

Immigration Act

Chapter 171

An Act to consolidate and amend the law as to immigration; to control in Nigeria certain persons; and for matters connected therewith.

1st day of August 1963

Part I

Administration

1. (1) Subject to the provisions of this section, this Act shall apply to persons entering or leaving Nigeria and to persons who are at any time therein after the commencement of this Act.
- (2) Nothing in this section shall be construed-
 - (a) to require any Minister of the Federal Government or any Commissioner of any State Government to complete entry or embarkation cards on entering or leaving Nigeria;
 - (b) to impose any restriction or liability under this Act as to entry or deportation in respect of persons who satisfy an immigration officer that they are entitled under any rule of law or enactment to immunity from suit or legal process not being immunity in respect only of things done or omitted to be done in the course of their duties, and complete any other requirement of this Act before entry or departure;
 - (c) in respect of any particular requirement, to affect persons exempted therefrom by the Minister under this Act;
 - (d) to prohibit the entry of any person who satisfies an immigration officer as to his identity as a citizen of Nigeria or as the holder of a valid travel document or that he is a person in the employ of the Federal Government or any State Government, as the case may be;
 - (e) to authorise the deportation from Nigeria of any citizen of Nigeria;
 - (f) to exempt any person from medical examination if required by the immigration officer.
- (3) Where a person enters Nigeria as an exempted person under this Act and while in Nigeria thereafter ceases to be entitled to such exemption, he shall as soon as possible report the fact in writing to the Director of Immigration, and this Act shall have effect as if the person ceasing to be exempted were a person desirous of entering Nigeria for the first time and the Director of Immigration

may, if he thinks fit, refer the case to the Minister or may deal with the case himself.

- (4) A person affected by subsection (3) of this section may, in the discretion of the Minister or such officer as the case may require, be issued with a permit to remain in Nigeria and if a permit is refused, the person affected shall be deemed to be a prohibited immigrant, and may be dealt with accordingly.
2. (1) It shall be the duty of every person entering or leaving Nigeria to report to an immigration officer for examination, and to furnish such information in his possession as that officer may reasonably require for the purposes of this Act; and the immigration officer may refuse admission in any proper case.
 - (2) Any person liable to be examined by an immigration officer shall if directed to do so by such officer in the course of his examination-
 - (a) declare whether or not he is carrying or conveying any document of any description specified by that officer, being a description appearing to that officer to be relevant for the purposes of the examination;
 - (b) produce to the officer any document of any such description which he is carrying or conveying, and the power to examine any such person shall include power to search him and any baggage belonging to him or under his control with a view to ascertaining whether he is carrying or conveying any such documents; but nothing in subsection (1) of this section shall authorise the search of any woman or girl except by a woman.
 - (3) An immigration officer may examine, and may detain for such time as he thinks proper for the purposes of examination (not exceeding seven days), any document produced pursuant to or found on a search under this section.
3. (1) Where any ship or aircraft lands in Nigeria, the captain or commander as the case may be, shall supply to the immigration officer in charge, separate lists showing disembarking passengers and transit passengers and the immigration officer may, if he thinks fit, examine transit passengers as if they were immigrants.
 - (2) Any immigrant or transit passenger named in any such list whose international certificates of health fails to comply with the requirements of the Director of Immigration or whose state of health the Immigration officer has cause to suspect, shall submit to such medical examination or vaccination as a medical inspector may reasonably require.
4. (1) Unless otherwise prescribed-
 - (a) every passenger who enters or leaves Nigeria by any documents. means at or from any recognised port, shall in any proper case produce to an immigration officer, landing or embarkation cards in such form as the Minister may by order direct the owners or agents of ships and

aircraft to supply to passengers, and shall satisfy the immigration officer that he is the holder of a valid travel document;

- (b) every member of the crew of a ship or aircraft who lands in or leaves Nigeria shall produce such evidence or travel document as an immigration officer may require.
- (2) No person whether in possession of a travel document or not, who is a prohibited immigrant, shall enter Nigeria without the consent of the Minister.
 - (3) For the purposes of this section, the expression "travel document" in the case of any member of the crew of a ship or aircraft, includes any card or other document in a form approved by or acceptable to the Director of Immigration.
- 5.** (1) Subject to the provisions of subsections (2) and (3) of this section, there shall be appointed a fit person to be Director of Immigration who shall, under the general direction of the Minister, be charged with the administration of this Act, and such number of other fit persons as deputy Directors of Immigration and other officers as may from time to time, be required to assist the Director of Immigration under this Act and to be subject to his direction and control; the Director of Immigration shall, where necessary for the purposes of this Act, co-ordinate the duties of his division with those of the division of any officer appointed for the control of aliens in Nigeria.
- (2) There shall also be appointed a fit person to be Chief Federal Aliens Officer who shall have such duties and powers as may be conferred upon him by this or any other Act for the control of aliens in Nigeria, and such number of other fit persons as officers to assist the Chief Federal Aliens Officer and to be subject to his direction and control; the Chief Federal Aliens Officer in the performance of his duties under this Act shall where necessary co-operate with the Director of Immigration.
 - (3) Any person who, immediately before the coming into operation of this Act is the holder of any office designated in this section, shall, on the commencement of this Act, continue in office and be deemed for the purpose only of this Act to have been appointed to his office under this section.
- 6.** (1) The Minister, with the approval of the Minister of Health, may appoint a duly qualified medical practitioner as a medical inspector for the purposes of this Act, who shall act in accordance with such instructions as may be given by the Minister of Health from time to time.
- (2) The Minister may, arrange with the Minister charged with responsibility for customs and excise, for the employment of members of the customs preventive service as immigration officers; and when so employed, such members shall have the powers of an immigration officer under this Act.
 - (3) Members of the Nigeria Police Force may be employed as immigration officers on such terms and conditions as the Customs, Immigration and

Prisons Services Board established under the Customs, Immigration and Prisons Services Board Act may, from time to time, approve.

