THE NATIONAL MIGRATION POLICY: A CRITICAL REVIEW

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Abstract

As nations made efforts towards the ratification and adoption of national, regional, sub-regional and international standards and conventions, Nigeria in 2015 developed a "National Migration Policy" to serve as a reference document and to guide all stakeholders in migration management. It is channeled towards the advancement and protection of the human rights of Nigerians both within and outside the country, and thus, the effective administration and management of migration for the socio-economic development of Nigeria. The policy document addresses the issue of migration rights and contributions to national development based on existing national legal and policy frameworks of the country. The responsibility for the coordination of the national policy is vested with the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) in collaboration with the Ministries, Departments and Agencies involved in Migration. This paper, using the critical method of inquiry has evaluated this policy document with the purpose of casting another eye on the document, four years after it has been written, and to make possible suggestion for that would be a resource material in case of a possible review in the nearest future.

Keywords: National, Policy, Migration, Nigeria, Management, International Standards

Introduction

The issue of Migration has become as burning issue on the floor of the United Nations since after the speech of the UN Secretary General, Kofi Anan in 2003. Some of the excerpts from his speech are worthy of note:

"…they (states) have become more aware of the economic importance of migration for both poor and rich countries"[1]

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[1] Kofi Anan (2003). Secretary-General's remarks at the launch of the Global Commission on International Migration, 9th December

"Migrants are often vulnerable to human rights abuse –on their journey, at borders, and in the countries they migrate to"[2] "Migrant remittances are a vital factor in development"[3] "I am convinced that win-win outcomes are possible, if we approach this issue rationally, creatively, compassionately and cooperatively"[4] 'The States that have come together to form this Commission are clearly committed to finding a way to manage international migration better"[5] "Our approach to migration will be an important test of our commitment to universal values, and of our capacity, as an international community, to cooperate for mutual advantage"[6]

This speech marked a turning point in the place that migration occupied in national and international agendas of nations, and thus in migration governance. It opened up a new vista that emphasized the importance of a collaborative effort for efficient administration of migration. This would involve the effective and full participation of stakeholders, governmental and non-governmental organizations, special agencies from origin, transit and destination countries and the Diaspora communities would have to work together.

As nations made efforts towards the ratification and adoption of national (in conformity with the 1999 Constitution that provides for free mobility of people, goods and services throughout the Federation)[7], regional (AU Strategic Framework on Migration and Development[8]; AU Common Position on Migration and Development 2006[9]), sub-regional (ECOWAS Treaty[10] and Protocol on Free Movement of Persons, Residence and

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[2] Kofi Anan (2003). Secretary-General's remarks at the launch of the Global Commission on International Migration, 9th December
[3] Kofi Anan (2003). Secretary-General's remarks at the launch of the Global Commission on International Migration, 9th December
[4] Kofi Anan (2003). Secretary-General's remarks at the launch of the Global Commission on International Migration, 9th December
[5] Kofi Anan (2003). Secretary-General's remarks at the launch of the Global Commission on International Migration, 9th December
[6] Kofi Anan (2003). Secretary-General's remarks at the launch of the Global Commission on International Migration, 9th December
[7] Constitution of the Federal Republic of Nigeria, 1999, 15. 3. Chapter 1, West Africa
[8] ECOWAS Commission, ECOWAS Common Approach on Migration. Thirty-Third Ordinary Session of the Head of State and Government, Ouagadougu, 18th January 2008
[9] Economic Community of West African States, Article 59, on Free Movement of Persons, Residence and Establishment, West Africa
[10] African Union, African Common Position on Migration and Development, Executive Council, 9th Ordinary Session, 25-29 June Banjul, Gambia,EX.CL/277, 9.

Establishment[11]) and international standards and conventions, Nigeria in 2015 developed a "National Migration Policy" which was channeled towards the advancement and protection of the human rights of Nigerians both within and outside the country, and thus, the effective administration and management of migration for the socio-economic development of Nigeria[12]. The purpose of this review is to cast another eye on the document, four years after it has been written, and to make possible suggestion for the purpose of review win the nearest future.

The Dynamics, Trends and Patterns of Migration in Nigeria

The policy document defines migration as "the process of temporary or permanent relocation of a person from his or her place of primary abode to another place, in search of better living, family reunification, further studies or other reasons"[13]. As a document contextualized to Nigeria, it made a distinction between international migration, which involves the movement of persons across internal borders and internal migration, which involves movement within Nigeria. Internally, migration is of diverse faces, rural-urban, rural-rural, urban-rural and urban-urban. These migrations are determined by various factors, including population growth, pressure on land, rural poverty, unemployment, lack of services like education, health care, etc[14].

