate domestic legislation have impacted international migration negatively, as developed nations are constantly in need of immigrant workers to support the economy and sustain their social security structures; however, the norms required to facilitate legal migration has created a gap between the demand and supply of migrant workers and caused many migrant workers living irregularly in their host countries.¹⁶⁹

Alonso submits that the effect of these limitations imposed by inadequate or inappropriate legislations on migration is not limited to migrants but also extends to the society in which they live. This becomes evident in the facts that undocumented migrants are denied the protection of the law and are thus exposed to extortions, exploitation, violence and all sorts of human abuse.¹⁷⁰

These illegal migrants are often victims of crime syndicates, mafias, police corruption and abuse

166 Since its inception, the GFMD process has brought together expertise from all regions and countries at all stages of economic, social and political development. <<https://www.iom.int/global-forum-migrationanddevelopmentgfmd>> accessed 14 May 2023

167Carciotto, S. The Restrictiveness of Migration Policies in South Africa. *African Journal of Governance and Development*, 10(1), 118-163. (2021) <journals.co.za The Restrictiveness of Migration Policies in South Africa> accessed 12 April 2023

168 Jose A.A., International Migration and Development: A review in light of crisis (January 2011)<https://www.researchgate.net/publication/254454805_International_Migration_and_DevelopmentAreviewinlightofthecrisis/> accessed 15 July 2023

169 Daniel C. and Philip M., Governance, migrant worker rights, and recommendations for the U.N. Global Compact for Migration (2018) <<https://www.epi.org/publication/temporary-labor-migration-programs-governance-migrant-worker-rights-and-recommendations-for-the-u-n-global-compact-for-migration/>>accessed 1 April 2023

170Josselyn A. G. Q., Workplace Discrimination and Undocumented First-Generation Latinx Immigrants, The University of Chicago, 2023 <<https://crownschool.uchicago.edu/student-life/advocates-forum/workplace-discrimination-and-undocumented-first-generation-latinx>> accessed 23 December 2023

of official powers¹⁷¹. The debate in international migration is divided between two interests; the pro and anti-immigration. Some pro-immigration interests believe that borders are unjust and inefficient; as it seems to prevent people from moving where they like to go¹⁷². This further buttresses the need for a legal framework to regulate migration and protect the rights of individuals and nation states¹⁷³.

Sarah Song submits that, conventionally, States have the right to control migration, as states have power over borders; this is justified by the concept of territorial sovereignty¹⁷⁴. The concept of democracy tends to allow for this thinking also. John Rawls posited that a democratic society is a closed system isolated from other societies.¹⁷⁵ What seems like the earliest departure from this norm is Michael Walzer's¹⁷⁶ comparison of the political communities to neighborhoods, clubs, and families – more familiar local associations. Walzer defines neighborhood as a random association of people living in close proximity without any formal admission policies. In a neighborhood, people are able to move into and out of the neighbourhood subject only to market consideration. Should countries be like neighborhoods, where people can move in and out as they please? Walzer argues in the contrary. He argues that political communities are under an obligation to guarantee the security and welfare, and also protect the culture, of members of the

171 *ibid*

172 Conceptual Analysis article, *Front. Sociol.*, 13 April 2021, *Sec. Migration and Society*, Volume 6 - 2021 <https://www.frontiersin.org/people/u/504096> accessed 24 March 2023

173 Sarah S., *Political Theories of Migration*, *Annual Review of Political Science*-(2018) <<https://www.annualreviews.org/doi/10.1146/annurev-polisci-082317-093019> > accessed 26 October 2023

174 *ibid*

175 Claus D., Drop R., *Business Ethics, the Environment & Responsibility PERSPECTIVE*, Volume 31, Issue 1, January 2022, Pages 281-292, (2022) <<https://doi.org/10.1111/beer.12385>> accessed 24 December 2023

176 One of America's foremost political thinkers, Michael Walzer has written about a wide variety of topics in political theory and moral philosophy, including political obligation, just and unjust war, nationalism and ethnicity, economic justice, and the welfare state. He has played a critical role in the revival of a practical, issue-focused ethics and in the development of a pluralist approach to political and moral life. <<https://www.ias.edu/scholars/walzer>> accessed 10 July 2023

communities.¹⁷⁷ The essence of border control by states is justified on the basis that in a world of open borders, neighborhoods would only be able to maintain some ‘cohesive culture’ on a voluntary basis, for a limited time before the cohesion would disappear. Walzer suggests that the sovereignty of states is based on distinctiveness of cultures, and to maintain these cultures, the group must be closed. Hence a state must assert control over its territory through policies concerning admissions, control and restraint of the flow of migration. Walzer noted however that while the state should enjoy the right to restrict entry, same cannot be said about the right to restrict exit, as a restriction of exits would amount to coercion and a violation of people who no longer want to remain as members, like citizens have a right to voluntarily exit their country at any time. He noted however that there are exemptions, such as periods of national emergency where everyone must protect the country.¹⁷⁸

Walzer, and other social theorists like him, likened the state to clubs, with admission policies, including the right to control membership subject however to limitations on the power of the club to restrict or control exit of members¹⁷⁹. This club analogy however does not take into consideration the moral life of modern political communities. States, unlike clubs, are obliged to accommodate particular groups of outsiders recognized as national or ethnic relatives. Following this, states are more likened to families.¹⁸⁰ Members of a family are morally bound to a family

177 Zamani, S. G., & Evin, A. A. International Guarantee for Social Security Rights. *Mediterranean Journal of Social Sciences*, 7(5), S1. (2021) <[semanticscholar.org](https://www.semanticscholar.org) International Guarantee for Social Security Rights> accessed 12 April 2023

178 Pedro, G. M., & Mindus, P. A Right to Leave but No Right to Enter Elsewhere? Uncovering the Finisterrae in the Migration Regime in Human Rights. *Latin American Human Rights Studies*, 1. (2017) <ufg.br A Right to Leave but No Right to Enter Elsewhere? Uncovering the Finisterrae> accessed 12 April 2023

179 Wellman, B. The development of social network analysis: A study in the sociology of science. *Contemporary Sociology: A Journal of Reviews*, (2008). <[https://www.scirp.org/\(S\(351jmbntvnsjt1aadkozje\)\)/reference/referencespapers.aspx?referenceid=656572](https://www.scirp.org/(S(351jmbntvnsjt1aadkozje))/reference/referencespapers.aspx?referenceid=656572)> accessed July 15, 2023

180 Bryceson, D.F. (2022) ‘Transnational Families and Neo-Liberal Globalisation: Past, Present and Future’, *Nordic Journal of Migration Research*, 12(2), p. 120–138. <<https://doi.org/10.33134/njmr.369>> accessed December 15, 2023

they have not chosen and by extension people they do not choose who are relatives outside the immediate family, this is referred to as the ‘kinship principle’¹⁸¹. This ‘kinship principle’ in immigration implies that ‘states give priority to relative of citizens’ and take in co-ethnics as may be necessary.

Territorial jurisdiction is a unique feature of political communities, and very key to (im)migration.¹⁸² Unlike clubs, neighborhoods and families, States have power over a specific physical location, and regulates the movement of people within their territory. States set their own conditions for entry into their borders within the international scopes of ‘Open and Closed Borders.’ A leading proponent of Open Borders, Joseph Carens¹⁸³ argues that ‘Citizenship in Western liberal democracies is the modern equivalent of feudal privilege, an inherited status that greatly enhances one’s life chances. Like feudal birthright privilege, restrictive citizenship is hard to justify when one thinks about it closely’¹⁸⁴. In 1992, Carens advanced ‘a more general liberal egalitarian position which provides equal opportunities to people in a given state irrespective of status like class, race or sex. This tends to take away restrictions on citizenship which denies people equal opportunity.’¹⁸⁵

181 *ibid*

182 Ellermann, A. (2020). Discrimination in migration and citizenship. *Journal of Ethnic and Migration Studies*, 46(12), 2463-2479. <[tandfonline.com Discrimination in migration and citizenship](https://doi.org/10.1080/09652615.2020.1811111)> accessed April 12, 2023

183 Joseph Carens first advanced his case for open borders in 1987, and it has played a defining role in the normative debate on immigration ever since
<https://escholarship.org/content/qt04c687n6/qt04c687n6_noSplash_e93ee9c4fc78dpudd8g accessed 15 July 2022

184 Paulina O. E., Why borders do matter morally: The role of place in immigrants’ rights, 2018 <https://onlinelibrary.wiley.com/doi/pdf/10.1111/1467-8675.12340> accessed 20 July 2022

185 Natter, K. Ad-hocratic immigration governance: How states secure their power over immigration through intentional ambiguity. *Territory, Politics, Governance*, 11(4), 677-694. (2023) <[tandfonline.com Ad-hocratic immigration governance: How states secure their power over](https://doi.org/10.1080/09652615.2023.2234000)> accessed 14 December 2023

Moellendorf¹⁸⁶ argues that everyone in the world should have the same opportunity so as to ensure equality in actualization of individual potentials¹⁸⁷. This falls in line with other theorists who view equal opportunity for everyone as an important feature of globalization which requires open borders. The concept of open borders is further entrenched by the value of freedom.¹⁸⁸ There are several arguments on freedom presented by different theorists. One, freedom of freedom- this is a fundamental human right entrenched in natural law and recognized by international law. The desire to leave your state of birth or residence for another is a natural right which places an obligation on others to respect it.¹⁸⁹ According to Oberman, people have a just desire for “the full range of existing life options,” which includes both “attachments” (options we have already chosen) and “possibilities” (options we may wish to pursue in the future). To access the full range of life options, people must have the right to immigrate to countries of their choosing.¹⁹⁰ Another argument for open border freedom presents an analogy that ‘freedom of international movement is a logical extension of rights we already take to be fundamental.’¹⁹¹ The other argument for open-border proceeds from the fact that the ‘freedom of international movement is a logical extension of rights which are fundamental’¹⁹² Scholars have queried the levels of consistency between domestic and international freedom of movement. Carens opined

186 Darrel Moellendorf is a professor in international political theory at Goethe University, Frankfurt. <<https://www.carnegiecouncil.org/people/darrel-moellendorf>> accessed 15 July 2023

187 David M., Immigration, The Oxford Handbook of Global Justice, (2020) (Edited by Thom Brooks) pg 398

188 Ayelet S., The Birthright Lottery: Citizenship and Global Inequality. Harvard University Press (2009) <<https://doi.org/10.2307/j.ctvjhzr8r>> accessed 16 July 2023

189 Hamlin, R., Crossing: How we label and react to people on the move. Stanford University Press. (2021) < <https://books.google.com.ng/books?The+desire+to+leave+your+state+journal>> accessed April 5, 2023

190 Kieran O., Immigration as a Human Right: The Ethics of Movement and Membership, (2016) <https://www.researchgate.net/publication/313465079_Immigration_as_a_Human_Right_The_Ethics_of_Movement_and_Membership> accessed 22 April 2023

191 *ibid*

192 Brownlee, K. Being sure of each other: An essay on social rights and freedoms. Oxford University Press, USA. (2020) <https://books.google.com.ng/books_The+desire+to+leave+your+state+of+birth+or+residence+another+is+a+natural+right+which+places+journal&> accessed 22 April 2023

that freedom of international movement should be considered as a basic human right with a binding duty on the part of nations to open their borders to people¹⁹³. This is in furtherance of the 1948 Universal Declaration of Human Right which provides for “the right to leave any country.” It is inferred that the fundamental right to leave ones country corresponds with the right to enter another country. Cole argued that the consistency between exit (from a country) and entry (into another country) is fundamental. He asserts that “one cannot consistently assert that there is a fundamental human right to emigration but no such right to immigration.”¹⁹⁴

In Cole’s opinion, as documented by Sarah Song, Walzer’s position on the concept of State is incoherent; ethically and conceptually. This leads us to the third freedom factor made by libertarians.¹⁹⁵ Song quoted the Wall Street Journal on its opinion page thus: “Our greatest heresy is that we believe in people as the great resource of our land ... so long as we keep our economy free, more people means more growth, the more the merrier”. This opinion assumes that the elimination of some or all migration barriers would ensure vast economic gains for migrant workers and their employers.¹⁹⁶

2.7.1 Dimensions to Migration Legislative Restrictions

193 Ibid

194 Steiner, N. International migration and citizenship today. Routledge. (2023) <researchgate.net [BOOK] International migration and citizenship today> accessed 15 December 2023

195 Ottonelli, V., &Torresi, T. The Right Not to Stay: Justice in Migration, the Liberal Democratic State, and the Case of Temporary Migration Projects. Oxford University Press. (2022) <<https://books.google.com.ng/books?hl=en&lrifnd&pg=PP1&dq=third+migration+freedom+factojournal>> accessed 12 April 2023

196ibid

In his paper, *Analyzing Migration Restriction Regimes*,¹⁹⁷Guillermina Jasso¹⁹⁸ (2021) analyses migration restriction in line with how nation-states regulate the entry of non-nationals through their borders. She categorized the regulations into three elements:

- i. The type,
- ii. the apparatus, and
- iii. the consequences.

In her explanation, restrictions may be based on individual personal characteristics, the numerical ceilings decided by the State, and the State apparatus may determine the criteria under which migrants are admitted. She asserts that restriction is central to international migration and in fact to human history. She identified two restriction regimes namely personal and numerical. A nation-state may employ personal criteria to assess intending immigrants, or use numerical ceiling to determine how many immigrants will be allowed into the country. These criteria address the quality and quantity of migrants a nation-state may welcome within her borders. There are also the fully restricted regime and the fully unrestricted regime.¹⁹⁹

2.7.2 Impacts of Migration Restrictions

Jasso identified unauthorized migration and visa number backlogs as two immediate results of migration restrictions, this becomes so if the country creating the restriction in immigration is a destination of choice for migrants. Then ineligible people will find other means of getting into

197 Guillermina Jasso, *Analyzing Migration Restriction Regimes*, CONCEPTUAL ANALYSIS, 2021 doi: 10.3389/fsoc.2021.610432<fsoc-06-610432-1.pdf> accessed 4 August 2022

198 Guillermina Jasso is a sociologist who has significantly contributed to the demography of immigration to America. Jasso is currently the Silver professor of Sociology at New York University where she was formerly Chair of the Department of Sociology. <<https://as.nyu.edu/faculty/guillermina-jasso.html>> 4 Accessed 2023

199 Ibid 241

the country, ranging from illegal entrance to visa violations.²⁰⁰ This certainly leads to other consequences; formulation of policies to deal with unauthorized migration and visa application backlogs, and also mechanisms for enforcement measures.²⁰¹

According to Michael Clemens (2011); migration restrictions, in a world without borders, where people move from low-wage zones to high-wage zones, amounts to an economic disadvantage. He based his arguments on the philosophical view of libertarians who consider the State as “a voluntary association among consenting property owners”²⁰².

Libertarians²⁰³ are opposed to legislated restrictions on international migration as such restrictions tend to limit the freedom to contract, and violates the right to personal properties. The libertarians posit that except where migrants have violated the personal and property rights of others, states should not impose any restrictions on migration.²⁰⁴ Thus the concept of open borders appeals to the libertarians. Carens posits that ‘if migrants pose a threat to national security, states are justified in excluding them’; so also restrictions may be justified if “too many immigrants came within a short period, which may adversely affect the economy and security of

200 Aptekar, S., & Hsin, A. Stratified entry into illegality: How immigration policy shapes being undocumented. *Social forces*, 102(1), (2023) <<https://academic.oup.com/sf/article-abstract/102/1/4/6843553>> accessed 4 April 2023

201 Robert F. Barsky, An Essay on the Free Movement of Peoples, *Refuge: Canada's Journal on Refugees / Refuge: Revue canadienne sur les réfugiés*, Vol. 19, No. 4, SPECIAL ISSUE: New Directions for Refugee Policy (2001), pp. 84-93 (10 pages) <https://www.jstor.org/stable/48648217> accessed 1 December 2023

202 Michael A. Clemens, Economics and Emigration: Trillion-Dollar Bills on the Sidewalk?, *Journal of Economic Perspectives*, vol. 25, no.3 (September 2011)

203 Libertarianism - Political and philosophical principle and belief seeking to limit government involvement in civil, economical and social matters. Issues need to be settled outside the courts. Its roots trace back to the early 1890s as societies sought to escape government in France. As long as no harm comes to individuals, freewill citizen participants can make decisive decisions without government bias or influence. Based on the belief that each citizen owns every aspect of their lives and thus should have the ability to control it, strongly believe that through these shared principles, society is able to establish itself and improve as a more fruitful and peaceful society. <<https://thelawdictionary.org/libertarianism/>> accessed 5 January 2024

204 Etieyibo, E. A Liberal World with or without Borders. In *Africa's Radicalisms and Conservatisms* (pp. 351-363) Brill. <https://brill.com/display/book/9789004523586/BP000029.xml> (2020) accessed 24 April 2023

the receiving country. He added however, that restrictions based on national security merely justifies “exclusion of specific migrants who can be shown to pose an actual threat.”²⁰⁵

As against migration restrictions, proponents of open border policy query the limitations to freedom of movement under the human right law, where a person cannot remain in a State which is not the individual’s own country, without obtaining the prerequisite permission to do so, or where the international law allows, like in the principle of non-refoulement²⁰⁶.

International migration is of immense significance culturally, socially, economically and politically, to both the origin and destination states, as it had brought about development of culturally and economically diversified societies.²⁰⁷ Historically, immigrant workers played a pivotal role in building and rebuilding their host countries, typical of such is the rebuilding of Europe’s infrastructures after the Second World War.²⁰⁸

In spite of the on-going debate on migration restrictions, it is unthinkable that a country will keep its borders open to all comers without some level of regulations, documentations and restrictions.²⁰⁹ Restrictions also follow classification of migrants, a means of profiling foreigners through the type of visas or other documents which allow the foreigners to enter and remain in the country. Some of the visa categories include, but not limited to, tourism and business visits, medical tourism, social tourism (inbound and outbound), family visit, study permits, corporate immigration, sponsored skilled worker, non-sponsored high skilled, exceptional talent visas,

205 Ibid pp. 356

206 The principle of non-refoulement guarantees that no one should be returned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm <<https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw>> accessed 1 August 2023

207 International Covenant on Civil and Political Rights Article 12

208 Europe, <Europe | History, Countries, Map, & Facts | Britannica> accessed 1 July 2023

209 Fermi, L. *Illustrious immigrants: The intellectual migration from Europe, 1930-41*. Plunkett Lake Press. (2021) <<https://books.google.com.ng/books>> accessed 12 August 2023

temporary work permit, remote work visa, investment visa, intra-company transfer work permit, dependent visas, pilgrimage, permanent residence and diverse visa categories.²¹⁰ What may be considered as essential here is how states can maximize the benefits of international migration either as a country of origin or destination, and at the same time limit the risks or dangers associated with open border migration.²¹¹

2.7.3 Border Control

Countries devise policies and strategies to control their borders as a means of determining the number of migrants who can enter and remain within the territory either temporarily or permanently.²¹² These laws and strategies vary from country to country, restrictions are stiffer in some nation states than others. Regional affiliations also affect border control, there are regional agreements like the European States (European Union EU), and the West African States' Economy Community of West African States (ECOWAS).²¹³

2.8 Development Trends in Modern Migration Legislation

The law plays a crucial role in regulating migration processes. What are the dynamics of development in migration legislation in relation to trends in migration operation? How might these dynamics affect the different sectors in the society, especially the private sector?²¹⁴ L.V

Andrichenko and I.V. Plyugina in their article 'Trends in the Development of Migration

210 Nigeria: Corporate Immigration Laws and Regulations 2021 < <https://iclg.com/practice-areas/corporate-immigration-laws-and-regulations/nigeria> > accessed 12 August 2023

211 Sarah Parry, Immigration, <https://www.britannica.com/topic/immigration> accessed 4 September 2023

212 Tazzioli, M., & Stierl, M. "We closed the ports to protect refugees." Hygienic borders and deterrence humanitarianism during Covid-19. *International Political Sociology*, 15(4), 539-558. (2021) <gold.ac.uk "We closed the ports to protect refugees." Hygienic borders and deterrence> accessed 27 April 2023

213 ibid

214 Liudmila V. A., and Inna V. P., Trends in the Development of Migration Legislation in the Context of Modern Challenges, (2020), Institute of Legislation and Comparative Law under the Government of the Russian Federation, Moscow, Russia <pdf> accessed 10 August 2022

Legislation in the Context of Modern Challenges’,²¹⁵ attempt to answer these question. Migration legislations became expedient due to the versatility and the multi-dimensional relationships that evolve from various population mobility.²¹⁶ Migration has assumed such a dimension in growth where its effect on political, economic and socio-cultural development on nations cannot be ignored, hence countries have to make deliberate effort in formulating policies to regulate and monitor migration.

It is a fact that migration plays an important role in population growth; in the European Union, natural growth accounts for only 20 per cent in population growth while migration flows account for 80 per cent²¹⁷. Legislative measures are directed at simplifying the process and procedure for bringing in migrants.²¹⁸ These measures may include restrictions of employment types which require permission to engage foreign workers for the employers and work permits for workers.²¹⁹

2.8.1 Legislation on Forced Migration and Statelessness

Forced migration is involuntary, it is mostly a natural reaction to war, disease, economic crisis and insecurity; where individuals and families are concerned with their safety and survival.²²⁰ In some cases forced migration is mostly concerned with movement of people within their country,

215 Ibidpp 14

216 Delgado Wise, Raúl&Márquez Covarrubias, Humberto, Understanding the Relationship Between Migration and Development: Toward a New Theoretical Approach, Journal of Social Analysis December 1, 2009 pg. 85-105
<https://www.researchgate.net/publication/Understanding_the_Relationship_Between_Migration_and_Development_Toward_a_New_Theoretical_Approach/citation/download> accessed 10 January 2024

²¹⁷Buettner, T., &Muenz, R., Migration Projections: The Economic Case. KNOMAD paper, 37. (2020)
<[knomad.org Migration Projections: The Economic Case](http://knomad.org/Migration_Projections:_The_Economic_Case)> accessed 11 May 2023

²¹⁸Demircioglu, M. A., &Vivona, R., Depoliticizing the European immigration debate: How to employ public sector innovation to integrate migrants. Research Policy, 50(2),(2021)
<<https://www.sciencedirect.com/science/article/abs/pii/S0048733320302250>> accessed 4 April 2023

219 Ibid p.46

220<Family Life of Women Forced to Migrate From Syria to Turkey: Social Sciences & Humanities Book Chapter | IGI Global (igi-global.com)> accessed 17 August 2023

which is from a part of the country to another part of the same country.²²¹ In international migration, this phenomenon is 'trans-nationality', which occurs when a person is forced to leave his or her country of birth or residence because of extremely adverse circumstances.²²²

Statelessness is closely related to forced migration²²³, it is a condition of human insecurity, displacement and serious conflict, putting the regional or national stability to task and endangering the stability of the nation.²²⁴ An individual is considered stateless when he is not legally considered a national of any state. According to the 2016 data, this legal phenomenon affects about 15 million people worldwide, resulting from conflict of nationality laws, arbitrary deprivation or denial of nationality, inappropriate or inadequate regulation of nationality as regards succession, war and any other threat to the existence and stability of a nation.²²⁵

Statelessness is disadvantageous to the individuals affected, their families and the communities. It brings about deprivation of the enjoyment of the rights and benefits nationals ordinarily enjoy.²²⁶

There are international legal instruments applicable to forced migration, these are basically the international human right laws, particularly, the Universal Declaration of Human Rights, the Convention on the elimination of all forms of Discrimination against Women, and the

221 Expanding Horizons for Interior Architecture: Accounting for Forced Migration , (2019) <Expanding Horizons for Interior Architecture: Accounting for Forced Migration: Media & Communications Book Chapter | IGI Global (igi-global.com)> accessed 17 August 2023

222 Thinking Transnationally: The Reunification of Migrant Families (2020) <Thinking Transnationally: The Reunification of Migrant Families: Book Chapter | IGI Global (igi-global.com)> accessed 17 August 2023

223 Rahman, M. S., & Sakib, N. H., Statelessness, forced migration and the security dilemma along borders: An investigation of the foreign policy stance of Bangladesh on the Rohingya influx. *Social Sciences*, 1(7), 160. (2021) <springer.com Statelessness, forced migration and the security dilemma along borders:> accessed 11 May 2023

224 Tewari, D., Human Rights and the Status of Stateless Person. *Issue 1 Int'l JL Mgmt. & Human.*, 5, 965. Article 1, 1954 Convention on the Status of Stateless Persons (2022) <<https://heinonline.org/HOL/LandingPage?handle=hein.journals/sccesced> 10 May 2023

225 The UN Refugee Agency (UNHCR), <<https://www.unhcr.org/how-unhcr-helps-stateless-people.html>> accessed 17 August 2022