7. (1) The power of an immigration officer to refuse entry into Nigeria or to admit into Nigeria subject to conditions, shall unless the Minister in any case otherwise directs, be exercised by notice in writing; and subject to subsection (2) of this section, any such notice shall be given by being delivered by the immigration officer to the person to whom it relates.
 - (2) Where an immigrant who is to be admitted into Nigeria subject to conditions, is a member of a party in the charge of a person appearing to the immigration officer to be a responsible person, the notice under this section shall be duly given if delivered to the person in charge of the party.
 - (3) A notice refusing a person admission into Nigeria may at any time be cancelled by a subsequent notice in writing given to him by an immigration officer; and where a notice under this subsection cancelling such a notice is given to any person at any time, the immigration officer may at the same time give to that person a permit admitting him into Nigeria, subject to conditions.
 - (4) Any conditions specified in a notice under this section may at any time be revoked or varied by the Minister or the Director of Immigration either by notice in writing given to the immigrant to whom those conditions apply or by order applying to immigrants of any class to whom such conditions for the time being apply.
 - (5) Any notice under this section and any condition specified in such a notice, shall, unless previously cancelled or revoked under the provisions of this Act, cease to have effect if the person to whom the notice was given again enters or seeks to enter Nigeria.
8. (1) No person other than a citizen of Nigeria shall-
 - (a) accept employment (not being employment with the Federal Government or a State Government) without the consent in writing of the Director of Immigration; or
 - (b) on his own account or in partnership with any other person, practice a profession or establish or take over any trade or business whatsoever or register or take over any company with limited liability for any such purpose, without the consent in writing of the Minister given on such conditions as to the locality of operation and persons to be employed by or on behalf of such person, as the Minister may prescribe.
 - (2) Any person desirous of entering Nigeria for any of the purposes in subsection (1) of this section, shall produce the consent to an immigration officer; and the failure to do so shall be an offence under this Act, and any person who commits such an offence shall be liable on conviction to deportation as a prohibited immigrant.

- (3) Where any person exempt from any provision of this Act restricting his employment ceases to be so exempt, he shall be deemed to be a person seeking entry into Nigeria for the first time; and the provisions of this section shall have effect accordingly.
- 9.(1) Applications for visa or entry permit shall be made to the appropriate diplomatic Nigerian Mission established abroad and the diplomatic head of that Mission shall-
- (a) in the case of a person visiting Nigeria, if satisfied that it is a proper case, issue a visa or entry permit;
 - (b) in the case of-
 - (i) government officials of countries other than Nigeria,
 - (ii) personnel of the United Nations Organisation and its agencies,
 - (iii) personnel of the Organisation of African Unity and its agencies,
 - (iv) persons seeking entry under any technical aid scheme,
 - (v) specially organised economic and trade delegations, and
 - (vi) persons specially invited by the Government of the Federal Republic of Nigeria, issue the appropriate entry permit;
 - (c) in the case of a person seeking entry into Nigeria for the purpose of taking up employment under a contract of service with the Government of the Federal Republic of Nigeria or the Government of any State of the Federation (other than by way of technical aid), his spouse and dependants, on the production by that person of the contract of service or such other evidence as may be satisfactory to the diplomatic head of the Mission, issue the appropriate entry permit;
 - (d) in the case of a person seeking entry into Nigeria for the purpose of taking up employment in Nigeria, refer the application to the Ministry of Internal Affairs.
- (2) Where no diplomatic Nigerian Mission is established in the country concerned, an application shall-
- (a) if there is an agreement between Nigeria and the Government of that country for the performance by that Government of consular functions on behalf of Nigeria, be made to that Government; and
 - (b) if there is no such agreement, be made to such diplomatic mission as may be designated by the Minister for External Affairs.
- (3) Nothing in this section shall apply to-

- (a) persons who, after a tour of duty with the Federal or any State Government, corporation or company owned or controlled by any such government, are abroad on leave with the intention of resuming duty in Nigeria thereafter;
- (b) spouses and children of persons within paragraph (a) of this subsection;
- (c) persons otherwise employed in Nigeria and their spouses and dependants who before departure on leave apply for and obtain a re-entry permit from the Director of Immigration;
- (d) transit passengers who remain in or in the vicinity of the port of entry for a period of time not exceeding 48 hours.

10. (1) Any Commonwealth citizen or citizen of Eire may, subject to the provisions of section 9 of this Act, enter Nigeria for the purpose of residence (not being a tour of service with the Federal Government or any State Government in Nigeria) on production of a residence permit with his other travel documents, signed by or on behalf of the Director of Immigration and issued subject to such conditions as may be endorsed thereon; and if the entry is for any such tour of service, such citizen shall on production of any evidence which an immigration officer may reasonably require, be deemed to be in possession of a residence permit.

(2) Any person not a citizen of Nigeria, desirous of entering Nigeria for the purpose of residence shall, unless exempted under this Act, give security in such amount as the Minister may prescribe, and shall supply such information as the Director of Immigration may reasonably require; and if the Director of Immigration is satisfied, he may issue a residence permit accordingly.

(3) The residence permit issued under subsection (2) of this section shall be in such form as may be prescribed and may be issued by endorsement on any travel document or otherwise as the Director of Immigration may direct.

(4) The Director of Immigration may endorse on a residence permit such conditions not inconsistent with this Act as he thinks fit, and may replace any valid permit issued or deemed to have been issued by a residence permit, and for such purpose the Director of Immigration may at any time require the holder to apply for a residence permit after entry into Nigeria.

(5) The failure by any person to comply with the requirements of this section or of any conditions imposed shall be an offence under this Act, and such person may, if the Minister thinks fit, be required to leave Nigeria; and any security furnished under this section, may be forfeited or, as the case may be, any bond may be estreated at suit of the Director of Immigration.

