

# **Labour Migration Policy for Nigeria**

**Federal Ministry of Labour and Productivity**

Revised December, 2010

## CONTENTS

<b>Mission</b> .....	<b>2</b>
<b>Vision</b> .....	<b>2</b>
<b>Acknowledgements</b> .....	<b>3</b>
<b>Abbreviations and acronyms</b> .....	<b>4</b>
<b>Preface</b> .....	<b>6</b>
<b>I INTRODUCTION</b> .....	<b>7</b>
<b>II RATIONALE</b> .....	<b>7</b>
<b>III OVERALL OBJECTIVES</b> .....	<b>10</b>
<b>SPECIFIC OBJECTIVES</b> .....	<b>10</b>
<b>IV POLICY FRAMEWORK</b> .....	<b>11</b>
<b>STRUCTURE OF THE POLICY</b> .....	<b>12</b>
<b>1. PROMOTING GOOD GOVERNANCE IN LABOUR MIGRATION</b> .....	<b>12</b>
<b>2. PROTECTION OF MIGRANT WORKERS AND PROMOTION OF THEIR WELFARE</b> .....	<b>19</b>
<b>3. OPTIMISING THE BENEFITS OF LABOUR MIGRATION FOR DEVELOPMENT</b> .....	<b>23</b>
<b>CONCLUSION</b> .....	<b>25</b>
<b>V ACTION PLAN: OBJECTIVES, ACTIVITIES, STAKEHOLDERS AND EXPECTED OUTCOMES</b> .....	<b>26</b>
<b>References and other background documents</b> -----	<b>40</b>
<b>Annexes</b> -----	<b>42</b>

**Mission**

To provide an appropriate framework at national level to regulate labour migration; to ensure benefits to Nigeria as a country of origin, transit and destination; to ensure decent treatment of migrants and their families, and to contribute to development and national welfare.

**Vision**

To build an effective, responsive and dynamic labour migration governance system in Nigeria.

## **Acknowledgements**

The initial draft is based on and adapted from the dialogue with the national Social Partners, taking into account their perspectives and concerns in respect of the proposed Labour Migration Policy for Nigeria, as captured in a report prepared by Prof Aderanti Adepoju (consultant): *Report of Social Partners' Dialogue on Nigeria Labour Migration Policy, December 2009*.

The inputs from the Federal Ministry of Labour and Productivity and from the Social Partners drew in turn on the ILO's *Multilateral Framework on Labour Migration* (2006), the Sri Lanka national labour migration policy (2008), and the contemporary preparation of a national labour migration policy in Tanzania.

Inputs were provided by officials of the Social Partners (government, employers, and workers), the Federal Ministry of Labour and Productivity (FMLP), the Nigeria Employers' Consultative Association (NECA), the Trades Union Congress (TUC), and the Nigeria Labour Congress (NLC) and officials of the EU Delegation. This initial draft also incorporates issues and concerns identified by the inter-ministerial Technical Working Group (TWG).

The IOM provided financial assistance towards hiring a consultant – Professor Aderanti Adepoju - to incorporate further comments into a final draft, and for organising meetings of the TWG.

## Abbreviations and acronyms

AFRO	World Health Organization Regional Office for Africa
AU	African Union
AVR&R	Assisted voluntary return and reintegration (IOM)
CBN	Central Bank of Nigeria
CERPAC	Common Expatriate Residence and Aliens Card
DFID	Department for International Development (UK)
DSSD	Demographic and Social Statistics Department
DWCP	Decent Work Country Programmes
ECOWAS	Economic Community of West African States
EDF	European Development Fund
EU	European Union
FMLP	Federal Ministry of Labour and Productivity
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ILM	International Labour Migration
ILMD	International Labour Migration Desk
ILO	International Labour Organization
IOM	International Organization for Migration
ITUC	International Trade Union Confederation
MDAs	ministries, departments and agencies
MDG	Millennium Development Goal
MoFA	Ministry of Foreign Affairs (Nigeria)
MoLP	Ministry of Labour and Productivity
MoU	Memorandum of Understanding
NAPTIP	National Agency for Prohibition of Traffic in Persons and Other Related Matters
NAss	National Assembly of Nigeria
NBS	National Bureau of Statistics
NCFR	National Commission for Refugees
NDLEA	National Drug Law Enforcement Agency
NECA	Nigeria Employers' Consultative Association
NEEDS	National Economic Empowerment and Development Strategy
NELEX	National Electronic Labour Exchange
NIDO	Nigerians in the Diaspora Organisation
NIS	Nigeria Immigration Service
NLC	Nigeria Labour Congress
NNVS	Nigeria National Volunteer Service
NPC	National Planning Commission
NPM	National Policy on Migration
NPopC	National Population Commission
OATUU	Organization of African Trade Union Unity

OCHCR	UN High Commission for Human Rights
ODA	Official Development Assistance
PRSP	Poverty Reduction Strategy Paper
SEEDS	State Economic Empowerment and Development Strategy
SGF	Secretary to the Government of the Federation (Nigeria)
SMEDAN	Small and Medium Enterprises Development Agency of Nigeria
TAC	Technical Aid Corps
TUC	Trades Union Congress
TWG	(inter-ministerial) Technical Working Group
TWC	Technical Working Committee
UK	United Kingdom
UN	United Nations
UNDAP	UN Development Assistance Plan
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNDP	United Nations Development Programme
WOTCLEF	Women Trafficking and Child Labour Eradication Foundation

## **PREFACE**

## **I INTRODUCTION**

International migration has become a major aspect of international economic relations and an important component of a globalised world. In 2010, an estimated 215 million persons, lived outside their country of birth or citizenship<sup>1</sup>. It is estimated that over 20 million Africans live outside their countries of birth or citizenship – in other African countries<sup>2</sup>, as well as in large numbers in Europe, North America and the Gulf States.

Best estimates indicate that in 2009 over 5 million Nigerians lived abroad, well over half of them in sub-Saharan Africa, and primarily in West Africa. On the other hand, after the oil-boom led the economic growth that began in 1975, Nigeria became a country of immigration, and by 2006, well over 600 000 foreigners were resident in Nigeria, 97 per cent of whom originated from other West African countries<sup>3</sup>.

The importance of labour mobility has long been recognised as key in obtaining economic integration and advancement across the Economic Community of West African States (ECOWAS). In recent years, the positive links between migration and development have been receiving increasing attention. At the same time, migration poses a number of challenges for Africa, raising concerns over skills drain, discrimination and social exclusion.

Labour migration is often embarked upon because of a lack of opportunities for decent work at home; other factors compelling migration include violations of human rights, bad governance, political intolerance, and wars.

Labour migration can and does serve as an engine of growth and development for all parties involved. In destination countries, migration has rejuvenated workforces, improved the economic viability of traditional sectors including agriculture and services, promoted entrepreneurship, met demand for skills for high tech industries as well as unmet labour needs. In regions of origin, positive contributions of migrant workers are reflected in remittance flows, transfer of investments, increased technological and critical skills through return migration as well as increased international business and trade generated by transnational communities. Migrants in regular situation also acquire new skills and ideas in more favourable working and living conditions.

However, in response to the current global economic and employment crisis, destination countries have been imposing more stringent conditions for admission, while some countries are even encouraging return through incentive packages. Nonetheless, it can be assumed that new demands for foreign workers will open up with economic recovery.

## **II RATIONALE**

### **Background to Nigerian migrations**

Migration is a vital economic and social feature of Nigeria. As a country of origin, transit and destination it has benefited and can benefit from labour migration, but this potential is not yet being fulfilled.

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<sup>1</sup> ILO 2009

<sup>2</sup> ILO 2009

<sup>3</sup> ECOWAS 2006; Afolayan & IOM 2010

Dissatisfaction with general socio-economic conditions in the country and high unemployment rates have increased emigration from Nigeria, especially among young, educated persons – traditionally males and increasingly females also – in search of employment opportunities within and outside the continent, some towards the Middle East and the USA, others across Europe, America and Asia. Nigeria has lost some of its best brains to labour migration as well as spending huge amounts on hiring foreign experts. Lower-skilled migrants have also found their way around the world, including to many African nations<sup>4</sup>.

At present, Nigeria has no formal structure to aid nationals migrating to other countries; people are left to decide on their own to emigrate to escape economic hardship. Many migrate in risky and unsafe travelling conditions and, on arrival, often can obtain only low-skill, low-paying jobs. In addition, migrants are often poorly informed, or misinformed, about the conditions governing entry, work and residence, skills required, cultural issues, as well as their rights and obligations in destination countries. In addition, many women and children are trafficked and lured into commercial sex work and exploitative forced labour<sup>5</sup>. Yet irregular migration and trafficking thrive because so many people, particularly women and children, are disempowered and vulnerable.

Pre-departure training and counselling can help to prepare migrant workers better for insertion into the labour market and integration into society at destination. Because most Nigerian labour migrants travel under private arrangements, protection against scams and bogus agencies needs to start at home, to ensure that recruitment agencies do not exploit the ignorance and vulnerability of potential migrants by charging exorbitant fees.

### **Need for improved migration policy and regulation of labour migration**

Globally, remittances have overtaken official development assistance, and in Nigeria they are now the second-largest foreign exchange earner. Prior to 2003, remittance inflow into the country was under US\$2.0 billion; five years later it had reached ten times that amount<sup>6</sup>. There has, however, been limited success in harnessing this huge remittance inflow for development. In addition, there is no monitoring of return migration of the Nigeria diaspora, so that the skills of returnees can be used for development.

Since most migration is for employment, there was a clear need for a comprehensive national policy on labour migration, situated within the framework of national laws and the relevant international conventions. Such a policy would aim to regulate and provide data on the movement of citizens into and from the country. In addition it would provide for the protection and welfare of nationals who choose to become migrant workers, taking account of the uprooting that their migration entails, along with the difficulties of relocating in a foreign country. It would also ensure that immigrants coming into Nigeria are qualified to take available jobs and are treated equally and fairly, and that the country will not lack the same skills provided by foreigners when its own qualified citizens leave.