226 Laura V. W., María J. V., *Nationality and Statelessness*, Oxford Bibliographies (2020) <<https://www.oxfordbibliographies.com/view/document/obo-9780199796953-0013.xml> > accessed 17 August 2023

Convention on the Rights of the Child.²²⁷ Forced international migrants, severally referred to as refugees are essentially protected by these international laws, and mostly affected by the domestic laws of their countries of sojourn. The extent of respect for international laws by nations determines the essence of the protection of refugees, returnees and stateless persons.²²⁸ Scholars observed that the development of legislations relating to forced migration and statelessness is subject to pressures by international humanitarian law. In spite of the pressure from international law, legislation in forced migration falls behind standards, as there are lots of room for improvement.²²⁹

2.8.2 Narratives on Mixed Migration Legal Research Patterns in Africa

It is identified that migration as an academic discipline is not well-established in academic institutions of higher learning on the African continent.²³⁰ The few African researchers on migration are, in turn, also largely influenced by the thinking of the dominant academic views on the topic (obviously coming from outside of Africa) — consequently influencing the outlook and direction of African policymakers.²³¹

Explaining the existing migration patterns in Africa, Vanyoro posited that Africans have always and will continue to migrate, and this will continue to increase as shown in the current mobility

227 International legal instruments that apply in situations of forced migration, Columbia University Mailman School of Public Health, (2021) <<http://www.columbia.edu/itc/hs/pubhealth/modules/forcedMigration/legal.html>> accessed 17 August 2023

228 Refugee Law, United Nations and the Rule of Law, <https://www.un.org/ruleoflaw/thematic-areas/international-law-courts-tribunals/refugee-law/> accessed 1 August 2023

229 Ruzzetta, A. Rule of Flaws: Challenges to Revitalizing the International Legal Protection of Search and Rescue Humanitarian Aid Workers Facing Criminalization in the Mediterranean. (2023) <diva-portal.org Rule of Flaws: Challenges to Revitalizing the International Legal Protection of> accessed 15 December 2023

230 Vanyoro, K. Chronopolitics: Decolonising African Migration Studies. *Critical African Studies*, 1-16. (2024) <[tandfonline.com](https://www.tandfonline.com) Chronopolitics: Decolonising African Migration Studies > accessed 14 September 2024

231 *ibid*

trends emanating from national records.²³² According to the findings, Africans move in search of opportunity and sometimes safety. Their movement brings advantages to their families and communities, and therefore to their nations.²³³ The conviction that African migration is more regular than otherwise reported earlier is of as great concern to African scholars.²³⁴

In considering the new trends in African migration, scholars have interrogated what is considered as distortions of African migration narratives which invariably affect the formulation of migration policies and practices in the continent.²³⁵ The reasons for the distortions on African migration have been limited to three causes, first is the fact that migration as an academic discipline is not properly established in academic curriculum in the continent. A report indicated that there are only three duly established institutions of higher learning in Africa offering academic trainings in migration; namely Centre for Migration Studies University of Ghana, African Centre for Migration Studies University of Witwatersrand South Africa and the Centre for Migration Studies American University Cairo.²³⁶ There has been developments on this report, and this problem seems to have been addressed as there are in Nigeria presently, more than three

²³²Rwengabo, S. Return Migration to Africa and Its Development Potential. In Routledge Handbook of Contemporary African Migration (pp. 246-272). Routledge. (2024) <<https://www.taylorfrancis.com/chapters/edit/10439781003005551-19/return-migration-africa-development-potential-sabastiano-rwengabo>> accessed 15 September 2024

²³³ Maureen Achieng is chief of mission of IOM to Ethiopia and representative to the African Union and to UNECA. She has an academic background in development studies and possesses two and a half decades of work experience on migration policy and operations. <<https://www.devex.com/news/authors/maureen-a->> accessed 4 November 2023

²³⁴ Maureen A. (IOM) and Amira E.F. (2020) (African Union Commission (AUC), What Is Wrong With The Narrative On African Migration?, African Migration Report: Challenging The Narrative, International Organization for Migration (2020) < <https://publications.iom.int/system/files/pdf/>> accessed 4 November 2023

²³⁵ Maureen A. (IOM) and Amira E.F. (AUC) Contributor: Edwin Righa (IOM), What is wrong with the narrative on African migration? (2020) African Migration Report: Challenging The Narratives (pdf) Downloaded 4 November 2023

²³⁶ Simon M.,New Report Challenges Narrative About African Migration, VOA News, (2020) <<https://www.voanews.com/a/africanew-report-challenges-narrative-about-african-migration/6>>accessed 10 September 2023

migration study centres, namely Centre for Migration Studies Nnamdi Azikwe University²³⁷, Centre of Excellence in Migration and Global Studies National Open University Nigeria (established February 2020)²³⁸, Migration Study Centre Abuja,²³⁹ Nigerian-German Centre for Jobs, Migration and Reintegration (NGC) Lagos,²⁴⁰ and the Migration Health Assessment Centre.²⁴¹ In spite of these considerable growths in migration discuss and studies, there is still paucity of African scholarship on migration.²⁴²

Africa is pushing towards continental integration through a freer movement of people and goods, it is presently observed that “right now, most Africans still need a visa to get to other African countries.²⁴³ The report added that, migration initiatives on the continent are not yet “truly driven by African aspirations and instead focus on addressing concerns of donor countries, such as securing borders in the Sahel.”²⁴⁴

2.8.3. An Analysis of the Current African Migration Narratives and Trends

237 CMS-NAU is the one-stop Centre in Nigeria for comprehensive engagement with migration in its multiple trends and currents, forms and levels, dimensions and ramifications. <<https://migrationstudies.unizik.edu.ng/>> accessed 19 September 2023

238 Centre of Excellence in Migration and Global studies (CEMGS) explores evidence based research concepts, methodological innovations that impacts policy formulation and execution for solutions to migration and related issues. <https://cemgs.nou.edu.ng/> accessed 19 September 2023

239 The Migration Study Centre was founded upon the felt-need for an avenue to provide requisite expertise and efficient services in the emerging landscapes of migration, its policy and best-fit management practices for national planning processes and development within Nigerian, Economic Community of West African States (ECOWAS) sub-regional and broader international contexts. <https://migrationstudycentre.org/?page_id=1799> accessed 19 September 2023

240 Nigerian-German Centre for Jobs, Migration and Reintegration (NGC), Lagos <<https://www.startfinder.de/en/advisory-centre/nigerian-german-centre-jobs-migration-and-reintegration-ngc-lagos>> accessed 20 September 2023

241 The Migration Health Assessments Centre (MHAC) became operational in Nigeria on 2 January 2014 with its two main operational centres in Abuja and Lagos. The MHAC in Nigeria has a staff of about 20 skilled and experienced professionals in different fields (Medical, ICT, Administration and Finance). Within the short period of operation in Nigeria, MHAC has been able to build and install a state-of-the-art X-Ray unit in both centres. <https://nigeria.iom.int/migration-health-assessment-centre-mhac> accessed 20 September 2023

242 Van den H., Larissa, Addressing 'Colonial Crimes' Through Reparations?, 2012 (pdf)

243 Maureen Achieng, a native of Kenya, has devoted more than 25 years to public service. She previously served as Chief of Mission of the International Organization for Migration to Ethiopia and its Representative to the African Union, UNECA and IGAD working on migration policy, operations, and humanitarian response.

244 Ibid

Scholars agree that investigation into current migration narratives and trends can shape the discourse on African migration by addressing misgivings, and guaranteeing proper framing and funding of African migration processes and policies.²⁴⁵ This becomes expedient when we consider the complexities of the African continent based on its diverse social, cultural, economic, political and environmental structure. The problem of inadequacy of research information in African migration is so fundamental to the development of policies and operations in the sector.²⁴⁶ Reports have shown the key trends in African migration where most migrants move within African and not Europe or North America, and also it indicates that about 86 per cent of migration was not due to conflicts.

The major areas of concern in migration, are trafficking, human rights violations, border governance and control, national legal identities, missing migrants, basic migration services, detention, forced return and other sanctions.²⁴⁷ African countries, in accordance with the adoption of the Global Compact Migration in 2018, have taken steps to implement the management of migration.²⁴⁸ These objectives range from visa waiver for intra-Africa movement, a continental passport (ECOWAS), joint border monitoring systems, formulation of regional migration and diaspora policies, and enforcement of policies and laws. Some countries set up

²⁴⁵Mouthaan, M., Whose voice prevails? Policy-making at the crossroads between security and development in EU-West African migration cooperation (Doctoral dissertation). (2020) <cam.ac.uk Whose voice prevails? Policy-making at the crossroads between security and> accessed 20 May 2023

²⁴⁶Hein de H.andors, International Migration: Trends, Determinants, and Policy Effects Population and Development Review, Wiley Online Library, October 08, 2019 <<https://doi.org/10.1111/padr.12291>>accessed 20 September 2023

²⁴⁷Akpuokwe, C. U., Eneh, N. E., Adeniyi, A. O., &Bakare, S. S., Migration trends and policies: a review of African and USA perspectives. International Journal of Applied Research in Social Sciences, 6(3), 212-224. (2024)

<fepl.com Migration trends and policies: a review of African and USA perspectives> accessed September 15,2024
²⁴⁸SnoberAbbasi , Africa makes progress on Global Compact for Migration but more action is needed, Pandemic threatens to flatten the positive trajectory against several indicators, especially decent jobs and migrants' safety, African Renewal, September 1,2021 <<https://www.un.org/africarenewal/news/africa-makes-progress-global-compact-migration-more-action-needed>> accessed 5 January 2023

funds to support trafficked victims, there are also established agencies to investigate and prosecute migration offenders.

African countries can increase efforts in implementing the Global Compact Migration, especially by making migration part of the national development plans.²⁴⁹ This is expected to limit incidences of cross-border movement occasioned by poverty as migrants play important roles in national development, hence countries are to sign bilateral agreement which support work permit issuance, social security plans, regional (continental) skills accreditation policy, and harmonized remittance market and investments for the Diasporas.

2.8.4 Development in Africa Migration Legislation

A report by the United Nations High Commissioner on the Protection of Refugees' and Migrants Rights in Africa states that Africa is home to over 30 million internally displaced persons, refugees and asylum seekers, this translates to about one-third population of the world's refugees population.²⁵⁰ This has been attributed to factors like disease pandemics like Covid-19, climate changes, internal conflicts, terrorism, human rights violations and general insecurity.²⁵¹

There are additional forms of discrimination against migrants in some Africa countries concerning status, gender and sexualities, especially women and LGBTIQ communities. Hence,

²⁴⁹Akpuokwe, C. U., Eneh, N. E., Adeniyi, A. O., & Bakare, S. S., Migration trends and policies: a review of African and USA perspectives. *International Journal of Applied Research in Social Sciences*, 6(3), 212-224. (2024)

<feubl.comMigration trends and policies: a review of African and USA perspectives > accessed 23 July 2024

²⁵⁰Ojem, O. B., Adibe, J., & Baban'umma, M. B., Assessment of the Impact of the Implementation of the African Union Convention on the Rights of Internally Displaced Persons (IDPs) in Nigeria. *Journal of Political Discourse*, 1(3). (2023) <jopd.com.ng ... of the impact of the implementation of the African union> accessed 12 May 2024

²⁵¹Cristiano d'Orsi, The Human Rights Complexities of Migration in Africa, *Africa Law Matters*, Human Rights International Law June 2022 <https://www.africanlawmatters.com/blog/human-rights-complexities-of-migration-in-africa> accessed 19 August 2023

“if governments, like the Tanzanian and the Ugandan, discriminate against national homosexuals, it is likely that foreign homosexual would be similarly subject to discriminatory treatment.”²⁵²

2.8.5 The Reality of Migration Rights in Africa

Migrants suffer human rights violations for the sole reason of being migrants. This has been the trend since time immemorial; the Republic of Zambia was found guilty in 1992 by the African Commission on Human and Peoples’ Rights (ACHPR) for illegally deporting migrants from West African countries in violation of the provisions of the African Charter on Human and Peoples’ Rights, also known as the Banjul Charter.²⁵³ This experience is not limited to Zambia, it’s the trend in Africa, and the reality is that rights are illusory where there are little or no means to effect their implementation. In many nations of the Africa continent, the legal system does not provide effective access to justice and appropriate remedies for human rights violations.²⁵⁴ It is important therefore, that African countries make conscious effort to include mechanisms for the implementation of human rights, especially as it concerns migrants, in their domestic laws, not only in the letters but also in practice. This will guarantee the dignity of the individuals on the basis of being humans, irrespective of any other consideration.²⁵⁵ There have been efforts to implement human rights laws in Africa as concerns migration, even when such efforts are considered inadequate in view of the enormous challenges in the sector.

2.9 Theoretical Framework

2.9.1 Migration Theories: An Overview

252 *ibid*

253 Hannum, H., Anaya, S. J., Shelton, D. L., & Celorio, R., *International human rights: problems of law, policy, and practice*. Aspen Publishing. (2023) <[https://books.google.com.ng/books?hl=en&lr=&id=13GwEAAAQBAJ&oi=fnd&pgPR23&dq=African+](https://books.google.com.ng/books?hl=en&lr=&id=13GwEAAAQBAJ&oi=fnd&pgPR23&dq=African+>)> accessed 15 December 2023

254 Mbaku, J. M., *The Emerging Jurisprudence of the Africa Human Rights Court and the Protection of Human Rights in Africa*. *Vand. J. Transnat'l L.*, 56, 367. (2023) <vanderbilt.edu The Emerging Jurisprudence of the Africa Human Rights Court and the> accessed 15 December 2023

255 *ibid*

It is expedient to establish this study through a review of some major migration theories. Some of the major scholars in the field are Stephen Castles and Mark J. Miller²⁵⁶, who, in their book, ‘The Age of Migration’, have agreed with the opinion of other researchers that an all-encompassing or universally agreed migration theory will not exist due to the complexities of the concept.²⁵⁷ Despite the incontrovertible importance placed on the subject of migration as an established part of human development, empirical theories are difficult as it tends so much to human behavior which responds to variants of factors.²⁵⁸ Do we really need a universal theory on migration or we should content ourselves with varied and sometimes conflicting theories on migration, which resulted from the vastness of the subject itself? Hein de Haas²⁵⁹ opined that there may not arise a universal theory on migration.²⁶⁰

In his explanation of the problems associated with migration theories, he agrees that migration studies is a clearly under-theorized field of social science studies, describing the trend as a theoretical regression rather than a progression.²⁶¹

2.9.2 LEE’S THEORY OF MIGRATION (1966)²⁶²

256Steiner, N., *International migration and citizenship today*. Routledge. (2023)<researchgate.net [BOOK] *International migration and citizenship today*]>accessed 22 December 2023

257Borlongan, A. M., *Migration linguistics: A synopsis*. *AILA Review*, 36(1), 38-63. (2023) < academia.edu *Migration linguistics: A synopsis*> accessed 15 December 2023

258Adger, W. N., Fransen, S., Safra de Campos, R., & Clark, W. C., *Migration and sustainable development*. *Proceedings of the National Academy of Sciences*, 121(3), e2206193121. (2024) <pnas.org *Migration and sustainable development* > accessed 26 August 2024

259Hein de Haas is a sociologist and geographer who has taught and worked in the Netherlands, Morocco and the United Kingdom.< <https://heindehaas.org/> >accessed 26 October 2023

260De Haas, H., *A theory of migration: the aspirations-capabilities framework*. *Comparative migration studies*, 9(1), 8. (2021) <springer.com *A theory of migration: the aspirations-capabilities framework* >accessed 5 February 2024

261Németh, Á., Göncz, B., Kohlbacher, J., Lengyel, G., Németh, Z., Reeger, U., &Tóth, L., *Conceptual Framework for the Study of the Subjective Well-being–Migration nexus*. (2022) <oeaw.ac.at *Conceptual Framework for the Study of the Subjective Well-being*–> accessed 25 May 2023

262Rashid F., *Migration Theories: Lee’s Push Pull Theory*, Posted onApril 5, 2018<https://rashidfaridi.com/2018/04/05/migration-theories-lees-push-pull-theory/> accessed 26 October 2023

Everett Lee, in 1966, proposed a comprehensive theory of migration. His formulations cited factors which are responsible for spatial mobility of population irrespective of location, to include place of origin, place of destination, intervening obstacles, and personal factors.

Lee explained that each place possesses a set of positive and negative factors. The positive factors are the circumstances that act to hold people within it, or attract people from other areas, while negative factors are those that discourage people from coming in and tend to encourage them to leave. (Lee, 1975:191).²⁶³ Lee also pointed out that there are neutral factors to which people are essentially indifferent. These factors do not necessarily affect people's attitude to migration, they nevertheless affect people in their localities, but they do not inform their migration decisions. The interplay of these factors determines the migration trends in any given area.²⁶⁴ He suggests that individuals in a given locality have perception of factors affecting migration in their places of origin due to their long stay and association, but they do not have the same clear perception of these factors in their places of destination. Essentially, migrants experience some level of uncertainty borne out of a limited, and in some cases, non-existing knowledge of the place of destination. (Lee, 1975:192).²⁶⁵

Lee's theory identifies another important factor, which affects the trend of migration in line with the perceived difference between the areas of origin and destination, that factor is the stage of the lifecycle of an individual. He noted among other things that, 'a long association of an individual with a place may result in an over-evaluation of positive factors and under-evaluation of negative

²⁶³Uzomah, N. L., &Madu, I. A., Factors of migration of ECOWAS citizens into Nigeria: a principal component analysis approach. *International Journal of Migration and Border Studies*, 6(3), 234-257. (2021) <tuni.fi International Student Migration in Nepal: Push and Pull Factors> accessed 15 May 2023

²⁶⁴Robinson, V., et al., *The international library of studies on migration*. R. Cohen (Ed.). E. Elgar. (1996)<<https://www.inderscienceonline.com/doi/abs/10.1504/IJMS.2020.111441>> accessed 15 May 2023

²⁶⁵Chang, C. Y., *SHOULD I STAY OR SHOULD I GO? Mobility and settlement decision-making among highly skilled Taiwanese migrants in the United Kingdom* (Doctoral dissertation, University of York). (2021) <[whiterose.ac.ukShould I Stay or Should I Go? Mobility and settlement decision->](https://whiterose.ac.uk/Should%20I%20Stay%20or%20Should%20I%20Go%20Mobility%20and%20settlement%20decision-) accessed 17 May 2023

factors in the area of origin. At the same time, the perceived difficulties may lead to an inaccurate evaluation of positive and negative factors in the area of destination'. In his theory, Lee identifies the distance between the places of origin and destination as the most important factor for an individual to make a final decision.²⁶⁶ There also, are numerous personal factors, which affect migration in any area, either push or pull, negatively and positively. These factors may remain constant or may vary, in different degrees throughout the life span of an individual. Lee further noted that the real situations presented by these factors, either at the places of origin or destination are not as important as individual perception of these factors. Individual perception is determined, mostly, by individual personal factors like awareness, knowledge, intelligence, experience, contacts and cultural inclination.²⁶⁷

To sustain his theory, Lee proposed the following hypotheses:²⁶⁸

- “1. The volume of migration within a given territory varies with the degree of diversity of the areas included in that territory.
2. The volume of migration varies with the diversity of the people in that territory.
3. The volume of migration is related to the difficulty of surmounting the intervening obstacles. In other words, the more is the intervening obstacles the less is the volume of migration.
4. The volume of migration varies with the fluctuation in the economy.

266Avasarkar, A., What is Everett Lee's Conceptual Framework for Migration Analysis?, PreserveArticles.com (2012) <<http://www.preservearticles.com/what-is-everett-lees-conceptual-frameworkfor-migration-analysis.html>> accessed 20 March 2023

267Kutor, S. K., Raileanu, A., &Simandan, D., Thinking geographically about how people become wiser: An analysis of the spatial dislocations and intercultural encounters of international migrants. *Social Sciences & Humanities Open*, 6(1), 100288. (2022) <<https://www.sciencedirect.com/science/article/pii/S2590291122000420>> accessed 12 March 2023

268 Lee, E., A Theory of Migration. *Demography*, 3(1), 47-57. (1996)<http://www.jstor.org/stable/2060063>. accessed 23 March 2023

5. Unless severe checks are imposed, both volume and rate of migration tend to increase over time.
6. The rate and volume of migration vary with the state of progress in a county or area.
7. Migration tends to take place largely within well-defined streams.
8. For every major migration stream a counter stream develops,
9. The efficiency of a stream (measured in terms of a ratio between stream and counter-stream, or the net redistribution of population effected by opposite flows) is high if negative factors at the place of origin were more prominent in the development of stream.
10. The efficiency of a stream and counter stream tends to be low if the origin and destination are similar.
11. The efficiency of migration stream will be high if the intervening obstacles are great.
12. The efficiency of migration stream varies with the economic conditions. In other words, it is high in the time of prosperity and vice versa.”

2.9.3 Mabogunje's Migration Systems Theory (1970)

Akin Mabogunje²⁶⁹ explores two basic theoretical issues in his studies on migration, these are; why people migrate, and how far they move. This he describes as the Pull-Push hypothesis. Describing the Pull-Push hypothesis, Mabogunje suggests that people migrate from rural areas due to over-population and environmental deterioration to urbanized cities, these are ‘push

269 AkinlawonLadipo "Akin" Mabogunje is a Nigerian geographer. He was the first African president of the International Geographical Union. In 1999, he was the first African to be elected as a Foreign Associate of the United States National Academy of Sciences. <https://en.wikipedia.org/wiki/Akin_Mabogunje>accessed 19 April 2023

factors’;²⁷⁰ and when they move away from the rural areas because of the allurements or attractions of the city; these are the pull factors, also referred to as the ‘bright-light theory’.²⁷¹

He defines the system of Rural-Urban Migration as a complex “interacting elements, together with their attributes and relationships” A major task in conceptualizing the system is to identify the basic interacting elements, their characteristics and their relationships. This is important to establish that the system does not operate in a void but rather in a special environment. It is thus inferred that “a system with its environment constitutes the universe of phenomena which is of interest in a given context.”²⁷² Mabogunje further noted that the usual main classification of migrants are given according to characteristics such as age, sex, religion, education, and ethnic or racial origin; rather than an analysis of the background to their moving.²⁷³ He also describes ‘migration elasticity’ as the extent of the impulses or stimuli from the environment which affects ‘the desire to migrate rather than the propensity to migrate.’²⁷⁴

He noted that the major issues are not only the act of moving but also the cost, the distance, and the direction of movement. These three variables clearly determine the criss-cross channels of migration as well as their destinations.”²⁷⁵

²⁷⁰Khalid, B., &Urbański, M. (2021). Approaches to understanding migration: a mult-country analysis of the push and pull migration trend. *Economics & Sociology*, 14(4), 242-267. (2021)<<https://www.proquest.com/openview/dbf69f6216c369b3a7e4f9b6dd01ede2/1?pq-origsite=gscholar&cbl=1416337> accessed 18 March 2023

²⁷¹Adepoju, A. (1998c). Links between internal and international migration: the African situation. *Selected articles to commemorate 50th Anniversary of International Social Science Journal*, 2: 3-28 (1998)

²⁷²Anh, D., Tacoli, C. &Thanh, H. X., Migration in Vietnam: a review of information on current trends and patterns, and their policy implications paper presented at the Regional Conference on Migration, Development and Pro-Poor Policy Choices in Asia, organized by Bangladesh Refugee and Migratory Movements Research Unit, Bangladesh/DFID,UK, Dhaka, 22–24 June 2013<www.eldis.org/vfile/upload/1/document/0903/Dhaka_CP7.pdf> accessed 15 March 2023

²⁷³Baah-Ennumh, T. Y., Amponsah, O. &Adoma, M.O.,The Living Conditions of Female Head Porters in the Kumasi Metropolis, Ghana. *Journal of Social and Development Sciences*, 3(7). (2012) <accessed 15 March 2023

²⁷⁴Ajaero C K. &Onokala, P. C.,The Effects of Rural-Urban Migration on Rural Communities of Southeastern Nigeria. *International Journal of Population Research*, (2013) 41: 193- 200 pdf

²⁷⁵Chanthy, K., Systems approach to a theory of rural-urban migration, *Geographical analysis*, 1970 pdf<<https://independent.academia.edu/ChanthyKhounkhamphane>> accessed 2 December 2023

2.9.4. Zelinsky's Mobility Transition Theory (1971)

Zelinsky's theory²⁷⁶ is also referred to as Migration Transition Model.²⁷⁷ The theory claims that 'the type of migration that occurs within a country depends on how developed it is or what type of society it is.' It was developed by Wilbur Zelinsky posited that a connection is drawn from migration to the realm of Demographic Transition Model.²⁷⁸

2.9.5 Demographic Transition Model Stages²⁷⁹

According to K.A.C. Johnson (2020), migration theories determine immigration policies. The assumption is that immigrants from developing countries are considered social threats in their countries of destination. Johnson used the analogy of the north and the south to represent developing countries and destinations for the migrants. He cited different stages of the demographic Transition Model Stages.²⁸⁰

Stage one - "Pre-modern traditional society": This stage preceded the advent of urbanization, during when there was very little or no migration. Though mobility was high due to nomadism, but migration was almost non-existent.²⁸¹

276 Wilbur Zelinsky (21 December 1921– 4 May 2013) was an American cultural geographer. He was most recently a professor emeritus at Pennsylvania State University. He also created the Zelinsky Model of Demographic Transition. https://en.wikipedia.org/wiki/Wilbur_Zelinsky accessed 28 October 2023

277 Entwisle, B., Verdery, A., & Williams, N., Climate change and migration: New insights from a dynamic model of out-migration and return migration. *American Journal of Sociology*, 125(6), 1469-1512. (2020)

278 Sirbu, A., Andrienko, G., Andrienko, N., Boldrini, C., Conti, M., Giannotti, F., ...& Sharma, R., Human migration: The big data perspective. *International Journal of Data Science and Analytics*, 11, 341-360. (2021) <springer.com Human migration: The big data perspective> accessed 13 December 2023

279 Kremer, M., Population growth and technological change: One million BC to 1990. *The quarterly journal of economics*, 108(3), 681-716. (1993) <ucdavis.edu Population growth and technological change: One million BC to 1990> accessed 1 December 2023

280 Johnson, K. A., International migration, development, and policy: Reconsidering migration transition theory—A way forward. *Hatfield Graduate Journal Of Public Affairs*, 4(1), 5. (2020) <<https://scholar.google.com/scholar?hl=en&ass2C+Development%ReconsideringMigrationTAWayForwardjournal&btnG>> accessed 10 May 2023

281 Kanto, E. K., A historical Analysis of Migration in the Mediterranean in the early modern Age. (2023) <unive.it A historical Analysis of Migration in the Mediterranean in the early modern Age> 15 December 2023

Stage two - “Early transitional society”: This stage witnessed a “massive movement from countryside to cities”. The community is modernized and hence there is a “rapid rate of natural increase”. Nations all over the world witnessed a high rate of emigration, as the total number of the population keeps rising.²⁸²

Stage three - “Late transitional society”²⁸³: This has been described as the “critical rung of the mobility transition”²⁸⁴. Here, there is more urban-to-urban migration than the rural-to-urban migration. Although the rural-to-urban migration goes on but at a declining rate. This can be explained as “a complex ‘migrational’ and circular movements within the urban network, from city to city or within a single metropolitan region”.²⁸⁵ This brought about the emergence of increased and non-economic migration and a shift from the net-out migration trend to a net-in migration trend as more people immigrate than emigrate.²⁸⁶

Stage four - “Advanced society”: This refers to the movement from the countryside to the city continues but is further reduced in absolute and relative terms, he observed an intensified movement of migrants from city to city and within specific urban agglomerations, more so within a highly enhanced structure of major and minor communities.

