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NATIONAL COMMISSION FOR REFUGEES, MIGRANTS AND INTERNAL
DISPLACED PERSONS BILL, 2019
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A BILL

FOR

AN ACT TO REPEAL THE NATIONAL COMMISSION FOR REFUGEES ACT CAP. N21 LAWS OF THE FEDERATION OF NIGERIA, 2004 AND TO ENACT THE NATIONAL COMMISSION FOR REFUGEES, MIGRANTS AND INTERNALLY DISPLACED PERSONS ACT FOR MANAGEMENT, REHABILITATION RETURN REINTEGRATION AND RESETTLEMENT OF REFUGEES, MIGRANTS AND VICTIMS OF DISPLACEMENT; AND FOR RELATED MATTERS

Sponsored by Hon. Mohammed Tahir Monguno

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

1 PART I - ESTABLISHMENT OF NATIONAL COMMISSION FOR REFUGEES,
2 MIGRANTS AND INTERNALLY DISPLACED PERSONS

3 1. The objectives of this Act are to- Objectives

4 (a) safeguard the interest of refugees, migrants and internally
5 displaced persons in Nigeria by ensuring that the sanctity of human person is
6 protected;

7 (b) ensure proper co-ordination of the activities of all agencies of
8 government as it relates to refugees, migrants and internally displaced
9 persons; and

10 (c) implement the following Conventions-

11 (i) United Nations Convention Relating to the status of Refugees,

12 (ii) Protocol relating to the Status of Refugees,

13 (iii) Organisation of African Unity Convention governing the
14 specific aspects of refugee problems in Africa,

15 (iv) African Union Convention for the Protection and Assistance of
16 Internally Displaced Persons (Kampala Convention) as it relates to the
17 provision of durable solutions and assistance and coordinating activities

1 aimed at protecting internally displaced persons, and
2 (v) other treaties and conventions in relation to refugees, migrants and
3 internally displaced persons, which may be adopted by Nigeria.

Establishment
of the National
Commission
for Refugees,
Migrants and
Internally
Displaced Persons

4 2.-(1) There is established the National Commission for Refugees,
5 Migrants and Internally Displaced Persons (in this Act referred to as "the
6 Commission").

7 (2) The Commission-

8 (a) is a body corporate with perpetual succession and a common seal
9 and may sue or be sued in its corporate name; and

10 (b) may acquire, hold or dispose of any property, movable or
11 immovable for the purpose of performing any of its functions under this Act.

Establishment
and composition
of Governing
Board

12 3.-(1) There is established for the Commission a Governing Board,
13 (in this Act referred to as "the Board").

14 (2) The Board shall consist of-

15 (a) a chairman;

16 (b) one representative each not below the rank of a Director from the-

17 (i) office of the Secretary to the Government of the Federation,

18 (ii) office of the National Security Adviser,

19 (iii) Federal Ministry of Foreign Affairs,

20 (iv) Federal Ministry of Justice,

21 (v) Nigeria Immigration Service,

22 (vi) National Population Commission, and

23 (vii) National Human Rights Commission;

24 (c) a representative of the civil society organisations; and

25 (d) the Federal Commissioner.

26 (4) The Chairman and members of the Board shall be appointed by the
27 President.

28 (5) The Chairman members of the Board other than the Federal
29 Commissioner shall hold office on part-time basis.

Schedule

30 (6) The supplementary provisions set out in the Schedule to this Act

1 shall apply with regard to the proceedings of the Board and other related
2 matters.

3 4.-(1) Subject to section 3 (5) of this Act, members of the Board
4 other than the Federal Commissioner shall hold office-

Tenure, resignation,
cessation or
removal of members
from office

5 (a) for four years and no more; and

6 (b) on such terms and conditions as may be specified in their letters
7 of appointment.

8 (2) The Chairman may resign his appointment by notice in writing
9 addressed to the President.

10 (3) A member of the Board ceases to be a member if he-

11 (a) becomes of unsound mind;

12 (b) becomes bankrupt;

13 (c) is convicted of a felony or any offence involving fraud or
14 dishonesty; and

15 (d) is guilty of serious misconduct in relation to the office.

16 (4) Where a vacancy occurs in the Board's composition at any time,
17 the Chairman of the Board shall-

18 (a) formally notify the President through the Secretary to the
19 Government of the Federation of the vacancy; and

20 (b) make recommendations towards ensuring that the Board
21 maintains a balance of skills, expertise, diversity and representation of
22 relevant stakeholder groups.

23 (5) A member of the Board may resign his membership by giving
24 two months' notice in writing or such other period as may be specified in his
25 letter of appointment to the Chairman who shall forward same to the
26 Secretary to the Government of the Federation for onward transmission to
27 the President.

28 (6) Members of the Board shall be paid such allowances and
29 benefits as may be approved by the Federal Government.

30 (7) Membership of the Board shall be terminated where a member

1 ceases to hold office on the basis of which he became a member.

Functions and
powers of the
Board

2 5.-(1)The Board shall-

3 (a) formulate policy and guidelines for the Commission;

4 (b) monitor and ensure the implementation of policies and
5 programmes of the Commission; and

6 (c) perform such other functions as may be necessary for the
7 attainment of the objectives and efficient performance of the functions of the
8 Commission under this Act;

9 (2)The Board shall have powers to-

10 (a) approve rules and regulations relating to the appointment,
11 promotion and discipline of staff of the Commission;

12 (b) regulate the proceedings of its meetings and make standing orders
13 with respect to keeping of minutes of its proceedings, and such other matters as
14 the Board may determine, subject to extant circular of the Federal Government
15 on number of meetings of the Board;

16 (c) liaise with the Commission to develop the requisite technical
17 capacity, human and material resources to respond to internal displacement
18 situations in Nigeria; and

19 (d) advise the Commission on any other issue relating to effective
20 assistance and protection of internally displaced persons in Nigeria.