The process of formulating a national migration policy was set in motion early in 2006, and in April 2007 a draft National Policy on Migration was discussed at a national conference. The draft policy focused on migration and development; migration

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<sup>4</sup> Adepoju and van der Wiel, 2010

<sup>5</sup> Adepoju, 2006

<sup>6</sup> Duke 2010; Ratha 2010

and cross-cutting issues; national security and irregular migration; forced displacements; human rights of migrants; organised labour migration; internal migration and the use of data. But the resulting document and the earlier enthusiasm for the draft policy were dampened by the failure of the appropriate authorities to endorse the policy.

Regulating migration and its attendant employment issues implies the existence of rules and regulations that all stakeholders must uphold. In this context, Nigeria has ratified both the Migration for Employment Convention, 1949 (No. 97) of the International Labour Organization (ILO) in 1960 and the International (UN) Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990, in January, 2009. Some of the legal standards in these instruments have been incorporated into national legislation; but more work is needed to fully 'domesticate' these norms to provide a sound national legal foundation for migration policy and practice. (Annexe 2 provides a list of conventions that Nigeria has already signed and ratified.)

Other points to be noted:

(i) The Social Partners contribute significantly in setting standards for employment contracts, ensuring and/or providing welfare services for migrants, advocating for assigning labour attachés to Nigerian missions abroad and in cooperating with countries of destination.

(ii) Importantly, the Labour Migration Policy (LMP) should synchronise with the draft National Policy on Migration (formulated in 2007 with the Federal Ministry of Labour and Productivity participating in the Technical Working Group deliberations).

(iii) Some sectoral policies have been or are being formulated: these include the revised National Human Resources for Health Policy (2006), National Gender Policy (2006); National Youth Policy (2009).

### **Developing a labour migration policy: the process**

In 2004, at the request of the Federal Ministry of Labour and Productivity the ILO provided technical support in setting up an International Labour Migration Desk at the Ministry, and in October, 2008, the Minister of Labour formally requested both ILO and IOM to assist in preparing a national labour migration policy, and to help establish bilateral arrangements for employment of Nigerians abroad.

In 2008, within the framework of the project 'Facilitating a Coherent Migration Management Approach in Ghana, Nigeria, Senegal and Libya by Promoting Legal Migration and Preventing Further Irregular Migration', the IOM, supported by the European Union and the Government of Italy, initiated a consultative process towards a labour migration policy with a range of national stakeholders.

In September 2009, the IOM organised a training workshop on labour migration policy development for members of the Technical Working Group (TWG). The workshop was based on two sets of recommendations made earlier that year by the AENEAS 2006 Labour Migration Project: one at a National Policy Planning Workshop held in Abuja in April, and the other at the Third Steering Committee Meeting held in Dakar, Senegal in June. The objective of the workshop was to provide technical assistance and guidance to TWG members, as well as build the capacity of officials, equipping them with the necessary tools for developing the proposed Labour Migration Policy. The outcome of the training workshop was the identification by the TWG of initial concerns and of components they believed should be included in such a policy.

In December 2009, the ILO facilitated a consultation between the Ministry of Labour and Productivity with the national employers association and trade union federations, to obtain inputs on the proposed policy. These inputs, including the concerns expressed earlier by the TWG, served as the basis for the framework of a zero draft labour migration policy. This was subsequently reviewed by the Ministry of Labour and social partner organisations, and forwarded for review and comments by members of the TWG and national stakeholders. The IOM later facilitated the hiring of a consultant to fine-tune the document to incorporate comments from stakeholders, and for organising meetings of the Social Partners, the TWG, to review and validate the draft policy document. (Annexe 1 contains the names of members of the TWG.)

The process of developing the draft policy thus spanned almost 2 years – from early 2008 to December 2010, involving consultations, drafting and validation; meetings with Social Partners and other stakeholders, the TWG, a national validation workshop and so on.

Finally, it should be borne in mind that the existence of a national labour migration policy will imply subsequent monitoring, reviewing and evaluating, in collaboration with the Social Partners and many other stakeholders.

### **III OVERALL OBJECTIVES**

The Labour Migration Policy addresses three broad objectives, namely:

- promotion of good governance of labour migration;
- protection of migrant workers and promotion of their welfare and that of families left behind;
- optimising the benefits of labour migration on development, while mitigating its adverse impact.

### **SPECIFIC OBJECTIVES**

#### **1. Governance**

- 1.1 Enact legislative framework as foundation of national labour migration governance.
- 1.2 Strengthen rules and regulations for effective and efficient administration of labour migration.
- 1.3 Strengthen existing institutional framework for labour migration and enhance coordination with all concerned ministries and agencies across all levels of government.
- 1.4 Ensure full participation of Social Partners as key labour migration stakeholders in policy elaboration, implementation and evaluation.
- 1.5 Build migration-related knowledge and data base for good policy and effective administration.
- 1.6 Cooperate with ECOWAS towards full implementation of relevant protocols.
- 1.7 Ensure gender-responsive policy and its implementation at all levels, by government, Social Partners and other relevant actors.

- 1.8 Ensure competency and capacity of all concerned staff of government and of social partner officers, to effectively and knowledgeably conduct their responsibilities.

## **2. Protection and social welfare**

- 2.1 Promote right to decent work, including access to social protection for female and male migrant workers.
- 2.2 Ensure non-discrimination and equality of treatment for all workers, migrants and nationals abroad and at home.
- 2.3 Ensure that all employment of migrant workers is subject to labour standards and code of ethics.
- 2.4 Equip workers to make better-informed decisions on migration for employment.
- 2.5 Promote and protect the rights of labour migrants in recruitment for employment abroad through supervision and monitoring of recruitment activities.
- 2.6 Promote consular and diplomatic services to protect migrants and oversee their welfare.
- 2.7 Strengthen policies and programmes for welfare of migrants, return migrants and families left behind.
- 2.8 Ensure the voting rights of migrant workers.

## **3. Promoting employment and development benefits of migration**

- 3.1 Integrate migration issues into national planning and Decent Work Country Programmes (DWCPs), and promote decent work at home.
- 3.2 Link migration and employment in policy and practice.
- 3.3 Upgrade skills and vocational training in Nigeria to meet assessed and anticipated domestic and foreign labour market needs, in harmony with international qualifications standards.
- 3.4 Promote development based on funds coming into Nigeria as remittances.
- 3.5 Create environment conducive to attracting migrant remittances, diaspora investments and technology transfers.
- 3.6 Create environment conducive to attracting return of Nigerian talent.
- 3.7 Attract migrant expertise for domestic development, using the new skills of returned migrants, as well as utilising at home the high skills of those still in diaspora.
- 3.8 Negotiate bilateral agreements and Memoranda of Understanding (MoUs) with major origin and destination countries.

## **IV POLICY FRAMEWORK**

This Labour Migration Policy is intended to be consistent with the National Development Plan, and the Draft National Policy on Migration. It aims to be comprehensive, fair and transparent, in line with international norms and good

practices; to be effective and efficient and, above all, to be gender-sensitive and in consonance with the country's Decent Work Agenda, Federal Government initiatives and the directives of Vision 20:2020.

The guiding principles for an effective and efficient labour migration policy must include the promotion and protection of the human rights of migrant workers, regardless of their status. National laws and practice should ensure this and should further specify steps for the prevention of and protection against abusive migration practices such as migrant-smuggling, trafficking in persons, and exploitation of persons. An orderly and equitable process of labour migration in both origin and destination countries would guide migrant workers through all stages of migration, including planning and preparation, transit and arrival, reception in the country of destination, as well as possibilities for return and re-integration.

The Labour Migration Policy is intended to:

- a) Endorse the principles of good governance and regulation of labour migration by putting in place policies, laws, regulations and administrative procedures, based on consultative processes with Social Partners and civil society, that are reflective of the international standards ratified and respected by Nigeria;
- b) Promote opportunities for all men and women to engage in migration for decent and productive employment in conditions of freedom, equity, security and human dignity;
- c) Work towards the fulfilment and protection of all human and labour rights of migrant workers, including effective protection of and services to their families left behind;
- d) Promote and support the migration of skilled men and women to secure work environments where the protection of fundamental human rights at work is upheld to the highest standards;
- e) Enhance the benefits of labour migration on the Nigerian economy, society, and the migrant workers and their families and minimise its negative impacts;
- f) Mobilise development contributions of migrant workers in terms of remittances, investments, transfer of technology and skills, human capital formation, enhancement of social capital, promotion of trade and business links and reintegration of returning migrant workers;
- g) Link the development and migration processes in recognition of the contribution of labour migration to employment, economic growth, development and the generation of income;
- h) Mainstream labour migration issues into national development plans.

## **STRUCTURE OF THE POLICY**

This policy is divided into three parts. Part 1 deals with 'Promoting Good Governance in Labour Migration', which aims to facilitate rights protection and to achieve equitable social and economic outcomes; Part 2 is headed 'Protection of Migrant Workers and Promotion of their Welfare', which includes that of members of their families, and Part 3, covering 'Optimising the Benefits of Labour Migration for Development', deals with how migration contributions can be mainstreamed into national development plans.

## **1. PROMOTING GOOD GOVERNANCE IN LABOUR MIGRATION**

A fundamental dimension to effective migration policy is good governance. Good governance protects human rights, promotes the participation of all stakeholders in migration management processes and achieves equitable social and economic outcomes. A sound approach to the governance of labour migration will also assist in resolving problems of irregular migration and positively enhance the image of Nigeria. Participation, transparency and accountability are key elements of good governance.

Key components of governance of labour migration include:

1. Strengthening the legal and legislative foundations for the governance of migration, migratory processes, as well as their social and economic dimensions;
2. Establishing rules and practices to promote regular migration through established channels and reduce risks in labour migration;
3. Setting in place government institutional structures and capacity-building of officials for the administration and coordination of the policy, and defining a clear division of responsibilities among them;
4. Providing for mechanisms of social dialogue and consultation with all stakeholders (labour unions, employers associations, civil society organisations);
5. Collecting and analysing labour migration statistics and promoting research to apply the results to both labour migration policy and national development policy;
6. Enhancing cooperation with other governments and regional bodies, particularly within ECOWAS;
7. Ensuring policy responsiveness to gender-related issues.