11. (1) An immigration officer may by notice given at any time to any person who -

- (a) has arrived at a recognised port in Nigeria as a visitor or as a transit passenger on board a ship or aircraft; and
 - (b) is for the time being on board the ship or aircraft on which he arrived at such port, prohibit him from landing from that ship or aircraft as the case may be, while it remains at such port unless authorised to do so by an immigration officer.
- (2) If any person affected by subsection (1) of this section-
- (a) lands from a ship or aircraft in contravention of a prohibition imposed on him under subsection (1) of this section; or
 - (b) being a visitor refused admission or a transit passenger remains in Nigeria after the ship or aircraft has left the port; or
 - (c) having been admitted as a visitor into Nigeria subject to a condition restricting the period for which he may remain there, remains in Nigeria in contravention of that condition, he shall, subject to subsection (3) of this section, where necessary, be treated for the purposes of this Act as if he had been refused admission into Nigeria.
- (3) An immigration officer may, by notice in writing given at any time to any person who has landed or remained in Nigeria as mentioned in subsection (2) of this section, authorise him to remain in Nigeria either without conditions or subject to any conditions the Minister may impose, including in particular, conditions requiring him-
- (a) to leave Nigeria in a specified ship or aircraft; or
 - (b) to leave Nigeria within a specified period in accordance with the conditions of his permit or as the case may be with arrangements made, and where such a notice is given to any person, he shall not be treated as a person to whom admission to Nigeria has been refused unless, in the case where he is subject to conditions requiring him to leave Nigeria as aforesaid, he fails to comply or is reasonably suspected of intending to fail to comply with those conditions.
- (4) Any permit under this section shall be in such form as the Minister may, from time to time, prescribe, and any permit issued or conditions endorsed may at any time be varied or revoked by the Director of Immigration, or such officer may replace the permit in any proper case.
- 12.** (1) The Minister, by order, may exempt from the requirements of entry under this Act any other person or class of persons, and with the concurrence of the Minister of Health may restrict the classes of cases where medical examination of persons landing in Nigeria is required.
- (2) The Minister may likewise, by order, exempt any person or class of persons from the requirements of this Act as to departure from Nigeria.

13. Any immigration officer or medical inspector may, in Nigeria, board any ship or aircraft and at any frontier, may board a vehicle of any description whatsoever.
14. For the purposes of this Act, the Minister may by order prescribe any aerodrome, airport or air line to be a recognised airport or air line, and may likewise recognise any port for shipping or point of entry by land or inland waters as a port of entry.
15. Where any ship or aircraft lands by sea or air in Nigeria elsewhere than at a recognised port, the master of the ship or aircraft shall report to the nearest immigration officer, and no person on board shall leave the ship or aircraft without the authority of an immigration officer.
16. Any person who enters Nigeria by inland waters or overland, shall forthwith proceed to the nearest recognised port and appear before the immigration officer, and that immigration officer after such examination as he may consider necessary, shall, if the person appears to him to be a prohibited immigrant detain that person; and the provisions of this Act as to deportation shall have effect accordingly.
17. (1) Where a person arriving by ship or aircraft is for any reason refused entry into Nigeria, an immigration officer may give directions-
 - (a) to the master of the ship or commander of the aircraft in which the immigrant arrived in Nigeria, requiring him to remove the immigrant from Nigeria in that ship or aircraft; or
 - (b) to the owners or agents of the said ship or aircraft, requiring them to remove the immigrant from Nigeria in any ship or aircraft specified in the directions, being a ship or aircraft of which they are the owners or agents; or
 - (c) to the said owners or agents, requiring them to make arrangements for the removal of the immigrant from Nigeria in any ship or aircraft bound for a country or territory specified in the directions, being-
 - (i) a country of which the person refused entry is a citizen, or
 - (ii) a country or territory in which he has obtained a passport or other document of identity, or
 - (iii) a country or territory in which he embarked for Nigeria, or
 - (iv) a country or territory to which there is reason to believe that the immigrant will be admitted, and for securing him a passage to that country or territory.

- (2) If it appears to the Minister, that in the circumstances it is not practicable for directions to be given under subsection (1) of this section in respect of an immigrant, or that directions so given would be ineffective, the Minister or any person acting under his authority, may give to the owners or agents of any ship or aircraft the like directions as may be given under paragraph (c) of subsection (1) of this section to the owners or agents of the ship or aircraft in which the immigrant arrived in Nigeria; and for the avoidance of doubt in any such case, the cost of complying with the directions shall be defrayed by the owners or agents as the case may be, of the ship or aircraft.
- (3) An immigrant in respect of whom directions are given under this section may be placed, under the authority of an immigration officer, or board any ship or aircraft in which he is to be removed in accordance with the directions.

Part II Deportation

- 18.** (1) Any person within any of the following classes shall be deemed to be a prohibited immigrant and liable to be refused admission into Nigeria or to be deported as the case may be, that is to say-
- (a) any person who is without visible means of support or is likely to become a public charge;
 - (b) any idiot, insane person, or person suffering from any other mental disorder;
 - (c) any person convicted in any country of any crime wherever committed, which is an extradition crime within the provisions of the Extradition Act;
 - (d) any person whose admission would be in the opinion of the Minister be contrary to the interest of national security;
 - (e) any person against whom an order of deportation from Nigeria is in force;
 - (f) any person who-
 - (i) has not in his possession a valid passport, or
 - (ii) being a person under the age of sixteen years has not in his possession a valid passport or is unaccompanied by an adult on whose valid passport particulars of such person appear;
 - (g) any prostitute;
 - (h) any person who is or has been-

