



THE IMPACT OF COVID-19 ON IMMIGRATION

NEW POLICIES & PROTOCOLS FOR EXPATRIATES IN NIGERIA

The outbreak of the Coronavirus Disease (“COVID-19”) pandemic has affected virtually all the sectors of the economy globally. One common measure introduced by various governments was to restrict travel both internationally and locally, to curb the spread of the virus. The impact of this on resident expatriates, and proposed visitors is plain.

In several instances, Residence permits – Combined Expatriates Residence Permit and Aliens Card (“CERPAC”) expired while they were out of the country. The timely renewal of CERPAC as required under the Immigration Act 2015 (the “Act”) was constrained. This inevitably adversely affected Companies who had critical expatriate staff working on various projects leading to project suspension in extreme cases.



This article proposes to highlight the intervention of the Federal Government of Nigeria (the “Government”), in easing the difficulties foisted on expatriates by this situation. The article also highlights the new policies and protocols introduced by the Government, including the practices and procedures that may be adopted by expatriates in the course of doing business in Nigeria, after the travel restrictions have been lifted, and in the post COVID-19 era.

The Act makes provision for an Immigration Officer at a port of entry to admit into Nigeria any person who is in possession of a valid travel document, visa or residence/work permit and not considered to be a risk to the public health, interest or national security of the country.

Proof of testing negative for COVID-19 included as part of his travel documents would help in forestalling an adverse judgement or conclusion by the Officer.

It is infact likely that once travel bans and restrictions are lifted, the Immigration officials would adhere more strictly to entry requirements and be more vigilant in ensuring that travelers are in possession of valid travel documents, such as a valid passport which should have a minimum of six (6) months validity, the correct visa and medical certificates etc.

However, with respect to expired CERPACs and visas, the Government has issued a waiver to allow entry into the country even with an expired CERPAC, to enable the expatriate regularize the expired documents within a limited time frame. It is important to note that the Act prescribes imprisonment for a term of three (3) years or a fine of ₦500, 000.00 (Five Hundred Thousand Naira) or both as penalties for failure to renew a residence permit after thirty (30) days of expiration, therefore, it is advised that all expired CERPACs should be renewed as quickly as possible within the extended period granted by the waiver.

By a circular dated 8th April 2020, the Nigeria Immigration Service (“NIS”) announced the approval of the Honourable Minister of Interior for payment waiver to all visitors/migrants affected by the travel ban and closure of the international airports in the country. The directive was to the effect that all visitors/migrants holding a valid visitor’s pass/residence permit with confirmed return tickets scheduled to travel out within the period of the travel restrictions, are to be issued with relevant extensions at no cost, and to reschedule their flights and travel within a week of the suspension of the travel restrictions.

The Government has also granted permission to expatriates whose residence permits expired during the travel restrictions or lockdown, to enter the country on the expired residence permits and renew same promptly.

In order to further ensure seamless travel into and out of Nigeria at this time, the Federal Government has developed a set of new protocols for persons arriving in Nigeria.

The Presidential Task Force on COVID-19 has issued a Revised Quarantine Protocol (RQP) dated 8th June 2020 for persons arriving Nigeria, including returnees and stranded Nigerians after the travel restrictions are lifted.



The Highlights of the RQP include a requirement that passengers must have tested negative for COVID 19 within two (2) weeks of their embarkation, in addition to completing a health declaration form on board the aircraft to be presented at the designated Health screening point on arrival.

The Protocol also prescribes a 14 day period of self-isolation in the city or state of arrival (ie Lagos or Abuja) while their passports will be temporarily retained by the NIS until the end of the period of self-quarantine, and the passenger has been cleared through the NIS Migrants Identification Data Analysis System (MIDAS). The passport is returned after an exit interview at the end of 14 days. This protocol has come into effect from 8 June, 2020.

The Nigeria Visa Policy 2020 (“NVP 2020”) has also been introduced by the Government to meet the ever changing socio-economic and politically globalized world. It is an improvement of the NVP 2012 and it seeks to reflect current global practices with respect to the entry and exit of migrants. The Comptroller General of the NIS, Muhammad Babandede MFR aptly summarises the contents of the NVP 2020 to include the introduction of three (3) new category of visas - Short Visit Visas, Temporary Residence Visas and Permanent Residence Visas as well as the expansion of visa classes.

The visa application process has been amended to include Visa on Arrival (“VOA”) and the introduction of electronic visa (e-visa). While the e-visa is a web based/online application process subject to pre-approval before arrival to Nigeria, the VOA is not subject to pre-approval, but can be issued at the point of entry to citizens of African Union Member States for short visits, and to citizens of all countries for tourism. The NVP has also introduced Visiting visas for family and friends to come to Nigeria, Visa classes for Nigerians in the diaspora with dual citizenship, Nigerians by birth who renounced Nigerian Citizenship as well as Nigerians by birth who use/hold the National Passports of other countries, and automation of the Temporary Work permit (TWP) application process through the e-visa system.

As already stated, during the period of COVID-19 and beyond, the expectation for expatriates to comply with provisions of the Act, Regulation and Protocols would be higher, and the NIS is expected to emphasize strict compliance. Therefore, it is advisable for persons or firms in advisory roles for expatriate companies to ensure that all expatriates should do an e-registration on MIDAS, stating personal details with the same address where he/she will self-isolate for the period of fourteen (14) days and must not change the address until the end of the exercise.

It is important to renew all residence permits for expatriates promptly, submit expatriate’s monthly returns timeously at the office of the NIS, review short term visas of expatriates and proactively take steps to apply for visa extensions where necessary. In preparation for impromptu checks by Immigration officials, it will be helpful to open files with up-to-date documentation for expatriates, obtain relevant information from the expatriates about their travel history to update your records regularly, and apply promptly for deletion of expatriates who may have left the employment of a company, in order to prevent additional tax exposure for those companies.

Despite the impact of COVID-19 on the economy generally, and Immigration in particular, the Government is committed to creating an enabling environment for expatriates to be able to achieve



business continuity in Nigeria, hence the interventions through waivers and the introduction of the new policies and protocols. This is a welcome development, and expatriates should seek proper advice to ensure compliance with the new prescribed protocols and regulations in preparation for resumption of migration into the country.

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For more information on Travel and Immigration kindly contact

Author:



Sotonye Amachree

Senior Associate

samachree@ajumogobiaokeke.com

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