### **1.1 Legislative foundation**

Nigeria has an established legislative framework that could provide a foundation for national migration policy and practice. This framework builds on the commitments to international standards within agreements and protocols that Nigeria has already ratified, and every effort should be made to ensure full enactment in national law and practice of the relevant international standards (see Annexe 2).

The principles and norms of good governance in any country are established in law by enacting legislation that reflects the international standards ratified or respected by that country and thus provide a mandate and accountability for policy, regulation and practice under the rule of law.

The International Labour Organization (ILO) Conventions 97 and 143, and the 1990 UN Convention provide guidelines for the fair treatment of labour migrants and for facilitating labour migration through regular means. Nigeria ratified ILO Convention 97 in 1960, and the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families in January, 2009, as well as all eight of the ILO's fundamental conventions on rights in the workplace. (These are listed in Annexes 2 and 5.)

The ECOWAS Protocols on free movement of persons, right of residence and establishment are relevant regional legal instruments requiring domestication within Nigerian legislation. (The relevant protocols are listed in Annexe 6.)

Legislation on labour issues nation-wide is on the Exclusive Legislative List of the 1999 Constitution of the Federal Republic of Nigeria. This domiciles the power to

regulate employment and related issues within the Federal Ministry of Labour and Productivity.

The recent review<sup>7</sup> of existing Nigerian laws in the light of international norms should be utilised by the Ministries of Justice, in collaboration with the Federal Ministry of Labour and Productivity, to identify gaps and areas for improvement. New or amended legislation may be proposed as appropriate, to ensure a fully adequate legislative foundation consistent with relevant international and regional standards.

## **1.2 Regulation**

Elements of a regulatory framework for labour migration are contained in various statutes already in operation within the country: regulation of employment and work-related activities, including local recruitment, overseas employment and the protection of workers' welfare are contained in the Labour Laws of the Federation (1947, 1990, 2004); border management and control fall within the Nigeria Immigration Act 1963, (Annexe 3) and financial services regulations and control can be found in the Central Bank of Nigeria Act 1958.

### *Employment and recruitment agencies*

Parties engaged in providing employment services must abide by the relevant regulations to maintain integrity within the system, to provide high service quality and to report, within stipulated periods, on activities embarked upon. The Federal Ministry of Labour and Productivity has already developed a process for the registration and licensing of genuine Private Employment Agencies (PEAs). Registration requirements for PEAs which fill vacancies within Nigeria are different from those for PEAs filling vacancies abroad.

In addition, clear guidelines for recruitment need to be issued and the recruitment process more closely monitored and regulated. If existing legislation were strictly applied, the licensing and supervising of recruitment and placement services for migrant workers, as enjoined by the Private Employment Agencies Convention 1997 No. 181 and its Recommendation No. 188, would lead to the prevention of trafficking and other forced labour outcomes by stopping unscrupulous intermediaries, agencies and employers from luring migrants into exploitative employment. Constant monitoring of Private Employment Agencies involved in the recruitment of migrant workers would eradicate excessive fees, false job offers, misleading propaganda relating to emigration, provision of credits with high interest rates for travel, and job-brokering services, as well as the use of forged documents. Recruitment agencies should be held to high standards of conduct, and penal provisions should be present, and regularly applied, to address offences.

A streamlining and simplification of regulations and procedures, to facilitate their application, would protect workers, and would also prevent the regulatory framework from becoming unwieldy – and thus an unintended inducement to irregular migration.

## **1.3 Institutional framework**

The framework on which this Labour Migration Policy is built consists of initiatives driven by the Nigerian Government and by the Social Partners.

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<sup>7</sup> Veerassamy 2009.

## **Government initiatives**

### *Federal Ministry of Labour and Productivity*

The Ministry of Labour and Productivity is responsible for promoting employment, regulating the labour market, overseeing labour relations and monitoring employment conditions. Implementation of labour migration policy is thus primarily the responsibility of this ministry, in collaboration with Social Partners and other stakeholders directly involved in the various aspects of the labour migration process.

The Ministry has offices in all the states of the Federation and in the Federal Capital Territory (FCT). The traditional public Employment Exchanges and Professional Executive Registries of the Ministry are located in these offices. The Ministry carries out its other mandatory and statutory labour and employment administration responsibilities through these offices. Labour officers in the State Offices are statutorily empowered to carry out Labour Inspections, which are a necessary tool for policy implementation and monitoring. The officers will have to play pivotal roles in the effective administration and implementation of the policy document throughout the country.

### *International Labour Migration Desk*

In 2004, the Nigerian government embarked on proactive measures to regulate regular migration, as well as to manage irregular migration, by establishing an International Labour Migration Desk (ILMD) within the Federal Ministry of Labour and Productivity, with a mandate – among other things – to formulate, review and implement the National Policy on Labour Migration as well as establish a database on migrants within and outside Nigeria, and to formulate and conduct pre-departure training programmes, including counselling. The Desk also collaborates and cooperates with other relevant stakeholders and agencies of government on migration within and outside the country, to ensure smooth and orderly migration and successful overseas job placements. It is also charged with preventing child labour and other forced labour, and child- and migrant-trafficking.

The FMLP has commenced with licensing Private Employment Agencies and Recruiters for overseas and local job placement. Among its other activities are the management of entry quota offered to Nigeria by the Government of Italy arising from bilateral agreement on migration repatriations, and the management of the bilateral agreement on migration repatriations that Nigeria has with Spain and Ireland. The Desk has also been involved in a media campaign to educate and sensitise Nigerians regarding the adverse consequences of irregular migration.

The ILMD is thus responsible for ensuring the protection of employment and social rights of Nigerian workers abroad and those of foreign migrant workers within the country. It aims, in other words, to ensure the application of simple, effective processes for providing information and services to would-be migrant workers, discouraging irregular undocumented migration into and out of the country, and promoting gradual, systematic implementation of regional and sub-regional labour migration schemes. In addition, the Desk is expected to ensure coherence between labour migration, employment and other national policies, in recognition of the wide social and economic implications of labour migration and in order to promote decent work for all and full, productive and freely chosen employment. Through the Desk, the Government also aims to strengthen existing departments and those agencies responsible for ensuring that all citizens have accessible and equitable opportunities for skills development.

### *The National Electronic Labour Exchange (Nelex)*

The National Electronic Labour Exchange Project is an electronic meeting place for job-seekers and employers, with government playing the catalytic role of regulating job offers and providing a safe environment for job-seeking. The Nelex platform is capable of collecting information about job seekers and employers from anywhere in the world. The data is collated in a simple and understandable format and further information can be presented when requested.

The aim is to transform employment exchanges and professional executive registries, including the Nelex centre in Abuja, into nation-wide one-stop job centres, for the registration of job seekers within the country, and also for those who may wish to be engaged outside the country by foreign employers. Nelex centres would provide job-seekers with information about regular means of securing visas for work purposes in all parts of the world, and would give names and addresses of registered and licensed Private Employment Agencies. Employers would be able to place orders for workers from any part of the world and have their requests met within a short time.

An added advantage is that the centres would provide researchers with information on the dynamics of labour and skills shortages, and make known to the public other relevant labour market information.

The Government plans to position Nelex strategically to enable it extend its services to neighbouring West African states, to promote sub-regional integration of labour.

### *Other ministries and departments*

Several ministries, departments and agencies (MDAs) are engaged in the formulation of the labour migration policy, and will also be actively involved in the implementation of the policy. These include:

National Planning Commission

National Population Commission (NPopC)

National Commission for Refugees

National Agency for the Prohibition of Traffic in Persons and Other Related Matters

Nigeria Immigration Services (NIS)

Central Bank of Nigeria (CBN)

National Bureau of Statistics

Federal Ministry of Health

Federal Ministry of Justice

Federal Ministry of Information and Communication

Federal Ministry of Women Affairs and Social Development

Ministry of Foreign Affairs (MoFA)

Federal Ministry of Education

Federal Ministry of Youth Development

House of Representative Committee on Labour

House of Representative Committee on Diaspora

Senate committee on Labour

Office of the Special Assistant to the President on Migration and Youth

Nigeria National Volunteer Service (NNVS)

(see Annexe 8)

The roles and responsibilities of other Ministries, Departments and Agencies, as well as those of a stakeholder forum, a technical working committee and an advisory board will be identified and/or assigned in the course of the implementation of this policy.

#### *Sub-national level*

At state and local government levels, there are no MDAs directly involved in migration matters. This situation will have to be reviewed once the national labour migration policy is adopted. However the Federal Ministry of Labour and Productivity includes State Labour Offices which are responsible for the registration of applicants for local or domestic employment, and for job placement. These offices should be playing a larger role as Migration Information Centres, to provide services and up-to-date information to would-be migrants on employment possibilities both in the country and abroad. The State Offices also do pre-registration inspection of PEAs and issue reports to the headquarters.<sup>8</sup>

### **Social Partners**

#### *Nigeria Employers' Consultative Association*

The Nigeria Employers' Consultative Association (NECA) is the umbrella organization of employers in the organised private sector of Nigeria, formed in 1957 to provide the forum for the Government to consult with private sector employers on socio-economic and labour policy issues. NECA provides a platform for private sector employers to interact with the government, labour, communities and other relevant institutions in and outside Nigeria for the purpose of promoting harmonious business environment that will engender productivity and prosperity for the benefit of all. Its primary function is to protect employers' interest and promote the private sector as a dependable engine of development. It serves as external moderator for recruitment and selection exercises, to ensure objectivity, neutrality and transparency; assists in the preparation of employment contracts, wages and salary administration, in collective bargaining, and in the management of industrial disputes, and provides a database on collective agreements, taxation and social welfare issues, among others.

#### *Nigeria Labour Congress*

The Nigeria Labour Congress (NLC) is a central labour organisation (Federation of Trade Unions) which was established in 1978 to protect, defend and promote the rights, well-being and interest of all workers, pensioners and trade unions; to promote and defend a Nigerian nation that would be just, democratic, transparent and prosperous, and to advance the cause of the working class generally. Its primary objectives are to continually enhance the quality of life of workers, to improve their income and other working conditions, and to promote and defend the trade union and human rights of workers. Its role in promoting and defending the rights of migrant workers is key in the implementation of labour migration policy.