- (i) a brothel keeper,
 - (ii) a householder permitting the defilement of a young girl on his premises,
 - (iii) a person allowing a person under thirteen years of age to be in a brothel,
 - (iv) a person causing or encouraging the seduction or prostitution of girl under thirteen years of age,
 - (v) a person trading in prostitution, or
 - (vi) a procurer.
- (2) The Minister may, at any time by notice add to or amend any class of prohibited immigrants in subsection (1) of this section and if he deems it conducive to the public good may prohibit the entry into or stay in Nigeria of any other persons or class of persons not in any case citizens of Nigeria.
- (3) In this section-
- (a) "brothel keeper" includes any person who appears, acts or behaves himself as the owner of, or the person having the care, government or management of any premises, or room or set of rooms in any premises, kept for purposes of prostitution;
 - (b) "householder permitting the defilement of a young girl on his premises" means any person who, being the owner or occupier of any premises or having or acting or assisting in the management or control thereof, induces or knowingly suffers any girl under the age of thirteen years to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man or for any lewd purpose;
 - (c) "person allowing a person under thirteen years of age to be in a brothel" means any person having the custody, charge or care of a child or young person who has attained the age of four years and is under the age of thirteen years, who allows that child or young person to reside in or frequent a brothel;
 - (d) "person causing or encouraging the seduction or prostitution of a girl under thirteen years of age" means any person having the custody, charge or care of a girl under the age of thirteen years who causes or encourages the seduction, unlawful carnal knowledge, or prostitution of or the commission of an indecent assault upon that girl;
 - (e) "person trading in prostitution" means-

- (i) a male person who knowingly lives wholly or in part on the earnings of prostitution or who, in any public place persistently solicits or importunes for immoral purposes; or
 - (ii) a female who, for the purposes of gain; exercises control, direction or influence over the movements of a prostitute in such a manner as to show that such female is aiding, abetting or compelling her prostitution with any person or generally;
- (f) "procurer" means any person who-
- (i) procures or attempts to procure any female under twenty-one years of age, not being a common prostitute or of known immoral character, to have unlawful carnal connection, either within or without Nigeria with any other person, or
 - (ii) procures or attempts to procure any female to become, either within or without Nigeria a common prostitute, or
 - (iii) procures or attempts to procure any female to leave her usual place of abode (such place not being a brothel), with intent that she may, for the purpose of prostitution, become an inmate of a brothel, either within or without Nigeria, or
 - (iv) by threats or intimidation procures or attempts to procure any female to have any unlawful carnal connection either within or without Nigeria, or
 - (v) by false pretences or false representations procures any female, not being a common prostitute or of known immoral character, to have any unlawful carnal connection, either within or without Nigeria, or
 - (vi) applies or administers to or causes to be taken by any female any drug, matter, or thing, with intent to stupefy or overpower her so as thereby to enable any person to have unlawful carnal connection with that female;
- (g) "prostitution" (with its grammatical variations and cognate expressions) includes the offering by a female of her body commonly for acts of lewdness for payment, although there is no act, or offer of an act, of ordinary sexual connection.
- (4) For the purposes of this section a person shall be deemed to possess a valid passport if-
- (a) being a citizen of any other Commonwealth country (including Eire), he produces with his passport for inspection under this Act, a residence permit issued by or on behalf of the Director of Immigration and any entry permit issued under section 9 of this Act; or

- (b) being a citizen of any other country not otherwise exempted under this Act, he produces for inspection with his passport, a visa valid for entry into Nigeria for any purpose designated in the visa, and a residence permit.
- 19.** (1) Subject to subsections (2) and (3) of this section, any person who being a prohibited immigrant enters Nigeria except in accordance with this Act shall be guilty of an offence under this Act, and if convicted the court may make a recommendation for deportation of the offender.
- (2) The Minister may, if satisfied that it is in the public interest, and whether or not any person has been prosecuted for an offence under this section, make a deportation order against that person as a prohibited immigrant; and it shall be no defence that such person was not notified that his entry into Nigeria was prohibited, or that the entry was permitted by oversight or otherwise howsoever; this subsection shall have effect notwithstanding any other provision of this Act.
- (3) If the Minister is of opinion that any person in Nigeria ought, at any time after his entry to be classed as a prohibited immigrant, he may make an order accordingly and the provisions of any such order shall have effect as if the person named in the order were a prohibited immigrant landing in Nigeria for the first time; any person affected by an order made under this subsection may be deported.
- (4) The provisions of this section shall, if the Minister thinks fit, extend and apply to any person who having entered Nigeria at any time in pursuance of a visitor's permit or transit permit remains in Nigeria beyond the time allowed by such pass or breaks any other condition subject to which such permit was issued, whether or not he has been prosecuted for an offence under this Act.
- 20.** (1) Where a person convicted of an offence by any court is committed for sentence to another court, any power to make a recommendation for deportation in respect of him shall be exercisable by the court to which he is committed and not by the court by which he is convicted.
- (2) For the purposes of any enactment relating to appeals in criminal cases, a recommendation for deportation shall be treated as an order made on conviction; and the validity of such a recommendation shall not be called in question except on an appeal against the recommendation or against the conviction upon which it is made.
- 21.** (1) Where a recommendation by a court for deportation is in force, the Minister may, if he thinks fit, make a deportation order requiring him to leave Nigeria and prohibiting him from returning there so long as the order is in force.
- (2) Subject to the provisions of this Act, an order under this section shall not be made in pursuance of a recommendation for deportation unless either-

