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# Nigerian Immigration Law and the Dilemma of the Border Communities

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## Abstract

*This paper explores the immigration laws in Nigeria vis-à-vis their impacts on border communities that inhabitants depend on trans-border relations for their socio-cultural, socio-economic and social integration. Though the main aim of Nigeria's immigration laws and policies is to guarantee national security and ensure that only those qualified to enter the country are admitted into our borders while ensuring territorial integrity, the enforcement of these policies and laws tend to have adverse effects on border communities both within Nigeria and across neighbouring border countries thereby placing these communities in a dilemma. Some of these adverse effects as explored in this paper includes disruption of livelihood, strained relationship between law enforcement and communities, movement restrictions thereby affecting local trade and familial relations that span across borders etc. The paper addresses challenges faced by these border communities to include corruption, intimidation and exploitation by law enforcement officials, unlawful detention etc. The paper advocates for human rights protection in the lenses of specific reforms that addresses the unique challenges faced by border communities in Nigeria. Similarly, recommendations touching on policy reforms, special documentation, regional collaboration have been suggested to further address the dilemmas of these border communities. By balancing immigration policies with the unique characteristics of border communities as suggested in this paper, Nigerian immigration policies can go beyond law enforcement to addressing the core challenges that affect the livelihood of this vulnerable group.*

**Keywords:** *border community, corruption, exploitation, intimidation, law enforcement officials, and unlawful detention*

## 1.0 Introduction

The geographic location of Nigeria in West Africa with proximity to countries like Chad, Benin, Cameroon and Niger makes it an attraction for trans-border activities ranging from trade, culture sharing and security networking.<sup>1</sup> At the midst of these interactions are border communities who create the platforms for these activities to flourish. The livelihood and day to day activities of these border communities are significantly regulated by immigration laws and policies.<sup>2</sup> Thus, while these laws and policies are aimed at promoting national security by preventing transboundary crimes and unlawful migration, maintaining territorial integrity and warding off external aggression, their enforcement usually pose significant challenges on

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<sup>1</sup> Iyanu-Oluwa Ayobami Ayodele and Umaru Toyin Shiru, 'National Security and Border Management in West Africa: A Study of Nigeria-Niger Relations.' *Wukari International Studies Journal* 8, no. 3 (2024) 92-101.

<sup>2</sup> Kabir Ahmed Rufai, Aisha Usman Gumi and Rilwan Abdullahi Aliyu, 'An Assessment of the impact of Nigeria's Border Closure on Neighbouring West African Countries, 2019–2021.' *Zamfara Journal of Politics and Development* 5, no. 1 (2024) 20-54.

these border communities thereby putting them in a dilemma.<sup>3</sup> This is why this paper seeks to explore those challenges that affect the existence of border communities and propose policy recommendations to improve the enforcement of immigration laws and strike a balance between law enforcement, human rights protection and the welfare of inhabitants of border communities.

The paper shall also deal with the concept of border governance which has been referred to as the facilitation of authorized movement of persons for varying purposes including trade, refugee resettlement, tourism among others, across the territorial frontiers of different states.<sup>4</sup> Border Governance also refers to the adoption of policies like imposing sanctions on transportation companies bring illegal migrants into the country, mandating visa requirements, border closures in order to regulate entry of humans and goods into the state.<sup>5</sup> At the heart of border governance is the need to balance international standards for allowing the admission of authorized travelers while prohibiting others from entering for improper reasons or with faulty documentation.

### 1.1. Border Communities in Nigeria

Usman and Yusuf<sup>6</sup> define border communities as subnational regions that are significantly affected by their proximity to an external boundary in terms of their social and economic affairs. According to Newman,<sup>7</sup> border communities are places that are near an international border and are primarily disadvantaged due to their remoteness from state development, authority, and control. Border communities, according to Newman, are "transition zones or hybrid spaces" without clearly defined or legally defined authority, allegiance, or loyalty.<sup>8</sup> Asiwaju<sup>9</sup> observed that border communities are classified into three categories: minimal, zero, and maximal. The minimal border communities are those in which the people on both sides of the border have no ethnic or cultural affiliation between each other.<sup>10</sup> The zero border communities imply a landscape with inhabitants completely opposed to each other, both religiously and ideologically, and who are often in conflict. The maximal border communities are normally characterised by an expansive landscape comprising inhabitants who maintain a high amount of cooperation and contact with each other.

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<sup>3</sup> Owuda Rashida Lamidi, 'Nigeria's Foreign Policy and Transborder Crime: An Overview.' *Wukari International Studies Journal* 8, no. 1 (2024) 217-233.

<sup>4</sup> CN Ogbonna, NE Lenshie and C Nwangwu, 'Border Governance, Migration Securitisation, and Security Challenges in Nigeria' *Soc* 60, 297–309 (2023) 12.