#### *Trade Union Congress*

The mission of the Nigeria Trade Union Congress (TUC) is to organise, nurture, unite and defend trade unions in Nigeria and advance the socio-economic and political interests of workers and society, so that social justice and democracy will thrive. The TUC evolved consequent to government rationalisation of hundreds of trades associations and was backed by the Trade Unions Act Cap 437 of the 1990 Law of Federation of Nigeria (first known as Trade Union Decree 22 of February 1978).

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<sup>8</sup> Adepoju 2008

#### **1.4 Coordination mechanisms**

In terms of the labour migration policy, the competence and comparative advantage of every relevant organisation is to be recognised in formulation, implementation and monitoring. Contributions by all stakeholders are to be validated in order to achieve coherent labour migration regulation in the country.

The newly constituted Technical Working Committee (TWC) will provide a forum for consultation and coordination on migration matters across government departments. Proposals are that the TWC shall be comprised of representatives of Ministries, Departments and Agencies of Government that have primary responsibility for management of any aspect of a comprehensive approach to migration – ranging from foreign affairs to justice, education, health, and to national planning and statistics. Other members of this group will be drawn from relevant committees of the national assembly, non-state actors and Social Partners. The Committee shall hold regular meetings to deliberate on labour migration issues, with a view to arriving at a common approach within the framework of the policy and extant national laws.

Some functions of the Committee are (but are not limited to):

- Assessing and recommending programmes and projects for implementation;
- Advising government on labour migration policy measures appropriate to adopt;
- Harmonising labour migration programmes and projects nationwide;
- Coordinating labour migration activities of all member agencies;
- Developing and reviewing coherent strategies for achieving the national goals and objectives of labour migration governance.
- Considering and approving recommendations of the Social Partner Advisory Board (see below).

#### **1.5 Social dialogue**

Implementation and monitoring of the policy by the Federal Ministry of Labour and Productivity will be conducted through social dialogue and in collaboration with the various state branches of the Social Partners, along with relevant government agencies and other stakeholders.

A Social Partner Advisory Board, consisting of representatives from the FMLP, the Nigeria Labour Congress (NLC), the Trade Unions Congress (TUC), the Nigeria Employers' Consultative Association (NECA), and the Association of Private Recruiters is to be established to consult and elaborate on recommendations regarding labour migration issues arising in the context of employment and access to employment. This mechanism has been devised to ensure that both employers' and workers' organisations are consulted on labour migration issues and their views taken into account.

#### **1.6 Building a knowledge base through data generation and research**

The Federal Government will have to take charge of disseminating information about the Nigerian environment to migrants coming into the country, and of giving information about countries of destination to Nigerians intending to leave the country.

A federal data bank, containing information about migrants and their skills, to aid employers in identifying job-seekers with relevant skills, should be expanded.

There is a need to systematically collect accurate and up-to-date information on domestic and foreign labour markets, and about education and training institutions in the country.

The government will support a ‘human resource and skills’ survey that would build upon the results of previous surveys by relevant institutions.

The National Bureau of Statistics and the National Population Commission are the government institutions empowered with the overall coordination of, access to, and archiving of all data relevant to migration in Nigeria. In order to avoid any duplication of activities or overlapping of responsibilities, one common migration database could be set up to register departures and returns, as well as to store details of employment possibilities both in Nigeria and abroad.

### **1.7 International cooperation**

The Nigerian Government will promote regional cooperation in the context of ECOWAS agreements, and seek to monitor and effectively implement the agreements and Memorandums of Understanding (MoUs).

It will further negotiate and enter into bilateral agreements and MoUs with destination countries with a view to maximising their benefits for the migrants and the country. (Annexe 7 contains some of these agreements already in force.)

Government strongly discourages indiscriminate international recruitment from Nigeria, especially in sensitive sectors that could have a negative impact on national development – for example health, education and engineering. The Labour Migration Policy is, however, designed to promote programmes, initiatives and interventions that would attract and facilitate investment into training or higher education programmes by governments of destination countries. The policy also proposes transfer of skills and technology through mutually-agreed terms and conditions.

Efforts will be made to encourage other countries to respect and adhere to relevant international agreements and instruments on migrant workers.

### **1.8 Gender**

Specific attention shall be paid to ensuring that all labour migration policies, legislation, institutions and practices are gender-responsive. Specific sex-disaggregated data on labour migration and immigration concerning Nigeria will be collected and analysed to ensure that the implementation of the Labour Migration Policy is gender-responsive at all levels of government, and in the actions of Social Partners and other actors.

### **1.9 Capacity building**

Attention will be given to capacity building of staff associated with administrative, regulatory and management structures of labour migration, including staff of social partner organisations and labour and welfare attaché offices. Specific attention will be given to develop capacity to pursue bilateral and multilateral agreements that would benefit all citizens of the country.

## **2. PROTECTION OF MIGRANT WORKERS AND PROMOTION OF THEIR WELFARE**

Protecting all workers, particularly migrant workers, both those lawfully resident and those in an irregular situation, is a cardinal policy objective. Protection of migrant workers and providing support services to them are pertinent ways to optimise the benefits of labour migration as well as ensuring the human rights and dignity of all persons.

Existing international legal instruments, including both the main international conventions addressing migrant workers referred to in the Governance section above, and International Labour Standards provide the basic legal framework for the protection of migrant workers and the promotion of their welfare.

Key objectives sought by this Policy include protecting the rights of all migrant workers within and outside the country, developing more effective mechanisms for enforcing the protection of migrant workers, regulating the employment environment to check unfair labour practices, enhancing the orientation and knowledge of migrant workers and potential emigrants, and ensuring the portability of the social security benefits of migrant workers. Details of these objectives follow below.

### **2.1 Protection**

Treatment of all migrant workers should be based on the four pillars of the ILO's Decent Work Agenda<sup>9</sup> and in alignment with its International Labour Standards. There should be no forced labour, and all migrant workers must have rights to freedom of association and access to engage in collective bargaining.

Special attention will be given to certain vulnerable categories, such as women domestic workers, temporary migrants, and migrant workers in irregular status, who continue to suffer abuses and malpractices at the hands of employers, government officials and the general population in receiving countries.

Support will be provided for the empowerment of migrant workers, especially through the formation of community-based organisations, to enable their voice to be clearly heard and taken into account in policy development and in community life.

Trades union rights will be upheld for migrant as well as other workers, including:

- belonging voluntarily to unions of their choice;
- negotiating by collective bargaining;
- equality of wages and conditions with citizens;
- freedom of movement;
- freedom to earn, spend and remit their incomes;
- formal contracts and conditions of service, written in a language the migrant worker understands.

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<sup>9</sup> These are job creation, rights at work, social protection, social dialogue, with gender equality as a cross-cutting objective.

## **2.2 Equality of treatment**

Existing inequalities, and discrimination based on sex, race, ethnic origin, nationality or other grounds have been found to be important underlying factors contributing to or increasing the vulnerability of certain groups to being abused, exploited and/or trafficked. In addition, due to restrictive migration laws and policies on entry, residence and employment, workers in irregular situations, as well as trafficked workers, often find themselves in situations that make them more vulnerable to multiple forms of discrimination.

Discrimination based on sex puts women migrant workers at particular risk of marginalisation, exploitation and abuse. Discrimination facilitates potentially abusive employment situations and weakens the position of migrant workers. This creates particular problems for the state, which, while anxious to maintain the integrity of its immigration laws, also seeks to protect vulnerable groups from discrimination and exploitation. Measures shall therefore be taken to:

Uphold equality of treatment and non-discrimination as universal human and labour rights principles, applicable to migrant and national workers alike;

Uphold the labour rights and benefits deriving from engagement in an employment relationship for all migrants working in the country (as also for nationals);

Bring laws and practices, where necessary, into line with the national pension scheme;<sup>10</sup>

Advocate for similar equality of treatment and non-discrimination for all Nigerian migrant workers in other countries, in line with international standards;

Prioritise efforts to obtain full employment in decent conditions – given that the right of citizens to be gainfully employed is provided for in the country's constitution.

## **2.3 Enforcement of labour standards and contracts**

All employment activities involving migrant workers will be subject to the Labour Act of 2004 of the country.

Labour inspection activity and labour law enforcement will be extended to sectors and workplaces where migrant workers may be present.

Strong measures will be introduced to ensure the enforcement of employment contracts at the worksite, particularly through bilateral arrangements with host governments.

## **2.4 Orientation programmes**

Pre-employment orientation seminars and intensified information campaigns, especially in rural communities, to provide potential migrant workers with sufficient information to enable them make informed decisions will be provided by the FMLP in collaboration with social partners and other relevant stakeholders.

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<sup>10</sup> For example, by following the Nigeria Pension Act of 2004, which states that all workers in an organisation with five or more employees are eligible to contribute to a pension scheme.

The International Labour Migration Desk of the FMLP will design and, together with other relevant agencies, implement regular pre-departure training programmes for migrants ready to travel abroad.

Orientation programmes will impart the expectation that migrants will respect the constitution and laws of the host country. This will include migrant workers coming to Nigeria.

Orientation services will also be provided to employers and trade union organisations regarding relevant laws and responsibilities for the treatment of foreign workers, including the application of labour law.

## **2.5 Private employment agencies**

Government will undertake close supervision and monitoring of the recruitment activities of overseas employment promoters or agencies, to minimise malpractices and abuses against those seeking overseas jobs; and, in addition to the cancellation of licenses, criminal proceedings will be introduced against serious offenders.

Private (electronic) employment agencies will have to register with the Ministry of Labour and Productivity for the purposes of regulating and monitoring their activities to forestall bogus job advertisements, trafficking in persons, smuggling, and other fraudulent activities.

Special attention will be paid to the recruitment and deployment of categories of workers – such as female domestic workers – who are especially vulnerable to malpractice and abuse.

For Nigerians travelling abroad the recruiter will have to expose the intending immigrant worker to his/her contract of employment in the presence of an authorised Labour Officer before the migrant embarks on his or her journey.