- (a) the time for bringing an appeal against the recommendation, or against the conviction upon which it was made, has expired without such an appeal having been brought; or
 - (b) such an appeal has been brought and abandoned, or finally determined otherwise than by the quashing of the recommendation or the conviction; or
 - (c) the recommendation was made on appeal and no further appeal lies.
- (3) The Minister may, if he thinks fit, revoke a deportation order at any time, whether before or after the person to whom it relates has left or been removed from Nigeria, but the revocation of a deportation order shall not affect the validity of anything previously done thereunder.
- 22.** (1) The Minister or any person acting under his authority may, notwithstanding any other provision of this Act, give directions to the master of any ship or commander of any aircraft which is about to leave Nigeria, requiring him to afford to any person against whom a deportation order is in force, and to any dependants of his specified in the directions, a passage to any port so specified (being a port in a country of which that person is a citizen or a country or territory to which the Minister has reason to believe that he will be admitted, and at which the ship or aircraft is to call or land in the course of the voyage) and proper accommodation and maintenance during the passage.
- (2) A person in respect of whom directions are given under subsection (1) of this section, may be placed, under the authority of the Minister, on board any ship or aircraft in which he is to be removed in accordance with the directions.
- (3) The employer of any person against whom a deportation order is in force shall pay the expenses incidental to the voyage from Nigeria of the person to be deported and his dependants (if any) and the maintenance until departure of such person and his dependants; and in default of such payment the Minister may in any proper case sue for and recover the same, or in his discretion may apply in and towards any such expenses aforesaid, moneys belonging to the person to be deported, or cause the expenses to be defrayed by the Government of the Federation.
- 23.** (1) Where a recommendation for deportation is in force in respect of an offender and the offender is neither detained in pursuance of the sentence or order of any court nor for the time being released on bail by any court having power so to release him, he shall, unless the court by which the recommendation is made otherwise directs, be detained until the Minister-
- (a) makes a deportation order in respect of him; or
 - (b) notifies him that no such order is to be made; or
 - (c) directs him to be released pending further consideration of his case.

- (2) Where a deportation order is in force in respect of an offender, the offender may be detained under the authority of the Minister until he is removed from Nigeria pursuant to this Act; and if he is released from detention pending further consideration of his case or while liable to be detained is not so detained, the Minister may by order impose on him such restrictions as to place of residence and requirements as to reporting to the police as the Minister thinks fit.

24. (1) If any person in respect of whom a deportation order is in force-

- (a) having left Nigeria after notice of the making of the order has been given to him on behalf of the Minister, subsequently returns to Nigeria; or
- (b) having been placed on board a ship or aircraft under this Act, lands from that ship or aircraft before it has left Nigeria,

he shall be guilty of an offence; and any offence under this subsection shall be deemed to continue throughout any period during which the offender is in Nigeria after its commission.

- (2) If any person, upon whom any restriction or requirement is imposed under this Act, fails to comply with that restriction or requirement, he shall be guilty of an offence.
- (3) Where a person in respect of whom a deportation order is in force is convicted of any offence under subsection (1) of this section, the operation of the deportation order shall be suspended but shall not cease to have effect.
- (4) If any person knowingly harbours any person whom he knows or has reasonable grounds for believing to have committed an offence under subsection (1) of this section, he shall be guilty of an offence.

25. (1) The Minister may, from time to time, by notice direct that persons within any category specified in the notice, entering Nigeria otherwise than by sea or air, shall be liable to deportation as prohibited immigrants without the intervention of any court; and any person in any such category may be arrested and detained by an immigration officer and may, subject to subsection (2) of this section, be deported forthwith; if any person is deported under this subsection, the immigration officer shall report the case as soon as possible to the Director of Immigration.

- (2) The power to arrest or to deport under this section may be exercised by an immigration officer not below the rank of Assistant Immigration Officer.

Part III **Control of crews and Stowaways**

26. (1) An immigration officer may examine any person who arrives at a port in Nigeria as a member of the crew of a ship or aircraft whether or not he lands or seeks to land in Nigeria; and the provisions of this Act shall apply to any such person accordingly.

(2) The Minister may, by order, make provision for requiring masters of ships and commanders of aircraft arriving at ports in Nigeria to furnish to the immigration officer, particulars of the members of the crews of those ships or aircraft, and for enabling the immigration officer to dispense with the furnishing of such particulars.

27. (1) An immigration officer may, by notice given at any time to any person who-

(a) has arrived at a port in Nigeria as a member of the crew of a ship or aircraft; and

(b) is for the time being on board the ship or aircraft on which he arrived at the port, prohibit him from landing from that ship or aircraft as the case may be, while it remains at the port, unless authorised to do so by an immigration officer.

(2) If any person affected by subsection (1) of this section-

(a) lands from a ship or aircraft in contravention of a prohibition imposed on him under subsection (1) of this section; or

(b) remains in Nigeria after his ship or aircraft has left the port; or

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

he shall, subject to the provision of subsection (3), be treated for the purposes of this Act as if he had been refused admission into Nigeria.

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

(a) to leave Nigeria in a specified ship or aircraft; or

(b) to leave Nigeria within a specified period in accordance with arrangements for his repatriation;

and where such a notice is given to any person, he shall not be treated as a person to whom admission to Nigeria has been refused unless, in

the case where he is subject to conditions requiring him to leave Nigeria as aforesaid, he fails to comply or is reasonably suspected of intending to fail to comply with those conditions.

- 28.** (1) If any person arrives at a port in Nigeria as a stowaway in a ship or aircraft, he shall, subject to the provisions of subsection (2) of this section, be treated for the purposes of this Act as if he were a prohibited immigrant and was refused admission into Nigeria accordingly.
- (2) Subsection (3) of section 27 of this Act shall apply in relation to any such person refused admission as it applies in relation to any who has landed or remained in Nigeria as mentioned in subsection (2) of the said section 27.
- 29.** (1) Notwithstanding the provisions of any other Act or written law, no member of the crew of any ship or aircraft who is not a citizen of Nigeria, shall be discharged in Nigeria without the approval of the Director of Immigration given on such terms as he may think fit.
- (2) For the avoidance of doubt, the provisions of this section shall extend and apply to the crew of any ship which operates solely or mainly within the territorial waters of Nigeria.