<sup>5</sup> E Rubinskaya, 'International Labor Migration in a Globalizing Economy: Historical Dynamics and Prospects of Development. In: D.Ushakov (ed.), *Migration and Urbanization: Local Solutions for Global Economic Challenges*. Pennsylvania: *IGI Global*, (2019) 1–17

<sup>6</sup> AT Usman and IS Yusuf, 'Forests, Ungoverned Spaces and the Challenge of Small Arms and Light Weapons Proliferation in Africa' *The Palgrave Handbook of Small Arms and Conflicts in Africa* (2021) 223-243.

<sup>7</sup> David Newman, 'Borders and Conflict Resolution' *A Companion to Border Studies* (2012) 249-265.

<sup>8</sup> *Ibid* 249

<sup>9</sup> AI Asiwaju, *Development of Border Regions* (University of Lagos Press, 1993) 2

<sup>10</sup> *Ibid*, 11

Nigerian border communities are essential in shaping the nation's geopolitical landscape and act as crucial connections to neighboring countries.<sup>11</sup> Regardless of their systematic importance, these regions encounter distinct challenges resulting from the strict implementation of immigration laws and cross-border security standards.<sup>12</sup> This section investigates the geopolitical relevance, socio-economic characteristics and cultural inclinations that make up the border communities in Nigeria while reiterating the complexities that form the effects of immigration laws and policies on the border communities.

## 2.0 Geopolitical Relevance of Border Communities

With a stretch of over 923,768 square kms (out of which about 13,000 square kms are covered with water bodies), Nigeria's border links with the Cameroon, Benin, Niger and Chad borders.<sup>13</sup> This expansive landmass situates Nigeria as a strategically located country in the West African sub-region where borders act as entry points for local trade and structures for the maintenance of national security and territorial integrity.<sup>14</sup> Every border community in Nigeria bears its own distinct socio-economic, socio-cultural and security implications which sustains the relationship between Nigeria and other neighbouring countries. It is notable to mention that the northern border between Nigeria and the Republic of Niger facilitates trade activities across the Sahel region thereby linking Nigeria to the trans-Saharan trade course.<sup>15</sup> This area is also significant for regional security since they share similar challenges with Niger in terms of migration driven by climate change, desertification, as well as security infiltration and threats by terrorist groups like Boko Haram. In the same vein, the border communities in the Northeastern part of Nigeria which border Chad creates an attraction for security due to current insurgency issues ravaging the Lake Chad Basin, where porous borders continue to thwart security efforts thereby breeding transnational crimes like human trafficking smuggling of arms and other items in the negative list as well as insurgency activities.<sup>16</sup> To the west, the Nigerian border with Benin Republic drives economic prosperity due to its close proximity with the Lagos port which is one of the busiest commercial hubs in West Africa. In the South, the border with Cameroon bears much socio-cultural and socio-economic significance due to the oil-rich Bakassi Peninsula which was ceded to Cameroon by the International Court of Justice after a complex legal contest by both countries.<sup>17</sup>

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<sup>11</sup> Mohammed Khalid Idris and Aondover Eric Msughter, 'Sources of Information on National Issues among Border Communities in Yobe State, Nigeria.' *ASEAN Journal of Community Engagement* 6, no. 1 (2022) 22-47.

<sup>12</sup> *Ibid*, 23

<sup>13</sup> Okunade Samuel Kehinde, 'Cross-Border Insurgency and the coping strategies of Border Communities in North-Eastern Nigeria.' PhD diss., Doctoral dissertation, University of KwaZulu-Natal, Pietermaritzburg, South Africa, 2019.

<sup>14</sup> Ayodele and Shiru (n1) 93

<sup>15</sup> Terhemba Nom Ambe-Uva, 'Cross-Border Cooperation between Niger and Nigeria: Opportunities and Challenges for the Maradi Micro-Region in West Africa.' In A Paper Presented at the Conference on 'Cross-Border Trade in Africa: The Local Politics of a Global Economy' within the Framework of the Fourth (ABORNE) African Borderlands Research Network in Basel, Switzerland from September, vol. 8. 2008.

<sup>16</sup> Oyedele Kayode John, 'The Threat of Insurgency to Peace and Security in West Africa: Nigeria in Perspective.' PhD diss., School of International and Area Studies, GOA University, 2022.

<sup>17</sup> Kelechi Johnmary Ani, Gabriel Tiobo Wose Kinge and Victor Ojajorotu, 'Nigeria-Cameroon Relations: Focus on Economic History and Border Diplomacy.' *Journal of African Foreign Affairs* 5, no. 2 (2018) 147-166.