## **2.6 External protection or protection at destination**

Protection and welfare of migrants will be enhanced through securing bilateral instruments with various countries and through enhancing the implementation of the relevant ECOWAS protocols in Nigeria's own region.

Bilateral agreements shall be sought, to ensure the portability of social security and other entitlements and benefits earned by migrant workers.

The roles and responsibilities of Nigerian missions abroad shall be expanded to seek and support the welfare of Nigerian labour migrants and their families in destination countries, and the protection of their fundamental rights. This includes, when necessary, advocacy and mediation on behalf of Nigerian migrants.

Equally importantly, the role of diplomatic missions in receiving countries, including their capacity to meet the protection and guidance needs of migrant workers, should be established through the allocation of resources for training, greater service coverage, and the establishment of relevant facilities.

Labour attachés will need to be assigned to Nigerian diplomatic missions in places where there is a strong presence of Nigerian migrant workers.

Cooperation will be sought with foreign embassies in Nigeria to enhance their supporting protection of foreign workers inside Nigeria, including assisting their nationals in situations of distress.

Trades unions and employers' organisations in Nigeria should play a critical role in the protection of migrant workers and their families. To help protect migrant workers, they should form solidarity alliances with their counterparts in destination and origin countries for applying labour laws and other social protection policies. To the same end, they should encourage the enforcement of International Framework Agreements to regulate conditions of work in line with international best practices.

## **2.7 Migrant welfare programmes and funds**

This policy element encourages the establishment and operation of welfare programmes for migrants as well as for their families left at home.

Migrant welfare funds shall be developed as innovative and financially sustainable means of providing support services to vulnerable migrants in distress.

Policies and programmes for welfare of migrants, return migrants and families left behind should be strengthened.

## **3. OPTIMISING THE BENEFITS OF LABOUR MIGRATION FOR DEVELOPMENT**

The Labour Migration Policy expressly links the development and migration processes in both origin and destination countries. Transnational migrants and returning migrants contribute to investment, to the transfer of technology and skills, to human capital formation, to the enhancement of social capital, to the promotion of trade and to business links and good governance.

The proposed policy measures aim to enhance the benefits of labour migration on the economy and society; aid and support migrant workers and their families; mobilise development contributions of migrants; and expressly link the development and migration processes in recognition of the contribution of labour migration to employment, economic growth, development and the generation of income.

This section covers the following:

- Mainstreaming migration contributions into national development plans
- Linking migration and employment
- Enhancing skills development to meet national and international needs
- Enhancing the developmental impact of remittances
- Facilitating reintegration of returning migrants
- Negotiation of bilateral agreements with labour-receiving and sending countries
- Linking with the pool of expertise in Nigerian transnational communities.

### **3.1 Mainstreaming migration contributions into national development plans**

Key to achievement of this National Labour Migration Policy is the explicit linkage of migration dynamics and its contributions to national development, in elaboration and implementation of:

- the national Decent Work Country Programme

- the negotiation of bilateral agreements with labour-receiving and sending countries, and
- the UN Development Assistance Fund operation.

In addition the Policy should:

Facilitate and regulate labour and skills emigration in this policy, with administration supported by development plans and financing;

Through development planning, enhance an understanding of the expected impacts of ECOWAS labour circulation measures in enhancing national and regional development;

Through development planning linkages, explore possible improvements of models of bilateral and multilateral agreements with migrant labour destination countries.

### **3.2 Linking migration and employment**

The International Labour Migration Desk of the FMLP shall be strengthened to:

Undertake the projection of human resource requirements in countries of labour and skills demand, with special attention to emerging skills requirements, to anticipate meeting demand with matching skills;

Provide information for the certification of professional and technical qualifications standards in harmony with international expectations;

Create a system for disseminating information among potential emigrants;

Promote opportunities for migrant deployment abroad, taking into account brain drain concerns;

Ensure equal access for suitably-qualified Nigerians to skilled employment opportunities abroad;

Ensure coherence of the National Labour Migration Policy with any other policies and programmes of Government, in particular with the draft National Policy on Migration.

### **3.3 Enhancing skills development to meet national and international needs**

The Policy will:

Encourage reviews of skills development training structures and systems, to take into account the importance of quality in education, and emerging labour market needs;

Raise the skills levels of workers to higher standards, to improve their employment opportunities – both at home and abroad;

Develop financial support schemes to help youths acquire skills that are sought on both domestic and foreign labour markets;

Uphold the freedom of employers to determine the levels of skills and qualifications desired for their staff;

Promote the participation of employers and trades union organisations in the provision and funding of vocational training and skills upgrading institutions, to meet international skills requirements.

### **3.4 Enhancing the developmental impact of remittances**

Measures shall be taken to:

Ensure freedom for migrants to remit their wages back to their home countries;

Facilitate secure and low-cost means for the transfer of remittances;

Design appropriate programmes, and devise financial incentives, to help utilise migrant remittances in the development of the country, for example by promoting investment in SMEs and through micro-financing.

### **3.5 Facilitating reintegration of returning migrants**

This policy element:

Supports voluntary return and strongly condemns the forceful return of migrants;

Seeks to encourage collaboration between sending and receiving countries in the development of return and reintegration programmes;

Calls for the design of appropriate migrant reintegration programmes, to help returning migrants impart their skills and expertise to employment creation and the general development of the country;

Seeks, through good governance, to create an environment conducive to attracting the return of Nigerian talents.

### **3.6 Negotiation of bilateral agreements with labour-receiving and sending countries**

Nigeria has concluded a number of bilateral migration agreements but these are essentially in relation to return and readmission of irregular migrants. In order to ensure that future agreements are mutually beneficial to the country, it is desirable also to:

Negotiate bilateral migration agreements and MoUs on labour migration by identifying countries likely to be suitable for the negotiation of agreements, and study the feasibility for entering into such agreements;

Study good practices and prepare model MoUs, in particular with reference to ILO Recommendation 86, which sets out a model Bilateral Labour Agreement.

### **3.7 Linking with the pool of expertise in Nigerian transnational communities**

Nigerians in the diaspora include highly skilled professionals in technology, science and the medical and paramedical fields. In order to facilitate their contribution to national development through physical or 'virtual' return, the policy will design appropriate mechanisms to:

Attract migrant expertise to contribute to the sharing of skills and technology transfer;

Provide information to diaspora migrants regarding local investment opportunities;

Create an enabling environment for investments and enterprise developments by these migrants.

## **CONCLUSION**

The Labour Migration Policy for Nigeria has been developed with the active involvement of key stakeholders: the relevant ministries, departments, and agencies, the Social Partners and civil society organisations.

The Federal Ministry of Labour and Productivity is responsible for coordinating and monitoring the implementation of the policy, in collaboration with the identified key stakeholders, especially the Social Partners – labour unions and employers’ associations. It will also periodically evaluate the process, to ensure that labour migration from and to Nigeria takes place in an atmosphere of freedom, dignity and respect of workers’ rights.

## V ACTION PLAN: OBJECTIVES, ACTIVITIES, STAKEHOLDERS AND EXPECTED OUTCOMES

### GOAL 1. GOVERNANCE OF THE LABOUR MIGRATION PROCESS

SPECIFIC OBJECTIVES	ACTIVITIES	KEY STAKEHOLDERS	EXPECTED OUTCOMES
<p>1.1 Enact legislative framework as foundation of national labour migration governance.</p>	<p>1.1.1 Review recent study of national legislation and regulations relating to migration and immigration and their consistency with ratified international conventions (ILO C-97 and ICRMW), relevant ECOWAS instruments, and other relevant legislation. Commission supplementary studies as deemed appropriate.</p> <p>1.1.2 Utilise recommendations of relevant studies in government and parliamentary deliberations to harmonise national legislation with adopted international and regional standards.</p> <p>1.1.3 Request ILO and OHCHR technical assistance towards effective implementation of ratified conventions.</p> <p>1.1.4 Initiate action to ratify ILO Convention 143 on migration for employment (supplemental provisions).</p>	<p>TWC and other relevant stakeholders</p>	<p>Firm and clear legal foundation for policy and administration enacted.</p> <p>National Assembly engagement in and support for labour migration regulation and administration.</p> <p>Legal support for labour migration conditions of dignity, equity, security and justice.</p>

<p>1.2 Strengthen rules and regulations for effective and efficient administration of labour migration.</p>	<p>1.2.1 Review and streamline emigration and immigration procedures for workers, and reduce migration costs.</p> <p>1.2.2 Review and revise, as needed, rules and procedures for access to travel documents and issuance of work/residence permits to foreign workers.</p> <p>1.2.3 Review guidelines/conditions covering recruitment for employment outside Nigeria.</p> <p>1.2.4 Review regulations applying to other areas of policy enumerated in following sections of this policy matrix.</p>	<p>TWC and other relevant stakeholders</p>	<p>Clear and specific regulations for efficient administration of labour migration.</p> <p>Streamlined administrative procedures for issuing travel documents for Nigerians, and efficient permit issuance for immigrant skills and for labour useful to Nigeria.</p> <p>Clear guidelines for recruitment, monitoring of recruitment process; agencies held to high standards of conduct.</p> <p>Administrative support for labour migration conditions of dignity, security and justice.</p>
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<p>1.3 Strengthen existing institutional framework for labour migration and enhance coordination with other concerned ministries and agencies of government.</p>	<p>1.3.1 Ensure adequate resourcing and capacity for the responsible departments in the Ministry of Labour and Productivity.</p> <p>1.3.2 Define or refine terms of reference for roles and responsibilities of other ministries regarding pertinent activity related to labour migration.</p> <p>1.3.3 Maintain inter-ministerial Technical Working Committee (TWC) as consultative and coordinating mechanism among the various ministries and agencies involved in labour migration issues.</p> <p>1.3.4 Incorporate full representation of Social Partner organisations (NECA, NLC, TUC) in all TWC meetings addressing labour migration related issues and agendas.</p>	<p>TWC and other relevant stakeholders</p>	<p>Coherent initiative and administration on labour migration from the relevant government authority.</p> <p>Coordinated policy, administration and action across the multiple labour, productivity and social protection concerns of government related to labour emigration and immigration.</p> <p>Clear definition and division of responsibilities of “who does what, how, when and with whom?” among the concerned ministries.</p> <p>Regular and effective consultation, coordination and policy coherency across government as a whole in addressing labour migration and its related concerns.</p>
<p>1.4 Ensure full participation of social partners as key labour migration stakeholders in policy elaboration, implementation and evaluation.</p>	<p>1.4.1 Establish an Advisory Board on labour migration, consisting of representatives from the Ministry of Labour and Productivity and from the NLC, TUC, NECA and the association of private recruiters.</p> <p>1.4.2 Establish mechanisms for informing and capacity-building of social partner organisations at national and local levels.</p>	<p>TWC and other relevant stakeholders</p>	<p>Elaboration of specific knowledge, concerns, and recommendations from key ‘operational’ partners in labour migration: employers who engage workers, and unions who represent them.</p> <p>Obtaining common views and cooperation among social partners on migration issues.</p> <p>Enhanced social actor cooperation and compliance with governance policy and administration.</p>