Functions of
the Commission

21 6.-(1)The functions of the Commission shall be to-

22 (a) advise the Federal Government on policy matters relating to
23 refugees, migrants and internally displaced persons;

24 (b) be the designated agency of government responsible for
25 coordinating activities aimed at protecting and assisting internally displaced
26 persons and shall seek the collaboration of other appropriate Ministries,
27 Departments or Agencies of Government for such protection and assistance;

28 (c) coordinate migration issues, protect migrants and their families,
29 including other nationals resident in Nigeria, pursuant to the provisions of
30 international conventions, protocols and treaties guiding the protection of

1 rights and promotion of the welfare of migrants;

2 (d) through the Consultative Committee established under section
3 24 of this Act, provide a platform for the uniform administration of
4 migration in Nigeria as a coordinating agency of all stakeholders in the field
5 of migration and for formulating, reviewing and implementing a national
6 policy on migration and development;

7 (e) encourage orderly and regular migration of Nigerians through
8 the provision of timely and adequate information to the public;

9 (f) collaborate with the Ministry of Foreign Affairs and State
10 Governments to establish at every State, Migration Information Centre,
11 where prospective migrants leaving Nigeria may be counselled and
12 provided with regular requirements for work and survival in their intended
13 destination countries;

14 (g) in collaboration with relevant agencies of government, ensure
15 compliance with the provisions of the African Union Convention for the
16 Protection and Assistance of Internally Displaced Persons, (in this Act
17 referred to as "Kampala Convention");

18 (h) support State Governments in the creation and maintenance of
19 an up-dated register of all internally displaced persons within their
20 jurisdiction;

21 (i) register and make personal documentation of internally
22 displaced persons;

23 (j) promote donors' commitments to humanitarian response by
24 organising missions;

25 (k) liaise on a sustainable basis the development and funding
26 requirements for humanitarian interventions, targeting refugees, migrants
27 and internally displaced persons;

28 (l) interface and sustain relationship with relevant government
29 Ministries, Departments and Agencies (MDAs) and where required, give
30 necessary advice and capacity support towards meeting the needs of

1 refugees, migrants and internally displaced persons;

2 (m) ensure that integration approaches for the protection and
3 provision of assistance to refugees, migrants, internally displaced persons and
4 host communities are mainstreamed into government policies and practices of
5 relevant MDA's and local authorities;

6 (n) undertake comprehensive multi-agency appraisal by using
7 participatory assessment methodologies to identify threats to the rights of
8 refugees, migrants and internally displaced persons and their host
9 communities;

10 (o) assess the protection risks, assistance gaps, resources and
11 opportunities available and offered locally, nationally and internationally by
12 stakeholders;

13 (p) identify, mobilise and coordinate refugees, migrants and
14 internally displaced person's camp management agencies and other sectoral
15 partners, towards ensuring effective co-ordination of other sectors responding
16 to the provision of assistance and needs;

17 (q) evaluate the performance of refugees, migrants, returnees and
18 internally displaced person's camp management agencies with a view to
19 addressing issues relating to under-performing agencies, misuse of assets,
20 political and religious factors in an objective and transparent manner;

21 (r) monitor and regularly review the implementation of protection
22 mechanisms and assistance programmes targeted at refugees, migrants and
23 internally displaced persons;

24 (s) identify and promote best practices in the management of camps of
25 refugees, migrants and internally displaced persons by harmonising protection
26 and assistance standards in camps, taking into consideration the host
27 communities;

28 (t) facilitate the restoration of communities displaced due to
29 ecologically induced occurrences;

30 (u) develop and ensure compliance by Government, civil society

1 organisation and humanitarian agencies workers, to guidelines, standard
2 operating procedures and codes of conduct for working with various groups
3 of refugees, returnees, migrants and internally displaced persons, including
4 women, children, elderly, persons with disabilities and such other groups
5 with special needs;

6 (v) create humanitarian coordination sections to prescribe the
7 composition and responsibility of each technical sections in addition to or in
8 modification of the sections recommended in the relevant National
9 Framework and Policies on refugees, migrants and internally displaced
10 persons;

11 (w) coordinate the activities of all agencies on refugee, migration
12 and internal displacement issues in Nigeria;

13 (s) designate a lead agency to coordinate each of the humanitarian
14 sectors responding to issues of refugees, migrants and internally displaced
15 persons in Nigeria and such other sectors as may be created for the
16 wellbeing, safety and security of the affected persons, taking into
17 consideration the mandate, capacity of the relevant intervening agencies and
18 institutions;

19 (y) develop standard procedures, in conjunction with relevant
20 Ministries, Departments, Agencies and Inter-Governmental or
21 humanitarian agencies to return, re-admit and re-integrate, excluded
22 migrants in line with extant legal instruments to protect and promote the
23 human rights and well-being of migrants;

24 (z) ensure that internally displaced persons are protected during
25 and after displacement, return or resettlement and reintegration.

26 (2) The Commission shall also-

27 (a) develop a policy framework to encourage and promote
28 voluntary return of internally displaced persons to their respective homes or
29 places of habitual residence or to resettle voluntarily in another part of the
30 country with dignity;

1 (b) proffer long-lasting solutions to the problems of internally
2 displaced persons through reconstruction and renovation of destroyed homes
3 and properties;

4 (c) partner with relevant government and humanitarian agencies in
5 the implementation of national and international legal obligations relating to its
6 functions under this Act; and

7 (d) facilitate negotiation on voluntary repatriation of Nigerian
8 irregular migrants in conjunction with the Ministry of Foreign Affairs,
9 Nigerian Immigration Service, National Agency for the Prohibition of
10 Trafficking in Persons, security agencies or organisations and other
11 stakeholders.