Stage five - “Future super-advanced society”: Here, “Nearly all residential migration may be of the inter-urban and intra-urban variety. No plausible predictions of fertility behavior because of a declining population, a stable mortality pattern slightly below present levels”.²⁸⁷

282Maddison, A., Dynamic forces in capitalist development: A long-run comparative view. (No Title). (1991) <<https://cir.nii.ac.jp/crid/1130000794695025920>> accessed 5 January 2023

283Hamilton, K., Migration and development: blind fact and hand-to-find facts. Migration Policy Institute. (2003) <un.org Research on migration and development> accessed 12 December 2023

284Zelinsky, W., The hypothesis of the mobility transition. Geographical review, 219-249. (1991) <mobilistiek.nl The hypothesis of the mobility transition> accessed 15 December 2023

285de Haas, H., Global Migration Perspectives. Global Commission on International Migration. Switzerland, 38. (2005) <iom.int Global Migration Perspectives> accessed 12 December 2023

286 ibid

287 Zelinsky, W., The hypothesis of the mobility transition. Geographical review, 219-249. (1971) <mobilistiek.nl

Zelinsky's Model of Mobility Transition can be explained to mean that the type of migration that occurs within a country is determined by the rate of development in the country and the societal attitude. A further explanation of the stages discussed above would show that a connection exist between migration and developmental trends.²⁸⁸

Zelinsky theory links different stages of modernization; pre-modern, early transitional, late transitional, advanced and super-advanced societies, to varying levels and types of migration, namely; circular, rural-urban, urban-urban, and international migration.²⁸⁹ This migration concept as presented by Zelinsky has been criticized. (de Haas 2010, Skeldon 2012).²⁹⁰ In contemporary study, we cannot say that all countries move from one stage to the other as suggested by Zelinsky, rather it is observed that countries can remain on the sending stage, that is, migration origins and may convert to the receiving stage and fall back to the sending stage.²⁹¹

2.9.6 Harris and Todaro's Neo-Classical Migration Theory (1970): This theory as developed by John R. Harris²⁹² and Michael Todaro²⁹³, is an economic model created in 1970 and applied in development and welfare economics as an explanation of the issues bordering on rural-urban

The hypothesis of the mobility transition> accessed 12 December 2023

288 Chen, Min & Lü, Guonian & Zhou, Chenghu & Lin, Hui & Ma, Zaiyang & Yue, Songshan & Wen, Yongning & Zhang, Fengyuan & Wang, Jin & Zhu, Zhiyi & Xu, Kai & He, Yuanqing., Geographic modeling and simulation systems for geographic research in the new era: Some thoughts on their development and construction. Science China Earth Science(2021) <https://www.researchgate.net/publication/352984361_Geographic_modeling_and_simulation_systems_for_geographic_research_in_the_new_era_Some_thoughts_on_their_development>accessed 23 May 2023

²⁸⁹Saha, A., Adhikary, M. M., Acharya, S. K., & Mishra, G. C. Migration in Agriculture: The Realm and Reality. (2019) <researchgate.net Migration in Agriculture: The Realm and Reality> accessed 23 May 2023

²⁹⁰ De Haas, H., A theory of migration: the aspirations-capabilities framework. Comparative migration studies, 9(1), 8. (2021) <springer.com A theory of migration: the aspirations-capabilities framework> accessed 23 May 2023

²⁹¹ Franck D., Comparative Migration Studies, Shifts in the global migration order and migration transitions in Europe: the cases of Turkey and Russia (2020)<<https://doi.org/10.1186/s40878-00204-2>> accessed 29 October 2023

²⁹²John Rees Harris (February 7, 1934 – July 7, 2018), Professor of Economics at Boston University, was an American economist known for his work in the field of development economics. (2020) <John R. Harris - Wikipedia> accessed 21 March 2023

²⁹³ Barnes II, D. J., Estimating unmeasured variables in development: quantifying faith in an economic model of human capital. University of Delaware. (2020) <udel.edu [BOOK] Estimating unmeasured variables in development: quantifying faith in an> accessed 14 May 2023

migration. The neo-classical migration model is based on the assumption that ‘the migration decision is based on *expected* income differentials between rural and urban areas rather than just wage differentials’.²⁹⁴ The model sets an equilibrium by equating the expected income in urban areas to the marginal product of an agricultural worker.

From the two assumptions above, the model infers that the agricultural rural wage is equal to agricultural marginal productivity. It then follows that the rural urban migration rate will be nil as the expected rural income is equal to the expected urban income. Invariably, there will be positive unemployment in the urban area.²⁹⁵ The theory presents a model of rural-urban migration which among other things, ‘recognizes the existence of a politically determined minimum urban wage at levels substantially higher than agricultural earnings.’²⁹⁶

Neoclassical Theory of Migration is one of the oldest and commonly used in explaining migration, which proposes that international migration is connected to the global supply and demand for labour.²⁹⁷ It further posits that the major cause of migration is access to jobs and differences in wages, it also embraces other factors that contribute to the departure.²⁹⁸

2.9.7 Stark’s New Economics of Labour Migration (NELM 1991)

Stark & Bloom’s work “The New Economics of Labour Migration (NELM)²⁹⁹ has three major frameworks, namely:

²⁹⁴Wickramasinghe, A. A. I. N., & Wimalaratana, W., International migration and migration theories. Social Affairs, 1(5), 13-32. 2016 <academia.edu International migration and migration theories> accessed 11 May 2023

²⁹⁵<https://en.wikipedia.org/wiki/Harris%E2%80%93Todaro_model> accessed 29 October 2021

²⁹⁶ John R. Harris and Michael P. Todaro: Migration, Unemployment and Development: A Two-Sector Analysis, Migration and Development, 'The American Economic Review

²⁹⁷Bauer, T., & Zimmermann, K., Causes of international migration: A survey. In Crossing Borders (pp. 111-144). Routledge. (2018) <<https://www.taylorfrancis.com/chapters/edit/10.4324/9780429463433-12/causes-international-migration-survey-thomas-bauer-klaus-zimmermann>> accessed 11 May 2023

²⁹⁸<https://www.ipl.org/essay/Theories-Of-Neoclassical-Theory-Of-Migration-P36Q6><accessed 29 October 2023

²⁹⁹Stark, O., & Bloom, D. E., The new economics of labor migration. The American Economic review, 75(2), 173-178. (1985) <<https://scholar.google.com/citations?user=e6AM-IwAAAAJ&hl=en&oi=sra>> accessed 15 May 2023

1. The migration decision is taken at the household level;
2. Migration is a household strategy to diversify livelihoods rather than maximize incomes; and,
3. Migration helps to overcome other market failures such as capital and insurance markets.

The NELM considers migration as a risk management strategy of the households.³⁰⁰

2.10 Migration: An Inter-Disciplinary Subject

Scholars have reviewed all the known theories of migration with appreciable criticism in the light of millennial realities.³⁰¹ In a Working Paper titled, *Seasonal Migration for Livelihoods in India: Coping, Accumulation and Exclusion*, PriyaDeshingkar and Daniel Start³⁰² observed that there is an avalanche deposit of literature on migration, bearing interpretations from diverse disciplinary point of views. Some of these disciplines are law, geography, international relations, tourism development and economics, (Todaro, 1976) with issues like remittances and the effect it has on countries of origin, which could be rural households and communities.³⁰³ The impacts change with time. In the beginning, migration may deprive the household and rural economy of

300 Amina Marhajan et al, Full article: Can labour migration help households adapt to climate change? Evidence from four river basins in South Asia (2021) <<https://doi.org/10.1080/17565529.2020.1867044>> accessed 5 April 2023

³⁰¹Borit, C. Literary Responses to Migration Myths in Post-World War II Britain: The 'Windrush Generation' and East European Migration After 2004 (Doctoral dissertation). (2023) <fu-berlin.de Literary Responses to Migration Myths in Post-World War II Britain:> accessed 12 December 2023

³⁰²Rajan, S. I., India Migration Report 2021: Migrants and health. Routledge India. (2022) <<https://scholar.google.com/citations?user=en&oi=sra>> accessed 30 August 2023 <https://www.researchgate.net/publication/252028464_Seasonal_Migration_for_Livelihoods_in_India_Coping_Accumulation_and_Exclusion> accessed 7 April 2023

³⁰³Adeseye, A. The effect of migrants' remittance on economy growth in Nigeria: An empirical study. Open Journal of Political Science, 11(01), 99. (2021) <scirp.org The effect of migrants remittance on economy growth in Nigeria:> accessed 12 May 2023

labour, but in the longer term, remittances may be invested back into improving productivity and creating assets and household incomes³⁰⁴.

Breman and Olsen ³⁰⁵ presents a scenario of how host nations have carried out the exploitation of migrant labour by capitalists of varying capacities. These migrants, ‘as fish out of water’ are poor powerless ‘slaves’ who were involuntarily indebted to their ‘masters’. Hence, exploitation is both direct and indirect, as wages were low compared to the market rate. This perspective presents migration as involuntary.³⁰⁶

Other scholars, however differ on the ground that migration is an opportunity for labourers to exit the traditional local ties, thus opening the way for labourers to be truly free from their locality and traditional environment.³⁰⁷ Rogaly presented a situation in West Bengal where labourers have more power because employers are not collusive. This buttresses other studies which suggest that migrant labourers have more and perhaps, better choices in the big cities than labourers who remain in the traditional environments.³⁰⁸ Deshingkar, Priya (2004)³⁰⁹ suggests that migration has departed from Marxist analyses to agency and its relationship with structure. This

³⁰⁴Athukorala, A., &Berhane, T., Effects of Migration and Remittances of Rural Livelihood on Capital Formation Perspective. *Advance Journal of Management and Social Sciences*, 5(3), 1-17. (2021) <aspjournals .org Effects of Migration and remittances of rural Livelihood> accessed April 4, 2023

³⁰⁵Olsen, W and Morgan J., The Entrapment of Unfree Labor: Theory and Examples from India. *Journal of Developing Societies*, 31(2). 184203.ISSN0169-796XDOI: (2015) <<https://doi.org/10.1177/0169796X15574759>> accessed 8 April 2023

³⁰⁶Boufkhed, S., Labour exploitation as a social determinant of health: a structured conceptual framework focusing on migrants working in manual low-skilled jobs (Doctoral dissertation, London School of Hygiene & Tropical Medicine). (2020) <lshtm.ac.uk Labour exploitation as a social determinant of health: a structured conceptual>accessed 6 April 2023

³⁰⁷Scott, S., Jakobsen, T. S., Rye, J. F., &Visser, M. A., Labour migration, precarious work and liminality. *Work in the Global Economy*, 2 27-45. (2022) <glos.ac.uk Labour migration, precarious work and liminality> accessed 13 April 2023

³⁰⁸Panda, R. A., Panda, S., Ghosh, J., Banerjee, O., Mohanty, S., Sarkar, P. S., &Mondal, N. *NUJS Journal of Regulatory Studies*. (2020) <<https://scholar.google.com/citations?user=en&oi=sra>>accessed 10 April 2023

³⁰⁹Deshingkar, P., Zeitlyn, B., &Holtom, B., Does migration for domestic work reduce poverty? A review of the literature and an agenda for research. *Migrating out of Poverty RPC*. (2014) <core.ac.uk Does migration for domestic work reduce poverty? A review of the> accessed 11 May 2023

explains who migrates and why. There is also the need to understand what implications might this have on the communities and policy-makers.³¹⁰

2.11 Legal Theories on Migration: Creating Harmonious Migration Operations and Practices through International Laws

International migration has impact on phenomenal like labour market, politics, economy, trade and globalization.³¹¹ Migration is a natural right manifesting in the human behavior; human mobility across places is as old as the human race,³¹² hence, such action and behavior should be guaranteed and regulated through the instrumentalities of the law, both at the domestic and the international levels.³¹³

Ernst affirmed in his article, International Migration as Absolute Natural Law: An Inquiry into International Migration from the Perspective of Legal Philosophy,³¹⁴ that natural law is evidently essential in our world today as it has been from time immemorial.³¹⁵ To jettison natural right is to allude to positive right as the only right, this would then indicate that human 'rights is

310Deshingkar, Priya. Understanding the Implications of Migration for Pro-poor Agricultural Growth. Pdf (2004) <https://www.researchgate.net/publication/241314076_Understanding_the_Implications_of_Migration_for_Pro-poor_Agricultural_Growth>accessed 8 April 2023

³¹¹Gulzar, F., Ahmad, B., Gul, S., Fayaz, A., &Shafi, S., Causes and Effects of Migration—a Conceptual Review. European Journal of Humanities and Educational Advancements, 2(2), 13-18. (2021) <academia.edu Causes and Effects of Migration—a Conceptual Review> accessed 11 May 2023

³¹²Chen, C., Ma, J., Susilo, Y., Liu, Y., & Wang, M., The promises of big data and small data for travel behavior (aka human mobility) analysis. Transportation research part C: emerging technologies, 68, 285-299. (2016) <sciencedirect.com The promises of big data and small data for travel behavior> accessed 11 May 2023

313 Maximilian Ernst, International Migration as Absolute Natural Law: An Inquiry into International Migration from the Perspectives of Legal Philosophy, Yonsei Journal of International Studies, 2016.Yonsei University. Pdf<<http://aei.pitt.edu/102271/1/Maximilian-Ernst-copy.pdf>> accessed 10 April 2023

³¹⁴ Ernst, M., International Migration as Absolute Natural Law: An Inquiry into International Migration from the Perspective of Legal Philosophy. Yonsei Journal of International Studies, 8(1), 14-29. (2016) <Yonsei Journal of International Studies, 2016•aei.pitt.edu> accessed 15 May 2023

315 Ernst, Maximilian, International Migration as Absolute Natural Law: An Inquiry into international migration from the perspective of legal philosophy, January 1 2016 <https://www.researchgate.net/publication/334537954_International_Migration_as_Absolute_Natural_Law_An_Inquiry_into_international_migration_from_the_perspective_of_legal_philosophy/citation/download> accessed 4 April 2023

determined exclusively by the legislators and the courts'.³¹⁶ Jurisprudentially, we may assume that migration predates human existence. We may safely agree with science that when our ancestors first became real human they were migratory, going from place to place in search of sustenance.³¹⁷ Natural right is defined as 'what is right by nature'³¹⁸, and going by the theories earlier discussed, migration appears to be natural to humans. Therefore, it is plausible to argue that migration being a natural behavior and a natural right, should not be hindered by any law or convention.³¹⁹ The development of an extensive network of 'industries and economic agents that facilitate the migration business', for example international movement of professional, managerial and technical staff amongst company locations globally, also referred to corporate expatriation is facilitated by a set of legal, counseling and advisory institutions.³²⁰

Irregular migration is a multi-dimensional scheme globally,³²¹ there have been arguments that illegal and irregular migration is a fall-out of criminalization of international migration.³²² Vanguard newspaper of February 18, 2022 reported that the then Nigerian President, Muhammadu Buhari, lamented the migration of Nigerian youths to Europe, 'saying the development drains the continent of talent pool, while provoking political crises in Europe.'³²³ However, in the same year, the United Kingdom, started a labour migration program encouraging care workers, health professionals and other skilled workers to come into the United

316 Ibid 23-41

317 Ibid 32-34

³¹⁸De Micco, F., & Scendoni, R., Three different currents of thought to Conceive Justice: legal, and Medical Ethics reflections. *Philosophies*, 9(3), 61. (2024) <De Micco, R Scendoni - *Philosophies*, 2024 - mdpi.com> accessed 20 May 2023

319 Ibid 52

320 Ibid 56

³²¹ Geddes, A., The Governance of Migration in Europe: Beyond Fragmentation?. *Handbook of Migration and Globalisation*, 283-296. (2024) <<https://www.elgaronline.com/edcollchap/book/9781800887657/book-part-9781800887657-27.xml>> accessed 12 September 2024

³²² Agnes, O., 'You pray for death': Trafficking of women and girls in Nigeria, Human Rights Watch, 2019, p. 19.

³²³Vanguard Online <<https://www.vanguardngr.com/2022/02/buhari-laments-mass-youth-migration-to-europe/>> accessed 19 April 2023

Kingdom³²⁴. While this development is welcomed by young upward mobile Nigerians, it is disturbing for the Nigerian political leadership.

The emotional reactions to migration trends ultimately determine government policies and laws aimed at regulation, regularization, liberalization or sometime criminalization of migration.³²⁵

In her research paper, 'Global Mobility and Penal Order: Criminalizing Migration, a View from Europe', Vanessa Baker³²⁶ submits that increasing criminalization of migration, for instance incarceration of foreigners, primarily emanates from increased global mobility and rise in state control.³²⁷ Scholars have noted harsh migration laws in forcing potential immigrants to beg for access, and willingly subjecting self to hardship and violations, all in the quest to enter the desired country of destination. The perception is so simplistic; the country of destination is more prosperous, more developed and perhaps more powerful than the country of origin. This gives the power to grant or refuse entry to the country of destination, and the power to punish by expulsion, ban or incarceration, those who violate the migration laws.³²⁸ Ana Julia Aliverti, in his PhD thesis, 'Making home safe? The Role of Criminal Law and Punishment in British Immigration Controls', embraces the conclusion that criminalization is a policy choice by

324<<https://www.gov.uk/guidance/new-immigration-system-what-you-need-to-know>> accessed 19 April 2023

325 Tan, E., Welfare funds for migrant workers: A comparative study of Pakistan, Philippines and Sri Lanka", Paper presented at Second Migration Ministerial Consultations for Countries of Origin in Asia, International Organization for Migration, 2004 accessed 5 April 2023

326Barker, V., Global Mobility and Penal Order: Criminalizing Migration, A View from Europe. *Sociology Compass* 6/2 (2012) (pdf): Stockholm University.

<<https://www.law.ox.ac.uk/sites/files/oxlaw/globalmobility2012.pdf>> accessed 19 April 2023

327 World Bank, Developing Countries to Receive Over \$410 Billion in Remittances in 2013, World Bank. <http://www.worldbank.org/en/news/pressrelease/developing-countries>. (2013) accessed 11 May 2023

328Aliverti, A.J., Making home safe? The role of criminal law and punishment in British immigration controls, Submitted for the degree of D.Phil. Faculty of Law, University of Oxford Michaelmas Term, 2011. (pdf)https://ora.ox.ac.uk/objects/uuid:c94/download_file?file_format=pdf&saf Thesis accessed 19 April 2023

governments with the desire to pacify parts of the populace who are less comfortable with the idea of free movements for migrants...'³²⁹

CHAPTER THREE

Methodology

3.1 Research Model – Identificatory and Impact Legal Research

This work examines the impact of Section 102 of the Immigration Act 2015 on stakeholders in the migration practices and operations in Nigeria. The law provides that the Nigeria Immigration Services, shall collaborate with the public and private sector interest groups to attract funds for acquisition, provision and development of infrastructure, and equipment to enable the Service provide appropriate professional skills and modern migration management facilities. To what

³²⁹Gundhus, H., Shaping Migrants as Threats: Multilayered Discretion, Criminalization, and Risk Assessment Tools. *International Journal for Crime, Justice and Social Democracy* (2021) <https://www.researchgate.net/publication/354289111_Shaping_Migrants_as_Threats_Multilayered_Discretion_Criminalization_and_Risk_Assessment_Tools> accessed 12 May 2023

intent and extent has this provision impacted on the targeted sectors? This chapter discusses the methodology employed in this work.

Exploratory Method

Through exploratory research method,³³⁰ this work sought to identify the beneficiaries of this provision of the Immigration Act 2015,³³¹ in both the public and the private sectors, and what the impacts are on these sectors. This helps further in clarifying the essence and justification for the legal provisions as contained in Section 102 of the Immigration Act 2015. This qualitative research method helps to ascertain the legal framework employed in implementing the provision, and how this has impacted on the sector and the targeted population. The exploratory, (Identificatory and impact legal) research model³³² helps in assessing the functionality or otherwise of this legal provision under examination. In achieving this, a review of relevant public establishment and private organizations and association involved in migration practices was carried out, by examining the law in action vis-à-vis, how the law is being implemented and how the targeted sectors react to it. The law includes the Immigration Act 2015, the Immigration Regulation 2017 and other relevant legislations and policies concerning Public-Private Partnership. In employing this model, non-legal factors, like socio-political trends in migration are also considered. This becomes essential as the essence of law is to regulate the society.

3.2 Trans-Disciplinary Legal Research (Socio-Legal Research)

³³⁰Casula, M., Rangarajan, N., & Shields, P., The Potential of Working Hypotheses for Deductive Exploratory Research. *Quality & Quantity*, 55(5), 1703-1725. (2021) <springer.com The potential of working hypotheses for deductive exploratory research> accessed 17 March 2023

³³¹ Section 102, Immigration Act 2015, Centre for Laws of Nigeria: Federal Laws, <https://laws.lawnigeria.com/2018/04/24/lfn-immigration-act-2015-2/> accessed 21 May 2023

³³²Selbst, A. D., An institutional view of algorithmic impact assessments. *Harv. JL & Tech.*, 35, 117. (2021) <harvard.edu An institutional view of algorithmic impact assessments> accessed 11 May 2023

Migration is a trans-disciplinary topic, extending from law to politics, economics, sociology, geography and even criminology,³³³ hence many of the materials consulted are from disciplines like sociology, politics, economy, geography and essentially, law.³³⁴ This investigative research which seeks to identify the beneficiaries of this legal provision as well as the extent of implementation of and compliance to Section 102 of the Immigration Act 2015, extends beyond the realm of the discipline of law and bears on the other social science disciplines. Closely related to the economic dimension is also the psychological impact of migration, not to forget the physical dimension of migration.³³⁵

This follows the fact that law does not operate in a vacuum, rather it is an instrument to control the complex social structures.³³⁶ Each legal provision is intended to moderate and govern real life situations. The law, which includes enactments, rules and regulations, does not exist for itself, but rather the law exists for the society.³³⁷ In essence, other disciplines, sociology, psychology, history, economics and geography, are connected with migration practices and laws. Therefore this study is described as a trans-disciplinary legal research.