<p>1.5 Building knowledge and data base for good policy and effective administration.</p>	<p>1.5.1 Improve and disseminate gender-disaggregated data on stocks and flows of women and men migrant workers – Nigerians abroad and foreigners in the country — by skills, sectors of employment, destination countries, remittances, etc. (using ILM database indicators).</p> <p>1.5.2 Develop the database of Nigerians (skills profiles, CVs) available for deployment abroad.</p> <p>1.5.3 Establish data interface and exchange with the global ILM database.</p> <p>1.5.4 Enhance skills database exchange with potential destination countries.</p> <p>1.5.5 Utilise and update assessments and forecast of future skills needed in Nigeria.</p> <p>1.5.6 Commission research studies on emerging and future labour migration phenomena, issues, and trends likely to affect policy (for example forecasting potential future skills and labour needs in Nigeria).</p>	<p>TWC and other relevant stakeholders, including ILO and IOM</p>	<p>Policymakers have access to reliable data and information.</p> <p>Potential employers abroad obtain access to information about available skills and labour from Nigeria.</p> <p>Destination country government employment services have access to the profile of Nigerian skills and labour on offer.</p> <p>Longer term, Nigerian employers obtain information about needed skills available in other countries as similar systems are established elsewhere, for example in other ECOWAS countries.</p>
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<p>1.6 Cooperation with ECOWAS towards full implementation of relevant protocols.</p>	<p>1.6.1 Review state of implementation of ECOWAS Protocol on Migration in Nigeria law and administration.</p> <p>1.6.2 Develop and maintain proactive role in ECOWAS discussions and activity on regional labour circulation.</p> <p>1.6.3 Develop and maintain Nigeria’s active role and presence in international migration dialogue processes.</p> <p>1.6.4 Ensure that Nigeria’s social partner organisations take a proactive role in relevant regional and international employer and trade union activities and processes addressing labour migration.</p>	<p>TWC and other relevant stakeholders, including ECOWAS, ILO, IOM, IOE, ITUC, PanAfrica Employers Confederation, ITUC AFRO, OATUU</p>	<p>Enhanced implementation of ECOWAS protocols; reduction of restrictions of concern to Nigeria to allow freer labour circulation in West Africa.</p> <p>Enhanced understanding and cooperation with partner and destination countries of concern to Nigeria.</p> <p>Increased cooperation among employers regarding international exchange and mobility of workers.</p> <p>International trade union cooperation geared towards protection of workers and effective involvement in international labour migration policy dialogue.</p>
<p>1.7 Ensure gender-responsive policy and its implementation at all levels of government, social partners and other actors.</p>	<p>1.7.1 Generate, sex-disaggregated data on labour emigration and immigration concerning Nigeria.</p> <p>1.7.2 Conduct a gender audit review of policy, administration, institutional practices and practical measures addressing labour migration, to ensure that specific conditions and needs of migrant women and children are taken into account.</p>	<p>TWC and other relevant stakeholders, including ILO, IOM, UNIFEM, UNICEF</p>	<p>Addressing the specific situations and needs of migrant women by appropriate and effective policies and measures.</p> <p>Safe and dignified migration for women enhanced; abuse targeting women migrants prevented, or at least greatly reduced.</p>

<p>1.8 Ensure competency and capacity of all concerned staff of government and social partner offices, enabling them to conduct their responsibilities effectively and knowledgeably.</p>	<p>1.8.1 Organise tripartite capacity-building seminars, and training workshops on labour migration and/or specific aspects, at national and regional levels.</p> <p>1.8.2 Include labour migration components in general training workshops, courses for government officials and social partner staff.</p> <p>1.8.3 Participation of government officials and social partner executives in international training activities on labour migration (such as ILO International Training Centre courses).</p>	<p>TWC and other relevant stakeholders</p>	<p>Development of competent cadres in government administration and other concerned stakeholder organisations, so that they are able to effectively carry out responsibilities, deliver services, and ensure policy implementation.</p> <p>Increased effectiveness and efficiency in use of public funding and staff resources.</p> <p>Improved credibility of Nigerian government and other actors with their constituencies, and with international partners.</p>
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## GOAL 2. PROTECTION OF MIGRANT WORKERS AND THEIR FAMILIES

SPECIFIC OBJECTIVES	ACTIVITIES	KEY STAKEHOLDERS	EXPECTED OUTCOMES
<p>2.1 Ensure rights to decent work, including access to social protection of migrant workers in a gender-disaggregated manner.</p>	<p>2.1.1 Promote use of understandable and enforceable employment contracts for migrant workers.</p> <p>2.1.2 Monitor conditions of work of Nigerian women and men migrant workers in destination countries (see 2.6 below).</p> <p>2.1.3 Establish measures to prevent migrant workers from falling into situations of trafficking and forced labour.</p> <p>2.1.4 Employ signed agreements and MoUs where applicable, to ensure decent working conditions for migrant workers.</p> <p>2.1.5 Incorporate components of Decent Work into bilateral agreements and MoUs.</p> <p>2.1.6 Negotiate social security agreements with destination countries, particularly within the ECOWAS region.</p>	<p>TWC and other relevant stakeholders</p>	<p>Mechanisms provided for the protection of migrant workers against abuse and exploitation.</p> <p>Expanded social security coverage for migrant workers.</p>

<p>2.2 Ensure non-discrimination and equality of treatment for all workers, migrants and nationals, abroad and at home.</p>	<p>2.2.1 Review national law and administrative regulations to ensure that non-discrimination and equality of treatment are expressly provided for.</p> <p>2.2.2 Establish specific policy plans to sensitise employers, workers and the public regarding non-discrimination.</p> <p>2.2.3 Incorporate attention to foreign workers and families in national human rights/anti-discrimination monitoring bodies.</p>	<p>TWC and other relevant stakeholders</p>	<p>Measures adopted to ensure national labour legislation and regulations adequately covers male and female foreign migrant workers.</p> <p>Mechanisms in place for effective supervision of non-discrimination legislation.</p>
<p>2.3 Ensure that all employment of migrant workers is subject to labour standards and codes.</p>	<p>2.3.1 Review national labour law and labour regulations to ensure that rights of migrant workers are covered.</p> <p>2.3.2 Extend labour inspection activity and labour law enforcement to sectors and workplaces where migrant workers may be present.</p> <p>2.3.3 Provide specialised training to labour inspectors to ensure their ability to address migrant-specific concerns.</p> <p>2.3.4 Elaborate specific model labour contracts for foreign workers.</p> <p>2.3.5 Ensure specific coverage of labour contract issuance and enforcement in bilateral and multilateral international agreements on labour migration.</p>	<p>TWC and other relevant stakeholders</p>	<p>Enhanced and enforced protection of migrant workers in employment.</p> <p>Discouragement of abuse and exploitation of vulnerable migrant workers.</p> <p>Levelled playing field between national and migrant workers (removal of incentives for abusive employment of foreign workers at expense of nationals).</p>

<p>2.4 Workers equipped to make better-informed decisions on migration for employment.</p>	<p>2.4.1 Conduct awareness training and pre-departure orientation programmes for potential migrant workers.</p> <p>2.4.2 Identify relevant partners for developing and conducting labour migrants' orientation programmes.</p> <p>2.4.3 Prepare and disseminate information materials for awareness-raising and training on regular migration opportunities, and on risks of irregular migration.</p> <p>2.4.4 Conduct pre-departure orientation programmes on the situation in destination countries: conditions of work, rights and obligations, and available redress procedures.</p>	<p>TWC and other relevant stakeholders</p>	<p>Awareness materials published and disseminated.</p> <p>Migrant workers awareness of the risks of migration, especially irregular migration.</p> <p>Migrants know what to expect in respect of their rights and conditions of work in destination countries.</p> <p>Reduction in irregular migration and trafficking.</p>
<p>2.5 Fairness and protection in recruitment for employment abroad, through supervision and monitoring of recruitment activities.</p>	<p>2.5.1 License and monitor all agencies engaged in the recruitment of migrant workers for overseas employment, to ensure accountability, prevent unethical practices and avert abuse in the recruitment process.</p>	<p>TWC and other relevant stakeholders</p>	<p>Legal and registered recruitment agencies in place.</p> <p>Reduction of abusive recruitment practices.</p> <p>Migration occurs under conditions of dignity, equity, security and justice.</p>