12 (e) encourage and ensure capacity building and skill acquisition
13 through training programmes to Nigerians who are being repatriated in order to
14 be self-dependent and gainfully engaged upon their return;

15 (f) collaborate with the Ministry of Foreign Affairs to negotiate and
16 facilitate the implementation of bilateral agreements with nations repatriating
17 Nigerian citizens with a view to provide adequate time for the deportees to
18 secure, convey and wind-up their activities in the departing countries,
19 including the opportunity to arrange for banking and conclude financial
20 transactions;

21 (g) collaborate with other relevant agencies to negotiate the safe
22 return of Nigerian migrants, where the host country has legitimate cause to
23 return them or where they decide to return voluntarily;

24 (h) in consultation with the Ministry of Foreign Affairs and other
25 relevant ant agencies, put in place policies, standards and procedures for the
26 return, readmission and reintegration of excludable migrants in line with
27 relevant international legal instruments, provided that-

28 (i) Nigeria shall, within the context of bilateral agreements, accept the
29 return and readmission of any of its national who is illegally present in the
30 territory of a foreign country,

1 (ii) Nigeria shall not require further formality beyond the contents
2 of agreements entered into on a bilateral basis, and

3 (iii) return shall be at the request of the sending country;

4 (i) ensure adequate protection of the human rights of the returnees,
5 especially in cases of mandatory return and honour international and
6 regional co-operation in the area of return and readmission agreements;

7 (j) ensure that repatriation, where required, is carried out in such a
8 way as to ensure physical safety of the returnee; and

9 (k) work with the Ministry of Foreign Affairs to ensure that return
10 is done in a manner that respects the human rights, safety, dignity and
11 honour of migrants in the process and actual phase of return.

12 (l) consider such other matters that the Secretary to the
13 Government of the Federation may refer to it for recommendations; and

14 (m) do such other things as may be necessary for the performance
15 of its functions under this Act.

16 (3) Where there is a large-scale influx of persons claiming to fall
17 within the meaning of refugees under this Act or massive internal
18 displacement or in situations of mass return of deportees, the Commission
19 shall, in consultation with other relevant stakeholders, provide emergency
20 remedial measures and advise the Federal Government on the appropriate
21 measures to be taken.

22 7. The Commission shall have powers to-

Powers of the
Commission

23 (a) set up appropriate advisory committees composed of
24 administrative, technical and other experts in humanitarian, refugee,
25 migration, internal displacement and development issues as may be
26 necessary for the effective performance of its functions under this Act; and

27 (b) delegate its powers to any specific person or committee and to
28 grant such person or Committee general or specific powers of sub-
29 delegation.

Establishment
of Directorates
of the Commission

1 8.-(1) The Board may establish such number of Directorates,
2 Departments and Units as it may deem necessary and expedient to facilitate the
3 realisation of the objectives of the Commission.

4 PART II - APPOINTMENT OF FEDERAL COMMISSIONER AND OTHER
5 STAFF OF THE COMMISSION

Appointment
of the Federal
Commissioner

6 9.-(1) The President shall appoint a Federal Commissioner for
7 Refugees, Migrants and Internally Displaced Persons (in this Act referred to as
8 "the Federal Commissioner") who shall-

- 9 (a) be the Chief Executive Officer of the Commission;
10 (b) be a person with at least 10 years post-graduate experience; and
11 (c) hold office for four years and may be re-appointed for another four
12 years and no more.

13 (2) The Federal Commissioner shall-

- 14 (a) grant refugee status to applicants on the recommendations of the
15 Eligibility Committee established under section 10 of this Act;
16 (b) preside over the committees on refugees, migrants and internally
17 displaced persons as may be set;
18 (c) represent the Commission and enter contract agreements on its
19 behalf;
20 (d) ensure the provision of adequate facilities and services for the
21 reception and well-being of refugees, migrants or returnees and internally
22 displaced persons in Nigeria;
23 (e) exercise and discharge such other powers and duties relating to
24 refugees, migrants and internally displaced persons, as may be assigned to the
25 Commission by the Board; and
26 (f) take such steps as may be necessary to ensure compliance with the
27 provisions of this Act in consultation with the Board.
28 (3) The Board may from time to time appoint such other staff or
29 second officers from the public services as it may deem necessary to assist the
30 Commission in the performance of its functions.

1 (4) Staff of the Commission shall in respect of their service in the
2 Commission be entitled to pensions and other retirement benefits prescribed
3 under the Pension Reform Act.

4 PART III - MANAGEMENT OF REFUGEES

5 10.-(1) There is established for the Commission the Eligibility
6 Committee for Refugees (in this Act referred to as "the Eligibility
7 Committee") which shall be under the supervision of the Federal
8 Commissioner.

Establishment of
Eligibility
Committee for
Refugees

9 (2) The Eligibility Committee shall consist of-

10 (a) the Permanent Secretary, Ministry of Foreign Affairs or his
11 representative, as the Chairman;

12 (b) a representative of the Secretary to the Government of the
13 Federation;

14 (c) the Comptroller-General of Nigeria Immigration Service or his
15 representative;

16 (d) a representative of the office of the National Security Adviser;

17 (e) a representative of non-governmental organisations with
18 relevant expertise in humanitarian affairs; and

19 (f) a representative of the office of the United Nations High
20 Commission for Refugees in Nigeria, who shall be an observer.

