

IMMIGRATION LAW IN NIGERIA: EXPATRIATE QUOTAS, CERPAC COMPLIANCE, AND THE FEDERAL GOVERNMENT'S CRACKDOWN ON IRREGULAR MIGRATION

Introduction

Immigration compliance has become a major enforcement priority in Nigeria. Recent regulatory crackdowns on irregular expatriate employment, visa overstays, and abuse of business permits have placed companies and foreign nationals under increased scrutiny. With Nigeria seeking to balance foreign investment with local employment protection, immigration law has shifted from a routine administrative process to a serious compliance risk. This article provides a legal overview of Nigeria's immigration framework, expatriate quota requirements, CERPAC compliance, and the legal implications of non-compliance.

The Legal Framework Governing Immigration in Nigeria

Immigration in Nigeria is primarily regulated by:

1. Immigration Act 2015

The Immigration Act 2015 establishes:

- Entry and exit requirements
- Visa categories
- Residence permits
- Deportation powers
- Penalties for irregular migration

It grants enforcement powers to the Nigeria Immigration Service (NIS).



2. Nigeria Immigration Service

The NIS is responsible for:

- Issuing residence permits
- Monitoring expatriate compliance
- Conducting workplace inspections
- Enforcing deportation orders
- Penalizing companies employing irregular migrants

In recent years, the NIS has intensified compliance audits, especially in oil & gas, construction, fintech, and manufacturing sectors.

Expatriate Quota: A Critical Compliance Requirement

One of the most misunderstood areas of Nigerian immigration law is the Expatriate Quota (EQ) system.

An expatriate quota:

- Is issued to companies (not individuals)
- Specifies the number of foreign nationals allowed in specific positions
- Is usually granted for 2–3 years (subject to renewal)

Companies must demonstrate:

- Need for foreign expertise
- Understudy program for Nigerians
- Commitment to technology transfer

Failure to obtain or renew expatriate quota approval before employing foreign staff may result in:

- Heavy fines
- Revocation of business permits
- Deportation of expatriates



CERPAC: The Legal Residence Card

Foreign nationals working in Nigeria must obtain:

Combined Expatriate Residence Permit and Aliens Card (CERPAC)

CERPAC serves as:

- Legal authorization to reside and work
- Proof of immigration compliance
- Mandatory identification for foreign employees

Employing an expatriate without a valid CERPAC constitutes an offence under the Immigration Act

Trending Issue: Crackdown on Visa Overstays and Irregular Employment

In recent enforcement cycles, authorities have targeted:

- Foreign nationals entering on tourist visas but working
- Companies bypassing expatriate quota approvals
- Failure to regularize Temporary Work Permits (TWP)
- Abuse of business visa categories



The Immigration Act prescribes penalties, including:

- Fines
- Imprisonment (in serious cases)
- Deportation
- Blacklisting

For companies, reputational damage often exceeds financial penalties.

Business Permit Requirements

Foreign-owned companies operating in Nigeria must also obtain a Business Permit from the Ministry of Interior before commencing operations.

Without a business permit:

- Expatriate quota applications may be rejected
- Immigration approvals may be invalidated

This creates regulatory exposure for foreign investors unaware of layered compliance requirements.

Immigration Compliance Risks for Employers

Companies face liability where they:

- Employ foreigners without quota allocation
- Fail to renew residence permits
- Misclassify visa types
- Fail to implement understudy programs

Directors may also face personal liability in cases of deliberate non-compliance.



Deportation and Removal Proceedings

Under the Immigration Act 2015, the Comptroller-General of Immigration may order deportation where:

- A foreign national violates visa conditions
- National security concerns arise
- There is a criminal conviction

Such orders can be executed swiftly, sometimes with limited opportunity for administrative appeal.

What Businesses Should Do

To mitigate immigration risks, companies should:

- Conduct immigration compliance audits
- Maintain a renewal tracking system
- Regularize all expatriate documentation
- Implement genuine understudy programs
- Engage immigration counsel before hiring foreign nationals
- Train HR departments on visa categories

Immigration compliance should be integrated into corporate governance and risk management frameworks.

The Policy Balance: Investment vs Local Protection

Nigeria's immigration enforcement reflects a broader policy objective:

- Protect local employment
- Encourage skills transfer
- Prevent visa abuse
- Maintain national security

However, regulatory predictability and processing efficiency remain key areas where reform is needed to improve investor confidence.

Conclusion

Immigration law in Nigeria has evolved into a high-stakes compliance area. For foreign investors and multinational companies, expatriate quota management and CERPAC compliance are no longer administrative formalities; they are legal obligations with significant consequences. As enforcement intensifies, businesses must adopt a proactive, structured immigration compliance strategy to avoid sanctions, deportations, and operational disruptions.