³³³Ikejiaku, B. V. (Ed.), *The Capability Approach and the Sustainable Development Goals: Inter/multi/trans Disciplinary Perspectives*. Taylor & Francis. (2022)

<<https://books.google.com.ng/books?hl=en&lr=&idwnAPEQAAQBAJ&oi=fnd>> accessed 1 September 2024

³³⁴ Canning, V., *Zemiology at the Border*. In: Boukli, Avi (Paraskevi) and Kotze, Justin eds. *Zemiology: reconnecting crime and social harm*. Palgrave, pp. 183–201. (2018)<<https://oro.open.ac.uk/50654/>> accessed 12 April 2023

³³⁵Ratha, Dilip, Mohapatra, Sanket&Scheja, Elina, *Impact of Migration on Economic and Social Development: A Review of Evidence and Emerging Issues*. *ArthaVijnana: Journal of TheGokhale Institute of Politics and Economics* vl. 53, 2011/02/01 <10.21648/arthavij/2011/v53/i3/117558> accessed 23 March 2023

³³⁶Kaushik, V., Walsh, C.A., *Pragmatism as a Research Paradigm and Its Implications for Social Work Research*. *Soc. Sci.* 2019, 8, 255. <<https://doi.org/10.3390/socsci8090255>> accessed 10 February 2023

³³⁷Valcke, Anthony, *The Rule of Law: Its Origins and Meanings (A Short Guide for Practitioners)* 2012/03/01, <https://www.researchgate.net/publication/255726723_TheRuleof_Law_Its_Origins_and_Meanings_AShortGuidefor_Practitioners/citation/download> accessed 10 February 2023

In employing this model, the problem of scope kept occurring. There is a constant need to focus and re-focus on which of the other disciplines to engage and to what extent. This led to collection of an avalanche of information on the twin subject matter of migration and private sector involvement (Public-Private Partnership), with the resultant sorting, arrangement and re-arrangement of the information gathered, made possible only by adherence to the objectives and research questions.

3.3 Research Tools

Collecting empirical data for social-legal research can be done in several ways and this work is not an exception. The plan included secondary sources of obtaining data such as published materials like books, journals, reports and online materials including websites, agency and organizational reports mainly published in portable document formats (pdf). The primary source of collecting data are structured interviews with identified respondents, especially political and career officers in the Nigeria Immigration Service. The structured interview was initially sent to the Ministry of Internal Affairs and the Headquarters of the Nigeria Immigration Services in Abuja through postal mails. Interview appointments were sought with the Immigration office in Ibadan, Oyo State. Focused Group Discussions were held with migration practitioners, comprising of tour operators, international educational consultants, visas and migration consultants.

Secondary sources used in this work are published materials, both online and offline, consulted for exploration of the subject matters of migration including, migration laws and policies,

migration theories; and Public-Private Partnership in Nigeria.³³⁸ There is dearth of academic materials, like text-books and journals on the subject-matter of migration, and academic institutions in migration are also few. Notable among the few academic institutions in the sector are The Centre for Migration Studies, Nnamdi Azikiwe University, commissioned on 28th August, 2018³³⁹ Centre of Excellence in Migration and Global Studies of the National Open University of Nigeria,³⁴⁰ Usmanu Danfodiyo University Sokoto (Post Graduate Diploma Migration and Refugee Studies),³⁴¹ and the International Organization for Migration (IOM-Nigeria).³⁴² The academicians in this sector, especially in Nigeria, are also few.³⁴³

3.4 Research Designs

The research information are in two broad dimensions: one, is there sufficient legal provision to promote private sector involvement in migration practices in Nigeria³⁴⁴, and again, do the realities of the industry reflect this legal provisions? The study of the legal provisions is essentially through desktop research, exploring and investigating the provisions in our statutes. A

³³⁸Nneli, T., Hagen-Zanker, J., Hennessey, G., Migration-relevant policies in Nigeria (v2). Oslo: Peace Research Institute Oslo.(2022) <www.mignex.org/nga> accessed 23 July 2023

³³⁹NnamidiAzikiwe Centre for Migration Studies, <<https://migrationstudies.unizik.edu.ng> accessed May 10, 2023

³⁴⁰ Centre of Excellence in Migration and Global Studies, Website <https://cemgs.nou.edu.ng/> accessed 10 May 2023

³⁴¹UsmanuDanfodiyo University Sokoto, Post Graduate DFiploma Migration and Refugee Studies, website <https://www.udusok.edu.ng/postgraduate-diploma-migration-and-refugee-studies/> accessed 10 May2023

³⁴² The International Organization for Migration (IOM) is part of the United Nations System as the leading inter-governmental organization promoting since 1951 humane and orderly migration for the benefit of all, with 175 member states and a presence in over 100 countries. IOM has had a presence in Nigeria since 2002<<https://nigeria.iom.int>> accessed 10 May 2023

³⁴³Ikuteyijo, L., Nigerian Migrants: Pursuing the Dreams at any Cost. UNESCO Courier 4 pp 7-9 pdf (2022)

³⁴⁴Nneli, T., Hagen-Zanker, J., Hennessey, G., Migration-relevant policies in Nigeria (v2). Oslo: Peace Research Institute Oslo. (2022) <www.mignex.org/nga> accessed March 15, 2023

cursory study of the background to migration problems and policies provides an in-depth understanding of the migration theories developed through historical perspectives.³⁴⁵

Nigerian statutes on migration are limited, this is partly due to the fact that it is a matter on the exclusive legislative list³⁴⁶ (only the National Assembly can legislate on it). It then follows that a broader perspective of international law is considered alongside migration theories to provide a robust understanding of the subject-matter of migration, and determine the appropriateness and adequacy of the Nigerian migration laws.³⁴⁷ The design makes a comparative consideration between the laws and the realities of private sector involvement in Migration. It is an appraisal of what the provisions for private sector involvement are and how these provisions have been actualized. The first and major part of the design is basically desktop research; exploration of secondary sources of data , while the second part of the design is towards obtaining primary information through public and private sectors on the awareness and adequacy of the provisions and the level of compliance to these provisions.

The first step taken in implementing this is to conduct findings on legal provisions concerning private-sector involvement in migration practices based on Section 102 of the Immigration Act 2015. Similar provisions in International laws and policies on migration are explored to provide a background understanding of the subject-matters.³⁴⁸ In the same way, a proper review of

³⁴⁵de Haas, H. A (2021) Theory of migration: the aspirations-capabilities framework. CMS 9, 8 (2021).<<https://doi.org/10.1186/s40878-020-00210-4>> accessed March 15, 2023

³⁴⁶Arowosegbe J.O., (2014) Techniques for Division of Legislative Powers under Federal Constitutions, Journal of Law, Policy and Globalization www.iiste.org. ISSN 2224-3240 (Paper) ISSN 2224-3259 (Online) Vol.29, 2014 <<https://core.ac.uk/download/pdf/234649998.pdf>> accessed January 12, 2023

³⁴⁷de Haas, H. A (2021) Theory of migration: the aspirations-capabilities framework. CMS 9, 8 (2021). <https://doi.org/10.1186/s40878-020-00210-4> accessed 11th. January 2023

³⁴⁸ United Nations, <InternamntionalOrganisation for migration <https://www.iom.int/about-migration-law>> accessed 19 May 2023

migration theories dated across generations provides a deep insight into the nature, perspectives and development of migration across eras.³⁴⁹

The study revealed that migration is a major factor in global development. There are traditional target countries, otherwise known as receiving communities which includes Australia, the United States, the United Kingdom, Canada, Sweden, Germany and many other developed countries mainly in the Western countries. Migration has grown in volume, and changed in dimension. Historically, European countries which are predominantly the receiving communities became sending countries to Latin America. The study also involves investigating into the factors driving migrants from developing countries in Africa, Middle-East and the Caribbean towards the receiving countries in Europe.³⁵⁰

A major consideration in the design is the understanding of migration trends across the continents over generations and decades in relation to migration theories already discussed in the previous chapter. As an example, the 1980s witnessed an influx of migrant workers from Africa, Asia and the Middle-East into European countries including Spain, Italy and Portugal; this reflects a departure from the trend where these European countries were source countries to wealthier countries in the north.³⁵¹

The research design is tailored towards proffering answers to the research questions:

³⁴⁹ Douglas S. M., Joaquin A., Graeme H., Ali K., Adela P., Edward T., Theories of International Migration: A Review and Appraisal, *Population and Development Review*, Vol. 19, No. 3 (Sep., 1993), pp. 431-466. Population Council Stable (2019) <<http://www.jstor.org/stable/2938462>> accessed 22 January 2023

³⁵⁰ Massey, D. S., The shape of things to come: international migration in the twenty-first century. In *Migration and Integration in a Post-Pandemic World: Socioeconomic Opportunities and Challenges* (pp. 29-81). Cham: Springer International Publishing. (2023) <springer.com The shape of things to come: international migration in the twenty-first century> accessed 11 December 2023

³⁵¹ Adeyanju, C. T., & Olatunji, O. A., Issues, Patterns, and Trends in Contemporary Europe and North African Migration America. *Routledge Handbook of Contemporary African Migration*. (2023) <<https://books.google.com.ng/books?hl=en&lr&id=nrJEAAQBAJ&oi=fnd&pg=PT84&dq>> accessed 17 December 2023

- a. How has lack of private sector inclusiveness impaired the Nigerian Migration practices?
- b. How will the private sector inclusiveness in Nigeria migration legal regime improve national development?
- c. How would migration legal reforms address existing challenges to private sector involvement in migration practices?

In considering these question, a study of the status quo in migration is necessary. The approach employed in achieving this is the case study approach.³⁵² An exploration of the migration laws and policies as regards its provision for private sector involvement in Migration operations reveals the ideal intentions of the law. How well the private-sector is integrated into migration operations presents a balance between the ideal and the reality. In another dimension, one may consider that the study is broadly concerned with migration operations and private sector involvement in Nigeria, using the law as a case study. Thus, the realities of the private-sector involvement in migration is measured against applicable legal provisions.

The initial plan was to use the Nigeria Immigration Service (NIS) as an organizational case study, however, a major limitation to the implementation of the plan is the lack of co-operation from the NIS in sharing information with the public, which extends to this research. That informs the decision to use the legal provisions as a form of qualitative doctrinal case study.³⁵³ In other

³⁵²Ibinwangi., John., Ogolo., John.,(2019) A Case Study Approach in- JOUR<<https://www.researchgate.net/publication/337893694/citation/download>> accessed 11 April 2023

³⁵³Faraji M.R., Combined Doctrinal and Qualitative Approach in Legal Researches: An overview, Volume 9, Issue 1., International Journal of Innovative Science and Research Technology ISSN No:-2456-2165 (2024) accessed 11 February 2024

words, the relationship between private and public sectors in migration operation is assessed in the light of applicable laws and policies on migration and public-private partnerships.³⁵⁴

The steps followed in this research design includes identifying the problem, evaluating literature, creating hypothesis, designing the research, defining the population, collecting data, analyzing data, and reporting outcomes.³⁵⁵ The issues are as captured in the statement of problem, and as formulated in the research questions.³⁵⁶ An exploration of available literatures, both academic and otherwise, showed an extensive body of work done in the area of interest. In actual sense, these are information directly captured in reports by international bodies, statutes and policies on migration and public-private partnership.³⁵⁷ Efforts were also made to conduct interviews with principal political and career officers of the Nigeria Immigration Service to ascertain the level of compliance with Section 102 of the Immigration Act 2015. Initially, a focused-group discussion was planned with practitioners and groups of operators in the migration sector. Associations like the National Association of Travel Agencies of Nigeria (NANTA), Association of Professional Visa Consultants of Nigeria (APVCoN), and the Nigeria Bar Association (NBA), Nigeria Employers Consultative Association (NECA) which represents the organized private sector in

³⁵⁴Bisong, Amanda, CHAP, Migration Partnerships and the Role of Public-Private Partnerships: The Nigeria-Switzerland Migration Partnership, 463 EP-503(2015) <https://www.researchgate.net/publication/304806248_Migration_Partnerships_and_the_Role_of_Public-Private_Partnerships_The_Nigeria-Switzerland_Migration_Partnership/> accessed 12 December 2023

³⁵⁵Boru, Tesfaye, Leslissa, Chapter Five Research Design and Methodology 5.1 Introduction Citation: Lelissa TB (2018); Research Methodology; University of South Africa, PHD Thesis (2018) <https://www.researchgate.net/publication/329715052University_of_South_Africa_PHD_Thesis/>accessed 12 April 2023

³⁵⁶ Hannah S., Literature review as a research methodology: An overview and guidelines, Journal of Business Research, Volume 104, 2019, Pg. 333-339, ISSN 0148-2963, (2019) <<https://doi.org/10.1016/j.jbusres.2019.07.039>. <<https://www.sciencedirect.com/science/article/pii/>> accessed 12 August 2023

³⁵⁷Cangiano M., Anderson B., Alier M., Petrie M., Hemming R., Public-Private Partnerships, Government Guarantees, and Fiscal Risk, IMF Special Issues, International Monetary Fund (2006) ISBN: 9781589064935 (2006)<<https://doi.org/10.5089/9781589064935.058>> accessed 12 January 2023

Nigeria, to ascertain the level of collaboration with government agencies concerned with migration operations in the country.³⁵⁸

The research method is qualitative, advancing theories and innovations based on an in-depth analysis of the historical accounts and practices in the global migration industry.³⁵⁹ The design is to address the problem identified in the research by providing a systematic guide for the execution of the study project, and also helps in the co-ordination of the various components of the research.

3.4.1 Types of Research Designs

Some types of research are as follows:

1. Exploratory design³⁶⁰: This is useful where the research problem is not clear. It allows for a lot of flexibility as it is less structured than other research designs. It is helpful in preliminary research works so as to formulate a research problem for further studies. This is the main design employed in this work.
2. Observational design: This design entails observation of the research variables without any influence from the researcher. This is not an experiment but an observatory recording of the behaviours of the research subjects.³⁶¹

³⁵⁸ Fay Faraday, The Empowerment of Migrant Workers in a Precarious Situation: An overview Global Knowledge Partnership on Migration and Development (KNOMAD) (2021) KOMAD paper 39 <<https://www.knomad.org/sites/default/files/2021-12/KNOMAD%20Working%20Paper%2039-Empowerment%20of%20Worker.pdf>> accessed 15 March, 2023

³⁵⁹Busetto, L., Wick, W. &Gumbinger, C., How to use and assess qualitative research methods. *Neurol. Res. Pract.* 2, 14 (2020). <https://doi.org/10.1186/s42466-020-00059-z> accessed 11 February, 2023

³⁶⁰George T., Exploratory Research | Definition, Guide, & Examples, scribbr (2021) <Exploratory Research | Definition, Guide, & Examples> accessed 4 January 2023

³⁶¹Raji-Oyelade, A. AB Ekanola RO Olaniyi. (2020) https://www.researchgate.net/profile/Demola-Lewis/publication/Research_Methods_in_Linguistics_and_African_Languages/Research-Methods-in-Linguistics-and-African-Languages.pdf accessed 12 March 2023

3. Descriptive design: This is to describe a research topic, so as to provide more information and insight about the subject-matter. This design addresses the questions ‘what’, ‘where’, ‘when’, and ‘how’ but does not answer the ‘why’ of the research topic.³⁶²
4. Case Study: This is a form of observational research design which observes real life situations with a view to understand the problems and solutions. This helps in explaining how ideas and ideals apply to real life situations. This is very useful in this work – understanding how the ideals encapsulated in Section 102 of the Immigration Act 2015 applies in reality.³⁶³
5. Action design: This is a combination of exploratory and action strategy approach. It focuses on finding solutions.³⁶⁴
6. Experimental design: This is to test the reaction between variables, using scientific methods with elements like hypothesis, independent variables, dependent variables and control values.³⁶⁵
7. Causal design: This is to identify and understand relationships amongst variables, and explore possible factors for the relationship amongst these variables.³⁶⁶

³⁶²Siedlecki S., - (2020) Understanding Descriptive Research Designs and Methods, Clinical nurse specialist CNS 12, v.34,(2020)<https://researchgate.net/publication/_UnderstandingDescriptive_Research_Designs_and_Methods/> accessed 11 January 2023

³⁶³Haferkamp, Hans, and Neil J. Smelser, editors Social Change and Modernity. Berkeley: University of California Press, c1992 1991. <http://ark.cdlib.org/ark:/13030/ft6000078s/> accessed 12 April 2023

³⁶⁴Makri, C., & Neely, A., Grounded Theory: A Guide for Exploratory Studies in Management Research. International Journal of Qualitative Methods, 68341.(2021)<<https://doi.org/10.1177/16094063654>>accessed 11 February 2023

³⁶⁵Torday J.S., Baluška F., Why control an experiment?: From empiricism, via consciousness, toward Implicate Order. EMBORep.201;20(10).(2019) <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC25/>> accessed February 11, 2023

³⁶⁶Devi, Barkha, Lepcha, Basnet, Shakeela, Application of Correlational Research Design in Nursing and Medical Research, Xi'an ShiyouDaxueXuebao (ZiranKexue Ban)/Journal of Xi'an Shiyou University (2023) <www.researchgate.net/publication/Application_of_Correlational_Research_Design_in_Nursing_and_Medical_Research>accessed 11 December 2023

8. Correlational design: This is to measure variables and identify the relationship between the variables without altering them.³⁶⁷
9. Diagnostic design: This is an investigation into the causal factors behind an event or phenomena. It helps in finding solution by identifying causes of the problem.³⁶⁸
10. Cross-Sectional design: Another type of observational research where the subjects are multiple individuals who are meant to be observed at the time without altering the variables.³⁶⁹
11. Sequential design: This entails dividing research into stages, with each stage connected to the other. In other words, the next stage is built on the previous stage.³⁷⁰
12. Cohort design: This is an observational research commonly used in medicine.³⁷¹
13. Historical design: Use of past data to test hypothesis, it involves the use of maps, diaries, logs and archives.³⁷²
14. Field design: This is a qualitative research method which allows for observation of research subjects in their natural environments.³⁷³

³⁶⁷Wubante M., Debre M., Review on Correlational Research, Academic Research Journals, University of Ethiopia, Vol. 8(4), pp. 99-106, (2020) ISSN: 23<www.academicresearchjournals.org/IJELC/>accessed 11 February 2023

³⁶⁸Kathpalia, Aditi, Nagaraj, Nithin, Measuring Causality: The Science of Cause and Effect, Resonance 10.1007/s12045-021-1119-y(2021)<https://www.researchgate.net/publication/349471752_Measuring_CausalityTheScienceofCauseandEffect/> accessed 18 August 2023

³⁶⁹ Ibid 103

³⁷⁰McGree J.M., Mengersen K., Computational and Statistical Methods for Analysing Big Data with Applications, 2016 <<https://www.sciencedirect.com/topics/mathematics/sequential-design>> accessed 9 April, 2023

³⁷¹ Gabriel L., Cristian P., Eva M., Marcelo A. M., General concepts in biostatistics and clinical epidemiology: observational studies with cohort design 2019;19(11):e7748doi:medwave.2019.11.7748(2019)<<http://viej.medwave.cl/link.cgi/English/Reviews/MethodologicalNotes/7749.act>> accessed 10 February 2023

³⁷²Šašinka Č, Morong K, Stachoň Z. The Hypothesis Platform: An Online Tool for Experimental Research into Work with Maps and Behavior in Electronic Environments. ISPRS International Journal of Geo-Information. 2017; 6(12):407. <<https://www.mdpi.com/2220-9964/6/12/407>> accessed 23 January 2023

³⁷³Aspers, P., Corte, U. What is Qualitative in Qualitative Research. Qual Sociol 42, 139–160 (2019).<<https://link.springer.com/article/10.1007/s11133-019-9413-7#citeas>> accessed 11 February 2023

15. Systematic review design: This is a review and analysis of existing evidence and studies to arrive at new conclusions.³⁷⁴
16. Survey design: This is frequently used research design for gathering information directly from sample population. This is part of the initial intended for this work through interviews, questionnaires, focus group discussions, and online forms.³⁷⁵
17. Mix-method design: This model combines multiple research designs to create the best approach for a research project. It usually includes qualitative and quantitative research methods.³⁷⁶
18. Philosophical design: This type of research design builds on philosophical argumentation like epistemology (study of knowledge and certainty), ontology (study of human nature and existence) and axiology (study of values in relation to ethics).³⁷⁷

CHAPTER FOUR

³⁷⁴Godfred Matthew Yaw Owusu, Gabriel Korankye, The state of ethical decision-making research in accounting: A retrospective assessment from 1987 to 2022, *Business Ethics, the Environment & Responsibility*, 10.1111/beer. (419-434), (2023). <<https://onlinelibrary.wiley.com/doi/full/10.1111/nae2.28>> accessed 12 November 2023

³⁷⁵Tenny S, Brannan JM, Brannan GD. Qualitative Study. [Updated 2022 Sep 18]. In: StatPearls [Internet]. Treasure Island (FL): StatPearls Publishing; 2024 Jan-<https://www.ncbi.nlm.nih.gov/books/NBK> accessed 10 February 2023

³⁷⁶ Sale, J. E. M., Lohfeld, L. H., & Brazil, K. Revisiting the quantitative–qualitative debate: Implications for mixed methods research. *Quality & Quantity*, 36, 43–53 (2022)

³⁷⁷Wheeldon, J., Mapping mixed methods research: Methods, measures, and meaning. *Journal of Mixed Methods Research*, 4, 87–102. (2010) <www.sagepub.com/sites/default/files/upm-binaries/41165_10.pdf> accessed 15 February, 2023

4.1 How Lack of Private Sector Inclusiveness Impairs Migration Operations and Practices: Assessing Nigeria Migration Laws

A study of the Corporate Immigration Review, 10th Edition provides an insight into the basis for Nigeria migration legal framework, which reveals that private sector involvement is not contemplated within the scheme of migration operations.³⁷⁸ Here are some of the insights considered:

i. Legislation and Policy

Immigration law in Nigeria is derived mainly from statutes and supported by policies and case laws, with the Immigration Act 2015 as the most notable piece of legislation on migration law and practice in the country.³⁷⁹ The 2015 Act is supported by the 2017 Immigration Regulations, which were given by the Minister of Interior as subsidiary legislations in accordance with Section 112(1) of the Immigration Act 2015.³⁸⁰ The Immigration Regulations provide the legal framework for the 2015 Act.

In addition, the New Visa Policy (NVP) was launched by President Muhammadu Buhari in February 2020 to introduce a reformed visa regime intended to attract more Foreign Direct Investment (FDI) into Nigeria's economy.³⁸¹ The 2015 Act and the Immigration Regulation provide for different types of visas and permits by the NIS, and the New Visa Policy extends the

³⁷⁸Arhin-Sam, Kwaku. The political economy of migration governance in Nigeria. ABI, 2019.<researchgate.net [BOOK] The political economy of migration governance in Nigeria> accessed 17 July 2023

³⁷⁹ Patrick T., Katherine Y., Comprehensive Review of Nigeria Legislation and Policy Pertaining to Migration regarding the International Convention on Rights of Migrant workers, p 41-60, ILO C-97 on Migration for Employment and ILO C-143 on Migrant Workers (2020) <<https://www.ilo.org/resource/news/nigeria-ratified-ilo-conventions-concerning-migrant-workers-and-private>> accessed 14 March 2023

³⁸⁰Section 112(1) of the Immigration Act only empowers the Minister to make Regulations as in his opinion are necessary or expedient for giving effect to the provisions of the Immigration Act 2015 <https://pwcnigeria.typepad.com/files/administration_may2021.pdf> accessed 12 March 2023

³⁸¹Alola, A. A., Bekun, F. V.,&Alola, U. V. (Eds.). Economic Trends and Sustainable Environmental Assessment. CRC Press. (2024) <api.taylorfrancis.com> accessed 2 August 2024

range of visa classes prescribed under the Act and the Regulation into three main categories³⁸², namely; Short Visit Visas, Temporary Residence Visas, and Permanent Residence Visas. These cover about 79 classes of visas, and each class of visa has a code for ease of processing.³⁸³

Temporary Residence Visas permit foreign nationals to live in Nigeria for a maximum period of two years for the purposes of employment, establishing a business and schooling, among others.³⁸⁴ Permanent Residence Visas enable individuals to reside in Nigeria for up to five years or more, providing an avenue for obtaining permanent residence status in Nigeria available to investors, retirees and highly skilled individuals, among others,³⁸⁵ this represents an immigration route under the statutes.

ii. Visa Application Mode: Is their Private Sector Involvement?