21 (3) The Eligibility Committee shall-

22 (a) consider and process applications for refugee status and make
23 appropriate recommendations on the application to the Federal
24 Commissioner;

25 (b) consider cases for cancellation and revocation of refugee status
26 that may be referred to it by the Federal Commissioner; and

27 (c) performs any other function as may be assigned to it by the
28 Federal Commissioner or Secretary to the Government of the Federation.

29 (4) Secretariat of the Eligibility Committee shall be provided by
30 the Commission.

Refugees
Appeal Board

1 11.-(1) There is established for the Commission the Refugee Appeal
2 Board (in this Act referred to as "the Appeal Board").

3 (2) The Appeal Board shall-

4 (a) be constituted by the Secretary to the Government of the
5 Federation in consultation with the Attorney-General of the Federation and
6 Minister of Justice;

7 (b) consists of not more than three legal practitioners, one of whom
8 shall be a retired Judge with requisite knowledge in international humanitarian
9 law, international human rights law or international comparative law; and

10 (c) have as its Chairman, the retired Judge referred to under paragraph
11 (b) of this sub section.

12 (3) The representative of the United Nations High Commissioner for
13 Refugees in Nigeria may be invited to participate in the proceedings of the
14 Appeal Board and may be given an opportunity to make either oral or written
15 representation on behalf of any person concerned in any appeal that is being
16 heard by the Appeal Board.

17 (4) The Appeal Board shall meet at the instance of the Federal
18 Commissioner or Secretary to the Government of the Federation.

19 (5) Subject to the provisions of section 12 of this Act, the Appeal
20 Board shall hear any appeal against the decision of the Eligibility Committee
21 on any case referred to it by the Secretary to the Government of the Federation
22 or by the Federal Commissioner.

23 (6) The Appeal Board shall give due consideration to any
24 representation made by or on behalf of an appellant before giving its final
25 decision on the appeal.

26 (7) The Appeal Board shall invite any appellant for an oral interview
27 and may allow him to be represented by a legal practitioner of his choice, if so
28 desired.

1 (8) The Secretariat of the Appeal Board shall be provided by the
2 Commission.

3 12.-(1) Application for the grant of a refugee status shall be made to
4 the Federal Commissioner or through a competent officer or the office of the
5 United Nations High Commissioner for Refugees in Nigeria to the Federal
6 Commissioner.

Application for
refugees status in
Nigeria

7 (2) The competent officer to whom a person seeking asylum first
8 presents himself shall, where he is not an immigration officer, promptly
9 notify the Commission that a person seeking a refugee status has entered
10 into or is present in Nigeria.

11 (3) An application received by the office of the United Nations
12 High Commissioner for Refugees shall be forwarded to the Federal
13 Commissioner for consideration.

14 (4) The Eligibility Committee may invite any applicant to appear
15 before it.

16 (5) The recommendation of the Eligibility Committee shall be
17 communicated in writing to the applicant by the Federal Commissioner.

18 (6) Where the Eligibility Committee recommends that the
19 applicant shall not be granted refugee status, it shall give reasons for its
20 decision.

21 (7) In the case of a refusal to grant refugee status, the applicant may
22 appeal against the decision of the Eligibility Committee to the Appeal
23 Board, within 30 days of being notified of the refusal.

24 (8) Pursuant to this section and section 13 of this Act, an applicant
25 shall be allowed to remain in the country while waiting for the final decision
26 of the Appeal Board.

27 (9) Where an applicant is finally refused a refugee status by the
28 Appeal Board, the applicant shall be given 30 days to seek admission as a
29 refugee into another country.

Prohibition of
expulsion return
of refugees from
Nigeria

1 13.-(1) Notwithstanding the provisions of any other law, a person who
2 is a refugee within the meaning of this Act shall not be refused entry into
3 Nigeria, expelled, extradited or returned in any manner to the frontiers of any
4 territory where-

5 (a) his life or freedom may be threatened on account of race, religion,
6 nationality, membership of a particular group or political opinion; and

7 (b) physical integrity and liberty may be threatened on account of
8 external aggression, occupation, foreign domination or events seriously
9 disrupting public order in any part or the whole of that territory.

10 (2) The provisions of subsection (1) shall not apply to a refugee who-

11 (a) constitutes a threat to the security of Nigeria; or

12 (b) is convicted by a court or tribunal for committing any serious
13 crime stipulated in the Conventions.

14 (3) A person claiming to be a refugee within the meaning of this Act,
15 who has illegally entered into or is illegally present in Nigeria, shall not be
16 expelled, extradited or returned merely by reason of his illegal entry or
17 presence in Nigeria or any part of Nigeria pending the determination of his
18 application for a refugee status.

19 (4) A person who has lawfully entered into or is lawfully present in
20 Nigeria and who wishes to remain in Nigeria on the grounds that he is a refugee
21 within the meaning of this Act shall not be compelled to leave Nigeria, unless
22 he has found another country of asylum.

Residence in
Nigeria pending
recognition or
refusal as refugees

23 14.-(1) Notwithstanding the provisions of any other law, any person
24 who has applied under section 12 of this Act for grant of refugee status and
25 members of his family shall have the right to remain within Nigeria, until he
26 has-

27 (a) been granted refugee status under this Act; or

28 (b) had an opportunity to exhaust his right of appeal under section 11
29 of this Act, where his application is not successful.

30 (2) Where the person mentioned under subsection (1) has appealed

1 under section 11 of this Act and the appeal was not successful, he shall be
2 given reasonable time to seek admission as a refugee in another country.

