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Nigerian Immigration Laws, Mass Media and the Fight against Insecurity in the Milieu of Inclusiveness

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Abstract

The movement of people from one country to another has over the years been necessitated by the indisputable fact that no country or people of the world can survive in isolation. Much as this has articulated the notion of inclusiveness, it also has raised a greater concern for national security. Thus, without immigration laws and the mass media, inclusiveness would engender negativities. National and international borders would have no bounds and as such, security of lives and property would not be guaranteed. This paper examines the combined contributions of immigration laws and the mass media in the fight against insecurity in Nigeria. It is an appraisal which facts, information and data were gathered primarily from secondary sources – books, law reports, documents and statutes. Findings revealed that although inclusiveness is indispensable in social integration, sound immigration laws are necessary for national security as well as international co-existence and understanding. Also the paper found that the mass media play a significant role in disseminating information on immigration laws and issues to the appropriate audience, thus, ultimately strengthening national security. The study, therefore, recommends among other things that Nigeria's immigration laws should be made with the interest of both national security and inclusiveness. Again, the mass media should, through their agenda-setting role, place high premium on the positive aspects of immigration laws cum inclusiveness for the purpose of both national security and inclusiveness.

Keywords: International understanding, Liberty, National consciousness, Sovereignty and State interest

Introduction

The social nature of human beings has necessitated inter-national collaborations among the various nations of the world. People from all works of life in different climes engage in various forms of interaction with fellow and different nationals in order to attain meaningful goals of life. The social relations among people of different nations constitute the central theme of inclusiveness. Inclusiveness is a term used in describing the space and opportunities for people, especially aliens, to interact and to transact socio-economic activities with people in other countries. The idea of inclusiveness is founded on the principles of comparative advantage, which major thesis is that a nation concentrates on the area of production which it has sound mastery and competence, and relies on other nations for competencies in other areas. This means no nation is self-satisfied. The end-point

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of this is migration cum inclusiveness so that people can use opportunities that may not be available for them in their home nations. Migration is the movement of people and their cartel from one place to another or from one country to another. When the movement entails leaving one country to another, it is regulated by the immigration policies and laws of the host country.

Immigration is the movement of people from one country to a destination country of which they are not natives or do not possess citizenship in order to settle or reside there. The essence of immigration is for the immigrant to settle or reside in another country as a permanent resident or naturalised citizen or take up employment as a migrant worker or temporarily as a foreign worker or expatriate. In all senses of consideration, immigration usually results in inclusiveness where the migrant is welcomed by the destination country. Right from the beginning of creation, human beings have always been involved in migration for various reasons such as economic, social, technological, commercial and political etc.

Immigration can be internal and external. Internal immigration is the movement of people and cartel from one part of a country to another part or other parts of that same country. It usually involves the movement of natives of a country from one state or region to another. On the other hand, international immigration entails the movement that involves the crossing international boundaries. No nation can avoid immigration – both internal and external. In the contemporary age, there is even greater need for immigration of whatever kind than ever before. Immigration is an integral part of a nation's affairs as people always travel from one place to another for one reason or the other.

For the purpose of effective control of immigration and immigrants' activities, every country has its own immigration service and laws. Immigration officers basically deal with people entering or leaving a country or occupying the country's borders. The very essence of immigration control is to check insecurity and other unwanted or underside occurrences in the country. Security is usually a matter of great concern in any nation or state. It is often of a high priority to any government at any time. Security is the prime responsibility of the state and without it nothing can go on smoothly in any country. Section 14(2)(b) of the 1999 constitution of the Federal Republic of Nigeria, as amended, provides that the security and welfare of the people shall be the primary purpose of government. Where the security apparatus of any country is too weak to contain the spate of immigration into such country, there is usually a huge breach of peace and security in that nation. Insecurity is a feeling of general unease, nervousness or apprehension by the people or government by perceiving vulnerability or instability which threatens the nation's image. One of the means of security breach in any nation is the case of unchecked inclusiveness resulting from immigration.

In fact, security issue is more or less a psychological matter with a great deal of physical proof or overt human knowledge. The implication is that, apart from security being satisfactory it is still necessary for citizens to notice the acts and strategies of security services of the country in order for them to have confidence in the government of the day. For the fact that it is impossible for every citizen to witness or notice the security approaches of the state, there is the need for some intermediaries to monitor and transmit same to the people. The intermediaries are called the mass media. The mass media are the technologically driven channels through which mass communication messages are transmitted to a heterogeneous audience simultaneously.