Visa applications are made to the Comptroller General of Immigration or to the Nigerian Diplomatic missions abroad.³⁸⁶ The National Visa Policy provides for two additional visa application channels for non-Nigerians,³⁸⁷ viz-a-viz;

³⁸²Danbazzau, A., Security and Economic Development in Nigeria since 1960. Kuwait Chapter of Arabian Journal of Business and Management Review, pdf 2(6) (20219) <arabianjbm.com Security and economic development in Nigeria since 1960> accessed 24 March 2023

³⁸³Immigration Act 2015, Sections 20(7) and 37(9)

³⁸⁴ Immigration Act 2015, Section 37(2), (6) and (10); Immigration Regulations 2017, Regulation 5(1) and (2), and Regulation 8(TWP)

³⁸⁵Immigration Act 2015, Section 37(11) and (12)

³⁸⁶Immigration Regulations 2017, Regulation 14

³⁸⁷Federal Republic of Nigeria, National Policy on Inclusive Volunteerism for Nigeria. (2020)(a)NNVS Office of the Secretary to the Government of the Federation, Abuja, Nigeria.

- a. **Visa on Arrival (VoA)**³⁸⁸ - available at the country's port of entry for those who are qualified for these classes of visas; frequent business travelers, citizens and passport holders of AU countries, and emergency relief workers,³⁸⁹
- b. **Online e-visa application** - these applications are made online via the Nigeria Immigration Service (NIS) website, and approval is given through the applicants e-mail address with the Electronic Travel Authorisation Letter (eTAL) within 48 hours after the application is made. This service is available for transit visas, business visas, tourism visas, journalist visas and staff of international non-governmental organizations (INGOs).³⁹⁰

All classes of visa application can be made at the Embassies, Diplomatic Missions or other authorized visa application centres.³⁹¹ Findings show that these visa application centres are exclusively government offices.³⁹² A visit to the Immigration Office to find out more about this was met with reluctance from the NIS officers. This is an area where the private sector can bring its expertise, proficiency and finance to bear by representing the Nigeria Immigration Services as obtainable in other countries where there are certified migration (Immigration) experts and bodies representing government.³⁹³ This will put the country in a better stead as the private sector involvement will bring the services closer to the people.

³⁸⁸Visa on Arrival, < https://ngconsulate.info/page/visa-on-arrival#_vignette> accessed 10 February 2023

³⁸⁹Federal Republic of Nigeria (2020b) National Visa Policy 2020. Nigeria Immigration Service

³⁹⁰Journal of Law, Policy and Globalization www.iiste.org, ISSN 2224-3240 (Paper) ISSN 2224-3259 (Online), Vol.29, 2014 <<https://core.ac.uk/download/pdf/234649998.pdf>> accessed 14 February 2023

³⁹¹International Displacement Monitoring Centre (IDMC) (2021) Nigeria: Country Information. Geneva: IDMC (<https://www.internaldisplacement.org/countries/nigeria>)<accessed 17 March 2023>

³⁹²The Nigeria Immigration Service <<https://portal.immigration.gov.ng/?p=about>> accessed 10 December 2023

³⁹³Lawal, M. M., Mainstreaming borderland communities for sustainable policies and governance in Nigeria. *Lapai International Journal of Management and Social Sciences*, 12(2), 52-63. (2020) <ibbujournals.com.ng Mainstreaming borderland communities for sustainable policies and governance> accessed November 23, 2023

4.2 The Immigration Authorities- Ministries, Departments and Agencies (MDAs) of Government In Nigeria: Lack of Intentionality in Private Sector Involvement

i. **The Nigeria Immigration Service (NIS):** The NIS is designated as the principal body mandated to take charge of the administration of immigration operations and services. It is created by the 2015 Immigration Act as a body corporate with power to sue and be sued.³⁹⁴

Section 2 of the 2015 Act stipulates the responsibilities of the NIS as follows: a.

Control of persons entering and leaving Nigeria

- b. Issuance of travel documents, including Nigerian passports, to Nigerian citizens within and outside the country
- c. Issuance of residence permits to foreigners in Nigeria
- d. Border surveillance and patrol
- e. Enforcement of laws and regulations with which it is directly charged
- f. Performance of such paramilitary duties within or outside Nigeria as may be required of it under the authority of the 2015 Act or any other enactment.

Investigation of these provisions reveals that there are no private sector involvement in the above operation.³⁹⁵ All these operations are carried out directly and exclusively by staff of

394 Control of Migrants Under the Immigration Act 2015, DCSL Business Day Articles 2022<https://www.dcsl.com.ng/data/content/_1499095912_FCDB55IF2H.pdf> accessed 12 October 2023

395 Amaeshi, U. F., Managing Human Resources and Organizational Change in Nigeria, Enugu, Maurice Productions. pdf

Nigeria Immigration Services.³⁹⁶ During visits to the Immigration offices both at Abuja headquarters and the Oyo State Office in Ibadan, no officer was willing to discuss the operations of the Service for the purpose of this research. However, we gathered informally, that all these services mentioned above are only available at the NIS offices exclusively. This is in accordance with the provisions of the Immigration Act as the statutes clearly designated the head of the Nigeria Immigration Services as the Comptroller General of Immigration (CGI), and clearly stated the duties of the officers in the Nigeria Immigration Service, as well as the procedure for the appointment of officers.³⁹⁷

ii. The Federal Ministry of Interior: The Ministry of interior supervises the operation of the Nigeria Immigration Services, and also formulates and implements policies on issues related to border management.³⁹⁸ The Ministry is responsible for granting citizenship and regulating expatriate mobility in addition to its involvement in the immigration process.

iii. Other Authorities- There are other authorities whose operations are relevant to the implementation of (im) migration policies and procedures in Nigeria, these are:

a. The Nigeria Investment Promotion Commission (NIPC)- The Nigeria Investment Promotion Commission was established in 1995 as a federal agency to promote, monitor and coordinate all investments in Nigeria.³⁹⁹ The Commission liaises between investors and

396 Reform Coordination & Service Improvement, Department of Reform Co-Ordination & Service Improvement, Ministry of Interior <<https://interior.gov.ng/reform-coordination-service-improvement/>> accessed November 11, 2023

397 NIS Structure, Organizational Structure of the Nigeria Immigration Service <https://immigration.gov.ng/home-2/nis-structure/> accessed November 11, 2023

398SijuwadeA., (2020) A general introduction to immigration law and policy in Nigeria, An extract from The Corporate Immigration Review, 10th Edition (2020) <<https://www.lexology.com/library/detail.aspx?g=fd818e23-bd89-4220-9e16-a4e1e0aee7fd>> accessed 12 July 2023

399Babatunde, Kazeem, Oyeniran, Ishola W., David O., Nigerian Investment Promotion Commission and Foreign Direct Investment in Nigeria VL - 2 Kuwait Chapter of Arabian Journal of Business and Management Review (2013) <10.12816/0001229> accessed 12 April 2023

ministries, government departments and agencies, institutional investors and other agencies concerned with investment.⁴⁰⁰

b. The Corporate Affairs Commission (CAC)- The Corporate Affairs Commission was established under Companies and Allied Matters Act (CAMA), Cap C20, 2004 (as amended 2020).⁴⁰¹ The CAC administers the Companies and Allied Matters Act, the principal legislation on matters of incorporation and regulation of companies in Nigeria. The impact of the Corporate Affairs Commission on the 2015 Immigration Act flows from applicability of the Companies and Allied Matters Act (CAMA) on the participation of foreigners in business activities.⁴⁰²

c. The Security and Exchange Commission (SEC)- The Security and Exchange Commission is the agency responsible for the administration of the Investment and Exchange Act 2007,⁴⁰³ which regulates foreign investment in the Nigerian capital market. Foreigners investing in securities of Nigerian companies (except private companies) must register with the Security and Exchange Commission.⁴⁰⁴

d. The Federal Inland Revenue Service (FIRS)- The Federal Inland Revenue Service is responsible for the collection of corporate taxes while the states' internal revenue services are

400 *ibid*

401 Uzoka, Ngozi, *An Overview of the Companies and Allied Matters Act 2020: Prospects and Challenges* (2022)

SP - 2020 <<https://www.researchgate.net/publication/359368505/>> accessed 12 June 2023

402 Pasquale Di Benedetto, Ke Chen, Ms. Monique Newiak, Ozlem Aydin and Jay Purcell, Chapter 4: Reaping the Benefits from Better Governance in Nigeria, IMF e-library (2020) [https://www.elibrary.imf.org/configurable/content/book\\$](https://www.elibrary.imf.org/configurable/content/book$) accessed 11 July, 2023

403 Iji Gabriel Adenyuma, *Dynamics of Regulator Functionality: An Assessment of the Legal and Institutional Frameworks of the Nigeria Securities and Exchange Commission* *AjayiCrowther University Law Journal* 1(2020) </24-99-1-PB.pdf> accessed 11 July 2023

404 Oluwadayisi, A., "An Analysis of Liability for Misstatement in prospectus in Public Offer of Securities in Nigeria," Vol. 6(4), *Gravitas Review of Business & Property Law*, p. 33(2015) <https://www.researchgate.net/publication/329083445_An_Analysis_ofNigeria> accessed 11 May 2023

responsible for the collection of personal income taxes of foreign employees working in Nigeria.⁴⁰⁵

e. The Federal Ministry of Labour and Productivity (FMLP)- The Federal Ministry of Labour and Productivity is an agency of Federal Government responsible for the promotion of employment, regulation of labour market, oversight on labour relations and monitoring of employment conditions.⁴⁰⁶ The Ministry established an International Labour Migration Desk (ILMD) in 2004 with a view that the ILMD shall be responsible for ensuring the protection of employment and social rights of migrant workers in Nigeria. One of the mandates of the International Labour Migration Desk is the establishment of a database on migrant workers in Nigeria.⁴⁰⁷

f. The National Population Commission (NPC)- This commission was established in 1989 through the National Population Act as an independent and autonomous body to conduct regular census in the country. Its mandate includes the compilation, collation and publication of migration and civil registration statistics.⁴⁰⁸

g. The National Planning Commission of Nigeria- The National Planning Commission was established in 1992 via Decree No.12 which was later amended in 1993.⁴⁰⁹ The functions of

405Oyedokun, Godwin, Tax Administration, Tax Payers Rights and Responsibilities in Nigeria, (2023), Tax Administration Reforms in Nigeria: Management and Compliance in a Digitalized Economy (pp.68-96) Chartered Institute of Taxation of Nigeria 6896, SN -978-(2023) <<https://www.researchgate.net/publication/371409545>> accessed 11 April 2024

406Ekpo, A. H., & Umoh, O.J., Overview of the Nigerian Economic Growth & Development. Abuja, Nigeria: CBN Research Units

407Robalino, D., and M. Weber. "Designing and Implementing Unemployment Benefit Systems in Middle and Low Income Countries: Beyond Risk-pooling vs Savings." IZA Journal of Labor Policy 2:12 (2013) pdf

408 Ahmed, A.B. and Bello Mohammed, (2015) Regulatory Failures and the collapse of the Capital Market in Nigeria: Aligning Responsibilities with Accountability, Journal of Law, Policy and Globalization, vol.40, at p.168, at www.iiste.org/articles. accessed 15 April, 2023

409Ekpo, A. H., & Umoh, O.J., Overview of the Nigerian Economic Growth & Development. Abuja, Nigeria: CBN Research Units pdf

the commission includes dealing with matters bothering on regional economic cooperation, especially the Economic Community of West African states (ECOWAS)⁴¹⁰

h. The Nigerian Content Development and Monitoring Board (NCDMB)- The Nigerian Content Development Monitoring Board was established under the Nigerian Oil and Gas Industry Content Development Act 2010 (NOGIC Act).⁴¹¹ The responsibilities of the Board includes the administration and management of applications for expatriate quotas, succession planning, and also the deployment of expatriates in the oil and gas industry.⁴¹²

4.3 Exemption of Individuals and Industries from Immigration Rules- Nil Private Sector Involvement

Some individuals and industries enjoy some exemptions in regard to the immigration rules and procedures applicable to non-Nigerian citizens coming into the country.⁴¹³ Major in these exemptions are nationals of ECOWAS countries who enjoy the right of free movement within the West African region based on the ECOWAS Protocol on the Free Movement of Persons, Residence and Establishment according to Article 3(2) of the ECOWAS Protocol.⁴¹⁴

410SanniGaniyuKayode (Central Bank of Nigeria), Adam J. (University of Abuja) (2010) The role of economic community of West African States (ECOWAS) in promoting borderless trade in West Africa. Bullion, Article 4 Volume 34 Number 4. pdf

411 Dike, Samuel, Oil and Gas Industry Contents Development Act 2010 (Local Content) Law and Challenges in Nigeria. Journal of Resources Development and Management (2020), 10.7176/JRDM/65-05, v.65, www.iiste.org ISSN accessed 17 April 2023

412 Ones, Deniz, Sinangil, Handan, Albrecht, Anne-Grit, Expatriate management CHAP(2018) <[https:// www.researchgate.net/publication/351735433_Expatriate_management](https://www.researchgate.net/publication/351735433_Expatriate_management) /> accessed 10 February, 2023

413Simiona, V., Statista Demographic Reports of Nigeria Migration Figures. www.statista.com accessed 10 February 2023

414Garba, F., Yeboah, T. Free Movement and Regional Integration in the ECOWAS Sub-Region. In: Teye, J.K. (eds) Migration in West Africa. IMISCOE Research Series. Springer, Cham. (2023) https://doi.org/10.1007/978-3-030-97322-3_2 accessed 10 October, 2023

This provision of the ECOWAS Protocol is preserved in the 2015 Immigration Act.⁴¹⁵ Section 37 Sub-section 13 of the Immigration Act 2015 affirms that nationals of Economic Community of West African State Members have exemption from requiring entry visas and are allowed to reside, work and undertake commercial and industrial activities within the country. This provision is corroborated in the 2017 Immigration Regulation with a requirement that Economic Communities of West Africa States nationals are to register with the NIS to obtain valid residence cards.⁴¹⁶ The impacted industries are as follows: a. Companies operating in export processing zones;⁴¹⁷ the Oil and Gas Export Free Zone is specially managed by the Oil Gas Export Free-Zone Authority,^{418b}. Companies Operating in the Mining Industry⁴¹⁹: Section 25 of the Minerals and Mining Act of 2007 provides that all operators in the mining industry shall enjoy benefits which include the automatic grant of an expatriate quota and residence permits for approved migrant workers of operators in this sector,⁴²⁰ c. The Oil and Gas Industry⁴²¹: Section 3(2) and Section 106 of the Nigerian Oil and Gas Industry Content Act (NOGICA) 2010

⁴¹⁵Akinyeye, Y. Nation-states and the Challenges of Regional Integration in West Africa: The Case of Nigeria. France: Karthala. (2023) https://link.springer.com/chapter/10.1007/978-981-19-5005-6_11 accessed 11 July 2023

⁴¹⁶Nneli, T., Hagen-Zanker, J., Hennessey, G. Migration-relevant policies in Nigeria (v2).Oslo: Peace Research Institute Oslo. (2022) <www.mignex.org/nga> accessed 10 June 2023

⁴¹⁷Gibbon, Peter, Jones, Sam, Thomsen, Lotte (2008), An Assessment of the Impact of Export Processing Zones and an Identification of Appropriate Measures to Support their Development https://www.researchgate.net/publication/301206689_An_Assessment_of_the_Impact_of_Export_Processing_Zones_and_an_Identification_of_Appropriate_Measures_to_Support_their_Development accessed 9 March 2023

⁴¹⁸Ikeyi, N. The Export Processing Zones and Foreign Investment Promotion in Nigeria: A Note on Recent Legislation. *Journal of African Law*, 42(2), 223–230. (1998)<<http://www.jstor.org/stable/745546>> accessed 15 February, 2023

⁴¹⁹Adewunmi, Kamal, Impact of Foreign Direct Investment on Solid Minerals Industry in Nigeria VL- (2019) <https://www.researchgate.net/publication/Impact_of_Foreign_Direct_Investment_on_Solid_Minerals_Industry_in_Nigeria> accessed 12 February, 2023

⁴²⁰Abe O., Local Content Requirements in Nigeria's Extractive Sector and the Implications for Sustainable Development. *Journal of African Law*. 2022;66(1):73-96 (2022)> accessed 9 January 2024

⁴²¹Dike, Samuel, Oil and Gas Industry Contents Development Act 2010 (Local Content) Law and Challenges in Nigeria. *Journal of Resources Development and Management* (2020)<www.iiste.org ISSN. vol.65. 2020. 10.7176/JRDM/65-05> accessed 2 April, 2023.

provides that a company operating in the oil and gas sector must be a Nigerian company, with minimum 51 per cent equity shares of the company held by Nigerians.⁴²²

It is noteworthy that in all the Nigeria migration law reviews, there is no express provision for private sector involvement as all the processes are done directly with the relevant government agencies.⁴²³

4.4 Adjudication on Migration Matters- A Quasi-Window for Private Sector Involvement in Migration Operations and Practices

Jurisdiction on Matters Arising from the 2015 Act and the 2017 Immigration Regulations, for instance, non-compliance with the provisions of the immigration statutes are set out as various offences under the 2015 Act, and the Immigration Regulations with corresponding penalties.⁴²⁴

Individuals and corporate entities who commit offences under the statutes are subjected to penalties ranging from administrative fines to imprisonment and deportation.

The 2015 Act has stringent penalties drawn on the extensive powers of enforcement given to immigration officers by the Immigration Regulations.⁴²⁵ The immigration officers have powers to arrest any immigrant found committing an offence or suspected to have committed an offence

422 IMF, Nigeria -Selected Issues, IMF Country Report No. 19/93 (IMF: Washington, D.C, April, 2019), p.5. www.imf.org/en/Publications/CR/Issues/2019/04/01/Nigeria-Selected-Issues-46727>accessed 9 January 2024.

423 Nneli, T., Hagen-Zanker, J., Hennessey, G., Migration-relevant policies in Nigeria (v2). Oslo: Peace Research Institute Oslo. (2022)<www.mignex.org/nga> accessed 11 January 2024

424 Adekemi, S, A general introduction to immigration law and policy in Nigeria, The Corporate Immigration Review, 10th Edition, Lexology In-Depth (2020)<<https://www.lexology.com/library/detail.aspx?gaae7fd>> accessed 11 November, 2023

⁴²⁵Okpalaeze, I. C., &Nwotite, A., Protecting the Rights of Migrants in Nigeria: Challenges and Prospects. AJLHR, 6, 141 (2022) <ezenwaohaetorc.org Protecting the Rights of Migrants in Nigeria: Challenges and Prospects> accessed 11 June 2023

under the Immigration Act 2015 and the Immigration Regulations.⁴²⁶ The Federal High Court has jurisdiction to hear and determine matters related to immigration. The 2015 Act provides for the establishment of a special division under the Federal High Court to deal with these matters.⁴²⁷ In a matter where a person is charged with an offence, the penalty of which may result in deportation, the measure is to ensure that such a foreigner is not remanded for an excessive time. In spite of this provision, such a foreigner can still be remanded in custody for a period of up to 90 days.⁴²⁸ The goal is to ensure that foreign nationals (individual and corporate) fully comply with the immigration statutes. Except for legal practitioners who are into private practice, the process of adjudication in migration matters does not involve the private sector. And it is unlikely that section 102 of the Immigration Act 2015 contemplates legal representation as private sector involvement in migration matters.⁴²⁹ Even so as (im)migration practice for legal practitioners has not attain such viable and sustainable state as other areas of legal practice.

4.6. Changes in Immigration Legislation and Policy: Intentional Exclusion of the Private Sector?

In recent times, the Federal Government of Nigeria (FGN) introduces series of measures directed at improving the business environment in the country, and these include migrant workers and

426 OmakaChukwu, Amari, *Illegal Transnational Immigration and Abuse of Rights To Dignity Of Nigerians- A Critique*. (2020) https://researchgate.net/publication/357885639_IllegalTransnational_Immigration_And_Abuse_of_Rights_To_Dignity_Of_NigeriansA_Critique accessed > accessed 14 March 2023

427 David, Princess, *Citizenship in Nigeria Issues on immigra*. (2024) <https://www.researchgate.net/publication/378804257_Citizenship_in_Nigeria_Issues_on_immigra> accessed 8 July 2024

428 Ugochukwu C.K., Don O.O., Leonard I.U., *Scrutinizing the Constitutionality of Remand Order Proceedings under the Administration of Criminal Justice Legislations in Nigeria: A Comparative Analysis*: Beijing Law Review VI.13 No.4, Scientific Research (2022) <<https://www.scirp.org/journal/paperinformation?paperid=122246>> accessed 13 November 2023

429 Nneli, T., Hagen-Zanker, J., Hennessey, G., *Migration-relevant policies in Nigeria (v2)*. Oslo: Peace Research Institute Oslo. (2022)<www.mignex.org/nga> accessed 12 August 2023

investors.⁴³⁰ Among the serious challenges facing foreign investors in Nigeria is the bottlenecks associated with doing business in the country.⁴³¹ The Presidential Enabling Business Environment Council (PEBEC) has continually worked towards the goal of removing constraints on doing business in Nigeria by bringing together the public and private sectors in achieving a better business environment.⁴³² In spite of the expressed commitment of PEBEC to bring about reforms through systematic interventions aimed at supporting and building on the reforms introduced in the New Visa Policy,⁴³³ the best evidence, some of which are identified below, do not show any involvement of the private sector: 1.) Increase in the Classes of Visas, 2.) Expanding eligibility for Visa on Arrival (VoA), and 3.) Use of On-line E-Visas. A scrutiny of these provisions gives no clue as to how the private sector migration operators are integrated into these reform. Every operation is executed and implemented by government agencies and organs.⁴³⁴ These efforts would yield greater results if the private sector is properly integrated into these operations and services. Scholars have noted that a lot is still desired in deploying technology and appropriate mechanisms for the Nigeria Immigration Service operations,⁴³⁵ not

430 Nwaeke, I. L., *Environmental Dynamics, Organizational Adaptation, and Business Effectiveness in Nigeria*, AFRREV IJAH, An International Journal of Arts and Humanities, Bahir Dar, Ethiopia, Vol. 2 (2), S/No 6, 2013: 316-338 ISSN:(2013) <ajol-file-journals_articles_submis10-20140815.pdf> accessed 12 February, 2023

431 Temitope O., *Foreign Direct Investment (FDI) in Nigeria: Opportunities, Challenges and Way Forward*, (2021) International Journal of Law, ISSN: 24, Vol. 7, Is. 5, Pg. 116-121 www.lawjournals.org accessed 9 January, 2023

432 The Presidential Enabling Business Environment Council (PEBEC) was set up in July 2016 by President Muhammadu Buhari, to remove bureaucratic constraints to doing business in Nigeria, and make the country a progressively easier place to start and grow a business. <<https://statehouse.gov.ng/policy/councils-committees/presidential-enabling-business-environment-council/>> accessed 24 February 2023

433 *Enabling Business Environment Secretariat* pg.60 (2018)<<https://www.abcnig.com/wp-content/uploads/2019/04/PEBEC-Annual-Report-June-2018-final.pdf>> accessed 29 July, 2023

434 Ogunro, V., *Nigeria's Business Environment: Issues Challenges and Prospects*. International Journal of Academic Research in Business and Social Sciences. (2014) <www.researchgate.net/publication/Nigeria's_Business_EnvironmentIssues_Challenges_and_Prospects/>accessed 11 August 2023

435 Abid H.,Mohd J., Mohd A. Q., Rajiv S., *Understanding the role of digital technologies in education: A review, Sustainable Operations and Computers*, Volume 3, Pages 275-285(2022) <<https://sciencedirect.com/science/article/pii/S26637>> accessed 17 March 2023

ignoring the necessity for adequate training for the officers of Nigeria Immigration Service.⁴³⁶ These are viable areas where the private sector could make very profound contributions, regrettably, there are no indications that such involvements exist. The Nigeria Immigration Service, appears to be a closed-system as most of the operations are directly handled by the officers of the Service, which is one hundred percent public sector.⁴³⁷

Let us reiterate the provisions of Section 102 of the Immigration Act 2015 as it relates to Public Private Partnership and sharing formula:

- (1). The Service shall collaborate with Public and Private sector interest groups on a Public-Private Partnership Platform to attract funds for acquisition, provision and development of infrastructure and equipment to enable the Service provide appropriate professional skills and modern migration management facilities.⁴³⁸

4.7 Migration Laws and Practice in Nigeria: A Gulf of Disconnect

Professor Epiphany Azinge gave an analysis of the 2015 Immigration Act which was made 52 years after the 1963 Act.⁴³⁹ He noted that there are many additions in the 116 Sections of the 2015 Immigration Act which came into effect on May 25, 2015. The highlights of the act include:

436 Ogunkanmi, A. T., The Impact of Information Technology on Recruitment and Training: A Case of Nigeria Immigration Service (2020) International Journal of Economics, Commerce and Management Unite 26 Vol. VIII, Is. <<https://ijecm.co.uk/wp-content/uploads/2020/>> accessed 17 March 2023