The vast demographic setup and ethnic framework of the border communities that make up Nigeria evidence the significance of these communities. These communities are made up of diverse ethnicities that cut across borders and tribes like the itinerant Fulani herders, Hausa and Kanuris in the north, the Ejegams in central and Northern Cross River State the South as well as the Yorubas within the Benin border.<sup>18</sup> Given the ethnic vastness, there is an inevitable framework of trans-border links as different ethnic groups cross the Nigerian territory with cultural, historical and linguistic connections. For example, there is prevalence of the Hausa ethnicity both within Northern Nigeria and Southern Niger, there is also a cross-section of Yorubas both in Benin Republic communities and Western Nigeria, just as you have the Ejegam Nigeria and Ejegam Cameroun. Though these links encourage trans-border activities, they also pose challenges that militate against the enforcement of immigration laws since strict border policies may have adverse effects on the longstanding historical and cultural exchanges.

## 2.1 Socio-economic Characteristics

Communities that border Nigeria are majorly rural and depend on a mixture of agriculture, livestock rearing, trading, and trans-border commerce as their main sources of survival.<sup>19</sup> Agricultural activities are being endorsed by the fertile lands along the northern and southwestern borders, crops such as millet, sorghum, and maize in the north, and cassava, yams, and plantains are common in the southwest.<sup>20</sup> These crops are frequently sold in community markets and are most times transported across borders to reach larger commercial centers.

One vital part of the economy of these regions is said to be trans-border trade.<sup>21</sup> Communities along the Benin border in Western Nigeria participate in informal trade which involves the exchange of goods such as textiles, household items, petroleum products, and foodstuff.<sup>22</sup> Markets along the Niger and Chad borders in the north ensure the flow of livestock, cereals, and manufactured goods between Nigeria and its neighboring communities. Same is replicated between Nigeria and Cameroun. The essence of this informal economy to residents cannot be overemphasized, as it brings about income and ensures accessibility of goods that may be difficult to obtain within community markets. However, stringent border policies and implementation of customs regulations frequently impact on this trade, causing economic difficulties for regions that depend mostly on cross-border commerce.

Furthermore, rearing of fishes and livestock contribute immensely to the economies of border communities such as the Lake Chad region.<sup>23</sup> Residents of this community traditionally

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<sup>18</sup> Confidence Nwachinemere Ogbonna, Nsemba Edward Lenshie, and Chikodiri Nwangwu, 'Border Governance, Migration Securitisation, and Security Challenges in Nigeria.' *Society* 60, no. 3 (2023) 297-309.

<sup>19</sup> Christopher Ikem Olisah, Paul Solomon and Joshua Oji Zachariah, 'Political Economy of Nigeria's Land Borders Closure.' *FUWukari Journal of Social Sciences* 1, no. 2 (2022) 56-85.

<sup>20</sup> *Ibid*, 56

<sup>21</sup> *Ibid*, 57

<sup>22</sup> Olukayode A Faleye, 'Regional Integration from 'Below' in West Africa: A study of Transboundary Town-Twinning of Idiroko (Nigeria) and Igolo (Benin).' *Regions and Cohesion* 6, no. 3 (2016) 1-19.

<sup>23</sup> Oluwatuyi S. Olowoyeye, and Rameshwar S. Kanwar, 'Water and Food Sustainability in the Riparian Countries of Lake Chad in Africa.' *Sustainability* 15, no. 13 (2023) 10009.

practice fishing in the lake's waters, and cattle herders often travel across borders in order to find grazing lands.<sup>24</sup> Cases such as insecurity and the implementation of immigration laws have contributed in making it difficult for herders to travel across borders without facing legal punishments.<sup>25</sup> The restrictions placed on cross-border transportation does not only threaten traditional culture of these communities but also heighten tensions between community residents and immigration authorities.<sup>26</sup>

The socioeconomic difficulties facing these regions are further complicated by limited accessibility to infrastructure, healthcare, and education. Most border regions lack public services, forcing residents to depend more on cross-border transportation in order to gain access to basic and essential goods and services. For instance, residents of border regions with Benin and Niger may travel across the border to gain access to healthcare facilities or engage in educational-related activities. As a result, stringent immigration regulations can have a detrimental effect on the quality of life in these areas by restricting access to resources that are frequently accessible within neighboring countries.