Part IV Miscellaneous and Supplemental

- 30.** (1) The Minister may, from time to time, give such directions as he thinks fit for the determination of the nationality of any person, or if a deportation order is in force, for the disregarding of any change of nationality; and where at any time before or after entry into Nigeria the nationality of any person is or may be questioned, or after entry into Nigeria a person for any reason changes his nationality, the burden of proof shall in any case, lie upon the person asserting the nationality or the change of nationality, as the case may be.
- (2) Save in the case of any person in or resident in Nigeria and claiming to be a citizen of Nigeria, no direction given under this section shall be questioned in any court.
- 31.** (1) Any person required or authorised to be detained under this Act may be detained in such places as the Minister may direct.
- (2) Where a person is detained by virtue of this Act, any immigration officer, police officer, prison officer, or any other person authorised by the Minister, may do all things reasonably necessary for photographing, measuring or otherwise identifying him.
- (3) Any person detained by virtue of this Act and any person who, being detained in pursuance of the sentence or order of a court, would otherwise

be liable to be so detained, may be taken in the custody of a police officer or an immigration officer to and from any place where his attendance is required for the purpose of ascertaining his nationality or of making arrangements for his admission to any country or territory.

(4) Any person required or authorised by this Act to be detained may be arrested without warrant by an immigration officer duly authorised in writing either generally or specially by the Director of Immigration, or by any police officer; and any person who is detained by virtue of this Act, or is being removed in pursuance of this section, shall be deemed to be in legal custody.

32. (1) Where the Minister is satisfied that the Government of any other country or a Minister thereof permits the entry of citizens of Nigeria into that country without requiring a visa or other entry permit, he may by order abolish or suspend the requirement in Nigeria of a visa or other entry permit by nationals of that other country, but without prejudice to any other requirements of this Act.

(2) Notice of the making of any order under this section shall be given to such persons outside Nigeria as the Director of Immigration thinks fit as soon as may be after the making thereof.

33. (1) The Minister may, from time to time, prescribe the conditions for entry into Nigeria and the fees payable in respect of any travel document, visa, or permit; and every Nigerian embassy shall give effect thereto in any proper case by the issue of a visa or other entry permit.

(2) For the purposes of this section, "embassy" includes any Nigerian high commission or consulate.

34. (1) Where any person in Nigeria is desirous of employing a person who is a national of any other country he shall, unless exempted under this section, make application to the Director of Immigration in such manner as may be prescribed and shall give such information as to the provision to be made for repatriation of that national and his dependants as the Director of Immigrations may reasonably require; and no such person shall be employed without the permission of the Director of Immigration given on such terms as he thinks fit; the provisions of this section shall extend and apply to persons in employment immediately before, as well as to those employed or to be employed at any time after, the commencement of this Act.

(2) The Director of Immigration shall record the information in such form as he thinks necessary; and where he is not satisfied, the Director of Immigration may require provision to be made for repatriation either generally as to all persons so employed by a person in Nigeria and their dependants or with reference to any particular person, by payment into the Consolidated Revenue Fund by way of deposit of such amount as the

Minister may prescribe for the repatriation, or by a bond in such form as the Director of Immigration may approve for such purpose.

- (3) The Minister may, by notice, exempt any person from the requirements of this section on such conditions as he thinks fit, and subject thereto any person to whom this section applies who is employed in Nigeria, shall on ceasing for any reason to be so employed, be deemed to be a prohibited immigrant as from the date of his entry into Nigeria; and the person who employed him shall be liable to pay all costs of and incidental to deportation of the prohibited immigrant and of his dependants.
 - (4) The failure to comply with the provisions of this section shall be an offence under this Act.
 - (5) For the purposes of this section, any person being a company or association shall be deemed to be in Nigeria if carrying out any work therein.
- 35.** (1) The Director of Immigration may if he deems it to be in the public interest, at any time revoke a residence permit or other permit under this Act or may issue a new permit of such conditions as he thinks fit; and where any permit is revoked without replacement, the person affected shall be deemed to be a person seeking to enter Nigeria for the first time, and the Minister in his discretion, may issue a deportation order.
- (2) The Director of Immigration may direct the holder of a permit to surrender it for replacement, or he may re-issue it with such additional conditions or varied conditions, as the circumstances may require; the failure to comply with any direction of the Director of Immigration under this subsection shall be an offence under this Act.
- 36.** (1) Subject to the provisions of subsection (2) of this section, the Minister may if he thinks it to be in the public interest, by order prohibit the departure of any person from Nigeria; and if the travel documents of any person are not in proper order or there is, to the knowledge of the immigration officer, an unsatisfied order of a court of competent jurisdiction or warrant of arrest relating to that person, an immigration officer may refuse to allow such person to leave Nigeria, or in his discretion he may refer the case to the Director of Immigration for further consideration.
- (2) Nothing in this section shall apply to or affect any person entitled under any rule of law or enactment to immunity from suit or legal process, not being immunity in respect of things done or omitted to be done in the course of his duty.
- 37.** (1) Subject to the provisions of this Act, any person of or above the apparent age of sixteen years who, on the coming into operation of this Act is in Nigeria but is not a citizen thereof, shall apply to an immigration officer at such time and place as may be required under this section for a

permit under this Act; any person in Nigeria as aforesaid and under the apparent age of sixteen years shall apply to an immigration officer for such permit not later than three months after he attains that age, and notice of the requirement of this section may be published in such manner as the Director of Immigration thinks fit.

- (2) The provisions of this section shall extend and apply-
 - (a) to persons who being nationals of more than one country including Nigeria, elect within the time prescribed by the Constitution of the Federal Republic of Nigeria, or any enactment to be nationals of some country other than Nigeria;
 - (b) to persons who having acquired nationality as citizens of Nigeria for any reason, lose that nationality, and the person concerned shall within one month after the election or loss of nationality, as the case may be, apply to the Director of Immigration for a permit to remain in Nigeria; and the Director of Immigration may grant or refuse the permit; an appeal shall lie to the Minister from the grant or refusal of a permit under this subsection.
- (3) The Minister may exempt any person or class of persons from the requirements of this section; and subject thereto, the Director of Immigration may from time to time in the Federal Gazette and in some newspaper printed and circulating in Nigeria, give notice of the requirements of this section.
- (4) A permit under this section shall be in such form and be subject to such conditions as the Minister may, from time to time, prescribe; and the failure to apply when required by this section shall be an offence against this Act, and any person affected shall be deemed to be a person seeking to enter Nigeria for the first time, and may be dealt with accordingly.