3 15. Notwithstanding the provisions of the Immigration Act, no
4 proceedings shall be instituted or continued against a person or any member
5 of his family in respect of his unlawful entry into or unlawful presence
6 within Nigeria where he-

Stay of proceedings
in respect of
illegal entry

Cap. 11, LFN,
2004

7 (a) applies under section 12 of this Act for the grant of a refugee
8 status, unless -

9 (i) a decision has been made on the application, and

10 (ii) he has had an opportunity of exhausting his right of appeal
11 under that section; or

12 (b) has been granted refugee status.

13 16.-(1) Subject to this Act, a person who has been granted refugee
14 status under this Act and members of his family shall be-

Residence in
Nigeria of persons
granted refugee
status

15 (a) issued with an identity card in the form prescribed by the
16 Minister charged with responsibility for matters relating to internal affairs;

17 (b) issued with residence permit;

18 (c) subject to the laws of Nigeria.

19 (2) A refugee and members of his family lawfully staying in
20 Nigeria shall, in accordance with Article 28 of the United Nations Refugees
21 Convention and other relevant conventions, be issued with the United
22 Nations Travel Document.

Convention, 1951

23 17.-(1) The Federal Commissioner shall refer a matter to the
24 Eligibility Committee where he considers that there are reasonable grounds
25 for believing that a person who has been granted a refugee status under this
26 Act-

Withdrawal of
refugee status

27 (a) should not have been so granted; or

28 (b) has ceased to be a refugee.

29 (2) Where a matter has been referred to the Eligibility, it shall cause

1 a written notice to be served on the person whose status as a refugee is under
2 reconsideration-

3 (a) informing him of the fact that his status as a refugee is to be
4 reconsidered; and

5 (b) inviting him to make written representations to it within 14 days
6 from the date of service of the notice, in respect of his status as a refugee.

7 (3) The Eligibility Committee shall consider every matter referred to
8 it under subsection (1) and enquire into or investigate the matter as it deems
9 necessary.

10 (4) After considering any advice or recommendation given or made to
11 him by the Eligibility Committee in relation to any case referred to it under
12 subsection (1), the Federal Commissioner-

13 (a) may withdraw the grant of refugee status; and

14 (b) shall cause the person concerned to be notified in writing of his
15 decision on the matter.

Right of appeal
to the Secretary
to the Government
of the Federation

16 18.-(1) Any person who is aggrieved by the decision of the Federal
17 Commissioner to revoke the grant of refugee status may, within seven days of
18 being notified of such revocation, appeal in writing to the Secretary to the
19 Government of the Federation.

20 (2) In any appeal under subsection (1), the Secretary to the
21 Government of the Federation may either confirm or set aside the decision of
22 the Federal Commissioner and shall communicate his decision on the matter to
23 the complainant.

24 (3) Notwithstanding subsection (2), the Secretary to the Government
25 of the Federation may, before reaching a decision on any appeal-

26 (a) invite the representative of the United Nations High
27 Commissioner for Refugees in Nigeria to make oral or written representation
28 on the matter;

29 (b) refer the matter back to the Eligibility Committee or the Appeal
30 Board for further inquiry and investigation; or

1 (c) make such further inquiry or investigation into the matter as
2 may be necessary.

3 (4) Where the Federal Commissioner withdraws the grant of
4 refugee status under section 17 of this Act, the refugee and other persons
5 who became refugee by virtue of being a member of his family, shall cease to
6 be a refugee with effect from-

7 (a) seven days after he was served the refugee status revocation
8 notice by the Federal Commissioner; or

9 (b) the date on which the Secretary to the Government of the
10 Federation notifies him of his confirmation of the decision of the Federal
11 Commissioner.

12 (5) The person or refugee referred to in subsection (4) shall, within
13 30 days, leave Nigeria for another country of choice.

14 (6) A family member may apply for the grant of a refugee status on
15 the revocation of the principal grant.

16 19.-(1) The Federal Commissioner and all competent officers shall
17 ensure that members of the family of a refugee-

Benefits to family
members of
persons granted
refugees status

18 (a) benefit from the same treatment as provided for refugees in this
19 Act, and

20 (b) are permitted to enter and remain in Nigeria as long as the
21 refugee concerned is permitted to remain in Nigeria under this Act.

22 (2) Subject to section 18 of this Act, a change in family status or ties
23 resulting from marriage of a dependent family member, divorce or legal
24 separation, death of the principal applicant or attainment of age of majority
25 by a minor dependent shall not affect the refugee status of such family
26 members.

27 20. A person granted refugee status in Nigeria is entitled to the
28 rights and subject to the duties contained in the Protocol or Conventions
29 ratified by Nigeria and any other law in Nigeria.

Rights of a
person granted
refugee status

1 (2) The Consultative Committee shall consist of the Solicitor-
2 General of the Federation and Permanent Secretary of Federal Ministry of
3 Justice, as Chairman and a representative each of the-

4 (a) Secretary to the Government of the Federation;

5 (b) Federal Ministry of-

6 (i) Foreign Affairs,

7 (ii) Interior,

8 (iii) Labour and Employment,

9 (iv) Women Affairs and Social Development,

10 (v) Finance, and

11 (vi) Budget and National Planning,

12 (c) office of the National Security Adviser;

13 (d) National Population Commission;

14 (e) National Bureau of Statistics;

15 (f) Nigeria Immigration Service;

16 (g) National Agency for the Prohibition of Trafficking in Persons;

17 (h) Small and Medium Scale Enterprises Development Agency of

18 Nigeria;

19 (i) any other relevant ministry, department or agency;

20 (j) any relevant observer from the-

21 (i) International Organisation for Migration in Nigeria,

22 (ii) United Nations High Commissioner for Refugees,

23 (ii) civil society organisations, and

24 (iv) International Labour Organisation.