Very fundamental in the history of Nigeria, as regards migration is the creation of states: 12 states were created from the existing four regions in the mid-1960s. Later 19 states were created thus, increasing the potential destination of migrants. Further, 36 states were created with 774 local government areas and the federal capital moved to Abuja, these developments caused the mass migration of people to these core areas of development. These developments came with employment for all levels of people, and also brought opportunities for investment in transportation, education and housing, which further attracted more people. Also as the

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[11] 1979 Protocol A/P.15/79 Free Movement of Persons, Residence and Establishment (FMPRE)
[12] National Migration Policy, Federal Republic of Nigeria, May 13 2015, p.1.
[13] National Migration Policy, Federal Republic of Nigeria, May 13 2015, p.5
[14] National Migration Policy, Federal Republic of Nigeria, May 13 2015, pp.11-12

cities were getting congested, many people were leaving for the rural areas to avoid high cost of living, traffic, conflicts, crime, etc[15].

Another dimension of internal migration in Nigeria is the case of the Internally Displaced Persons, who have been forced to leave their homes as a result of conflicts, war, natural or environmental disaster, etc. However, in it is caused in most cases by ethnic and religious conflicts. This ends up in a chain migration as a way of reducing the bite of poverty. Beyond internal migration, Nigeria is a country of origin, transit and destination for many and diverse migratory configurations. This became more interesting with the oil boom in the 1970s and 80s, as many migrated to Nigeria especially from West African States, especially Ghana, Niger, Chad, Mali, etc. These movements have been easier where states along border share the same cultural and religious affinities with neighbouring countries like the Hausa-Fulanis and Niger and the Yoruba state with Benin republic. Nigeria is not only a destination country but a migrating nation to other nations. It all began with the slave trade, followed by colonialism, now Nigerians in good number travel to the UK and USA for education, good jobs and other good things of life. Migration to neighbouring West African countries is even more. In the 1980s as poor economic conditions emerged, many more left the country and many of those who were outside changed their status of their visas to residence visa. These Diasporas have contributed to national development through their remittances[16].

This notwithstanding, there is a dark side to migration. Many travel through irregular means and have died on the seas and in the deserts. In fact, about 10,000 migrants die every year. Some enter Europe and America regularly but because they have over stayed their visa, they have become relegated to unstable jobs and low pays, wasting away in foreign lands. The case of human trafficking, especially women is another case in point[17].

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[15] National Migration Policy, Federal Republic of Nigeria, May 13 2015, p.13

[16] National Migration Policy, Federal Republic of Nigeria, May 13 2015, p.13.

[17] National Migration Policy, Federal Republic of Nigeria, May 13 2015, p.15.

It is because of these that the Federal Government of Nigeria has developed the National Policy on Migration to serve as a reference document and to guide all stakeholders in migration management. It addresses the issue of migration rights and contributions to national development based on existing national legal and policy frameworks of the country. The responsibility for the coordination of the national policy is vested with the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) in collaboration with the Ministries, Departments and Agencies involved in Migration.

Rationale for the National Policy on Migration

The policy document was developed by the Federal Government of Nigeria in view of her commitment to establishing and strengthening the structures that protect human, civil and economic rights of her citizens at home and abroad and for other nationals residing in Nigeria. Through this document, the Nigerian government did not only affirm her commitment to national instruments, principles and standards, but to international standards on migration as well[18]. The objectives of the document are to:

1. Provide a platform for uniform administration of migration in Nigeria
2. Provide strategic direction for efficient and effective migration management at home and abroad
3. Ensure the protection of the human, civil and economic rights of Nigerians abroad
4. Encourage orderly and regular migration of Nigerians
5. Eliminate irregular migration
6. Educate Nigerians on the dangers of irregular migration
7. Eradicate trafficking in persons, migrant smuggling, etc.
8. Stem the haphazard migration of professionals
9. Encourage the participation of Nigerians in Diaspora in economic development of the nation
10. Develop cost effective and efficient methods of remittances
11. Encourage bilateral relations to ensure that Nigerians repatriated are treated humanely

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[18] National Migration Policy, Federal Republic of Nigeria, May 13 2015, p.21

12. Facilitate voluntary repatriation of Nigerians who are irregular migrants
13. Address border management issues that may threaten peace
14. Make the principle of gender equality a central core value in migration policy[19]

In relation to development, the Nigerian government acknowledges the need to harness the potentials of Nigerians in Diaspora who constitute a major source of expertise, skills, remittances and foreign investment; in this way, migration would be directed to impact positively on the development of the nation. To achieve this, an enabling environment would be created to attract Diaspora contributions to national development, update Diaspora database, reintegrate return migrants and utilize their skills and create a conducive environment for transfer of knowledge, skills and Diaspora[20].