## **2.2 Cultural Inclinations that make up the Border Communities in Nigeria**

Border Communities are interlinked by both cultural and social similarities.<sup>27</sup> In this case, family ties, religion, ethnic commonalities, shared customs and traditions extend across borders. To these border communities, trans-border movements are more of a natural expansion of their socio-cultural lives than an international relation.<sup>28</sup> There is also the aspect of kinship ties where there are individual that have families on both sides of border communities of different communities. For example, most of the border communities in Katsina state in Nigeria have families in neighbouring Niger communities due to the long standing interactions in the aspect of trade and inter-marriage amongst them.<sup>29</sup> Therefore, such individuals may face border restrictions in a bid to attend family events which may extend the territorial borders of Nigeria. Similarly, the Yorubas in Lagos state often share language similarities with communities along the Nigerian-Benin borders and such similarities necessitate trans-border cohesion.<sup>30</sup> These kinship ties also encourage economic exchanges due to the fact that relatives may come together to assist themselves with goods and services that are more available in one country than the other.<sup>31</sup> Trans-border visits as highlighted above often conflict with Nigerian immigration policies which require formal processes and documentations and these residents of border communities may find it

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<sup>24</sup> *Ibid*

<sup>25</sup> David Bacon, *Illegal People: How globalization creates migration and criminalizes Immigrants* (Beacon Press, 2008) 1.

<sup>26</sup> *Ibid*, 1

<sup>27</sup> Nelson Goldpin Obah-Akpowoghaha, Victor Ojakorotu, and Momodou Lamin Tarro, 'Porous Borders and the Challenge of National Integration in Africa: A Reflection of Ghana, Republic of Benin and Nigeria.' *Journal of African Foreign Affairs* 7, no. 3 (2020) 21.

<sup>28</sup> *Ibid*, 21

<sup>29</sup> Stephen S. Golub and Mirayda Martinez, 'Kinship Groups and Informal Trade in West and Central Africa.' In *Research Handbook on Development and the Informal Economy*, (Edward Elgar Publishing, 2020) 210-238.

<sup>30</sup> Dhikrullah Sherifdeen Akanji, 'Yoruba Language as an Interface for Trans-Border Communication in the Idiroko Borderline Community' *International Journal of Arts and Social Science* Vol 6 Issue 9, (2023) 1

<sup>31</sup> *Ibid*, 1

cumbersome and a barrier to their familial ties.<sup>32</sup> Another component that unites these trans-border communities is religion, with some of these communities being adherents to either the Islamic or Christian faith.<sup>33</sup> In northern Nigeria, border communities usually come together to celebrate religious festivals like the *Eid al-Adha* and the *Eid al-Fitr*, thereby attracting participants across borders.<sup>34</sup> Such religious events do not only serve religious objectives but extends to an avenue for economic opportunities as goods and services are usually exchanged in the course of the celebrations. Therefore, strict immigration policies may affect participation in such events, thereby distorting social integration and cohesion and having a toll on the communal life which is fundamental to their existence.

### 3.0 Overview of Nigerian Immigration Law

Nigerian immigration law comprises of an intricate legal framework set to regulate cross-border movements, control foreigners' residence and employment within the nation, whilst upholding national security.<sup>35</sup> Despite its robust framework, it will require a herculean effort to implement these laws without complicating international relations and having a negative effect on border communities. This section will look to provide a general overview of the National immigration framework, the influence of international treaties and protocols, legislative developments aimed at strengthening border control measures.

#### 3.1 Legal Framework for Immigration in Nigeria

The Immigration Act 2015 is the cardinal point of Nigerian Immigration law, it was devised to combine modernization with immigration by implementing security-focused and economic considerations.<sup>36</sup> The Immigration Regulation of 2017 demystified the implementation of the provisions of the Act. The Act bestows the power to handle all immigration matters such as border control and visa issuance on the Nigerian Immigration Service (NIS).<sup>37</sup> The primary foundation of Nigeria's immigration law is the Immigration Act of 2015, a comprehensive statute that regulates immigration practices in Nigeria. The Act, which replaced earlier immigration legislation of immediate post independence Nigeria in 1963, is designed to modernize the country's approach to immigration by incorporating both security-focused and economic considerations. The Act establishes the Nigerian Immigration Service (NIS) and vests it with the responsibility of enforcing its provisions.<sup>38</sup> The mandate of the Service covers the issuance of travel documentations, visas, residence and working permits, border surveillance and overseeing the entry into Nigeria, the staying in Nigeria and the exit of

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<sup>32</sup> *Ibid*, 1

<sup>33</sup> Benjamin Atanang, John Bosco Ekanem, and Asukwo Oko, 'Peaceful Co-Existence in Nigeria: Christianity in Focus.' *Niger Delta Journal of Gender, Peace & Conflict Studies* 2, no. 3 (2022) 197-211.

<sup>34</sup> Corey L Williams, 'Multiple Religious Belonging and Identity in Contemporary Nigeria: Methodological Reflections for World Christianity.' *World Christianity: Methodological Considerations* (2021) 225-250.