25 (3) The Consultative Committee shall-

26 (a) formulate, review and make necessary recommendations on the
27 National Policy on Migration;

28 (b) monitor and facilitate the implementation of bilateral
29 agreements regarding migration;

30 (c) make recommendations on situations where new bilateral

1 agreements are required to ensure that repatriated Nigerians from abroad are
2 treated humanely, fairly and ensure that their basic human rights are respected;

3 (d) monitor and recommend to the appropriate ministry, department
4 and agency on actions to be taken, aimed at ensuring that human, economic,
5 labour and civil rights of Nigerians resident abroad are well protected in their
6 host countries including those guaranteed by existing international
7 conventions, customary laws and general principles and such other agreements
8 concluded on bilateral and multi-lateral basis;

9 (e) suggest policies and guidelines to the appropriate ministry,
10 department and agency on strategies for a well-managed labour migration
11 issues that would be of benefits to Nigeria and reduce the adverse impact
12 arising from the loss of skilled citizens;

13 (f) monitor, advise and ensure protection of migrants in Nigeria and
14 Nigerian migrants in other countries pursuant to International Convention on
15 the Protection of the rights of all migrant workers and members of their
16 families;

17 (g) support the Commission to liaise with technical partners in
18 implementing technical cooperation in identified areas of needs; and

19 (h) advise the Commission on general migration issues, ratification
20 and implementation of relevant migration treaties, protocols and conventions.

21 (4) The Secretariat of the Consultative Committee shall be provided
22 by the Commission.

23 PART V - PROTECTION OF INTERNALLY DISPLACED PERSONS

Protection to
internally
displaced persons

24 25.-(1) The Commission shall, in collaboration with relevant
25 agencies of government, ensure compliance with the provisions of the
26 Kampala Convention.

27 (2) The Commission shall-

28 (a) be the designated agency of government responsible for
29 coordinating activities aimed at protecting and assisting internally displaced
30 persons; and

1 (b) collaborate with other relevant ministries, departments and
2 agencies of government where desirable to render such protection and
3 assistance.

4 (3) The Commission shall discharge its obligations and collaborate
5 with relevant international organisations or agencies and civil society
6 organisations in matters relating to internally displaced persons.

7 (4) The Commission shall ensure that policies, strategies and
8 mechanisms are put in place to-

9 (a) prevent arbitrary displacement of persons in Nigeria by state
10 and non-state actors;

11 (b) prevent political, social, cultural and economic exclusion and
12 marginalisation, that are likely to cause displacement of persons by virtue of
13 their social identity, ethnicity, religion or political opinion;

14 (c) guarantee respect for the principles of humanity, human dignity
15 and the protection of the rights of internally displaced persons, including
16 humane treatment, non-discrimination, equality and equal protection by
17 law;

18 (d) guarantee respect for international humanitarian law regarding
19 the protection of internally displaced persons;

20 (e) ensure respect for the humanitarian law for the protection and
21 assistance to internally displaced persons, including, ensuring that such
22 persons do not engage in subversive activities;

23 (f) ensure individual responsibility for acts of arbitrary
24 displacement, in accordance with applicable domestic and international
25 criminal law;

26 (g) enforce the accountability of non-state actors concerned,
27 including multinational companies and private security companies, for acts
28 of arbitrary displacement or complicity in such acts, including non-state
29 actors involved in the exploration and exploitation of economic and natural
30 resources leading to displacement;

1 (h) protect and render assistance to internally displaced persons by
2 meeting their basic needs in a gender responsive manner, and allowing and
3 facilitating rapid and unimpeded access by humanitarian organisations and
4 personnel; and

5 (i) promote self-reliance and sustainable livelihoods amongst
6 internally displaced persons:

7 Provided that such measures shall not be used as a basis for neglecting
8 the provision of protection and assistance to internally displaced persons,
9 without prejudice to other means of assistance.

10 (5) Subject to the relevant laws in force in Nigeria and overriding
11 public interest, the Commission shall protect communities with special
12 attachment or dependency on land; due to their particular culture and spiritual
13 values, from being displaced from such lands and affected communities may
14 seek redress by petitioning the Secretary to the Government of the Federation
15 through the Internally Displaced Persons Committee of the Commission.

16 (6) Notwithstanding this Act, any act of arbitrary displacement that
17 amounts to genocide, war crimes or crimes against humanity, shall constitute
18 an offence in accordance with the provisions of International Humanitarian
19 Laws and Conventions to which Nigeria is a signatory to.

20 (7) The Commission shall uphold and respect the principles of
21 neutrality, impartiality and independence of humanitarian actors while
22 providing assistance and support to internally displaced persons in Nigeria.

23 (8) The Commission shall collaborate with other agencies of
24 government charged with protection of human rights and duties, regardless of
25 the cause of displacement, by ensuring that intervening actors and host
26 communities do not-

27 (a) discriminate against persons in the enjoyment of any right or
28 freedom on the grounds that they are internally displaced persons;

29 (b) promote genocide, crimes against humanity, war crimes and other

1 violations of international humanitarian law against internally displaced
2 persons;

3 (c) promote arbitrary killing, summary execution, arbitrary
4 detention, abduction, enforced disappearance or torture and other forms of
5 cruel, inhumane or degrading treatment or punishment;

6 (d) promote sexual and gender-based violence in all forms, notably
7 rape, prostitution, sexual exploitation, slavery;

8 (e) recruit children and use them for hostilities, forced labour,
9 human trafficking and smuggling; and

10 (f) encourage the denial of healthcare services, education, food,
11 water supply and other basic social necessities of life.