The mass media landscape in Nigeria shows a tremendous improvement from the emergence of Rev. Henry Townsend's newspaper, *Iwe Irohin* in 1859 through the era of the nationalist press to the independence era till date (Senam, 2014). With the establishment of media outfits in Nigeria, virtually by the day, the nation now boasts of mass media of high reckoning, both government and privately owned. These media have become dominant communication channels providing diverse hard and soft news that keep the society well informed (Akpan, 2017). The news coverage touches all aspects of human endeavour, including immigration issues. By reporting immigration and security matters of a nation, the mass media have a special way of contributing to national security, stability and public order in the country.

Meanwhile, Udoakah (2017) has already asserted that there is hardly any area of human endeavour the media have not reported. By their surveillance functions, the mass media gather, process and transmit information on security trends and services to the people sited at different locations (Senam, Okorie and Ntiense, 2012). The mass media are a potent instrument of national security, peace and order (McQuail, 2007). By their agenda-setting role, they select the security issues of discourse for attention and as well focus people's minds and allot the time or space for such security issues. This makes the media a formidable instrument of checks on the possible excesses in immigration and inclusiveness. On the basis of the fore-going, this paper examines the contributions of immigration laws and the mass media in the fight against insecurity in Nigeria, particularly in the milieu of inclusiveness.

Historical Overview of the Nigerian Immigration Services (NIS)

The Nigerian Immigration Service (NIS) metamorphosed from the Nigeria Police Force (NPF) in 1958. It has witnessed series of changes right from then. The Immigration Department, as it was known then when it was an appendage of the NPF, was entrusted with the core immigration duties under the headship of Chief Federal Immigration Officer (CFIO). The department has its legal foundation on the Immigration Ordinance of 1958 for its operation. The ordinance transformed

through series of legislations to be founded on the present Immigration Act, Laws of the Federation of Nigeria, 2004.

At inception, the Immigration Department had a narrow operational scope and maintained a low profile and simple approach in attaining its goals and objectives for the government. In its early days, the NIS mainly comprised the visa and the business sections. On 1st August, 1963, the Immigration Department came of full age and status when it was formally established by an Act of Parliament (Cap. 171, Laws of the Federation of Nigeria). The Head of the Department then was the Director of Immigration (NIS, 2010). Thus the first set of Immigration officers were former NPF officers. It became a department under the control and supervision of the Federal Ministry of Internal Affairs (FMIA) as a civil service outfit. At present, the mission statements of the NIS are:

- i. Our resolve is to have an IT-driven security outfit that can conveniently address the operational challenges of modern migration.
- ii. To give the service a new sense of direction that can make it relevant at all times to the world security order and global trend.

In terms of operational structure, the service has three Directorates, eight zonal offices, thirty-six state and Federal Capital Territory Commands as well as Immigration offices in all the 774 Local Government Areas in the country. The Nigerian Immigration Service has three Directorates, which are the Finance, Administration and Technical Services (FATS) Operation, Passport Border Patrol, ECOWAS and African Affairs as well as the Investigation Inspectorate and Enforcement Directorate. With its well defined legal framework, operational guidelines and distinct services boundaries, the Nigerian Immigration Services is fairly well positioned for its migration, security and inclusiveness imperatives.

Mass Media and the Nigerian Society

The mass media are the technological devices or tools used in transmitting mass communication message to the audience. Sambe (2005) in Chiakaan and Ahmed (2014) define them as agents of mass communication. They are a potent unit which constitutes a fundamental subset in the entire macro society. In Nigeria, like most other countries of the world, the mass media are a vital means or source of reaching out to receivers beyond the immediate proximity of the sender. They bridge the gap between the different segments and climes of the society. Again, the media build bridges among the various units and subsets in the society (Thompson, 1997). This presents the media as a powerful institution in all ramifications.

The power of the mass media in the society is based on their great reach and apparent impact on the audience and the society generally. The media are effective in shaping opinion and influencing the society generally. They are so volatile that there is no sphere of the Nigerian society that can survive without the mass media. It is however glaring that upon the power and the indispensability of the mass media in the society, both the media and the society are always of mutual and complementary benefit to each other. On one hand, the success or otherwise of the mass media depends on the type of society, national or political system, in which they are (Akpan, 2017). On the other hand, the mass media provide vital information which strengthens the link between, and achieve the integration among the various social groups in the society.