Policy Goals, Objectives and Strategies
For the effectiveness of the policy, the document focused on major issues bordering on migration in Nigeria and developed objectives and strategies towards the realization of the objectives. The issues of concern include internal migration and urbanization, which has led to further poverty, unemployment, congestion, inadequate housing, education, transportation, health, etc. The second is national and human security, with particular reference to migratory movements occurring as a result of war and internal conflicts, for example, the violent conflict in Mali which has compounded the security challenge in Nigeria[21].

The third is irregular migration which has increased in recent years as a result of unemployment, poverty, distorted information about employment opportunities abroad. As a result, many perish on the way, and many who get their live in vulnerable conditions. The fourth is migrant smuggling, which concerns migrants who pay large sum of money to be smuggled into other countries. The fifth is human trafficking who are victims of crime,

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[19]National Migration Policy, Federal Republic of Nigeria, May 13 2015, pp.21-23
[20] National Migration Policy, Federal Republic of Nigeria, May 13 2015, pp.24-30
[21] National Migration Policy, Federal Republic of Nigeria, May 13 2015, pp.31-71

which is unlike migrant smuggling. The sixth is the issue of return, readmission and reintegration of Nigerian migrants and the facilitation of their adaptation to their country home. The seventh is the issue of border management against security challenges of human trafficking, migrant smuggling and increasing profile of international terrorism[22].

There was also a focus on forced displacements of persons beyond national boundaries, which include refugees and asylum seekers, internally displaced persons, the institutionalization and observance of non-discrimination principles for all types of migrants, the right to a nationality for stateless persons, crisis prevention, management and resolution. There was a focus on human rights of migrants in relation to the legislation and principles of non-discrimination and non-criminalization, labour migration within the context of development, and on some cross-cutting themes like migration and poverty, conflict, health, education, environment, climate change, trade, gender, children, elderly, persons living disability, sensitization and advocacy[23].

Migration and International Cooperation
In the policy document, the Nigerian government expressed her commitment to promoting international and regional cooperation and to monitor the effective implementation of relevant agreements and memorandums of understanding with other states, and when necessary enter into bilateral agreements and memorandums of understanding with destination countries. While it strongly discourages indiscriminate international recruitments from Nigeria, it commits itself towards working the promotion of programmes and initiatives that would attract and facilitate investment in Nigeria by the Diaspora, and also the transfer of skills and technology through effective collaboration. This would be based on an effective collaboration with destination countries with emphasis on respect of internal standards on migration.

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[22] National Migration Policy, Federal Republic of Nigeria, May 13 2015, pp.31-71
[23] National Migration Policy, Federal Republic of Nigeria, May 13 2015, pp.31-71

Migration Data and Information Management

The relevance of accurate data through national census, surveys, administrative records, birth and death registers, etc., for efficient and effective development planning when it comes to migration cannot be overemphasized[24]. Thus, the Nigerian government is determined to collect, collate, analyse and publish the results of data gathering on different types of internal and international migration; secondly, to utilize the results analysed and make them available to policy makers, development-based organizations and partners[25]. Thirdly, to develop a scheme to facilitate exchange of migration data with ECOWAS member states, countries and stakeholders; and fourthly, to develop a national migration data system and mechanism[26].

Funding for Migration Management

For the effectiveness of the policy document, there is need for funding. It is in this regard that the Federal government of Nigeria commits herself to making adequate provision for the funding of all policies and programmes related to migration through the annual appropriation of monies[27]. Beyond the commitment of the Federal government, she calls on state governments to include migration related activities in their budget. Civil Societies, Non-governmental organizations, organized private sector, international organizations and foreign nations are also encouraged to support migration activities for the successful implementation of the national policy on migration[28].

National Frameworks for Policy Implementation

Migration governance in Nigeria, as in other climes cannot be possible without appropriate coordination, policy coherence and development of synergies among relevant ministries, departments and agencies. To further facilitate dialogue between ministries, departments and agencies, a

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[24] National Migration Policy, Federal Republic of Nigeria, May 13 2015, pp.77
[25] National Migration Policy, Federal Republic of Nigeria, May 13 2015, pp.77-78
[26] National Migration Policy, Federal Republic of Nigeria, May 13 2015, pp.77-78
[27] National Migration Policy, Federal Republic of Nigeria, May 13 2015, p.79
[28] National Migration Policy, Federal Republic of Nigeria, May 13 2015, p.79

Technical Working Group has been established to harmonize their activities for the minimization of overlap. The policy on migration is built on a framework that includes the Federal Ministries of Education, Health, Finance, Information, Justice, Labour and Productivity, Women Affairs and Social Development, Foreign Affairs, Youth Development and Interior. Other members include the Central Bank of Nigeria, National Agency for the Prohibition of Traffic in Persons and Other Related Matters, National Bureau of Statistics, National Commission for Refugees, Migrants and Internally Displaced Persons, National Planning Commission, National Population Commission, Nigerian Immigration Service, Nigerian National Volunteer Service, Office of the National Security Adviser and other Related Security Agencies, National Employers Consultative Association, Nigeria Labour Congress and Trade Union Congress[29].