12 (9) The Commission, in collaboration with relevant agencies,
13 shall-

14 (a) take necessary measures to ensure that internally displaced
15 persons are received without discrimination of any kind and live in
16 satisfactory conditions of safety, dignity and security;

17 (b) ensure that relevant agencies and the humanitarian community,
18 promptly provide internally displaced persons, with food, water, shelter,
19 health services, sanitation, education, and other necessary social services
20 and where appropriate, extend such assistance to local and host
21 communities;

22 (c) provide special protection for and assistance to internally
23 displaced persons with special needs, including separated and
24 unaccompanied children, female heads of households, pregnant women,
25 mother's with young children, the elderly, and persons with disabilities,
26 mental disorder or with communicable diseases;

27 (d) take special measures to protect and provide for the
28 reproductive and sexual health of internally displaced women and
29 appropriate psycho-social support for victims of sexual and other related
30 abuses;

1 (e) respect and ensure the right to seek safety in another part of the
2 State or country and protect internally displaced persons against forcible return
3 to or resettlement in any place where their life, safety, liberty and health would
4 be at risk;

5 (f) ensure freedom of movement and choice of residence of internally
6 displaced persons, except where restrictions on such movement and residence
7 are necessary, justified and proportionate to the requirements of ensuring
8 security for internally displaced persons or maintaining public security, public
9 order and public health;

10 (g) ensure respect and maintenance of the civil and humanitarian
11 character of the places where internally displaced persons are sheltered, and
12 where necessary, request the support of relevant security agencies in
13 safeguarding such locations against infiltration by armed groups or elements
14 and disarm or separate them from internally displaced persons;

15 (h) ensure the setting up of a specialised mechanism to trace and
16 reunite families that are separated during displacement and facilitate the re-
17 establishment of family ties;

18 (i) take necessary measures to protect individual, collective and
19 cultural property left behind by displaced persons and in areas where internally
20 displaced persons are located;

21 (j) take necessary measures to safeguard environmental degradation
22 in areas where internally displaced persons are located within Nigeria or
23 territories under the effective control of Nigeria;

24 (k) consult with internally displaced persons along with other
25 intervening agencies by allowing them to participate in any decision-making
26 process relating to their protection and assistance;

27 (l) take necessary measures to ensure that internally displaced persons
28 who are Nigerian citizens enjoy their civic and political rights, particularly in
29 public participation and the right to vote and be voted into public office; and

30 (m) put in place measures to monitor and evaluate the effectiveness

1 and impact of the humanitarian assistance provided for internally displaced
2 persons in accordance with relevant practices and standards.

3 26.-(1) Where a case of arbitrary displacement is established and Remedies to
4 the accused parties, whether state or non-state actors are guilty of not arbitrary
5 conducting necessary or required environmental impact assessment prior to displacement
6 execution of a development project, including exploration of natural
7 resources resulting to forced or arbitrary displacement, the party that
8 commissioned the project shall provide persons affected by displacement
9 with effective remedies.

10 (2) Where persons affected or arbitrary displaced are not
11 compensated or inadequately compensated by the perpetrators of the
12 displacement caused by an act or omission not attributable to any
13 foreseeable act of nature, the affected persons shall petition to the Internally
14 Displaced Persons Committee to seek just and fair compensation and other
15 forms of reparations, where appropriate, for damages incurred as a result of
16 displacement in accordance with international standards.

17 (3) Where it is established by a court of competent jurisdiction that
18 a party willfully engaged in activities that led to-

19 (a) environmental pollution or degradation,

20 (b) violence,

21 (c) conflict, or

22 (d) other act of omission resulting in arbitrary or forced
23 displacement of persons from their places of habitual residence,
24 the party is liable to make reparation to internally displaced persons for
25 damages.

26 27.-(1) Subject to this Act and any other Act, the Government shall Children of
27 ensures that every internally displaced child shall- internally displaced
persons

28 (a) have right to a name of his choice and to be identified with his
29 community of birth, where possible;

- 1 (b) have right to a proper upbringing ;
- 2 (c) if orphaned, be adopted by a family from his ethnic group or of his
3 choice, which means his status may remain or be decided by his new family
4 depending on his choice;
- 5 (d) communicate in his native language or any other language of his
6 choice;
- 7 (e) under no circumstances be used for street hawking, forced labour
8 or any other forms of child exploitation;
- 9 (f) be provided with good medical care and immunisation against
10 diseases that may cause death, retard his growth or affect his general well-
11 being;
- 12 (g) be fully integrated into the society and shall not be ascribed as
13 belonging to any cast system, such as "osu", "abiku", "ogbanje", etc.; and
- 14 (h) below the age of 18 is protected against torture, sexual
15 exploitation, drug abuse, and early and forced marriage.
- 16 (2) In case of an adopted internally displaced child, the adopting
17 parents shall-
- 18 (a) ensure that the child attains full educational development as their
19 biological children;
- 20 (b) not subject the child to abuse;
- 21 (c) fully integrate the child into the family and ensure he is treated
22 equally like their biological children;
- 23 (d) ensure that the child is honoured with traditional titles where he
24 merited it, either on reasons of birth or other considerations and shall not be
25 discriminated against just because of his being an internally displaced child;
26 and
- 27 (e) not for any reason remind the adopting child that he is from an
28 internal displaced persons camp.
- 29 (3) Notwithstanding the provisions of any Act, the adoption of an

1 internally displaced child is perpetual, not reversible and non-renounceable.

2 (4) An internally displaced child may be fostered by parents and
3 shall have access to all rights such as education, inheritance, and traditional
4 titles as are enshrined in Sharia or Customary Law.