Also, the mass media serve as a conduit for the various forms of interaction among the different facets of the society. By their role of informing people, stimulating public opinion and affecting national and international integration and global understanding, the mass media are economic and social phenomena of the Nigerian society (Senam, 2017). They, sometimes, turn common people to great ones; breed a reasonable rate of socialisation among the various peoples in the society and create a venue for entertainment and relaxation. The mass media perform the function of “mediating between the ordinary members of the society and a more distant and inaccessible world of events... by information at the very least, on a continuous basis” (McQuail, 2007, p. 109).

Generally the mass media-society relationship could be summed up with the fact that based on the complex web of dependency, relations and social matrix in the society, the media play the fundamental role of tightening the bond between all the facets of the Nigerian society. Every system in Nigeria usually advertently or inadvertently increases its dependence on the media. The media basically establish new relationships that become more or less essential to well-being and survival in the society.

Inclusiveness and Insecurity in Nigeria

Inclusiveness is a scenario or practice in which people or ideologies are integrated into the host system or the mainstream of the nation. It literally means acceptance, inclusion or integration, such that the person or subject so integrated is part and parcel of the system. It is the act of a country (in this case Nigeria) accepting and integrating aliens into the country and its system through the National Immigration based on the dictates of law and international relations.

In any case of inclusiveness, there is usually an obvious outcome of “cross pollination” of national systems and socio-cultural compromise in order for acceptance, intercourse and inclusiveness to work (Nwagboso, 2012). Inclusiveness usually aims to satisfy the socio-political, economic and cultural goals of both the integrated alien and the host nation that integrates the alien. In the ideas of William

(2008), where there is inclusiveness, acceptance or integration of alien into a national system, there is bound to be a drift in the security outlook of the host country thereby resulting in unprecedented insecurity in the host country. This implies an unavoidable deviation from the security trend of the host country.

Certainly, where there is inclusiveness, there is the likelihood of security breach in the country no matter the strength and effort of the immigration and other border security services. This obvious fact then calls for a holistic security strategy orchestrated by the nation's immigration services and the mass media and system. Despite the level of insecurity that may be occasioned by inclusiveness, the idea and practice of inclusiveness still remain necessary in the contemporary society in which the whole world has been collapsed by technology into a global village and no nation can survive in isolation and self-sufficiency. Thus an enhanced performance of the nation's immigration service cum immigration laws as well as proficient media practice, all geared towards a fight against insecurity is imperative.

Nigerian Immigration Law

Immigration laws are the statutes, regulations and legal precedents governing immigration matters in the country such as immigration into and deportation from the country. Immigration laws vary from jurisdiction to jurisdiction, but within Nigeria, immigration laws are largely similar since immigration falls under exclusive legislative list. The core immigration law in Nigeria is the Immigration Act (Cap. 11) Laws of the Federation of Nigeria (2004) while the subsidiary immigration legislations are, the Immigration Regulations and the Immigration (Control of Aliens) Regulations. Landmark decisions by superior courts also constitute the part of the *corpus* of the Nigerian immigration law. This is based on the principle of judicial precedent which is derived from the Latin expression, *stare decisis* (stand by the decision).

This implies that a lower court/tribunal in the hierarchy is bound by the decision in a precedent case in so far as the facts, materials and circumstances are *impari materia* (similar in nature). This principle was adopted in the case of *Bello v. A.G. of Oyo State (1986)*. The central goal of immigration laws in Nigeria is to regulate both the right of entry and internal rights of aliens while in the country. Immigration laws determine who may enter the country, how long an alien may stay in the country, and when to leave the country. Immigration laws regarding citizens of a country is also regulated by international laws, such as the United Nations International Covenant on Civil and Political Rights which mandate all the countries to allow unconditional entry to their citizens. Immigration matters in Nigeria are principally governed by the Immigration Act (Cap II) Laws of the Federation of Nigeria 2004. The Act is arranged in four parts:

Part I – Administration

Part II – Deportation

Part III – Control of Crews and Stowaways

Part IV – Miscellaneous and Supplementals

The Act provides the legal and regulatory framework for the entry and departure of person into and out of Nigeria, usually for economic and social reasons. According to Section 2 (1) of the Act, it shall be the duty of every person entering or leaving Nigeria to report to an immigration officer for examination, and to furnish such information in his possession as that officer may reasonably require for the purposes of this Act; and the immigration officer may refuse admission in any proper case. The implication is entering into Nigeria or leaving Nigeria by foreigners is not automatic; rather, it is subject to scrutiny by an immigration officer who has the discretion to grant or refuse the entry or exit. The discretion is well guided by the law. Thus, Section 7 (1) of the Immigration Act (2004) provides that:

The power of an immigration officer to refuse entry into Nigeria or to admit into Nigeria subject to conditions, shall unless the Minister in any case otherwise directs, be exercised by notice in writing; and subject to subsection (2) of this section, any such notice shall be given by being delivered by the immigration officer to the person to whom it relates.

The Act empowers the Minister of Interior to prescribe the condition for entry into Nigeria and the fees payable in respect of such authorised entry; that is visa permit or any such travel document. According to Ogbuanya (2010), the categories of visas available to immigrants desirous of travelling to Nigeria for various reasons and purposes are: Transit Visa, Direct Transit Visa, Business Visa, Tourist Visa, Diplomatic Visa, Subject to Regulation Visa and Temporary Work Permit Visa. Visa is a major immigration requirement of a foreigner who intends to do business in Nigeria. It is a requirement for a foreigner to enter into Nigeria, whether on visit or resident to do business. Citizens of Economic Community of West African States, ECOWAS, have the right of traveling freely to Nigeria without any visa or special permission.

Generally Nigerian Immigration laws regulate entry and exit controls at airports, seaports or borders and other pathways where passports are checked before entry into the country. They are the major legal instruments that are used in regulating immigration to provide optimal security for the country and its citizen. However, one major factor that threatens security and immigration services in Nigeria is the porous frontier of the country where individual movements are largely untracked. The porosity of Nigeria's borders has serious implications for the country's security. The Nigerian Immigration Service has a major task to perform in this direction.

Immigration Laws and the Fight against Insecurity in Nigeria

As a sequel to the general intent and purposes of the Immigration Act (Cap 11) Laws of the Federation of Nigeria (2004), there is a subsisting Immigration Regulation (2018) which major objective is to ensure an effective enforcement of all immigration laws for enhanced security and immigration service in the country. The regulation consolidates the existing immigration laws and provides a “One-stop” reference point on immigration services in Nigeria. It takes a major step forward in dealing with modern immigration realities which mostly have to do with security of the nation. Again, the Immigration Regulation (2018) has fast-tracked the ease of doing business in Nigeria, yet under a commendable atmosphere of security. Some of the salient points covered in the Regulation include:

- (i) Entry into and exit from Nigeria
- (ii) Control of immigrants
- (iii) Issuance of Nigerian passport and other travel documents
- (iv) Offences and penalties

Although majority of the provisions in the Regulation have been in existence prior to the 2018 Regulation, the underlying idea and intent are to create awareness and put in place the mechanism for ensuring compliance so as to bring about inclusiveness with high security. The Immigration Regulation (2018) is made up of ten parts in all. Part 1 deals with major objectives as the provision of a legal framework for the implementation of the Immigration Act as well as the consolidation of existing Immigration Regulation. Part 2 provides for “Entry and Departure from Nigeria” while Part 3 provides for “Residence and Employment of Foreign Nationals in Nigeria”. Provisions for “Control of Crew and Stowaways” are contained in Part 4 while Parts 5 and 6 deal with the “control of Immigrants” and “Issuance of Nigerian Passport and other Travel Documents” respectively. Offences and Penalties are provided for in Part 7 while Part 8 contains regulations on the “Smuggling of Immigrants”. Parts 9 and 10 deal with the command structure of the Nigerian Immigration Service and Miscellaneous provisions. Basically, the most important thing about the 2018 Regulation is that it is a well-conceived timely policy response to the contemporary security challenges in the country. It is of great significance that the visa-on-arrival policy now has a regulatory framework for the benefit of tourists and investors without jeopardising national security.