437 Faist, T., Pitkänen, P., Gerdes, J., &Reisenauer, E. (Eds.). (2010). Transnationalisation and institutional transformations (COMCAD Working Papers, 87). Bielefeld: Universität Bielefeld, Fak. fürSoziologie, Centre on Migration, Citizenship and Development (COMCAD). (2010) <<https://nbn-resolving.org/urn:nbn:de:0168-ssoar-364086>> accessed 27 March 2023

438 Abdullahi, Bawa&Azriyati, Wan, The role of private sector participation in achieving anticipated outcomes for low-income group: A comparative analysis of housing sector between Malaysia and Nigeria. African journal of businessmanagement.(2019)-<https://www.researchgate.net/publication/2the_role_of_private_sector_participation_in_achieving_anticipated_outcomes_for_low-income_group_A_comparative_analysis_ofhousingsector_between_Malaysia_and_Nigeria/> accessed 12 February 2023

439 Olubunmi E. Onafuwa, Socio-Legal Barriers to the Expansion of Legal Aid in Nigeria: Initiating Legal Reform Through the Customary Court System (2020) School of Business and Law, University of East London (pdf)<https://repository.uel.ac.uk/download/30e60281a14/348821_PhD_Onafuwa.pdf> accessed 18 January 2023

a well-defined structure of the Nigeria Immigration Service, clear command structure of the NIS, detailed passport offences, conditions for entry and departure from the country, control of visitors and transit, control of crews and stowaways, determination of Nationality, residency and employment of foreign Nationals, deportation processes, outlay of migration offences and penalties, migration and smuggling provisions, enforcement and restitution of compensation order, seizure of property of arrested persons, forfeiture of foreign assets, body corporate offences, and interpretation clause.⁴⁴⁰ Professor Azinge noted with concerns the silence of the 2015 Act on issues concerning Nigeria land borders and the role of the Nigeria Immigration Services, these according to him, is an issue to consider in the face of national security challenges.⁴⁴¹ The 2015 Immigration Act also failed to address issues bordering on illegal entry through unauthorized routes, and the procedure for preventing illegal entry into the country.⁴⁴² The 2015 Act is also silent on the relationship between the Nigeria Immigration Act and the ECOWAS Treaty on Free Movement of Persons, Goods and Services, this in spite of the fact that the Nigeria passport bears the tag ECOWAS.⁴⁴³

An address by Professor Epiphany Azinge, SAN delivered on March 12, 2021 and published by the This Day newspaper on April 06, 2021⁴⁴⁴ is so instructive in following the trajectory on Migration law in Nigeria. He delivered the address at the Centre of Immigration Law Studies, Gregory University, Uturu, Abia State, which was renamed after him as Professor Epiphany

440 Development as a Human Right: Legal, Political, and Economic Dimensions. Belgium: Intersentia.(2010) <https://www.google.com.ng/books/edition/Development_as_a_Human_Right_Act> accessed 11 April 2023

441 Babatola, Jadesola, Challenges of Nigeria Borders and Frontier Security. (2015) <www.researchgate.net/publication/3114_Challenges_ofNigeria_Borders_andFrontier_Security/citation/download>accessed 10 January, 2023

442 Jideofor A., Mohammed B.B., Ezike, H., Chigozie, P., Illegal Migration to Europe and Nigeria's Policy Response: Trends and Analysis (2023) African Journal of Politics and Administrative Studies (AJPAS) (2023) <<https://www.ajpase.bsu.org.ng/> p-ISSN: 2787-0367; e-ISSN: 2787-0359> accessed 31 December 2023

443 Teye, J., (2022). Migration in West Africa: An Introduction (2022) <https://www.researchgate.net/publication/361771961_Migration_in_West_Africa_An_Introduction/> accessed 17 July 2023

444 ThisDay Newspaper, vl.26, n0. 9554, (2021) <<https://issuu.com/thisdaylive/docs/tcla-0606/1>> accessed 15 January 2023

Azinge Centre for Immigration Law and Policy.⁴⁴⁵ The address is titled The Future of Immigration Law in Nigeria, same as chapter 13 of his book published in 1998, which was considered a pioneer work on migration law in Nigeria; ‘Azinge’s Immigration Law and Practice In Nigeria’.⁴⁴⁶

He admitted that the world has witnessed unprecedented migrants trafficking and human smuggling. These constitute immigration challenges. He added that these challenges impact on the National Security Architecture of Nigeria, in addition to Covid-19 implications and the problems caused by the country’s membership of ECOWAS which allows for free movement of goods and persons within the region.

4.8. How Private Sector Involvement Can Enhance Migration Development- The Public-Private Partnership Approach

The usual essence of Public-Private-Partnership (PPP) is to replace or enhance public infrastructures like high-ways, railways, bridges, seaports, airports, sewerage, hospitals, schools and any such infrastructure or amenity which require huge upfront investments.⁴⁴⁷ Public-Private-Partnership (will subsequently be referred to as PPP in this work) has been described as a tool to deliver the much needed infrastructural services necessary for the fulfillment of the aspirations of millions of people in Nigeria.⁴⁴⁸ One of the most important functions of government towards national development is the provision of services and infrastructural

445 Ephiphany A., Nigeria: The Future of Immigration Law and Policy in Nigeria (I) (2021) <<https://allafrica.com/stories/202104060617.html>> accessed 19 April 2023

446 *ibid* 443

447 Madu, Itu&Kenigua, W., The Role of Public-Private Partnership (PPP) on Infrastructural Development in Nigeria. 23-43. (2021) <https://www.researchgate.net/publication/361741210> accessed 11 March 2023

448 Akpoghome, Theresa &Nwano, Theophilus, Public-Private-Partnership (PPP) in Nigeria. KAS African Law Study Library - LibrairieAfricained’EtudesJuridiques. 6. 482-501.(2019)https://www.researchgate.net/publication/338562002_Public-Private-Partnership_PPP_in_Nigeria accessed 11 March 2023

facilities, however, governments worldwide, which include Nigeria, are short on money for the desired basic services and infrastructural development.⁴⁴⁹ The role of the private sector in the development and provision of public facilities and services has assumed a significant dimension in the developed and developing countries.⁴⁵⁰ A major concern in the provision of basic services by the public sector is the poor quality and quantity of those services, this in turn impacts negatively on sustainable development.⁴⁵¹ These concerns have been attributed to paucity of public funds, corruption in the public sector and sometimes, lack of the required expertise.⁴⁵² Public-Private-Partnership tends to provide solution to these concerns as government began to explore more appropriate ‘alternatives for accessing private sector resources in the delivery and operation of public facilities’ and provision of public services.⁴⁵³ PPP is not a substitute for government policy making and implementation; rather it is a way to effectively deliver public infrastructure, facilities and services which remain the responsibilities of government.⁴⁵⁴

Public-Private Partnership, as defined by the Organization for Economic Development and Cooperation (OECD) is, ‘an agreement between the government and one or more private

449 Asaju, Kayode, Infrastructural development and development administration: A retrospective. *Journal of Foresight and Thought Leadership*. (2023) <https://www.researchgate.net/publication/Infrastructural_development_and_development_administration_A_retrospective/> accessed 15 December 2023

450 James Leigland, (2018). Public-Private Partnerships in Developing Countries: The Emerging Evidence-based Critique, *The World Bank Research Observer*, Volume 33, Issue 1, February 2018, Pages 103–134, (2018) <<https://academic.oup.com/wbro/article/33/1/1689>> accessed 11 March 2023

451 Kannan G., Mahesh S., Abhijit M., Social sustainability tensions in multi-tier supply chain: A systematic literature review towards conceptual framework development,(2021)*Journal of Cleaner Production*, Vol. 279, ISSN 0959-6526, (2021) <<https://www.sciencedirect.com/science/article/pii/>> accessed 11 March 2023

452 Eze, B. and Olumide, O., Evaluating the impacts of rural-urban migration on agricultural productivity in Akoko Southwest local government area of Ondo State, Southwestern Nigeria. *International Journal of Social Science and Economic Research* 2(05) (2017) <https://www.mignex.org/sites/default/files/2023-02/d053f-mbp-migration-related-policies-in-nigeria-v2_0.pdf> accessed 17 February 2023

453 Babatunde, Solomon &Opawole, Akintayo&Akinsiku, Olusegun. Critical success factors in public-private partnership (PPP) on infrastructure delivery in Nigeria. *Journal of Facilities Management*. 10. /1472. (2012) <https://www.researchgate.net/publication/235263928_Critical_success_factors_in_public-private_partnershipPPPoninfrastructuredeliveryinNigeria> accessed 11 March 2023

454 Madu I, (CA) *Journal of Global Social Sciences*, Vol 2, Number 5, 23-43 ISSN: Print 2735-9328, Online 2735-9336(2021) <[Administrator/Downloads/Article+2.pdf](#)> accessed 12 March 2023

partners according to which the private partners deliver the service in such a manner that the service delivery objectives of the government are aligned with the profit objectives of the private partners and where the effectiveness of the alignment depends on a sufficient transfer of risk to the private partners.⁴⁵⁵

The International Monetary Fund (IMF) described the Public-Private-Partnership as ‘a contractual arrangement in which the private sector provides infrastructure assets and services that were previously delivered by the government.’⁴⁵⁶ A concept which appears to be the simplest and most comprehensive was provided by the Asian Development Bank (ADB); the ADB defines Public-Private-Partnership as ‘a range of possible relationships among public and private entities in the context of infrastructure and other services’.⁴⁵⁷ It states that PPP provides a framework for the engagement of the private sector in the delivery of public infrastructures and services through contracts which acknowledge the structure and roles of the private partners and government counterparts in ensuring that the social obligations are met by allocating the tasks, obligations and risks among the public and private partners with the most suitable outcome.⁴⁵⁸ It is pertinent to emphasize that PPP is collaboration between the public and the private sectors for the purpose of delivering social goods through the provision of infrastructure, facilities and services which are originally exclusive responsibilities of governments.⁴⁵⁹

455 Ibid. 452

456 Bernardin A., Richard H. and Gerd S. Public Investment and Public-Private Partnerships, Economic Issues, International Monetary Fund, ISSN-5098 (2021) <<https://www.imf.org/external/pubs/ft/issues/issues40/ei40.pdf>> accessed 14 March 2023

457 Theresa U. A., Theophilus C.N., Public-Private-Partnership (PPP) in Nigeria, <[https://web.archive.org/web/20210id_\(2021\)https://www.nomos-elibrary.de/10.5771/2363-2019-4-482.pdf](https://web.archive.org/web/20210id_(2021)https://www.nomos-elibrary.de/10.5771/2363-2019-4-482.pdf)> accessed 12 March 2023

458 Jose, L. N. and Jose, A. M. ‘Public Private Partnerships and Regional Productivity in the United Kingdom’, <<http://www.reser.net/file/75439/>> (Last accessed 2nd July, 2019)> accessed 11 March 2023

459 Oyedele, Olufemi., Public-Private Partnership (PPP) and Infrastructure Provision in Nigeria <www.researchgate.net/publication/3Public-Private_PartnershipPPPand_Infrastructure_Provision_in_Nigeria> accessed 12 March 2023

The Nigerian legislations do not give any definition of the concept Public-Private-Partnership. The Infrastructural Concession Regulatory Act 2008 (ICRA) which is considered as the primary legislation on PPP in Nigeria,⁴⁶⁰ describes PPP as follows: “The participation of the private sector in financing the construction, development, operation, or maintenance of infrastructure or development projects of the federal government through concession or contractual arrangements,”⁴⁶¹

4.9. Essence of Public-Private-Partnership (PPP) in Nigeria: A Case for the Involvement of Private Operators in Migration

From the studies conducted so far, involvement of the private sector in migration operations and practices in Nigeria is not evident,⁴⁶² resultantly, the polity is missing out on inherent benefits that would have accrued to all stakeholders in the migration industry. With several real, apparent and ‘pseudo’ migration practitioners in the country, it is intriguing that there is no operator that is recognized by the Nigeria Immigration Service in all its operations.⁴⁶³ What is the impact of Public-Private-Partnership in the Nigerian migration sector? To answer this question, a clear understanding of basic features of PPP is necessary. Some of these are stated by the Malaysian

460 National Assembly of Nigeria, Infrastructure Concession Regulatory Commission Act 2005. (200)<<http://laws.nigeria.placng.org/laws/>> accessed 17 March 2023

461Nwankwo, Wilson & Kifordu, A.A., Strengthening Private Sector participation in Public Infrastructure Projects through Concession Policies and Legislations in Nigeria: A Review. Journal of Advanced Research in Dynamical and Control Systems. (2013) https://www.researchgate.net/publication/9094Strengthening_Private_Sector_participation_Public_Infrastructure_Projects_through_Concession_Policies_and_LegislationsinNigeria/ accessed 12 March 2023

462 National Workshop, (2023) A Nigerian Perspective on Expanded Regular Migration Pathways, IOM UN Migration<<https://nigeria.iom.int/sites/g/files/files/documents/2024-05/a-nigerian-perspective-on-expanded-regular-migration-pathways.pdf>> accessed 11 December 2023

463 Tatiana-Camelia D. (2021) Migration in Statistics Indexes’ Term – Romania Study Case Journal of Public Administration, Finance and Law pg. 19-33

Public-Private-Partnership Guidelines⁴⁶⁴ as follows:

4.9.1 Features of Public-Private-Partnership

Here are a few important features of Public-Private-Partnership which are essential for a meaningful engagement between the public and private sectors:

- i. Risk sharing between both partners;⁴⁶⁵
- ii. The public sector procures specified outputs and outcomes of a service for the contract period whilst the private sector determines the required innovative inputs to achieve the specified output.⁴⁶⁶
- iii. Payment for services is based on predetermined standards and performances;⁴⁶⁷
- iv. PPP promotes a ‘maintenance culture’ where the private sector will be responsible for the long term maintenance of the assets throughout the operational period agreed upon by the parties;⁴⁶⁸

464 Ahmad, Usman & Ibrahim, Yusnidah & Abu Bakar, Arpah. (2018). Malaysian public private partnership. *Academy of Accounting and Financial Studies Journal*. 22. <https://www.researchgate.net/publication/324827719_Malaysian_public_private_partnership/> accessed 29 June 2023

465 Wang, H., Xiong, W., Wu, G., & Zhu, D. (2017). Public-private partnership in Public Administration discipline: a literature review. *Public Management Review*, 20(2), 293–316. <https://doi.org/10.1080/1471_9037.2017.1313445> accessed 11 March 2023

466 Sakhile Manyathi, Alewyn P.J. Burger, Nimrod L. Moritmer (2021) Public sector procurement: A private sector procurement perspective for improved service delivery, *Africa's Public Service Delivery and Performance Review* <<https://apsdpr.org/index.php/apsdpr/article/view/521/878>> accessed 23 March 2023

467 Sofik H., Harry S., Erlane K. G., Slamet S., A business strategy, operational efficiency, ownership structure, and manufacturing performance: The moderating role of market uncertainty and competition intensity and its implication on open innovation, *Journal of Open Innovation: Technology, Market, and Complexity*, Vol. 9, Is. 2, ISSN 2199-8531, (2023) <https://sciencedirect.com/science/article/pii/S21998531202300045> accessed 13 December 2023

468 Abel E. O., Cross O. D., Hadiza S. A., Evaluating the Management of Public Private Partnerships for the Provision of Affordable Housing in Nigeria, *Journal of Service Science and Management*, Vol.15 No.4 (2022) <<https://www.scirp.org/journal/papercitationdetails?&JournalID=28>> accessed 12 May, 2023

v. In some instances, there is an option for the transfer of the infrastructure assets back to the public sector at the end of the contract period;⁴⁶⁹

vi. PPP involves a Whole Life Cycle Costing (“WLCC”) whereby PPP projects are usually awarded based on lowest total cost over the contract period to lowest construction cost under traditional procurement.”⁴⁷⁰

According to Atoyebi⁴⁷¹ (SAN), ‘a public-private partnership can be defined as a collaboration between the public and private sectors, in which the government and private sector work together to complete a project based on an agreed –upon division of tasks and risks, as long as each party retains its own identity and responsibilities.’⁴⁷²

4.9.2 Legal and Institutional Framework for Public-Private Partnership in Migration Practices and Operations

There are enactments which can be exploited to create a structure for a meaningful Public-Private engagement in migration operations. Some of the enactments are:

a. The Public Procurement Act 2007⁴⁷³- The Act is applicable and limited to procurement of goods and services delivered by the Federal Government of Nigeria as provided in Part 3, Section 15 sub-sections (1) & (2) of the Procurement Act.⁴⁷⁴ The question is whether or not the

469 George N., Public-Private Partnerships in Nigeria: The Journey so Far, ISSN: 2736-0342 NAU.JCPL Vol. 8 (3) (2021) Nnamidi Azikwe University Awka, Journal of Business and Property Law;<<https://journals.unizik.edu.ng>> accessed 14 June 2023

470 ibid 464

471 Femi Atoyebi is the founding partner of Femi Atoyebi & Co. He was conferred with the rank of Senior Advocate of Nigeria (SAN) in 2003. <<https://femiatoyebi.com.ng/pfa/>> accessed 17 February 2023

472 Unini C., Public-Private Partnerships: Emergence, Legality & Intricacies, The Nigeria Lawyer (2022) <https://thenigerialawyer.com/public-private-partnerships-emergence-legality-intricacies/> accessed 10th. April 2023

473 Onyedikachi O., Ngozi M. I., Legal Overview of the Public Procurement Act, 2007 (as Amended 2016), Laws of the Federation of Nigeria, 2004 (2016)

474 Public Procurement Act, PART III—SCOPE OF APPLICATION (Legal proceedings. Scope of application. A 216 2007 No. 14

private sector in migration has been engaged to exploit the provisions of the Public Procurement Act? The answer is in the negative.

b. The Fiscal Responsibility Act 2007 - This Act is concerned with the prudent management of the country's resources through accountability and transparency in fiscal operations which includes setting limits on the country's spending and borrowing.⁴⁷⁵ The Fiscal Responsibility Act establishes the Fiscal Responsibility Commission in furtherance of its objectives.⁴⁷⁶ One of the challenges of private sector involvement in migration practices is management of resources.⁴⁷⁷ This problem can be eliminated by engaging the provisions of the Fiscal Responsibility Act 2007.⁴⁷⁸

c. The Infrastructure Concession Regulatory Commission Act 2005 -The Infrastructure Concession Regulatory Commission Act enacted in 2005 provides a fundamental legal framework for Private Sector Participation in Infrastructure Development in Nigeria. The Act empowers government ministries and agencies to enter into contracts with the private sector for the financing, construction, operation and maintenance of infrastructures, through the Infrastructure Concession Regulatory Commission, a 12-member board headed by a part-time

475 Andrew, Chenge&Gadzama, Christopher Linus., Fiscal laws and fiscal responsibility: Instrumentality of fiscal responsibility act (FRA), 2007 on public expenditure in Nigeria. International Journal of Law. 9. 219-225. (2023) www.researchgate.net/publication/371_Fiscal_laws_and_fiscal_responsibility_Instrumentalityoffiscal_responsibility_act_FRA_2007_on_public_expenditure_in_Nigeria/ accessed 13 March, 2023

476 Ayogu G. I., Fiscal Responsibility Commission and the Disclosure of Information on Public Revenues and Expenditures in Nigeria, 2007-2014, The International Journal of Humanities & Social Studies, ISSN 2321 - 9203 (2014) <[www.theijhss.com//Administrator/Downloads/tijhss,+HS1808-\(2\).pdf](http://www.theijhss.com//Administrator/Downloads/tijhss,+HS1808-(2).pdf)> accessed 17 April, 2023

477 Vasić, Mile &Duica, Mircea& Berber, Nemanja&Eudukidze, Nino &Vasić,Sergej& Weis, Lidija. Migrant workers and workforce integration: Challenges for managers in European companies. Strategic Management. (2022) <https://www.researchgate.net/publication/3Migrant_workers_and_workforce_integration_Challenges_formanagers_in_European_companies> accessed 27 April 2023

478 Okpala, Kenneth & Dare, Adegbola&Afolabi, Taofeek, Relationship between Fiscal Responsibility Act and Public Sector Financial Management Practice: An Empirical Justification. Uniport Journal of Business, Accounting &FinanceManagement.8.105-120.(2021)<https://www.researchgate.net/publication/relationshipbetweenfiscal_responsibilityact&publicsectorfinancialmanagementpracticeanempiricaljustification> accessed 17 May, 2023

Chairman. The Commission is mandated to ensure an efficient execution of the contract agreement and to take custody of every concession contract entered into by the Government ministry or agency, and also to monitor compliance with the Act.⁴⁷⁹

d. The Debt Management Office Act 2003 - The Debt Management Office was established by the Debt Management Act 2015 with the aim of efficient management of the country's external and domestic debts.⁴⁸⁰ The Debt Management Office has the responsibility, amongst others, to maintain reliable database of all loans taken or guaranteed by the Federal, State Governments or any of their agencies, and also to efficiently manage government debts.⁴⁸¹ This Act becomes expedient as Public-Private-Partnership often entails borrowing both externally and domestically.⁴⁸²

e. The Public Enterprises (Privatization and Commercialization) Act 1999 - This is also known as the Privatization Act, it provides the legal framework for the privatization and commercialization of assets belonging to the Federal Government of Nigeria. The Act creates the National Council of Privatization (NCP), which is the apex body charged with the responsibility of implementing the Federal Government's policies on privatization and also approves all transaction on Federal assets.⁴⁸³ The Privatization Act also establishes the Bureau of Public

479 Infrastructure Concession and Regulatory Commission Act (2015), s 14 & 15

480 Daniel O., (2021) Legal and economic perspectives to sustainable sovereign debt management in Nigeria: Energy Poverty in Perspective, The Journal of Sustainable Development, Law and Policy,(2021)<<https://dx.doi.org/10.4314/jsdlp.v12i1.6>> accessed 24 March, 2023

481 Debt Management Office Act (2003), LFN 2004 s. 6 & 7

482 James Leigland, Public-Private Partnerships in Developing Countries: The Emerging Evidence-based Critique, The World Bank Research Observer, Volume 33, Issue 1, February 2018, Pages 103–134, (2018)<<https://doi.org/10.1093/wbro/1008>> accessed 12 April, 2023

483 Nwangwu, G., The Legal Framework for Public-Private Partnerships (PPPs) in Nigeria: Untangling the Complex Web. European Procurement & Public Private Partnership Law Review, 7(4), 268–277. (2012) <<https://www.jstor.org/stable/26694414>> accessed 27 May 2023

Enterprises, an organ charged with the duty of performing secretariat functions of the National Council of Privatization by carrying out the actual day-to-day privatization activities of the government.⁴⁸⁴

f. The National Planning Commission Act 1993 - This Act establishes the National Planning Commission by Act No.12 1992 as amended by Act No. 71 1993. The Commission is charged with the duty to design, coordinate and monitor the National infrastructure master plan.⁴⁸⁵ This necessitates that all Public-Private-Partnership projects are included in the master plan designed by the National Planning Commission.

g. Utilities Charges Commission Act 1992 - The Commission regulates tariff on public utilities to the extent that the approval of the Commission is required in fixing the tariffs between the private sectors and the Government.⁴⁸⁶

4.10 Problems of Public-Private Partnership in Nigeria: Apparent Challenges to Private Sector Involvement in Migration Operations

From the foregoing, one can safely allude to the fact that Nigeria has sufficient legal framework to engage the private sector in migration operations in a very robust way, however, the effectiveness of this legal provisions are not evident as there seems to be zero existence of such

484 Jerome, A., Privatization and Enterprise Performance in Nigeria: Case Study of Some Privatized Enterprises. African Economic Research Consortium, Research Papers. (2008) <https://www.researchgate.net/publication/4902429_Privatization_and_Enterprise_Performance_in_Nigeria_Case_Study_of_Some_Privatized_Enterprises> accessed 10 May 2023

485 Reviewed National Integrated Infrastructure Master Plan (2022)<<https://nationalplanning.gov.ng/wp-content/2022/10/>> accessed 22 May 2023

486 Utilities Charges Commission Act (1992), No. 104, Policy and Legal Advocacy Centre. <https://placng.org/laws/ofnigeria/view2.php?sn=545> accessed 11 January 2023

engagements.⁴⁸⁷ This situation then prompts the desire to find out what are the real and apparent problems of private-sector involvement in migration operations in the country. The Nigeria Immigration Services tends to be content with handling all immigration operations directly through its officers and men,⁴⁸⁸ notwithstanding the hardship this creates for Nigerians and foreigners who need these services. In discussing with private operators in the various migration sectors, many of those who insist on anonymity, it is obvious that officers of the Nigeria Immigration Services enjoy pecuniary gains in rendering these services at the expense of the patronizing public. Hence corruption has been cited as the reason behind the non-involvement of the private sector in migration practices and operations. The apparent refusal of the officers of the Nigeria Immigration Services in embracing the private sector partnership did not do much to debunk this allegation.⁴⁸⁹ Observations at the Nigeria Immigration Services at Ikoyi, Lagos, usually referred to as Passport Office, showed that an average of 2,500 Nigerians throng the office on daily basis for the purpose of securing the International Passport. This leads to a tedious process of registration, data-capturing and collection of passports. A visitor to the Passport Office would immediately notice the chaotic situation created by the crowd on daily basis, and how this puts pressure on individuals who must seek extra and inordinate assistance from officers of the NIS to facilitate a less laborious process, of course this assistance will not be given free of charge. The resultant effect is that Nigerians then pay between N45, 000 to N120, 000 for International Passport. One is further bewildered by the secrecy with which the activities of the officers at the passport office is garbed, for instance, no payment receipts of the

487 Adamu, M., Effective Institutional and Legal Regulatory Framework: A Panacea to Efficient Road Infrastructure Development 52-60. (2016) <www.researchgate.net/publication/304_023243> accessed 17 September 2023

488 Ogunkanmi, A. T., The Impact of Information Technology on Recruitment and Training: A Case of Nigeria Immigration Service, *International Journal of Economics, Commerce and Management United Kingdom* ISSN 2348 Vol.VIII, Issue 7, page 326-329. (2020) <<http://ijecm.co.uk/wp-content/uploads/2020/3.pdf>> accessed 24 April 2023

489 Yagboyaju, D. A., & Akinola, A. O., *Nigerian State and the Crisis of Governance: A Critical Exposition*. Sage Open, 9(3). (2022) <https://doi.org/10.1177/2158244019865810> accessed 10 July 2023

actual amount paid, are given by the NIS upon payment for the International Passport process. Also, the Nigerian Immigration Services portal which is hyped for registration and data collection does not execute these functions. Interestingly, the same International Passport registration and payment can be done and completed by Nigerians in Diaspora via the online platform of the Service, example is Nigeria High Commission Ottawa, Canada.⁴⁹⁰

It is the opinion of some private practitioners in the travel and visa industry, that the processes of acquiring the International passport can be liberalized by engaging members of the Association of Professional Visa Consultants of Nigeria (APVCoN) and the National Association of Travel Agencies of Nigeria (NANTA) in the registration and collection processes for International Passports by Nigerians. The only reason this would not be done is the fact that it would remove the bottleneck in the process, and eradicate the opportunity for extortion by officers and men of Nigeria Immigration Service and their touts.