<sup>35</sup> Ndubuisi Isaac, Catherine Chinecherem Enekwechi, Ogoegbunam Perpetua Anierobi, and Sopuru Isaiah Omeji, 'Management of Transborder Migration and the Challenges of Insecurity in Nigeria.' *International Journal of Advances in Social Science and Humanities* (2024) 1-10.

<sup>36</sup> Tayo Douglas, 'An Appraisal of the Rights and Protection of Migrant Workers under Nigerian Law.' *Madonna University, Nigeria Faculty of Law Law Journal* 6, no. 2 (2021) 23.

<sup>37</sup> Section 1, Immigration Act 2015

<sup>38</sup> *Ibid*, section 1 and 2

foreigners from Nigeria.<sup>39</sup> By virtue of section 2 of the Act, the NIS has the responsibility of preventing unlawful entry into the country and ensure deportation when the situation demands. The Act reiterates the essence of effective border governance by authorizing immigration personnel to check travel documentations and ensure arrest of individuals that enter the country illegally. The Act also provides for different types of visas such as work permits, business visas, special permits etc.<sup>40</sup> in order to checkmate the activities of foreigners in Nigeria. The Act also criminalizes immigration violations by providing penalties and sanctions for such violation with the sanctions including deportations, imprisonments and fines according to the gravity of the offence.<sup>41</sup>

Away from the Immigration Act 2015, there are other regulations that detect the immigration policy in Nigeria. Some of these regulations make provisions on aspects like issuance of visas, procedures for trans-border movements, and protocols for obtaining permanent or temporary residency for foreign internationals. For example, the Temporary Work Permit (TWP) Regulation permits skilled expatriates to work within short term periods in Nigeria, subject to approval by the Comptroller-General of Immigration Service.<sup>42</sup> Another important regulation is the Border Control and Enforcement Regulation, which prescribes strict border control protocols on Nigerian borders to ensure that illegal trans-border activities are checkmated.

Against the foregoing, it must be added that notwithstanding the efficacy of the Immigration Act, there is usually concerns about its stringent policies on border communities. The requirements of formal documentation may hamper trans-border transactions which are the mainstay of most of these border communities. The unintended effects of these policies are particularly felt in regions where communities share cultural and economic ties with neighboring countries, leading to friction between local customs and national security interests.

### **3.2 International Treaties and Protocols**

Regional agreements, international protocols and treaties regulate trans-border movements as well as set up security protocols that form the body of immigration policies in Nigeria. By virtue of its membership of the Economic Community of West African States (ECOWAS), for instance, Nigeria is bound by the ECOWAS Protocol on the Free Movement of Persons, Residence and Establishment<sup>43</sup> thereby facilitating the movement of person across neighbouring countries that are signatory to the protocol. The right to enter, reside, and create businesses in other member states, including Nigeria, without a visa for stays up to 90 days is granted to ECOWAS nationals by this protocol. As much as the protocol endorses economic

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<sup>39</sup> *Ibid*, section 2 (a-e)

<sup>40</sup> *Ibid*, section 37

<sup>41</sup> *Ibid*, sections 57-60

<sup>42</sup> Nigeria Immigration Service, Available at [https://immigration.gov.ng/visa\\_group/temporary-work-permit/](https://immigration.gov.ng/visa_group/temporary-work-permit/) Accessed 9<sup>th</sup> November 2024

<sup>43</sup> A treaty adopted by member states of the Economic Community of West African States (ECOWAS) in May 1979



integration and social cohesion across West Africa, enforcing it within Nigerian border regions has proven difficult, as a result of issues bordering insecurity related to smuggling, terrorism, and human trafficking.

Adding to the ECOWAS agreements, Nigeria is also regulated by African Union (AU) agreements which make provisions for regional integration and collaboration on security threats. The African Charter on Human and Peoples' Rights for example, emphasizes on the importance of freedom of movement and at the same time recognizing the need for national security. In the same manner, the African Continental Free Trade Area (AfCFTA) agreement supports the free movement of goods and services across African borders. Regardless of the fact that the AfCFTA basically addresses trade, its enforcement impacts immigration as it facilitates free-flow customs and border procedures, which directly affects the transportation of people across Nigeria's borders.

Nigeria's bilateral agreements with its neighbours: Benin, Niger, Cameroon, and Chad also adjust Nigeria's border policies. These agreements most times focus on addressing cross-border security challenges and managing transnational issues including smuggling and terrorism. For example, Nigeria and Chad have joint security pacts focused on fighting against Boko Haram insurgency, which often affects border regions. Though these bilateral agreements are programmed to ensure collaboration, they can also lead to stringent border controls that inadvertently hinder the freedom of movement for border regions.