An important development in Immigration Laws is on the creation of a Registry of Immigrants. This serves as a sign post of gradual departure from the era of dearth of records or non-existence of records of persons coming in and going out of the country through its boundaries. Again, the various provisions of Immigration Regulation (2018) on the collection of appropriate information at all ports

of entry and exit, all gear towards enhancing security and effective immigration services in the country. With the help of the supervising ministry and agencies of the government, the implementation of the Immigration Regulations (2018) has reduced the rate of frivolous waivers of necessary checks thereby improving the security situation in the country.

Moreover, the Nigerian Immigration Laws contribute in the fight against insecurity in the country and the legal empowerment for immigration officers to deport aliens who constitute a threat to security in the country. Serious security breach, terrorism, insurgency, international fraud, homicide etc are many a time successfully planned and carried out with aid and collaboration of some aliens. It then becomes necessary to seriously screen those who migrate in and outside the country in order to maintain security in the country. To achieve this, the Immigration Act in Section 18 (1) outlines the category of people who may be deported from the country as follows:

Any person within any of the following classes shall be deemed to be a prohibited immigrant and liable to be refused admission into Nigeria or to be deported as the case may be, that is to say:

- (a) any person who is without visible means of support or is likely to become a public charge;
- (b) any idiot, insane person, or person suffering from any other mental disorder;
- (c) any person convicted in any country of any crime wherever committed, which is an extradition crime within the provisions of the Extradition Act;
- (d) any person whose admission would, in the opinion of the Minister, be contrary to the interest of national security;
- (e) any person against whom an order of deportation from Nigeria is in force;
- (f) any person who-
 - (i) has not in his possession a valid passport, or
 - (ii) being a person under the age of sixteen years has not, in his possession, a valid passport or is unaccompanied by an adult on whose valid passport, particulars of such person appear;
- (g) any prostitute;
- (h) any person who is or has been-
 - (i) a brothel keeper,
 - (ii) a householder permitting the defilement of a young girl on his premises,
 - (iii) a person allowing a person under thirteen years of age to be in a brothel,
 - (iv) a person causing or encouraging the seduction or prostitution of girl under thirteen years of age,
 - (v) a person trading in prostitution, or
 - (vi) a procurer.

For security purposes, immigration laws place great concern on people who are entitled to enter into Nigeria to the extent that the Immigration Act (LFN, 2004) strongly criminalises unauthorised migration into Nigeria. In this regard, Section 19 (1) provides that, "Subject to subsections (2) and (3) of this section, any person who, being a prohibited immigrant enters Nigeria except in accordance with this Act shall be guilty of an offence under this Act, and if convicted the court may make a recommendation for deportation of the offender." In general terms, Nigerian immigration laws play a very significant role in the fight against insecurity in the milieu of inclusiveness.

Mass media and the Fight against Insecurity in Nigeria

The mass media are generally significant in the achievement of national goals, particularly in the areas of social, health, infrastructure, politics, education and security. They constitute one of the most potent instruments of socialisation and mobilisation (Griffin, 2000). Moreover, the mass media impact on the society in all facets of life and determine dominant perceptions, values and attitude. The traditional role of the media in any society is to inform, educate and entertain. In discharging this role, the mass media function in many respects in the general interest of the society, such as security. In other words, in the process of performing their traditional roles in the society, the mass media greatly contribute to the fight against insecurity in the country.

In more specific terms there are various avenues through which the mass media help in the fight against insecurity in the country. These are precisely examined based on the overt functions of the mass media in the society as follows:

1. **Surveillance:** Surveillance is a systematic observation or monitoring of people and places by visual, aural, electronic, photographic or other means. It is a close observation of individuals or groups, especially those under suspicion. The surveillance function of the mass media entails gathering, processing and transmitting information on issues of significance to the audience. The mass media monitor the movement of people around the nation's borders in particular and immigration activities in general and alert the society through information transmission function. The provision of timely information about events and conditions in the society strengthens the people and organisations to take appropriate actions and inversely helps in the fight against insecurity (Glasser, 1999). The surveillance function of the mass media is one of the major means of mobilisation against insecurity in Nigeria. By this function, the mass media provide information to the society which is used in opinion moulding and attitude formation.
2. **Correlation:** This is agenda-setting function of the mass media. It entails the mass media interpreting and commenting on the meaning of events and information. According to

Waisbord (2000), like the surveillance function of the mass media, the correlation function is the core of mobilisation against insecurity. By the correlation function, the mass media relate news on the various happenings in the society to the individuals' life and environment. This is done through interpretation and the explanations of events and happenings that touch the life and the environment of people. In addition, the mass media expatiate the implications of immigration activities for the security in the nation. When the media do this, members of the society naturally turn against acts that are detrimental to the security situation in the country. Through their various contents, the mass media help in preventing insecurity. Publicity is useful in exposing and checking immigration irregularity and illegality. The frequency, prominence and framing of immigration issue in the media contribute in various ways in fighting against insecurity in Nigeria.