However, there are four levels of coordination in the national migration governance structure. The first level is the ministerial committee also known as the Sector Policy Review Committee (SPRC) or the National Consultative Committee (NCC). It is the highest level of coordination and consultation in all national migration related matters. It is composed of ministers, heads of parastatals with migration related mandate, and chaired by the Attorney General of the Federation and Minister of Justice, and co-chaired by the Supervising Minister of NCFRMI, with its secretariat at NCFRMI[30].

The second level is the Technical Working Group (TWG). It consists of state and non-state actors that make recommendation to the Sector Policy Review Committee (SPRC). It is chaired by NCFRMI[31].

The third level is the Thematic Groups that work on various thematic areas of migration. They include Standing Committee on Migration Matters, Labour Migration Working Group, Migration Data Management Working

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[29] National Migration Policy, Federal Republic of Nigeria, May 13 2015, pp.81-81
[30] National Migration Policy, Federal Republic of Nigeria, May 13 2015, p.82
[31] National Migration Policy, Federal Republic of Nigeria, May 13 2015, p.83

Group, Forced Migration and Assisted Voluntary Return and Reintegration and Stakeholders Forum on Border Management[32].

The fourth level is the state and non-state actors that comprises organizations whose activities are related and have impact on migration[33].

Evaluation

The 1999 Constitution of the Federal Republic of Nigeria provides that the security and welfare of the people of Nigeria shall be the primary purpose of the government of the Federal Republic of Nigeria. If the National Policy on Migration is a move towards the protection of the Nigerian people within and outside the nation, then, the policy document is a huge success as regards the Nigerian government fulfilling her responsibility towards her people. It is also a reaffirmation of the federal government's commitment towards pursuing its obligation to establish and strengthen the structures that protect the human, civil, economic and economic rights of her citizens at home and abroad, as well as the rights of aliens residing in Nigeria.

More so, if the policy document is about an effort to intervene at a time when there was lack of effective structures and legislative instruments to protect the human rights of migrants and to promote job opportunities through labour migration, the step towards the development of this document is laudable. Very interesting is the document's recognition of the need for the effective and full participation and collaboration of all stakeholders, governmental and non-governmental organizations, Diaspora communities, agencies from origin, transit and destination countries of migrants for an efficient administration of migration.

Worthy of note is the dynamic character of the policy document. It will not only address cross-cutting challenges bordering on migration like the environmental effects of migration, the exploitation and irregular migration of vulnerable groups like women, children, unaccompanied minors and disabled persons, climate change, national and international security,

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[32] National Migration Policy, Federal Republic of Nigeria, May 13 2015, p.83
[33] National Migration Policy, Federal Republic of Nigeria, May 13 2015, p.83

education, health, etc., the policy looks forward to addressing newly emerging migration challenges, trends, opportunities at all levels. Very interesting also is the fact that the document takes its time to define major concepts in the area of migration, which helps in the avoidance of ambiguities in the understanding of the position of the document.

These notwithstanding, unlike other contemporary documents on migration, the policy document fails in the provision of accurate and up-to-date statistics that are necessary and efficient for effective development planning. The document itself says: "There is a general lack of current information on both stock and flow of migrants within and outside the country"[34]. The document further says that "Estimates of Nigerians living in developed countries abroad are more available in destination countries than in Nigeria"[35]. And very worrisome is the fact that it looks forward to getting statistics from the National Population Commission, a commission that many Nigerians have cast very serious doubt on their statistics.

Although the document is rich in ideas about what the obligation of the federal government is to her people, it is also a document that tells how little the government has done, it is doing and the much it owes her people, especially as it concerns the areas of poverty, security, conflict, climate change, health, education, trade, the elderly, those living with disability among others.

However, the policy document remains a giant step in the history of Nigeria. It has a framework that is comprehensive, integrated and dynamic in scope and content. It contains within her the necessary guidelines and principles that would assist the government and other relevant stakeholders to implement.

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[34] National Migration Policy, Federal Republic of Nigeria, May 13 2015, p. 9
[35] National Migration Policy, Federal Republic of Nigeria, May 13 2015, p.11

Recommendations

1. Four years after the writing of this document, there is the need for a review of the policy document for the filling of missing gaps, especially as there is now an increased knowledge on migration.
2. The federal government needs to be more committed to her responsibility towards her people as regards poverty, security, conflict, climate change, health, education, trade, the elderly, those living with disability among others.
3. There is need for an up-to-date statistics in a document of this kind. Thus, the federal government needs to focus on providing statistics in the reviewed copy of the policy document.
4. Since the document requires obligations from various quarters, it is necessary that the document be publicized as many Nigerians are not aware of its existence.

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