<p>2.6 Promote consular and diplomatic services to protect labour migrants and oversee their welfare.</p>	<p>2.6.1 Review and assess adequacy of consular services for migrant workers in major destinations.</p> <p>2.6.2 Assign labour attachés to Nigerian diplomatic missions where there is a large presence of Nigerian migrant workers.</p> <p>2.6.3 Arrange orientation for consular officials on migrant worker issues.</p> <p>2.6.4 Launch outreach programmes to engage with diaspora communities through Nigerian missions in major destinations.</p> <p>2.6.5 Ensure protection components in bilateral labour agreements and MoUs with major destination countries.</p> <p>2.6.6 Identify countries for negotiation of agreements (Spain, Italy, South Africa, and the Gulf Cooperation Council states) and study feasibility of entering into such agreements.</p> <p>2.6.7 Study good practices and prepare model MoU text, with reference to ILO Recommendation 86 (model Bilateral Labour Agreement text).</p> <p>2.6.8 Negotiate Bilateral Labour Agreements and MoUs with relevant governments.</p>	<p>MoLP</p> <p>All concerned ministries and departments</p>	<p>Nigerian consular missions better equipped to respond to protection and welfare needs of Nigerian workers abroad.</p> <p>Bilateral cooperation on migration strengthened.</p> <p>The role of Nigerian diasporas in home development recognised in national policy.</p>
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<p>2.7 Policies and programmes for welfare of labour migrants; return labour migrants and families left behind strengthened.</p>	<p>2.7.1 Provide insurance coverage and welfare fund/facilities for migrant workers and their families.</p> <p>2.7.2 Assess existing mechanisms for insurance and welfare provisions.</p> <p>2.7.3 Propose establishment/ improvement of insurance and welfare coverage.</p> <p>2.7.4 Establish employment/ reintegration services for returning workers.</p> <p>2.7.5 Provide appropriate training to concerned agencies/officials for administration of welfare services.</p>	<p>TWC and other relevant stakeholders</p>	<p>More effective contributions to the economy by returning migrant workers.</p> <p>Reduction in social costs of migration through welfare services to families left behind.</p> <p>Improved institutional capacity of concerned agencies to assist returnees and families left behind.</p>
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### GOAL 3. LINKING MIGRATION TO DEVELOPMENT

SPECIFIC OBJECTIVES	ACTIVITIES	KEY STAKEHOLDERS	EXPECTED OUTCOMES
<p>3.1 Integrate labour migration issues into national development planning and DWCPs.</p>	<p>3.1.1 Review planning documents (national development plans, PRSPs, DWCPs and UNDAPs) and integrate labour migration issues as needed.</p> <p>3.1.2 Explore incorporation of labour migration in Nigeria's DWCPs and the Regional ECOWAS DWCP.</p> <p>3.1.3 Interact with donors, UN Country team and international agencies on incorporation of migration issues into development planning.</p>	<p>TWC and other relevant stakeholders</p>	<p>Improved development benefits from labour migration.</p> <p>Movement towards a more coherent approach to migration by the international community.</p>

<p>3.2 Link employment and labour migration issues in policy and practice.</p>	<p>3.2.1 Establish labour market monitoring function to identify labour and skills demands in countries of deployment, with special attention to emerging skills requirements.</p> <p>3.2.2 Promote opportunities for deployment abroad, taking into account brain drain concerns.</p> <p>3.2.3 Ensure equal access for Nigerians to all skilled employment opportunities – particularly those in Nigeria -- including through access to and/or provision of specialised training.</p> <p>3.2.4 Assist Nigerian enterprises in recruiting appropriate skills from abroad to meet identified shortages, and make provisions for local skills training.</p> <p>3.2.5 Conduct assessment of ‘brain drain’ from Nigeria, to identify appropriate responses for retaining talent.</p> <p>3.2.6 Provide incentives to attract back skilled Nigerians and promote return of talent.</p>	<p>TWC and other relevant stakeholders</p>	<p>Labour market imbalances more effectively addressed.</p> <p>Employment creation both within and outside the country.</p> <p>Improved skills and technology transfer.</p> <p>Transforming ‘brain drain’ into ‘brain gain’.</p>
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<p>3.3 Upgrade skills and vocational training in Nigeria to meet domestic and foreign labour market needs, in harmony with international qualifications standards.</p>	<p>3.3.1 Assess existing Nigerian training institutions and curriculum vis-à-vis current and emerging labour market needs at home and abroad.</p> <p>3.3.2 Establish or strengthen appropriate training programmes for workers to acquire skills in demand internationally and/or locally.</p> <p>3.3.3 Upgrade certification of professional and technical standards for qualifications in harmony with international expectations.</p>	<p>TWC and other relevant stakeholders</p>	<p>Diversification of skills of migrant workers.</p> <p>Improved employment and productivity at home and abroad.</p>
<p>3.4 Create environment conducive to attracting migrant remittances, diaspora investments and technology transfers.</p>	<p>3.4.1 Work with financial institutions in destination countries and locally, to facilitate remittance transfers and lower remittance-sending costs.</p> <p>3.4.2 Provide and promote incentives to the productive investment of remittances in Nigeria.</p> <p>3.4.3 Provide information to diaspora on local investment opportunities.</p> <p>3.4.4 Promote networking of skilled diasporas.</p>	<p>TWC and other relevant stakeholders</p>	<p>Increase inflow of remittances and standardise remittance delivery at relatively low cost.</p> <p>Increased investments by diaspora to promote economic development.</p> <p>Increased capital inflow from the diaspora.</p> <p>Increased skills and technology transfers by Nigerian diaspora.</p>

<p>3.5 Create environment conducive to attracting return of skilled Nigerian talent.</p>	<p>3.5.1 Provide and promote incentives for the return of trained/skilled Nigerians.</p> <p>3.5.2 Provide information to diaspora on local employment opportunities.</p> <p>3.5.3 Promote networking of scientific diasporas.</p>	<p>TWC and other relevant stakeholders</p>	<p>Increased return and application of skills by diaspora, contributing to creation of jobs and enterprises, filling skills needs, enhancing skills profile of Nigerian businesses.</p> <p>Increased skills and technology transfers by Nigerian diaspora.</p>
<p>3.6 Negotiate bilateral agreements and MoUs with major origin and destination countries.</p>	<p>3.6.1 Identify countries for negotiation of agreements and study feasibility of entering into such agreements.</p> <p>3.6.2 Study good practices and prepare model MoUs.</p> <p>3.6.3 Negotiate bilateral agreements and MoUs.</p>	<p>TWC and other relevant stakeholders</p>	<p>Bilateral cooperation on migration strengthened.</p>
<p>3.7 Attracting migrant expertise.</p>	<p>3.7.1 Work with financial institutions in destination countries and locally, to facilitate exchanges of personnel, including short term home placements.</p> <p>3.7.2 Provide incentives for transfer of expertise through training of Nigerians by Nigerians.</p> <p>3.7.3 Provide information to diaspora on local investment opportunities.</p> <p>3.7.4 Promote networking of scientific diasporas.</p>	<p>TWC and other relevant stakeholders</p>	<p>Increased sharing of competencies, skills and knowledge acquired abroad.</p> <p>Increased skills and technology transfers by Nigerian diaspora.</p>

*Based on Amended Draft by TWG at 17 June 2010*

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## **Annexe 1. Members of the Technical Working Group**

### ***Ministries, Departments and Agencies***

Federal Ministry of Labour & Productivity	Adeniji Adeyemo (Chairperson) Jessie Okpuno (Mrs.) Emmanuel Igbinosun Sunday Onazi Ojabimpe Ajayi
National Commission for Refugees (NCFR)	Bassy Etim-Ikang (Dr.) Opara Joyce Ngozi
National Planning Commission Federal Ministry of Justice	Yisa Awoyinka (Dr.) Sweet Okundaye Jamila Maishanu
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Nigeria National Volunteer Service (NNVS) Fed. Ministry of Information & Communications Federal Ministry of Education Fed. Ministry of Women Affairs & Social Dev. Federal Ministry of Interior Office of the SA to VP on Youth and Migration WOTCLEF, Nigeria Senate Committee on Labour House Committee on Labour House Committee on Diaspora	Adebayo Babatunde Veronica Umaru (Mrs.) Samson Poli Ado Dogo Audu (Hon.) Oscar Okoro
<b>Social Partners</b>	
Nigeria Labour Congress (NLC)	Joel Odigie James Eustace Nike Ajala (Mrs.) J. J. Amah
Nigeria Employers' Consultative Association Trade Union Congress	
<b>Technical Partners</b>	
International Organization for Migration (IOM)	James Atusue Chinwe Okaro
International Labour Organization (ILO)	Chinedu Moghalu Chinyere Emeka-Anuna
<b>Observers</b>	
European Union Delegation	Sahar Roudsar Claudi Ferrer Savall

## **Annexe 2. A Selection of International Conventions ratified by Nigeria**

<i>Title of convention</i>	<i>Date of ratification</i>
African Charter on Human and Peoples Rights	23 June 1982
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	20 April 2000
United Nations Convention against Trans-National Organized Crime	29 March 2001
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	20 April 2001
African Charter on the Rights and Welfare of the Child	23 July 2001
Protocol Against the Smuggling of Migrants by Land, Sea and Air	23 July 2001
Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	31 December 2001
Discrimination (Employment and Occupation) Convention No. 111 of 1958	23 August 2002
International Labour Organization Convention No. 146 of 1976, concerning Annual Leave with Pay for Seafarers	19 December 2003

*Sources:* Adepoju et al, 2007; Okundaye, 2008; Adepoju et al, 2007; Adepoju & Minnegheer, 2008

## **Annexe 3. National legislation on labour migration in Nigeria**

1. Immigration Act 1963
2. NAPTIP Act 2003, expanded 2005 (National Agency for Prohibition of Traffic in Persons and Other Related Matters)
3. National Directorate of Employment Act
4. Factories Act
5. Workmen's Compensation Act
6. Child's Right's Act 2003
7. NDLEA Act (National Drug Law Enforcement Agency)
8. Labour Act 1974

*Source:* Adepoju & Minnegheer 2008

#### **Annexe 4. Bilateral immigration agreements signed and ratified between Nigeria and other countries**

<i>Title of Agreement</i>	<i>Date signed</i>	<i>Date of Ratification</i>
Agreement on immigration matters between the Government of the Federal Republic of Nigeria and the Government of the Italian Republic	12 September 2000	30 November 2000
Agreement on immigration matters between the Government of the Federal Republic of Nigeria and the Republic of Ireland	29 August 2001	30 November 2002
Agreement on immigration matters between the Government of the Federal Republic of Nigeria and the Government of the Kingdom of Spain		
Agreement on immigration matters between the Government of the Federal Republic of Nigeria and the Government of South Africa		
Agreement on mutual administrative assistance in matters relating to customs, trade and immigration between the Government of Republic of Benin, the Government of Ghana, the [then] Federal Military Government of the Federal Republic of Nigeria and the Government of Togo		

*Sources:* Adepoju & Minnegheer 2008; Okundaye 2008

#### **Annexe 5. International labour law, conventions and sub-regional agreements**

Nigeria has ratified the following conventions:

- ILO Convention No. 29 concerning Forced or Compulsory Labour (1930);
- ILO Convention No. 105 concerning the Abolition of Forced Labour (1957) in 1960;
- ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation (1958) in 2002;

- ILO Convention No. 138 concerning Minimum Age for Admission to Employment (1973) in 2002;
- ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999) in 2002.