3. **Social Integration:** This is a major socialisation function of the mass media in fighting against insecurity in Nigeria. Under this function, the mass media bring (integrate) the various peoples in the country together; through the transmission of values, social norms are known, all contributing, in one way or the other, to the fight against insecurity in the country. In the milieu of inclusiveness, the mass media, through their social integration function both integrate migrant into the country and as well cause Nigerian nationals to help in fighting against insecurity in the country.
4. **Mobilisation:** The mass media function in this direction as agents of campaign to mobilise the society against aiding and abetting acts capable of breaching the nation's security through immigration irregularities. Vivian (2008) is of the view that mass media constitute a potent instrument for the mobilisation of the citizenry against all forms of security breach in the society.
5. **Continuity:** This aspect of media function has to do with the transmission of dominant culture and recognising subsisting subcultures as well as all forms of cultural developments. With cultural transmission by the mass media, the spirit of cultural preservation and protection is reinvigorated in people, and as such they join to fight against immigration activities that are detrimental to the people's culture and tradition. Cultural norms and values play a significant role in articulating the spirit of security consciousness of the people. Although the inclusiveness that arises from cultural integration may liberalise some aspects of the people's culture, there are other aspects of culture that people guard jealously. In a bid to protect such aspects, people take proactive steps to fighting against insecurity.

In general terms, the role of the mass media in the fight against insecurity is not limited to any specific theme or unit of analysis, but in a holistic sense and direction. In addition to all other areas, the mass media still contribute to the fight against insecurity through status conferral (honour), entertainment (amusement) and other facets of media functionality. In all areas of consideration the mass media remain an undisputable instrument of the fight against insecurity in Nigeria.

Conclusion

From the fore-going discourse, it is obvious that both the Nigerian immigration laws and the mass media are fundamental contributors to the fight against insecurity in Nigeria, especially within the milieu of inclusiveness. It is also safe to further conclude that law is indispensable for an orderly society and national security. No nation can be safe without sound laws generally and immigration laws particularly. Immigration laws preserve both Nigeria's territorial borders as well as national sovereignty and integrity.

The mass media on the other hand mobilise the mass audience towards the entrenchment of order and security in the country. Every facet of the Nigerian society directly and indirectly uses the media for the actualisation of societal goals and attainment of social cohesion. The immigration sector is not left out of the benefits of the mass media. Every crime and illegality that leads to insecurity thrives in secrecy. The media contribute in the fight against insecurity by investigating, digging out facts on matters of insecurity and disseminating to the mass audience to take steps towards stopping the acts or missions that give rise to insecurity. On the basis of this, it is concluded that immigration laws and the mass media contribute to the fight against insecurity by revealing and aborting acts and omissions that threaten national security. Moreover, through the agenda setting role of the media, the minds and attention of the public are focused by the media on what to think, do or omit in order to suppress crime, illegality and insecurity.

Recommendations

The following recommendations are proffered:

1. The Nigerian Immigration Service should establish a full-fledged media department which responsibility should be to package day-to-day happenings in the immigration sector for transmission by the conventional mass media.
2. The Nigerian immigration service should employ experienced media workers and professionals as the service's personnel and charge them with the responsibility gathering, producing and packaging information on immigration matters, and then liaise with the mass media for transmission.

3. Nigerian immigration laws should be amended by the appropriate authorities so that the legislation to meet up with the contemporary digital age which makes immigration irregularities to become easier and more rampant than they hitherto were.
4. Immigration post should be built across the borders of Nigeria and sufficient personnel be posted there to handle immigration activities.
5. The federal government should employ more personnel in the Nigerian Immigration Service so that each local government in the country can have more than one immigration post depending on the immigration trend in each Local Government Area.

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