Other apparent problems are (i) Inadequate knowledge, skills and capacity,⁴⁹¹ (ii) Poor evaluation and lack of due diligence by appropriate government ministries, departments and agencies⁴⁹² (iii) Non-competitive bidding⁴⁹³ (v) Difficulty in accessing credit facility from banks locally and internationally⁴⁹⁴ (vi) Risk allocation between the concessionaire and

490 <https://nigeriahcottawa.ca/2023/02/27/nin-must-match-data-on-passport/> accessed 30 July 2023

491 Ojima D., Okonkwo O., Duru E., Public-Private Partnerships in Nigeria: Prospects and Challenges. (2024) <https://www.researchgate.net/publication/PublicPrivate_Partnerships_in_Nigeria_Prospects_and_Challenges> accessed 15 April, 2024

492 Gro H. V., Morten W., Public project success? Measuring the nuances of success through ex post evaluation, International Journal of Project Management, Vol. 40, Is. 6, Pages ISSN 0263-7863 (2020) <<https://www.sciencedirect.com/science/article/pii/S2>> accessed 24 May 2023

493 Jeff Z. Public-private partnership projects: Towards a model of contractor bidding decision-making, Journal of Purchasing and Supply Management, Vol. 12, Is. 2, Pages 53-62, ISSN 1478-4092, (2006) www.sciencedirect.com/science/article/pii/S1410 accessed 28 April, 2023

494 Boubacar D., Omar A., Local growth and access to credit: Theory and evidence, Journal of Macroeconomics, Volume 54, Part B, Pages 410-423, ISSN 0164-0704, (2017) <<https://www.sciencedirect.com/science/article/pii/S0164070416301094>> accessed 24 April 2023

government⁴⁹⁵(vii) Politicization of concessions⁴⁹⁶ (viii) Lack of confidence amongst the partners⁴⁹⁷ (ix) Ambiguous project objectives and method of delivery⁴⁹⁸ (x) Conflicting interests of the private and public sectors.⁴⁹⁹

4.10.1 Solving the Public Private Partnership problems: A Case for the Involvement of the Private Sector in Migration Practices and Operations

Having identified the problems of private sector involvement in public operations, it is expedient to also attempt to find solution to these identified problems. The problems stated here affect public-private-partnership in all sectors, so also the solutions can be applied generally. Moreover, effort is made to tailor these information more specifically to migration practices and operations:

a. Engaging a competent Transaction Advisory Team:⁵⁰⁰ - Due to the complex nature of Public-Private-Partnership transactions; the principal contract, the ancillary contracts, and the sub-contracts must be drafted and negotiated carefully to ensure alignment.⁵⁰¹ Attention must be paid to details to avoid possible contradictions in the principal and subsidiary contracts. A clause

495 Alamutu S. A. Evaluation of Risks Management Strategies in Lekki-Epe Concession Public-Private Partnership (PPP) Project, Nigeria, *International Journal of Economics, Commerce and Management*, United Kingdom Vol. VI, Issue 8, Licensed under Creative Common Page 293(2018)<<https://ijecm.co.uk/wp-content/uploads/2018/08/6819>> accessed 29 May 2023

496 Willems, Tom & Van Dooren, Wouter, (De) Politicization Dynamics in Public-Private Partnerships (PPPs): Lessons from a comparison between UK and Flemish PPP policy. *Public Management Review*. (2014)<https://www.researchgate.net/publication/267107578_DePoliticization_Dynamics_in_Public-Private_Partnerships_PPPs_Lessonsfrom_a_comparison_between_UK_and_Flemish_PPP_policy/> accessed 29 September 2023

497 Moseley, Mark. (2020). Restoring Confidence in Public-Private Partnerships Reforming Risk Allocation and Creating More Collaborative PPPs. (2020)<https://www.researchgate.net/publication/RestoringConfidencein_PublicPrivatePartnershipsReformingRiskAllocationandCreatingMoreCollaborativePPPs> accessed 2 October 2023

498 Ibid 478

499 Chris AC-O. Public and Private Sector Performance in Nigeria: Problems, Challenges and Strategies for Improved Performance, *African Journal of Economics and Sustainable Development* ISSN: 2689-5080 Vol. 3, Issue 2, (pp. 15-29) (2020) www.abjournals.org accessed 27 September 2023

500 David J. & Tom G., The Turnaround Team — Understanding Advisors' Roles in a Distressed Transaction (2021)<<https://www.abfjournal.com/articles/the-turnaround-team-understanding-advisors-roles-in-a-distressed-transaction/>> accessed 27 September 2023

501 Akpoghome, Theresa & Nwano, Theophilus, Public-Private-Partnership (PPP) in Nigeria. *KAS African Law Study Library - Librairie Africaine d'Etudes Juridiques*. (2019) <https://www.researchgate.net/publication/338562002_Public-Private-Partnership_Ppp_in_Nigeria> accessed 15 April 2023

in the principal contract must have the same effect and meaning in the ancillary and sub-contracts. This necessitates that capable and experienced hands are engaged in drafting the PPP contract, this is referred to as the Transaction Advisory Team.⁵⁰²

b. Taking cognizance of legislations, rules and regulations- It is important to note that adherence to statutes and regulations at the federal, state and local levels, by all parties involved in the PPP arrangement are ensured. This will prevent unnecessary delay resulting from bureaucracy. The provisions of Section 102 of the Immigration Act 2015, and other similar provisions in applicable statutes will be a way to begin the process of private sector involvement in migration operations.

In the course of this research, after an unproductive attempt to obtain official information from the Nigeria Immigration Office at Ikoyi Lagos, frantic and persistent efforts were made within a period of 6 months to reach out to the Nigeria Immigration Services through the Federal office at the Federal Capital Territory, Abuja and the Immigration office in Ibadan, Oyo State. The result left much more to be desired. While I acknowledge the reception and willingness of the officers, there seemed to be some official conventions against public-private engagement for exchange of information. The body language of the officers on finding out my mission was that of withdrawal. The interview questions were submitted on several occasions but was not neither answered nor returned. The instrument is provided and marked Appendix A in this work. The essence of my interaction with the Nigeria Immigration Service was to find out, amongst other fact, what, if any, is the extent, quality and effect of the private sector involvement in migration practices. There seems to be no structure for engaging the public, other than processing the international passport for interested members of the public.

⁵⁰² ibid 213

Other Areas of Possible Private-Sector Involvement include border control, and delivery of other statutory functions of the NIS. It is common knowledge that the Nigeria Immigration Services has not been able to meet the demands of its primary functions, especially, issuance of International passports to Nigerians at home and in diaspora. In a recent newspaper report; “A program manager with a Non-Governmental organization, Benita Ezumezu has slammed a N5 million suit against the Nigeria Immigration Service and the Minister of Interior as general damages for all the losses incurred due to the non-issuance of her International Passport.⁵⁰³ In an Originating Summons marked, FHC/ABJ/CS/75/2023,⁵⁰⁴ the plaintiff wants a court order, directing the Immigration Service to issue her International Passport to her as stipulated in Section 9(4) of the Immigration Act, 2015 as well as an order directing the Interior Minister to ensure adherence of the Immigration Service to issuance of passport forthwith as stipulated in the Immigration Act within six weeks announced by the minister and published by the Immigration Service website.” A newspaper report in 2022 stated that about one million and nine hundred passport booklet were issued by the NIS within 18 months. While this number may be appreciable, it may not be encouraging when compared with the number of Nigerian who applied for the international passport within the given period. Worse is the waiting time Nigerians have to endure before getting the international passports.

The Federal Government, in its National Development Plan 2021-2025,⁵⁰⁵ seeks to address the multifarious development challenges facing the country, one of such is the challenge of appalling public service delivery in most sectors, migration sector inclusive. Accessing public services can

503 NurudeenAkewushola, Delayed Passport: Woman sues Aregbesola, NIS for N5m compensation after missing opportunities. International Centre for Investigative Reporting March 11, (2023) <www.icirnigeria.org/delayed-passport-womansues-aregbesola-nis-for-n5m-compensation-after-missing-opportunities/>accessed 12 August 2023

504 Ibid 501

505 Federal Ministry of Finance, Budget and National Planning, National Development Plan (NDP) 2021-2025 Volume I (2021) <https://ngfrepository.org.ng:8443/jspui/handle/123456789/5113> accessed 30 March 2023

be so tedious, thus encouraging corruption as citizens feel they need to patronize public officers for them to access services that should ordinarily be available to them.

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CHAPTER FIVE

Summary of Findings

5.1.0 Sufficiency of Legal Framework on Migration

In the earlier chapters of this work, we have discussed migration theories, policies, laws and regulations. From the available statutes, we can safely say that Nigeria does not lack appropriate laws, policies and regulations, what we need most is the will to implementation these policies and adhere to the laws and regulations which would give life to the letters of the policies, laws and regulations.⁵⁰⁶ The Federal Ministry of Foreign Affairs and the Federal Ministry of Justice are concerned with the implementation of international and local laws on migration.⁵⁰⁷ These ministries are responsible for the coordination of the activities of stakeholders subject to international treaties domesticated in Nigeria. International treaties signed and ratified by the Nigerian Government must be domesticated to have the stature of a binding law in Nigeria.⁵⁰⁸ Human right laws, especially the Universal Declaration of Human Right of 1948 form the foundation of migration laws and policies.⁵⁰⁹ And these provision are part of the Constitution of the Federal Republic of Nigeria 1999 under Chapter IV.⁵¹⁰

506Okongwu, O., Are laws the appropriate solution: The need to adopt non-policy measures in aid of the implementation of sex discrimination laws in Nigeria. *International Journal of Discrimination and the Law*. 21. (2020) <www.researchgate.net/publication/ArelawstheappropriatesolutionTheneedtoadoptnon-policymeasuresinaidoftheimplementationofsexdiscriminationlawsinNigeria/> accessed 17 April 2023

507Kalpouzou I., International Criminal Law and the Violence against Migrants. *German Law Journal*. (2020) <<https://www.cambridge.org/core/journals/german-law-journal/article/international-criminal-law-and-the-violence-against-migrants/EA6FCCD5641>> accessed 15 September 2023

508Ozuo I.I., Treaties and International Customs in Nigeria, *ezenwaohaetorc.org* (2022) <<https://journals.ezenwaohaetorc.org/>> accessed 11 July 2023

509McNeilly, K., 'If Only for a Day': The Universal Declaration of Human Rights, Anniversary Commemoration and International Human Rights Law *JF Human Rights Law Review Human DO/ngad0 VO 23 IS 2 SN 1461-7781* (2021) <<https://doi.org/hrlr/ngad003>> accessed 14 February 2024

510Omozuwa A., 'Re-examining the Primary Purpose of Government', *Ships & Ports* (2020) <<https://shipsandports.com.ng/re-examining-primary-purpose-government/>> accessed 19 September 2023

Nigeria is further committed to international migration standards through ratification of agreements and protocols which provides accountability and adherence to the rule of law.⁵¹¹

There are bilateral agreements between Nigeria and other countries in support of the International Labour Organization (ILO)'s Migration for Employment (Revised), 1949 (No. 97), as well as the 1990 United Nations' International Convention on the Protection of the Rights of All Migrant Workers and Members of the Families. In addition is the National Policy on Migration (FLMP, 2015) which is based on additional 21 ILO Convention and 14 International Instruments and the following domestic laws.⁵¹²

These are extant laws and policies which provide the legal framework for the migrant worker.⁵¹³

The National Policy on Migration is an all-encompassing and organic document in its scope and content, providing the desired guidelines and principles to assist government(s) and other stakeholders in the implementation of strategies and plans according national priorities and available resources.⁵¹⁴ This policy guarantees the legal status of migrants, and enables the National Commission for Refugees, Migrants, and Internally Displaced Persons (NCFRMI) to include migration management and the resettlement of internally displaced persons. The National Migration Policy⁵¹⁵ provides for a four-level migration governance structure, namely;

511 Akinrinade, Babafemi, 'Nigeria', in Dinah Shelton (ed.), *International Law and Domestic Legal Systems: Incorporation, Transformation, and Persuasion* (Oxford, 2011; edn, Oxford Academic, (2012) <<https://academic.oup.com/book/25531/chapter-abstract/192813750?redirectedFrom=fulltext>> accessed 29 July 2023

512 Nigeria ratified ILO Conventions concerning migrant workers and private employment agencies, International Labour Standards. On 23 March 2023, Nigeria deposited with the Director-General of the ILO the instruments of ratification of the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) as well as the Private Employment Agencies Convention, 1997 (No. 181). <<https://www.ilo.org/resource/news/nigeria-ratified-iloconventions-concerning-migrant-workers-and-private>> accessed 10 September 2023

513 Ewers, M., Diop, A., Duma, N. et al. Beyond vulnerability: contextualizing migrant worker views on rights and wellbeing in the Gulf Arab states. CMS(2023). <https://doi.org/10.1186/-00344-1> <<https://comparativemigrationstudies.springeropen.com/articles/>> accessed 12 November 2023

514 Ikechukwu, Kanu, Omojola, Immaculata, Bazza, Mike, *The National Migration Policy: A Critical Review* 2019 www.researchgate.net/publication/357832336 accessed 12 May 2023

515 Ibid 98

The Ministerial Committee, the Technical Working Group, the Thematic Groups, (comprising the five thematic groups- a.) Standing Committee on diaspora matters, b.) Labour Migration Working Group, c.) Migration Data Management Working Group, d.) Forced Migration and Assisted Voluntary Return and Reintegration, and, e.) Stakeholders Forum on Border Management), and of more importance to this study is the State and Non-State Actors, whose activities are migration related.⁵¹⁶ Like in many other sectors, these private sector representatives are politicians not migration practitioners.

The National Development Plan (NDP) 2021-2025 confirms the Federal Government's good intentions to bring about appreciable development in all sectors of the economy, and migration should not be left out.⁵¹⁷ And like every other sector where the impact of the private sector has been significant, migration practices and operation need to consciously and actively involve the private sector practitioners and investors. Presently, the involvement of the private sector is not recognized by Nigeria Immigration Services.

The concerns here are of a dual-fold: One, there is a lot the nation can benefit from public-private partnership in migration operations, and two, there are a whole lot of migration activities going on in Nigeria outside the spectrum of government, such activities could not be regulated or moderated by the government timeously. The most obvious involvement of government in migration practices seems to be enforcement of laws against practitioners who seem to have violated migration related laws. Whereas, government would have been able to moderate these

516 Benjamin O., Benadeth E. (2020) Country study Potential for skills partnerships on migration in Nigeria, International Labour Office, Skills and Employability Branch, Employment Policy Department, © International Labour Organization <file:///C:/Users/Administrator/Downloads/wcms> accessed 11 September 2023

517 Olaniyi, O. B., Anifowose, O. M., & Olalekan, W. (2021) An Appraisal of Challenges and Prospects of Taxation in Digital Economy in Nigeria. 9th. Annual International Academic Conference on Accounting and Finance (p. 22). <researchgate.net [PDF]An Appraisal of Challenges and Prospects of Taxation in> accessed 23 August 2023

activities ab initio, thus limiting the incidences of migration crime. Cases abound in court of human trafficking where government through the National Agency for the Prohibition of Trafficking in Humans (NAPTIP) prosecute offenders.⁵¹⁸ It is trite to know that if there is proper integration of the private sector in migration practices, there would be less of these prosecutions and the state resources will be more positively utilized.

5.2. Conclusion

Prospects of Private Sector Involvement in Migration Operations: A Case for a more Effective Legal Framework

Section 102 of the Immigration Act 2015 is the basis for the research questions in this work. The section provides for public-private partnership in immigration operations. From the findings so far, it is obvious that there are more opportunities for collaboration between the public and private actors in the migration industry. There are, evidently, efforts by the Government to collaborate with the private sectors in Migration operations and services, however, these efforts are either too insignificant and the awareness about the collaboration is insufficient for the necessary impact of public-private-partnership to be felt. Private companies who are engaged in migration practices are mostly working on parallel line with government at best, or in worse cases, at cross-purposes with the migration policies of the government which result in violation of laws and policies guiding migration.

518Iwuoha, N. L. (2020). Prevention Sex Trafficking and Perspectives From Parents in Ogwa Community Edo State Nigeria (Doctoral dissertation, Walden University) (2020) <waldenu.edu Prevention Sex Trafficking and Perspectives From Parents in Ogwa Community> accessed 15 October 2023

5.2.1 Areas of partnership between the Public and Private Sectors - (1). Funding, (2).Management and Corporate Services, (3). Infrastructural support, (4). Legal services, (5).Public orientation and enlightenment, (6). Education and training, and (7). Border Control

We have highlighted the immense benefits associated with the involvement of private sector in the delivery of public services, and this does not exclude migration operations. We have seen the advantages of the Public Private Partnership arrangements, ranging from funding to expertise and proper accountability. Certainly, the efficiency of the private sector due to its focus on performance and productivity will enhance the delivery of public services.⁵¹⁹

The provisions of Section 102 as regards areas of collaboration between the NIS and actors in the migration private sector is too limited. The Act only covers provision of funds by the private sector. A look at the variant of operators in the industry reveals that much more can be achieved from the following private sector actors: (1.) Travel Agencies, (2.) Tour Operator, (3.) Migration Experts, (4.) Immigration Lawyers, (5.) Visa Consultants, (6.) Non-Governmental Organizations, (7.) Security Companies, (8.) Commercial Institutions and Financial Technology Companies (FINTECHs) (9.) International Education Consultants, (10.) International Job Recruiters, (11.) Logistic Companies, and (12.) Investors.

It is therefore quite limiting to consider that the only way the private sector can get involved in migration operations is through provision of funds.

⁵¹⁹ Dick-Sago, C., Decentralization for improving the provision of public services in developing countries: A critical review. *Cogent Economics & Finance*, 8(1), 1804036.<tandfonline.com Decentralization for improving the provision of public services in developing> accessed 12 October 2023

5.3. Recommendation

1. Appropriate Legislation

There is need for a review of the present legislation on the involvement of the private-sector in migration operations. The present law provides for partnership with the private sector in funding, but there are other areas of collaboration and partnership to be exploited in the industry. The principal legislation on Public-Private Partnership, the Infrastructure Concession Regulatory Commission (Establishment, etc) Act, (ICRCA) 2005, provides for partnership in the area of infrastructure concession. Aside this primary law, there are sector specific laws which further provide for specific and peculiar needs of the different sectors, such as the Nigerian Electricity Regulatory Commission (NERC), and the National Environmental Standards and Regulations Enforcement Agency (NESREA) Act, responsible for enforcing environmental laws, guidelines, policies, standards and regulations in Nigeria.⁵²⁰ The migration sector ought to have a legislation that regulates the involvement of the private sector in its operation. This legislation should address areas peculiar to the Nigerian migration atmosphere, including which include:

a.) Provision of services ranging from migration advisories and services, to visa processes, transnational employment recruitments, transnational educational counselling and advisories, financial services to migrants, provision of professional skills and expertise to migrants in Nigeria.

Private companies are aware of the opportunities provided by global migration developments with advancement in technology which reflects in designing products that fits the growing

520Azoro, C. J., & Agulefo, Q. O., The Environment and Energy Sources: Legal Perspectives on Renewable Energy in Nigeria. IRLJ, 5, 1. (2023) <nigerianjournalonline.com The Environment and Energy Sources: Legal Perspectives on Renewable>accessed 5 January, 2024

transnational lifestyle of migrants. Hence, an enabling legislation should be such that facilitate a moderated involvement of the private sector through regulations, and set-standards.

b. Partnership between Foreign Entities and the Private Sector in migration operation must encourage co-operation among individuals, institutions, organizations, businesses and governments at different levels, this will enhance the quality of services with ideas and technology freely flowing in trans-nationalities as collaboration within the public and private sector promotes skill acquisition and integration for locals and migrants.

c. Labour Integration - An appropriate legislation on migration must recognize the need for labour integration with migrant workers and Nigerian citizens. The law must appreciate the need for foreigners to work in Nigeria and respect Nigerians desire to work in foreign countries. It must enable private sector operators who are involved in the activities of trans-national recruitment to work freely in collaboration with the public sector. Recruitment, labour matching and labour standard are part of the recent globalization trends, and such should be captured in our laws, regulations and policies on migration.⁵²¹ Instead of demonizing and criminalizing the desire by Nigerians to work abroad, such should be encouraged and moderated through appropriate laws, while efforts should also be made to attract labour expertise and skills adaptable to the country. Formulating this workable legal framework will require inputs from relevant specific trade associations and labour unions, with appropriate measures for cooperation, which also encourage self-regulation amongst these unions and organizations. This appropriate legislation should also provide for the guidelines and procedures for a productive engagement of refugees. Businesses should be encouraged to hire refugees productively. This is a departure

521Akeredolu, A. E., Perspectives on the Law and Policy for Operating Nuclear Power Projects in Nigeria. *Crowther Journal of Science and Humanities*, 1(1). (2018) <acu.edu.ng Perspectives on the Law and Policy for Operating Nuclear Power Projects in> accessed 15 September, 2023

from the present practice which sees refugees mainly as an economic burden, hence government spends a lot of public fund to maintain the refugees and internally displaced persons.⁵²² There is the need to create a robust operational interaction and integration between the public institutions (Ministries, Departments and Agencies MDAs) and the private sectors like banks, micro-finance institutions, manufacturers, service providers, multinationals, large corporations and Non-Governmental Organizations.

d. Migration Governance – An appropriate legal framework for an effective private sector involvement must include migration governance. In this sense, the private sector acts as service providers to government by rendering support services on migration governance. Government agencies, ministries and departments may not be as visible to the public as private actors. One of the major concerns in interaction with the Nigeria Immigration Service is a lack of trust between the public and the private sectors, which leads to reluctance of the public sector in engaging the private sector; this concern can be addressed through legislation and supervision. The state determines the key performance index for the private sector actors when dealing with the public on its behalf; whether it be citizens who are leaving the country, displaced or on a voluntary return; or foreigners who are coming to the country for diverse purposes.