38. (1) Any person under the apparent age of sixteen years may be permitted by an immigration officer to enter Nigeria without a permit and to remain in Nigeria for so long as such person is with his parents, and any person so admitted shall not live elsewhere without the approval of an immigration officer; any such person entering without a permit shall leave Nigeria as and when required by the Director of Immigration; and if not having been required to leave he attains the age of sixteen years, he shall apply to an immigration officer for the issue of a permit under section 37 of this Act to remain in Nigeria. The immigration officer may issue a permit upon such conditions as he thinks fit, or may refuse a permit. If a permit is refused the person affected shall be dealt with in such manner as the Minister may direct.

- (2) The provisions of this section shall extend and apply to any person who entered Nigeria at any time after the thirtieth day of September, nineteen hundred and sixty and before the commencement of this Act, so however that if on the commencement of this Act he has attained the age of not less

than sixteen years he shall be deemed for the purposes of this section to be of the age of sixteen years on the commencement of this Act.

- (3) The failure to comply with the requirements of this section shall be an offence under this Act.
- 39.** (1) Any person who, without the approval of the Minister given on such terms as he thinks fit, brings into Nigeria any idiot or insane person, not being a citizen of Nigeria, shall be liable to pay to the Minister all expenses which may be incurred by the Minister in connection with the maintenance and transport of such idiot or insane person and his deportation from Nigeria.
- (2) The amount of any expenses incurred shall be recoverable by action brought in the name of the Attorney-General of the Federation.
- 40.** (1) Where a prohibited immigrant disembarks from any ship or aircraft in Nigeria, the master, the owner and the agent of any such ship or aircraft shall be jointly and severally liable to pay to the Minister all expenses incurred by the Minister in connection with the transport and maintenance of the prohibited immigrant and of his deportation from Nigeria.
- (2) The provision of subsection (1) of this subsection shall extend and apply to the owner or agent of the owner of any vehicle whatsoever by means of which the prohibited immigrant entered Nigeria by land.
- (3) The amount of any expenses incurred shall be recoverable by action brought in the name of the Attorney-General of the Federation.
- 41.** Any document purporting to be an order, notice or direction made or given by the Minister for the purposes of this Act, and to be signed by him or on his behalf, shall be received in evidence, and shall, until the contrary is proved, be deemed to be made or issued by him; and prima facie evidence of any such order, notice or direction may, in any legal proceedings, be given by the production of a document bearing a certificate purporting to be signed by or on behalf of the Minister and stating that the document is a true copy of the order, notice or direction.
- 42.** There shall be defrayed out of moneys provided by the National Assembly any expenses incurred for the purposes of this Act by the Minister or the Minister of Health.
- 43.** (1) Where a person is charged with an offence upon conviction of which the offender may be recommended under this or any other Act for deportation, the case shall be dealt with in priority to any case, civil or criminal, other than a case part heard; and notwithstanding the provisions of any other Act or written law, the offender at the hearing may be remanded in custody for a period not exceeding at any one time of twenty-one days, and thereafter as occasion may require, the offender may be

again so remanded from time to time; but in no case shall the total period on remand exceed two months.

- (2) If no order is made by the Minister within such period or extended period as aforesaid the offender may be dealt with as the court thinks fit; and where a sentence of imprisonment is imposed, account shall be taken of the period during which the offender was held in custody on remand.

44. Where a court of competent jurisdiction convicts an offender under any enactment for an offence punishable by imprisonment without the option of a fine, the court may in addition to or in lieu of sentence recommend the deportation of the offender, and the Minister may order his deportation accordingly.

45. Notwithstanding any other provision of this or any other Act, where a deportation order has been made, the Minister may direct the detention of the person affected for such period as he thinks fit if, in his opinion the deportation is impracticable or prejudicial to the efficient prosecution of any war in which Nigeria may be engaged, and the detention of the person affected by the deportation order is necessary or expedient for securing public safety, the defence of Nigeria, or the maintenance of public order.

46. (1) If any person-

- (a) while a refusal of admission is in force in relation to him enters or remains within Nigeria otherwise than in accordance with the directions or under the authority of an immigration officer; or
- (b) contravenes or fails to comply with any condition imposed on him under this Act,

he shall be guilty of an offence; and any offence under this subsection, being an offence committed by entering or remaining in Nigeria, shall be deemed to continue throughout any period during which the offender is in Nigeria thereafter.

- (2) If any person knowingly harbours any person whom he knows or has reasonable grounds for believing to have committed an offence under subsection (1) of this section, being an offence committed by entering or remaining within Nigeria, he shall be guilty of an offence.

(3) If any person-

- (a) makes or causes to be made to any immigration officer or other person lawfully acting in the execution of this Act, any return, statement or representation which he knows to be false or does not believe to be true; or
- (b) refuses or fails to produce or furnish to any such officer or person any document or information which he is required to produce or

furnish to that officer or person under this Act, or otherwise obstructs any such officer or person in the exercise of his functions thereunder; or

- (c) without lawful authority, alters any document issued or made under or for the purposes of this Act, or uses for the purposes of this Act, or has in his possession for such use, any forged or altered passport or other travel document,

he shall be guilty of an offence.