## **4.0 Dilemmas and Challenges Encountered by Border Communities**

Border communities in Nigeria are particularly susceptible to the challenges that come with government border strategies and strict immigration administration.<sup>44</sup> This is due to their geographical setting (between an interplay of national security concerns, local customs, and socioeconomic standards). The focus of this section is to highlight the major setbacks encountered by these border communities with particular attention to the legal uncertainties surrounding trans-border transportation, immigration standards and their impact on daily livelihood of border communities' inhabitants, issues of national security, corruption as a militating factor as well as Corruption and extortion by enforcement officers which pose challenges to border communities in enforcement of immigration laws.

### **4.1 Legal Uncertainties**

Legal uncertainty poses a significant challenge to trans-border movement on border communities in Nigeria.<sup>45</sup> The existence of most of these border communities predates the mapping of the Nigerian contemporary borders. To this end, members of border communities perceive such borders as mere artificial demarcations that are inconsistent with their cultural, historical and communal heritage.<sup>46</sup> Therefore, when immigration laws and border control

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<sup>44</sup> Nsikak Mathias Udosen and Uko Uwak, 'Armed Banditry and Border Monitoring: Challenges for Nigeria's Security, Peace and Sustainable Development.' *European Journal of Political Science Studies* 5, no. 1 (2021) 12.

<sup>45</sup> Okechukwu Richard Oji and Fatima Mustapha, 'An Appraisal of the Capacity of Government Institutions for Border Management in Nigeria.' *South East Journal of Political Science* 6, no. 1 (2020) 12.

<sup>46</sup> *Ibid*, 11

policies are incompatible with such unique features, they tend to create notable challenges for border communities and their inhabitants.

Despite the fact that the legal framework that regulate immigration in Nigeria were strategized to uphold the national security objectives in Nigeria, such laws do not draw a distinction between trans-border movements for commerce or trade purposes and movements that pose security threats.<sup>47</sup> Stringent enforcement of immigration preconditions like documentations and permits usually pose as hurdles to individuals crossing the borders for some legitimate purposes like trading, family visits, cultural events participation *inter alia*. For example, the “trans-border movements of a Fulani herder with grazing areas spanning across Niger and Nigeria may be hampered by immigration laws that do not support pastoral lifestyle. In addition, the uncertainties in internal enforcement further amplify this issue, this is usually as a result of the lack of clarity on how strict the immigration officers should enforce trans-border communities’ immigration preconditions.<sup>48</sup> This often breeds legal inconsistencies leading to whimsical enforcement thereby undermining and questioning the objectivity of immigration regulations by border communities’ residents.

The above legal uncertainties pose a dilemma for the Immigration authorities in Nigeria who attempt to place a balance between concerns of national security and cultural heritage of such border communities that overstep national borders.

#### **4.2 Impact of Immigration Standards on Daily Livelihood of Border Communities’ Inhabitants**

The strict application of immigration policies like occasional border shutdowns is a dilemma that is capable of impacting on the day-to-day lives of inhabitants of border communities. This is because most of these inhabitants rely heavily on transboundary commerce and agriculture to survive. Therefore, when restrictions are placed on movements, there are several economic setbacks and implications. For example, a fisherman residing near the Lake Chad Basin could depend on accessibility to some fishing spaces between Nigeria and Chad, or an inhabitant of Badagry in Nigeria may count on the inflow of goods from the nearby Benin Republic markets for daily survival. When security is tightened within the borders (for instance during periods of clampdowns on smugglers or periods of political uprising), borders may be closed down in their entirety thereby interfering with the underground economies which keep such economies going. The closure of these borders impedes on movement of essential goods, frustrate traders from selling their goods and restrict access to healthcare and other essential services which are available across the border.<sup>49</sup> Closures for elongated periods can cripple the local economy leading to loss of primary sources of income and forcing inhabitants to search for substitute sources on income. The financial burden of complying with immigration regulations may compound the woes of these communities. The requirements of work permit, visas and other documentations may be considerably exorbitant

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<sup>47</sup> Aminu Idris, ‘Permeable Borders and Insecurity: The Ecowas Protocol on Free Movement and Trans-Border Banditry on the Nigeria-Niger Republic Frontier.’ *Zamfara Journal of Politics and Development* 3, no. 1 (2022) 18.

<sup>48</sup> *Ibid*, 18

<sup>49</sup> Ogbonna (n4) 297

for indigent or low-income earners, thereby denying them an opportunity of legal transboundary movements.<sup>50</sup> Some of these inhabitants are usually confronted with the option of complying with the exorbitant legal requirements and informal movements across borders, thereby exposing them to arrests, exploitation and abuse by border patrol authorities. This disruption of commercial activities as presented above poses a dilemma to border communities' residents as they find themselves in the middle of a clash between their survival demands and strict immigration regulations.