5.3.1 Areas of Public-Private Service Collaboration

Here are some of the service areas in which the public and private sectors can collaborate:

a. Information Dissemination - This involves provision of quality and adequate information to the public, this involves the private media, both conventional and new media. It is not advised

522Gbigbiddje, D. L., Fredrick, O. T., & Onwordi, T. M., Forced Displacement and its Impact on Internally Displaced Persons (IDPs) in North-Eastern Nigeria. *International Scholar Journal of Arts and Social Science Research*, 3(3), 110-122.(2020)<theinterscholar.org Forced Displacement and its Impact on Internally Displaced Persons (IDPs) in> accessed 18 February 2024

for government to solely rely on the public media organizations if dissemination of information concerning government policies and programs would be adequate and impactful. Hence the private sector can play the very important role of putting information across to the public much effectively. Also of importance here are visa and migration consultants, travel agencies and migration lawyers. There are several of these offices across the country, it will be easier for the public to access information from these individuals and service providers than it is possible through the government offices; the private sector is more liberal, accessible and patronizing than government offices. The Nigeria Immigration Service has its headquarters in the Federal Capital Territory, Abuja and maintains an office in each of the State capitals. This poses a limitation to the accessibility of information through the NIS with the resultant difficulty associated with accessing the services provided by the NIS offices. This encourages corrupt practices amongst the NIS staffs and patronizing public who are often completely traumatized and frustrated.⁵²³

The importance of a state-monitored private sector involvement cannot be over-emphasized in the dissemination of information to the public on a very crucial matter like migration.⁵²⁴ Non-availability of information gives room to speculations, fabrications and fake news.⁵²⁵

b. Border Control - Effective border control will reduce the incidences of smuggling and human trafficking. This is the sphere of companies who are involved in designing and implementing border management solutions through security and surveillance technology. The importance of technology in border control is significant as surveillance and crime prevention is

⁵²³Mjimba, V., The nature and determinants of linkages in emerging minerals commodity sectors: a case study of gold mining in Tanzania. (2011)<uct.ac.za The nature and determinants of linkages in emerging minerals commodity> accessed 15 August 2023

⁵²⁴ Adams, M., Craig, J., deGelder, M., Falaiye, M., Jegede, S. B., Frontani, H. G., &Gibert, M. At Issue. (2006) <ufl.edu AT ISSUE> accessed 11 November 2023

preferred to apprehension and punishment of offenders.⁵²⁶ These services may also include private security outfits who can join forces with the immigration services to manage the nation's land, air and water borders for crime prevention and safety of migrants.

c. Data collection and Management – This is an important activity of the Nigeria Immigration Service. Data collection is used in the issuance of International Passport to Nigerians, and also in the process of other travel documents and permits to Nigerians and immigrants. The private sector can be effectively engaged in these and other services and operations of the NIS. Travel agencies, Visa and Migration consultants can collect data and biometrics from the public on behalf of the Nigeria Immigration Service, transmit same to the NIS and also interface in the collection of the completed passport by the public. With the right attitude and appropriate legal framework (guidelines and regulation), the NIS can effectively engage the private sector to manage this activity in ensuring better service delivery.

d. Refugee Management – Non Governmental Organizations who are engaged in humanitarian services can partner with the state in managing refugees, internally displaced persons, and emigrants who opt for voluntary return to the country. Presently, there are no records of such engagement with the private sector. In spite of efforts to get direct information from the Nigerians In Diaspora Commission (NIDCOM) and the National Commission for Refugees, Migrants and Internally Displaced Persons, no information was volunteered as officers were not available for interviews and those we met had no clearance to speak on behalf of the commission.

526 Ikechukwu Anthony KANU, O. S. A., & Agbo, M. N., Kidnapping and Nigeria's National Security: North-Central in Perspective. *Journal of African Studies and Sustainable Development*. <acjool.org kidnapping and Nigeria's national security:north-central> accessed 15 November 2023

Getting the private sector involved in refugee management is of immense benefit to all stakeholders.

The private sector operators can provide housing and basic welfare for the displaced persons and returning migrants. Government involvement should be directed towards providing the legal basis for the private sector operation and initial funding as a donor.⁵²⁷ It is expected that the private sector will work towards a self-sustaining program which enables the beneficiaries to become financially independent and productive within the shortest time possible.⁵²⁸

e. Employment for Migrants- There is no gain saying that the private sector is the main driver of economic growth, wealth creation and distribution, through job creation, production of goods and services and development of capacities.⁵²⁹ Creation of productive employment is viable option to emigration, as most emigrants are in pursuit of better economic advantage in other countries.⁵³⁰ Partnering with the private sector to strengthen the national economy is a virile strategy towards controlling migration. Creating a legal framework for the engagement of the private sector in controlling the outward mobility of young people out of the country may include providing incentives, subject to regulation and control, to enhance the viability of businesses, which will consequently encourage hiring of labour. Resultantly, the number of

⁵²⁷Grasso, M., & Giugni, M. (Eds.), *The Routledge handbook of environmental movements*. London/New York: Routledge. < Grasso, M., & Giugni, M. (Eds.). (2022). *The Routledge handbook of environmental movements*. London/New York: Routledge> accessed 24 July 2023

⁵²⁸Lamidi, K. O., & Igbokwe, P. I. Social investment programmes in Nigeria: Impact and challenges. *African Journal of Social Work*, 11(1). (2021) <researchgate.net The Role of Social Financing in Sustainable Development: The Case of Nigerian> accessed 24 July 2023

⁵²⁹Onyinye, N., Idenyi, O., & Ifeyinwa, A. Effect of capital formation on economic growth in Nigeria. *Asian Journal of Economics, Business and Accounting*, 5(1), 1-16. (2021)<europeanlibrarypress.com Effect of capital formation on economic growth in Nigeria> accessed 24 July 2023

⁵³⁰Adeseye, A., The effect of migrants remittance on economy growth in Nigeria: An empirical study. *Open Journal of Political Science*, 11(01), 99. (2021) <scirp.org The effect of migrants remittance on economy growth in Nigeria: An empirical study> accessed 11 August 2024

young people leaving the country regularly and most times irregularly to seek ‘greener pastures’ abroad will significantly reduce.

We have earlier talked about Nigeria being a migration source country, this is chiefly due to the rate of unemployment in the country. This is a major migration push factors. By providing a meaningful relationship between the state and the private sector with the view to improve employment creation, the state is deliberately tackling the problem of irregular migration which mostly results out of desperation of young people to find financial and career fulfilment abroad.⁵³¹

Collaboration between the public and private-sectors in migration operations and practices will bring more benefit to the country socially, economically and technologically. One of such advantages is the opportunity for the government to properly regulate the activities of private-sector in the migration industry, while at the same time taking advantage of their expertise, experience, knowledge and social investment to enhance the delivery of core migration services to the public. The coming together of migration operators in both the public and private sectors will assist everyone involved in the operation of migration to achieve more. A virile instrument in the hand of government towards achieving this is the creation of an applicable legal framework through legislation as against the present state of migration legal provisions which can best be described as restrictive, inhibitive and parochial.

531Chimayama N. A. Discussing approaches to address irregular migration: what works?What doesn't? Global Forum on Migration and Development (2020) <Africa.undp.org/content/rba/en/home/ library/reports/Scaling Fences.html> 27 September 2023

5.4 Addressing the Challenges

One of the major challenges of engaging the private sector is arbitrariness, which leads to uncertainties and high-handedness on the part of the operators, with the resultant abysmal delivery of services.⁵³² This challenge is easily surmountable through proper monitoring which must be regulated with appropriate legislation. Another ill of the private sector is ineptitude. The migration sector as presently composed is a free market for all and sundry.⁵³³ There are no entry requirements for practitioners and corporate organizations, this is counter-productive when we take into consideration the enormity of business opportunities that abound in the industry. This inadvertent negligence on the part of the government can be reversed through appropriate legislations. The private sector must be well pruned to ensure that only competent individuals and corporate entities are engaged in this partnership. Professional and trade associations can be properly engaged in ascertaining the quality of practitioners.

5.5 Nigeria Migration Society - Proposed

Government and the private sector collaboration can be consolidated by establishing the Nigeria Migration Society (NMS); this society should include the relevant organs of government and private sector in the migration industry such as civil society organizations, non-governmental organizations, corporate entities, universities, research institutes, and other qualified individuals. This work does not present a comprehensive proposal for the creation of the Nigeria Migration Society, neither does it pretend to create a total framework for the implementation of the

532 Mark, O. C. H. A. L. A., The challenges of implementing civil service delivery reforms in Nigeria (Doctoral dissertation, Dissertation, Universiti Utara Malaysia, Kedah). (2018) <uum.edu.my The challenges of implementing civil service delivery reforms in Nigeria> accessed 16 September 2023

533 Ajibade, J. E., Terrific Experiences, Receptiveness, and Mediatic Representation of Migration in the Global Community. In Handbook of Research on the Global Impact of Media on Migration Issues (pp. 21-38). IGI Global. (2020) <<https://igi-global.com/chapter/terrific-experiences-receptiveness-and-mediatic-representation-of-migration-in-the-global-community/239177>> accessed 17 September 2023

recommendations put forward here, rather this work present the basis for a continuing work towards achieving the ideals of a more productive, positive and inclusive migration operations in the country. Certainly, there must be further research, analysis, and engagements within and across all sectors of the industry. This would lead to social engineering through shared information, and formulation of appropriate policies towards a well-integrated migration industry. Good policies are often defeated by poor implementation which most times results from a poor knowledge of the industry dynamics.⁵³⁴ Again, the policies will be well rounded if it has taken into consideration those that will be affected by it, and all economic, political, legal and financial indices have been imputed right form the policy conception.⁵³⁵ Through proper engagement, we may eliminate the gap between policy formulation and policy implementation. The benefits of creating joint innovative solutions in migration between the public and private sectors justifies the efforts required to achieve it.⁵³⁶ No doubt, there are challenges in engaging the private sector majorly due to the disparity in expectations.⁵³⁷ There is also the trust issues on accountability by the private sector, however these challenges can be overcome by engaging legal provisions to guide both sectors as they combine resources to harness the development opportunities offered through a proper migration management. The benefits that are accruable to the migrants and their family members, country(s) of origin, of transit, of destination and of course the operation sectors involved are maximized when the private and public sectors combine resources for

⁵³⁴ Echeverri-Gent, J., *The state and the poor: Public policy and political development in India and the United States*. Univ of California Press. (2023) <<https://books.google.com.ng/booksd>> accessed 11 December 2023

⁵³⁵ Hassan, K. I., & Fatile, J. B., *Public Private Partnership and Educational Infrastructure in Nigeria*. *Journal of Public Administration, Finance & Law*, 26, 138-151. (2022) <idsi.md Public Private Partnership and Educational Infrastructure in Nigeria> accessed 21 October 2023

⁵³⁶ Alford, J., & Greve, C., *Strategy in the public and private sectors: Similarities, differences and changes*. *Administrative Sciences*, 7(4), 35. (2017) <Strategy in the public and private sectors: Similarities, differences and changes. *Administrative Sciences*, 7(4), 35> accessed 21 October 2023

⁵³⁷ Ogundipe R. O., *Dimensions of Employment Discrimination in the Organized Private Sector of Oyo State, Nigeria (Doctoral dissertation)*. 2023) <ictp.it Dimension of Employment Discrimination in the Organised> accessed 21 October 2023

innovative migration solutions and development. Hence, the need for proper understanding between the two sectors through discussions on priorities, needs and common interests.⁵³⁸

5.5. Contribution to Knowledge

i. The National Assembly – The most crucial recommendation in this work is the development of a liberal legal framework on migration. There should be a departure from the restrictive legislation trend we presently witness in the polity to a liberal legislation regime. There are constant needs for migrant workers in the Western countries and other more developed economies around the world which is of immense economic, educational and technological benefits to Nigerian citizens, corporate and business communities and the Nigeria governments. Rather than the present dispensation which tends to discourage economic ‘emigration’, hinged on alleged ‘brain drain’, we should rather embrace economic migration with the attendant benefits of ‘brain gain’, capital importation, foreign direct investments and foreign portfolio investments. With the proper legislation which tends to accommodate economic migration, the country can adequately and profitable design programs which will facilitate movement of qualified skills and expertise to other countries for a tripartite benefit: Benefit to the host country, benefit to the sending country (Nigeria) and benefit to the migrant worker and his family. So also, the activities of corporate entities and individuals who are engaged in migration and visa consultancy, travel agencies, overseas employment recruiters and migration lawyers can be properly regulated through supervision by public-controlled agencies. It will be a better alternative to the present tendency of criminalizing a genuine and honest desire by citizens to

538 Ostrom, A. L., Parasuraman, A., Bowen, D. E., Patricio, L., & Voss, C. A., Service research priorities in a rapidly changing context. *Journal of service research*, 18(2), 127-159. 2015) <warwick.ac.ukService research priorities in a rapidly changing context> accessed 24 October 2023

work in other countries, and of businesses and individuals who ply their trade assisting such individuals to achieve their legitimate desires.

ii. The Private Sector – There is the need for the private sector in migration to be organized properly and create a formidable fronts through which they can engage and lobby the government in a bid to influence and get involved in migration operations and governance in Nigeria. The private sector through different interest groups, trade unions and professional associations can sponsor bills at the National Assembly in furtherance of the suggested legal framework provisions. Efforts should also be made by the private sector to initiate programs and events, as well as promote investment into migration management through media advocacy, community outreaches, and publications.

Professionals like lawyers, visa consultants, travel experts and tour operators should reorganize to introduce capacity developments programs for operators and practitioners to enhance productivity through better understanding of the current trends in modern migration.

iii. Faculties of Law need to focus on Nigerian Immigration Laws as one of the courses of study on the curricular for lawyers in training. Hence Immigration operation would become a robust area of practice for legal practitioners in Nigeria.⁵³⁹ It will therefore be appropriate for the Council of Legal Education to consider the modalities for the inclusion of the body of laws regulating migration in Nigeria in the curriculum for the Nigeria Law School vocational training.⁵⁴⁰ Furthermore, the Council, as a statutory public institution, should co-operate with the

539 Arhin-Sam, K. (2019).The political economy of migration governance in Nigeria. ABI. (2019)<researchgate.net [BOOK] The political economy of migration governance in Nigeria> accessed 24 April 2023

540 Agama, F. O., Investigating the Compatibility, Challenges and Prospects of Legal Education in ODL Institutions: The Nigerian Perspective. West African Journal of Open and Flexible Learning, 11(1), 101-126. (2022) <wajofel.org Investigating the Compatibility, Challenges and Prospects of Legal Education in> accessed 18 February 2023

Nigerian Bar Association to devise means of training and developing capacities amongst practicing legal practitioners in the country with the view to create a more robust migration practices.⁵⁴¹ The involvement of the Council for Legal Education in the development of a legal framework for an adaptive inclusion of legal practitioners in migration operations is a matter of necessity. The Council can sponsor bills at the National Assembly to achieve this.

5.6 Areas of Further Research

Development of migration practices and operations in Nigeria and of course in Africa leaves so much to be desired as there is so much the national economy can benefit through a deliberate effort by government to engage the private sector adequately. The migration industry is a very viable sector capable of transforming our national and regional economy if properly harnessed. This work brightens the focus on importance of collaborative efforts amongst scholars, institutions, corporate entities, non-governmental organizations and international organizations, engaged in research, developmental works, and programs on migration. Here are some of the institutions that can be considered for subsequent collaborative efforts:

a. **The Centre for Migration Studies, Nnamdi Azikwe University:** This Centre was commissioned on August 28, 2018 by the Honourable Federal Commissioner, National Commission for Refugee, Migrants and Internationally Displaced Persons (NCFRMI) as the first of its kind in Nigeria. The Centre for Migration was created by the Senate of Nnamdi Azikwe University to provide research, conceptual and theoretical perspectives to migration policy

541Nwosu, A., Enhancing small-business competitiveness in Nigeria through public-private partnerships in cluster development (Doctoral dissertation, Stellenbosch: Stellenbosch University). (2017) <sun.ac.zaEnhancing small-business competitiveness in Nigeria through public-private> accessed 18 February 2023

formulation, review and implementation. It is believed that this Centre would complement efforts and activities of governmental and non-governmental actors in migration operations.⁵⁴²

b. Centre of Excellence in Migration and Global Studies, National Open University

In February 2020, the National Open University, NOUN, established the Centre of Excellence in Migration and Global Studies as a research Centre which focuses on field based research to enhance policy formulation and implementation in internal and global migration. Its emphasis are capacity building in Arts, Humanities, Social Sciences, and Sciences. It is an innovation with distinct concept, context, perspective and focus.⁵⁴³

c. University of Sokoto – Post-Graduate Diploma Migration and Refugee Studies (PGDMRS)

This program was instituted to train professionals in migration operations.⁵⁴⁴ The emphasis on refugee management is appreciated as the refugee problem is a global reality against humanity. Refugees never came out a peaceful situation, it has been described as plague or natural disaster, and hence it needs proper understanding for its management. This undoubtedly is one of the concerns of this program as conceptualized by the University of Sokoto.⁵⁴⁵ This is the philosophy that lead to the introduction of the post graduate diploma in migration and refugee studies by the Department of History, University of Sokoto. This program is designed to provide clearer understanding and better critical insights in the problem of refugee and also devise ways of

⁵⁴²Odimegwu, I., & Joe-Akunne, C. O., A cross-sectional survey of intending migrants in Anambra state. *Journal of African Migrations*, 1(1), 26-48.<unizik.edu.ng A cross-sectional survey of intending migrants in Anambra state> accessed 16 December 2023

⁵⁴³<https://nou.edu.ng/centre-of-excellence-in-migration-and-global-studies-cemgs/> accessed 27 May 2023

⁵⁴⁴UsmanuDanfodiyo University Sokoto (Postgraduate School) <https://pg.udusok.edu.ng/availableProgrammes.php> accessed 12 August 2023

⁵⁴⁵ŞahinMencütek, Z., *Refugee governance, state and politics in the Middle East* (p. 297). Taylor & Francis. (2019)< oapen.org[BOOK] *Refugee governance, state and politics in the Middle East*> accessed 10 October 2023

possible and plausible solutions. This is an effort in responding to the need for professionalization in migration operations and solving refugee problems.⁵⁴⁶ The program is designed to offer an interdisciplinary framework analysis and also conceptual understanding of migration and refugee operations and services. Refugee management and migration operations need professionals who are able to formulate policies, design projects, resolve crisis and also implement these policies, projects and resolutions, but at the level of governments and the private sectors.

d. The International Organization for Migration IOM and Pan Atlantic University Develops Migration Reporting Courses.⁵⁴⁷

The media is quite relevant in all spheres of human activities, and this goes for migration operations too. Media engagement is vital to proper migration management in more ways than one. The migration policies of the government must be clear to the people for proper management and implementation of such policies. Media campaigns can be well utilized to encourage profitable migration and discourage irregular and illegal migration.⁵⁴⁸ It is therefore a welcomed effort for the IOM, in partnership with the Pan-Atlantic University, to develop a course for media practitioners in the management and reporting of migration activities and operations.

546 Yusuf, D. O., Migration management in Nigeria: A case study of Edo State (Doctoral dissertation, University of Pretoria). (2023) <[up.ac.za/Migrationmanagement in Nigeria:Acase study of Edo State](http://up.ac.za/Migrationmanagement%20in%20Nigeria:Acase%20study%20of%20Edo%20State)>accessed 14 February 2024

547 Micinski, N. R., UN global compacts: Governing migrants and refugees. Routledge. (2021)<nickmicinski.com> accessed 15 December 2023

548 Okunade, S.K., Awosusi, O.E., The Japa syndrome and the migration of Nigerians to the United Kingdom: an empirical analysis. CMS 11, 27 (2023). <<https://comparativemigrationstudies.springeropen.com/>> accessed 11 December 2023

A strong and impartial media is essential in nation building, this applies to all areas of human and national development.⁵⁴⁹ It is the role of the media to sensitize the public stakeholders as regards the migration policies and trends in Nigeria. The IOM is taking advantage of the media ‘to address some of the challenges faced by migrants, returnees, internally displaced persons, refugees and potential migrants’, because the mass media is a veritable tool in social engineering and reorientation.⁵⁵⁰ Thus IOM alongside Pan-African University (PAU) developed a curriculum in migration reporting, this is part of the efforts towards the Global Migration Media Academy, which provides the platform for IOM to standardize media training on migration with a view to strengthen ethical, factual and actual reporting of migration stories in the conventional media.⁵⁵¹ This is a part of the holistic approach towards achieving sustainable migration impact.

In 2022, 30 journalists were trained at the School of Media & Communication, Pan- Africa University between 16th. -20th. May, these journalists were from Lagos, Abuja, Benin City, Asaba, Maiduguri and Yola.⁵⁵² The curriculum covered such topics as Migration and Climate Change, Development Communication and Migration, Reporting Vulnerable Audience and Migration through Storytelling, Social Media and Migration Reporting and others migration and media related specifics. The Pan-African University is focused on getting the Nigeria University

549 Okem, E. S., Ukpoju, E. A., David, A. B., & Olurin, J. O., Advancing infrastructure in developing nations: a synthesis of AI integration strategies for smart pavement engineering. *Engineering Science & Technology Journal*, 4(6), 533-554. (2023) <fepl.com/Advancing infrastructure in developing nations: a synthesis of AI integration> accessed 12 November 2023

550 Dandaura, E. S., Media and Science Communication for Development in Africa. *Journalism Practice, Teaching and Research in Nigeria*, 34. (2020) <researchgate.net/Media and Science Communication for Development in Africa > accessed 15 December 2023

551 Czerniewicz, L., Multi-layered digital inequalities in HEIs: The paradox of the post-digital society. *New visions for higher education towards 2030-Part 2: Transitions: Key topics, key voices*. (2022) <guninetwork.org/Multi-layered digital inequalities in HEIs: The paradox of the post-digital> accessed 15 March 2023

552 Akah, Josephine, The Role of Christianity in Nigeria’s Quest for Peaceful Co-Existence. 2019 <https://www.researchgate.net/publication/333682298> accessed 17 April 2023

Commission (NUC) to accredit these programs as parts of the curriculum in departments of Media and Mass Communication of Nigerian Universities.⁵⁵³

e. Nigeria Immigration Services

This is the principal organ of government responsible for the administration and management of migration operations and services. The integration and aggregation of efforts from the private sector actors can only be done when the NIS is properly engaged.⁵⁵⁴

f. The National Assembly

Despite the international efforts, migration is still under-legislated at the domestic levels, unlike the increasing liberalization of other economic flows. The restrictions imposed by inadequate domestic legislation have impacted international migration negatively. Developed nations are constantly in need of migrant workers to support the economy and sustain their social security structures.⁵⁵⁵ However the norms required to facilitate legal migration has created a gap between the demand and supply of migrant workers and caused many workers living irregularly in their host countries. There is the need for adequate and proper legislation on the administration and management of migration, be it movement of aliens into the country, or the movement of citizens to other countries.

553 Phuong, V. T., & Ibrahim, A. M., The Media, Journalism and Sustainable Development Communication for Nation Building: Literature Review. *New Media and Mass Communication*, 89, 1-11. (2020) <academia.edu The Media, Journalism and Sustainable Development Communication for> accessed 17 October 2023

554 Idike, A., Ukeje, I. O., Iwuala, H. O., Onele, J. C., Ekwunife, R. A., Nwachukwu, K., & Udu, O., The practice of inclusive representation in Nigeria bureaucracy: The federal character principle experience. *Cogent Social Sciences*, 5(1), 1601545 (2019) <tandfonline.com The practice of inclusive representation in Nigeria bureaucracy: The federal> accessed 13 April 2023

555 Etim, E., & Daramola, O., The informal sector and economic growth of South Africa and Nigeria: A comparative systematic review. *Journal of Open Innovation: Technology, Market, and Complexity*, 6(4), 134. (2020) <<https://doi.org/10.3390/joitmc6040134>> accessed 17 January 2024

Appendix A

KEY PERSONALITY INTERVIEW

Respondent: The Comptroller, Nigeria Immigration Service, FCT Abuja Command

Date: Time:

Research Topic: A Legal Perspective To The Involvement of The Private Sector in Migration in Nigeria

Introduction: This interview is a part of the data collection methods in assessing the extent and relevance of private sector involvement in migration practices in Nigeria.

The Nigeria Immigration Service is the body mandated by law (Immigration Act 2015) to carry out the basic duties of immigration. The Immigration Act (2015) provided for the public-private partnership under Section 102 Sub-section (1) of the Act as follows:

“The service shall collaborate with public and private sector interest groups on a public-private partnership platform to attract funds for acquisition, provision and development of infrastructure and equipment to enable the service provide appropriate professional skills and modern migration management facilities.”

This academic research intends to find out to what extent this legal provision applies to the present operational framework and operational details of the NIS.

Kindly take a little time out to answer the questions contained in this interview.

Confidentiality: This interview is strictly a research activity and thus information obtained here shall be use only for the purpose of this research.

Questions

1. What are the core operational activities of the NIS?
2. What are the major challenges facing the NIS in discharging its duties to the Nigeria public?
3. How does the NIS partner with the private sector?
4. What problems are associated with the private sector involvement in NIS operations?
5. In what areas of operation do you think the NIS can further engage the private sector?

Thank you for your time and useful contribution.

Faithfully,

Wale Oyinlola-Michael

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