47. It shall be an offence under this Act for any employer of persons liable to repatriation to discharge any such persons without giving notice to the Director of Immigration, or for any such employed person to change his employment without the approval of the Director of Immigration; and upon conviction, the employer if not a citizen of Nigeria and the employed person as the case may be and any dependants shall if the Minister thinks fit be deported, and the business of the employer may be wound up as prescribed by this Act.

48. (1) A person guilty of an offence under this Act shall be liable on summary conviction to a fine not exceeding N200 or to imprisonment for a term not exceeding six months or to both; and the court may if it thinks fit recommend the deportation of the offender.

(2) For the purposes of the trial of a person for any offence under this Act, the offence shall be deemed to have been committed either at the place at which it actually was committed or at any place at which the offender may be.

(3) Any police officer or immigration officer may arrest without warrant any person whom he has reasonable grounds to believe has committed an offence under subsection (1) of section 24 or subsection (1) of section 46 of this Act.

(4) Any powers exercisable under this Act in the case of any person may be exercised notwithstanding that proceedings for an offence under this Act have been taken against him.

49. (1) Where it appears to the Minister expedient that any business previously conducted or managed by any person who has been deported or under section 45 of this Act is detained should be wound up, he may cause application to be made to the High Court of a State or of the Federal Capital Territory, Abuja as the case may be, for the appointment of a receiver or receiver and manager in respect of such business, and the High Court shall have power to appoint a receiver or receiver and manager for such time and subject to such conditions and with such modifications, restrictions or extensions of the ordinary powers and duties of a receiver or receiver and manager as that court may think fit.

- (2) The High Court shall also have power to direct how and by whom the costs of any proceeding under this section, and the remuneration, charges and expenses of the receiver or receiver and manager shall be borne, and may order that the costs and expenses be charged against the property of the person whose business is being wound up in such order of priority in relation to any existing charges thereto as it thinks fit.

50. Nothing in this Act shall be construed to prohibit an immigration officer from refusing entry into Nigeria of any person not a citizen of Nigeria if it appears to the immigration officer-

- (a) that the person concerned is a prohibited immigrant; or
- (b) that, where a visa is required, such person has no current visa; or
- (c) that where a residence or other permit is required as a condition of entry it has not been obtained; or
- (d) on the advice of a medical inspector it is undesirable for medical reasons to admit such person.

51. (1) The Minister, may make all such regulations as in his opinion are necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

(2) Without limiting the generality of the provisions of subsection (1) of this section, regulations may be made for all or any of the following purposes-

- (a) for the control of aliens resident in Nigeria;
- (b) for the establishment of a uniformed immigration service and the terms and conditions of employment therein;
- (c) for the imposition of penalties for the breach of any regulations not exceeding a fine of N100 or imprisonment for six months or of both.

52. (1) In this Act, unless the context otherwise requires-

"alien" means any person not a Commonwealth citizen or a citizen of Eire;

"aliens officer" means any person appointed for the control of aliens and includes an immigration officer;

"crew" in relation to a ship or aircraft, means all persons actually employed in the working or service of the ship or aircraft including the master of the ship and commander of the aircraft, and

"member of the crew" shall be construed accordingly;

"enter" with its grammatical variations and cognate expressions includes land;

"immigrant" means any person other than a citizen of Nigeria or person accorded immunity by reason of diplomatic status who enters or seeks to enter Nigeria;

"immigration officer" means any officer appointed for the control of immigration under this Act;

"land" means (subject to subsection (2) of this section) land from a ship or aircraft, and "embark" shall be construed accordingly;

"leave" with grammatical variations and cognate expressions includes embark;

"Minister" means the Minister charged with responsibility for immigration;

"passport" means with reference to the person producing it, a travel document furnished with a photograph of such person and issued to him by or on behalf of the country of which he is a subject or a citizen and for a period which, according to the laws of that country, has not expired, and includes any other similar document approved by the Minister establishing the nationality and identity of the person to whom it refers to the satisfaction of an immigration officer;

"permit" includes pass;

"prescribed" means prescribed by this Act or by regulations or any order under this Act;

"prohibited immigrant" includes any person liable to be refused entry or to be deported under this Act;

"recognised port" or "port of entry" means in respect of persons landing from or embarking in an aircraft, any recognised airport where there are facilities for customs, health and immigration inspection, and in respect of persons landing from or embarking in a ship or otherwise arriving in or departing from Nigeria, means any place where there are the like facilities;

"travel documents" for entry into Nigeria includes in any proper case a visa and employment papers, and international certificates of health valid for such entry, and where a citizen of Nigeria is departing, includes any visa, employment papers and international certificates of health valid for entry into or travel through any other country, as the case may require;

"visa" means an impress or endorsement by any means on a travel document, purporting to be signed and dated by an officer appointed for

that purpose by or on behalf of the Government of Nigeria, and authorising entry into or transit across Nigeria subject to compliance with any special requirements prescribed by the immigration authorities at a port of entry, and valid for specified time and for the number of journeys stated therein.

- (2) References in this Act to persons landing in Nigeria from or arriving at ports in Nigeria as members of the crews of ships or aircraft, do not include references to persons landing from a ship or aircraft which began its voyage at a place in and has not during the voyage called at any place outside Nigeria, or arriving as members of the crew in such a ship or aircraft.
- (3) Where by this Act, any power to institute proceedings or to recover moneys is vested in the Attorney-General of the Federation, that power may, with the consent given either generally or specially by such Attorney-General, be exercised in his name by any authorised immigration officer.
- (4) For the avoidance of doubt-
 - (a) a person seeking entry shall be treated as in Nigeria after he has complied with all formalities prescribed for inspection by immigration, health and customs authorities, and whether the compliance is subject to conditions or otherwise;
 - (b) any permit issued under any repealed Act and valid immediately before the commencement of this Act, shall on the commencement thereof be deemed to have been issued under this Act for the unexpired balance of the term of the permit and may be dealt with accordingly.

53. This Act may be cited as the Immigration Act.