### 4.3 National Security Concerns

Border communities are usually susceptible to security shocks owing to their closeness to terrorism-prone regions, human trafficking/modern slavery and smuggling activities.<sup>51</sup> Security risks and threats posed by terrorist groups like Boko Haram in the Lake Chad region have necessitated heightened border patrols with military involvement and surveillance systems in place.<sup>52</sup> Though such security measures are targeted towards maintaining national security, they usually have negative consequences on border communities. With heavy military presence and prevalent security activities, there could be an escalation of such security operations into conflicts involving civilians.<sup>53</sup> For example, the military operations on suspects of Boko Haram in the northern part of Nigeria usually leads to the arrest and detention of individual thereby impeding on free movement. There are usually cases of harassment and arrests faced by border community members who depend on transboundary pastoral channels on suspicions of illegalities. Such a tensed atmosphere of increased suspicion usually breeds fear, limitation of right to movement and trade activities that border communities rely on.

The issues of smuggling and trafficking further compound the woes of Nigeria's border communities.<sup>54</sup> This is because the porous nature of Nigerian borders and deficient enforcement financing facilitate criminal systems. With the hardship faced by inhabitants of these border communities, smuggling of goods such as illicit substances, petroleum products and weapons becomes prevalent.<sup>55</sup> In response to this, immigration and law enforcement authorities would usually launch sweeping operations which may have economic impacts on the entire community, leading to toughened border measures that further complicate the daily lives of inhabitants, since such sweeping measures do not effectively ascertain the actual smugglers from the residents.<sup>56</sup> Though there have been attempts by the authorities to intensify border patrol and surveillance, the large expanse of Nigeria's borders coupled with the inherent limitations in the immigration setup of the country have militated against smooth

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<sup>50</sup> D Nnadi and C Okoye, 'Border Communities, Ungoverned Spaces and Nigeria's National Security' *International Journal of Community and Cooperative Studies*, Vol.10 no.1, (2022) 30-43

<sup>51</sup> Aliome Collins Chinedu, 'Migration and National Security: A study of Nigeria's Porous Borders.' *African Journal of Politics and Administrative Studies* 12, no. 1 (2019) 12.

<sup>52</sup> *Ibid*, 12

<sup>53</sup> *Ibid*, 12

<sup>54</sup> Adams Williams John and Ajala Ebenezer Olurunsogo, 'Border Porosity and the Perennial Challenges of Nigeria Borders and Frontier Security.' *Lapai Journal of Humanities* 13, no. 1 (2022) 224-236.

<sup>55</sup> *Ibid*, 224

<sup>56</sup> Sine Plambech, 'Between 'victims' and 'criminals': Rescue, deportation, and everyday violence among Nigerian Migrants.' *Social Politics* 21, no. 3 (2014) 382-402.

enforcement of immigration policies.<sup>57</sup> Consequently, trafficking and smuggling continue to pose security risks by rendering local residents vulnerable to criminal exploitation and at the same time weakening the ties between authorities and the border communities.

#### **4.4 Corruption and Extortion by Enforcement Officers**

Amongst the major challenges faced by border communities and their inhabitants, the ills of corruption stand out.<sup>58</sup> Immigration authorities and other law enforcement agents have further posed dilemmas to these border communities. Cases of extortion, harassment, unlawful detention etc. have been prevalent as border communities' residents often offer bribes to be able to evade detention and gain safe passage across borders. This overwhelming level of corruption tends to sabotage the efficacy of immigration regulations thereby creating an atmosphere of distrust between the authorities and the communities. There have been reports by border communities' residents of instances where they had to be intercepted even by non-immigration officials and asked for documentations to make short distant movements to adjoining neighborhoods.<sup>59</sup> Where they failed to produce the demanded documentations, they were required to offer bribes as a precondition to safe passage. Such practices add to the pecuniary hardships on such residents who earned low income and struggling to survive, thereby adding to their economic difficulties as a result of the stringent immigration regulations.

The frequency of corrupt practices within the borders also present wider implications.<sup>60</sup> It adds to the rule of impunity among border officials. By demanding bribes and kickbacks, law enforcement agents discourage immigrants from observing the formal procedures for immigration and this jeopardizes the efforts of the Government to exert border controls and effectively control immigration into the country.<sup>61</sup> It also deprives the government from revenue thereby posing economic setbacks. By extension, this might lead residents of the country to lose faith in the capacity of the state to shield them from criminal attacks since they may perceive law enforcement as exploitative rather than guaranteeing security of lives and property.

In addition, the various incidents of unlawful detention and intimidation by the authorities may create a hostile atmosphere where citizens may feel more targeted than protected. The end result of such impression could lead to confrontations, self-help and dichotomy between local communities and the authorities. In areas where corporation is significant in ensuring security, this may prove abortive as residents may be discouraged to act as whistle blowers thereby making enforcement cumbersome with respect to trans-border security issues.