*Human rights legislation*

- Nigeria ratified in 1985 the Convention on the Elimination of All Forms of Discrimination against Women (1979);
- Nigeria ratified in 1991 the UN Convention on the Rights of the Child (CRC, 1989);
- Nigeria signed in 2000 the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict, and the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography;
- Nigeria acceded in 2009 to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

**Annex 6. Sub-regional agreements: ECOWAS protocols on free movement of persons**

In May 1979, West African states adopted a Protocol relating to the Free Movement of Persons, Residence and Establishment.

Nigeria, a founding member, hosts the ECOWAS Commission headquarters in Abuja, and has ratified the 1979 Protocol relating to the Free Movement of Persons, Right of Residence and Establishment (i.e. right of entry and abolition of visa requirements).

Nigeria also ratified the 1986 Supplementary Protocol on the second phase (right of residence).

The rights of regular migrant workers and members of their families, the majority of whom are from West Africa, are protected in Nigeria under the series of ECOWAS Protocols signed and ratified between 1979 and 1986 (see below).

*1979 Protocol A/P.1/5/79 Relating to Free Movement of Persons, Residence and Establishment*

- Sets out the rights of Community citizens to enter, reside in and establish in the territory of Member States (Article 2(1));
- Establishes a three-phase approach over 15 years for the implementation of (i) right of entry and abolition of visas, (ii) residence and (iii) establishment (Article 2);
- Entitles Community citizens to enter the territory of another Member State on condition of possession of a valid travel document and an international health certificate (Article 3(1));
- Reserves the right of Member States to refuse admission into the territory of Community citizens deemed inadmissible under domestic law (Article 4).

*1985 Supplementary Protocol A/SP.1/7/85 on the Code of Conduct for the Implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment*

- Obliges Member States to provide valid travel documents to their citizens (Article 2(1));
- Enumerates protections for irregular immigrants (Articles 5 & 7).

1986 Supplementary Protocol A/SP.1/7/86 on the Second Phase (Right of Residence)

- Requires Member States to grant to Community citizens the right of residence in their territory for the purpose of seeking and carrying out income-earning employment (Article 2);
- Entitles Community citizens to residence (and thus to seek and carry out of income-earning employment) on condition of possession of an ECOWAS residence card or permit (Article 5); includes the harmonization by Member States of rules appertaining to the issuance of such cards/permits (Article 9);
- Stipulates equal treatment with nationals for migrant workers complying with the rules and regulations governing their residence in areas, for example security of employment, participation in social and cultural activities, re-employment in certain cases of job loss, and training (Article 23).

*Source:* Adepoju et al. 2007

### **Annexe 7. IOM: Assisted Voluntary Return & Reintegration (AVR&R)**

The following are the countries with which the IOM has formal and informal agreements on assisted return, in 2010.

*Countries of return for 2010*

- United Kingdom
- Switzerland
- Ireland
- Italy
- Libya
- Morocco
- Austria
- Netherlands
- Norway
- Malta
- Belgium
- Russia
- Finland
- Greece
- Israel

*Source:* IOM, 2010

### **Annexe 8. Profile of selected MDAs and Social Partners**

**National Planning Commission (NPC)**

The NPC, the national focal point for the coordination and formulation of national policies and programmes, draws up national economic priorities and programmes, maps out implementation strategies, coordinates the formulation and implementation of government programmes and issues guidelines and circulars regarding plan preparation, implementation and control.

**National Commission for Refugees (NCFR)**

The NCFR was established in 1989, with an extended mandate in 2002 to include responsibility for the resettlement of internally displaced persons. Refugees, asylum seekers, returnees, internally displaced persons and migrants form the core of the Commission's focus of activities. In 2009, the NCFR was given the responsibility of coordinating the draft National Policy on Migration. A Migration Management Unit has been set up in the Humanitarian Support Services Department as a focal point for migration matters.

**National Population Commission (NPopC)**

The NPopC was established to provide pertinent data as well as the following roles: periodically conducting national population censuses and sample surveys; promoting continuous and universal registration of births and deaths; and collecting, collating and publishing data on migration statistics. The Commission has established a Migration Division, which conducted a national survey on internal migration in March/April 2010, and also coordinated the National Migration Project, which led to the formulation of a Nigeria Migration Profile.

**National Bureau of Statistics (NBS)**

The Statistics Act of 2007 confers on the NBS the responsibility of managing the National Statistics System, making the Bureau the main national agency with responsibility for developing and managing official statistics, and the custodian and authoritative source of official statistics in the country. The NBS has developed and maintains a comprehensive national data bank. Its Demographic and Social Statistics Department also conducts annual household surveys, which contain some information on internal migration.

**Central Bank of Nigeria (CBN)**

The CBN is the apex monetary institution in the country, and is responsible for the formulation of monetary policy and the management of the financial sector. It collects and collates remittance data sent through official channels, from the returns submitted by banks. In order to generate evidence-based data to inform its policy on remittances, in June 2007 the Bank undertook a nation-wide survey of remittances. The findings of the study, published in 2008, provide valuable and timely information on the volume of remittance flows to Nigeria and their trends, patterns and uses.

**Ministry of Foreign Affairs (MoFA)**

The Foreign Affairs Ministry, through its missions, oversees Nigerian nationals living abroad. A migration unit was recently set up at the Ministry's Consular and Immigration Services Department. In collaboration with the Ministry of Justice, bilateral migration agreements have been signed between Nigeria and some EU countries, to accept the return and re-admission of nationals repatriated back to Nigeria.

### **Nigeria Immigration Services (NIS)**

The functions of the NIS include control of the country's borders, the issuing and administration of Nigerian travel documents; the endorsement of all categories of travel documents of persons arriving in and departing from Nigeria; the issuing and interpretation of such visas; residence permits to foreigners; the examination of all persons leaving and entering Nigeria at any designated port. The Combined Expatriate Residence Permits and Aliens Cards unit is responsible for the registration of expatriates and the delivery of Temporary Work Permits. It maintains a database of foreigners and has introduced a biometric e-passport to prevent document fraud.

### **Ministry of Health**

In 1990 the Health Ministry initiated a process for formulating a policy to guide the recruitment of medical personnel abroad. A National Health Policy was adopted in 2004. In 2006, a revised document, entitled National Human Resources for Health Policy, was drafted, re-emphasising the shortage of health workers – which has been exacerbated by accelerated emigration abroad. This document lists the factors that prompt emigration of professionals and proposes actions likely to make the public health sector more attractive, to retain capable and motivated health workers.

### **Federal Ministry of Women Affairs and Youth Development**

This Ministry has established 'gender focal points' in line ministries at federal and state levels, to promote gender equality and the mainstreaming of gender in development activities. A National Gender Policy was launched in 2007, and the Labour Standards Bill that challenges discrimination and promotes gender equality at the work place is currently with the National Assembly. The Child Rights Act has been passed in 24 states of the Federation. Empowering women and eradicating discrimination in the workplace are key to enhancing women's status, ensuring their insertion into the wage economy, and promoting independent female migration.

### **Federal Ministry of Education**

This Ministry has overall responsibility for formulating, harmonising and coordinating policies and monitoring quality in service delivery in the education sector, as laid down in the National Policy on Education, among others. Formal and informal education is the entry points for skills development and employment.

### **Federal Ministry of Youth Development**

This Ministry, created in 2007, formulated a National Youth Policy in 2009, to update the previous policy, introduced in 1981. The new policy has two main themes – Youth and Employment, and Youth, Migration and Human Trafficking. The goals are to provide a wide range of vocational, flexible employment opportunities, to ensure decent working conditions and life skills for sustainable livelihood, and also to reverse the irregular migration of young people – who risk their lives to emigrate at all costs to Europe, North America and other parts of the world – through public enlightenment, youth empowerment, and employment generation.

### **National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP)**

NAPTIP was established in 2003, with an expanded mandate in 2005, as the focal agency dealing with trafficking, child labour and exploitation. Its key functions are to coordinate all laws on trafficking in persons, including the adoption of measures to increase the effectiveness of attempts to eradicate trafficking; to strengthen and

enhance effective legal means for international cooperation in criminal matters, and to reinforce measures in bilateral and multilateral treaties and conventions on trafficking in persons. Nigeria signed Memorandums of Agreement with Italy and the UK, among other countries, on the trafficking of women and children to these countries, and their repatriation and readmission back to Nigeria.

### **Nigerian National Volunteer Service (NNVS)**

The NNVS, located in the Office of the Secretary to the Government of the Federation, is responsible for coordinating the activities of members of the Nigerian diaspora who wish to render service in Nigeria, and to tap into their huge reservoir of skills, knowledge and experience, as well as to utilise their remittances for national development. In 2005 the NNVS initiated an Annual Diaspora Conference, and a Nigerian Diaspora Day, observed on 25 July every year, to recognise and celebrate Nigerians abroad who are contributing to the development of the country through their individual and collective achievements.

### **Social Partners**

The other Social Partners – employers and labour unions – also have responsibilities for compiling information on sectors of the domestic economy with shortages of skills, sorting by gender; criteria for employing labour migrants; types of services and support provided to local workers, recruitment processes for foreign workers; measures to protect migrant workers' rights, and types of training, counselling and information provided foreign workers.

Trade associations have a key role in monitoring private and public activities of recruitment agencies; types of services and support provided local and foreign workers; ensuring and promoting workers' rights; domesticating and enforcing international conventions on labour migration; promoting welfare services for labour migrants departing the country to work abroad, and liaising with foreign counterparts to ensure that nationals working abroad enjoy prevailing rights and are treated humanely.