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<sup>57</sup> *Ibid*, 382

<sup>58</sup> AU Abonyi, and Benneth O Udensi, 'Porous Border Security as a boost to Illegal Cross-Border Migration and its implications on National Security in Nigeria.' *Law and Social Justice Review* 4, no. 2 (2023) 19.

<sup>59</sup> Udoson (n44) 12

<sup>60</sup> *Ibid*, 12

<sup>61</sup> *Ibid*, 12

## **5.0 Recommendations and Prospects**

In order to proffer solutions to the challenges and dilemma faced by border communities as highlighted in the preceding section, it is imperative to effect changes to cater for the special needs and features of these border communities. It is on that basis that this paper canvasses for policy changes, increased community involvement, regional collaboration and enhanced enforcement of immigration laws.

### **5.1 Policy Changes**

In ensuring inclusivity and broader application of immigration laws, it is pertinent to make policy changes in certain areas. First, provision must be made for special trans-border documents that will allow communities that have families across borders and border communities that have economic and cultural relationships. When such documentations are issued, free flow of trans-border movements will be achieved to traverse their immediate environment while obviating the need for cumbersome immigration procedures. This will reduce complications in trans-border interactions that these border communities may require to thrive. Second, the simplification of the trans-border procedures will be of immense economic significance particularly in the area of trade. By making designated trade pathways which will have minor paperwork, local economies and petty traders can benefit as this will boost local commerce across borders without raising national security concerns. The said pathways can also serve itinerant inhabitants such as pastoral herdsmen who depend on movements across the borders.

### **5.2 Increased Community Involvement**

When policies are outlined in a way that caters for the uniqueness of the border communities such that will encourage community involvement, immigration reforms will be effortlessly achieved. To this end, this paper recommends that stakeholders in immigration authorities and border communities should have regular town hall meetings and consultations. This could help foster collaboration and inclusive policy formulation, enhance compliance and build trust amongst the various stakeholders involved. Community engagement initiatives should be introduced to enlighten border communities' residents on legal requirements, security procedures, mitigating rifts and encouraging voluntary collaboration. In addition, establishing community advisory boards within border areas could be effective in serving as a link between border communities' inhabitants and immigration officials. Where these are created, measures could be initiated to enable better and more effective policy execution by considering the distinct cultural, economic and social inclinations of these communities.

### **5.3 Regional Collaboration**

There is need to reinforce collaboration between Nigeria and neighbouring countries. This will not only address trans-border challenges but would also strengthen the networking of the ECOWAS setup which extends to organizing joint trainings for immigration personnel across member states. This will also create a platform for countries to enforce the various protocols. Initiatives like collaborative border surveillance, trans-border committees and data-sharing agreements can offer support to the needs of the border communities which may address

national security concerns in turn. When regional collaboration is achieved across borders, Nigeria and its neighbours will experience seamless border experiences, thereby cutting undesirable delays that come with security protocols. This could also foster trans-border economic activities like transnational trade fairs and improve the economies of these regions while offering mutual incentives for good interactions and compliance with immigration regulations.

#### **5.4 Enhanced Enforcement of Immigration Laws**

This paper recommends that there must be a balance between the human rights interest of the residents of border communities and law enforcement within the borders. A way of achieving this is through training of border personnel on ethical conduct that will shun intimidation, discrimination and exploitation of border communities' residents. With stricter oversight standards such as regular auditing of border control activities by independent bodies, there will be enforcement standards that take human rights into consideration. Therefore, in order to maintain national security without unnecessary movement restrictions, smart border technologies could be utilized to improve monitoring of the borders while limiting physical blockades. An instance is the adoption of biometric scanning to make legitimate movements easy through verification thereby reducing physical check-ins while saving time.

#### **6.0 Conclusion**

The aim of this paper was to investigate the relationship between the immigration policies in Nigeria *vis-à-vis* the dilemma of the border communities. The paper in its various sections explored the impacts of immigration regulations and standards on the livelihood of border communities particularly in the aspect of human rights, commercial lives, economic and social endeavours. The stringent application of immigration policies with little or no regard for the uniqueness of the border communities has breed resistance, economic setbacks, loss of livelihoods, cultural decadence and unhealthy rivalry between border communities and the authorities.<sup>62</sup> In addressing these challenges, it is imperative to adopt a balanced immigration enforcement strategy that will take into consideration the concerns of the border communities while enforcing immigration laws and policies in an ethical manner. The paper has set out some salient recommendations which if implemented, could better the situation being faced by border communities, foster economic prosperity, guarantee cultural preservation and resolve their dilemma accordingly.

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