5 28. Without prejudice to the national gender policy and provisions Gender provisions
6 of any other Act-

7 (a) the sanctity of Nigerian womanhood shall not in any way be
8 violated;

9 (b) every woman in an internally displaced persons camp shall
10 have the rights to her privacy and not to be subjected to any form of
11 indignity, including beating, forced labour, marriage, sexual abuse, or
12 forceful stripping either for medical examination or other reasons
13 whatsoever without her consent;

14 (c) under no circumstance shall women and men be lumped
15 together in a room except as husbands and wives or as members of the same
16 family; and

17 (d) every woman in an internally displaced persons camp-

18 (i) is entitled to hold any position of authority in camp without any
19 form of discrimination;

20 (ii) is free to take micro-credit and other financial assistance with
21 or without the consent of her husbands for economic self-reliance;

22 (iii) may own property and disburse the property with or without
23 the consent of their spouses, and

24 (iv) may embark on any form of lawful economic activity of her
25 choice to enhance her well-being and that of her family, entitled to self-
26 development, particularly in the area of education and skill acquisition.

27 29.-(1) All wounded, infirm and disabled persons in the internally
28 displaced persons camp shall receive medical care to the extent practicable
29 which shall include psychological and social services whenever necessary.

Disabled, sick
and wounded
internally displaced
persons

30 (2) For the purpose of this section, Government shall provide in

1 each internally displaced persons camp-

2 (a) modified physical environment infrastructure which shall include
3 entrance ramps, non-slipper floors, wide entrances, exits and wide lavatories
4 that can accommodate wheel chairs;

5 (b) assistive mobility devices which shall include wheelchairs,
6 walking canes, evacuating chairs, walkers, crutches, hearing aid equipment;

7 (c) trained personnel and specialised medical care which shall
8 include-

9 (i) care givers to assist those with ambulatory problems or intellectual
10 and developmental disabilities,

11 (ii) sign language interpreters to aid communication with the deaf and
12 physiotherapists especially for those who have newly acquired disability like
13 amputees during the crises that displaced them, and

14 (iii) psychiatrist to support persons with mental problems to keep
15 them under control; and

16 (d) access to information in a format that is accessible to internally
17 displaced persons with disability e.g. converted into braille for the visually
18 impaired.

19 30. Every internally displaced person living with HIV is entitled to-

20 (a) purified water and hygienic food and sanitary environment to
21 avoid contaminations which may lead to opportunistic infections caused by
22 their compromised immunity;

23 (b) adequate care and support services, including psycho-social
24 support;

25 (c) condoms and positive living education including information on
26 positive prevention to minimise infecting their partners or re-infecting
27 themselves; and

28 (d) confidentiality of data and information and only to be disclosed
29 with consent, to avoid stigma and discrimination.

Internally
displaced persons
living with HIV;
AIDS

1 31. Subject to this Act and any other Act, the Government shall Older persons

2 ensure that-

3 (a) the older persons left behind during flight by family members in
4 times of emergency are accessed and evacuated;

5 (b) relevant identification and documentation is obtained for older
6 persons in displacement;

7 (c) land and housing rights of older persons are protected during and
8 after displacement especially for widows and elderly women;

9 (d) older persons basic needs in displacement including nutrition,
10 shelter, mattresses, blankets, warm clothing, tent, rain coats, water,
11 sanitation and specialised health care are provided for during and after
12 displacement;

13 (e) older persons in displacement are re-united with their families
14 and provided with adequate social support systems;

15 (f) older persons livelihoods support systems and means of income
16 generation are rebuilt, especially those providing care to younger children
17 whose parents might have been lost prior to or during displacement;

18 (g) older persons in displacement are provided with relevant
19 psycho-social support, palliative care and post-traumatic counselling since
20 they are most likely to suffer post-traumatic stress disorders;

21 (h) transportation and mobility is provided for older persons during
22 evacuation and displacement following emergencies, disasters, violence
23 and conflicts or other causes of displacement;

24 (i) water containers are provided in smaller sizes with handles that
25 can easily be carried by older persons;

26 (j) camp and shelter facilities are accessible and safe for older
27 persons and provided with rails or non-slippery floors; and

28 (k) displaced older women are protected from physical and sexual
29 abuse, including all forms of gender-based violence and discrimination.

Registration
and documentation
of internally
displaced persons

1 32.-(1) The Commission shall support State Governments in the
2 creation and maintenance of an up-to-date register of all internally displaced
3 persons within their jurisdiction.

4 (2) The Commission shall after the documentation of internally
5 Displaced persons, refer them to the appropriate agency of government for
6 issuance of identity cards and other relevant documents.

7 (3) The registration and personal documentation of internally
8 displaced persons by State Governments shall be conducted in a manner that
9 respects their integrity and sense of personal dignity and shall not be a
10 condition for accessing protection or assistance by such persons.

Obligation of
host communities

11 33. Every host community has an obligation to cooperate and
12 collaborate with Government in-

13 (a) the provision of adequate security and safety for internally
14 displaced persons settled or resident in their communities;

15 (b) the promotion of harmony and integration of internally displaced
16 persons, and shall not prevent them from accessing social services available
17 within their communities including education, health care, water and
18 sanitation and other social amenities;

19 (c) ensuring that internally displaced persons resident in their
20 communities are not discriminated against on the basis of ethnicity, religion or
21 culture, and shall not exploit their displacement or vulnerability including
22 differential charges for services or commodities (e.g. house rents, school fees,
23 etc.);

24 (d) the provision of safe space for internally displaced persons in the
25 community, and where land is required for construction of resettlement or
26 temporary shelter, shall provide same to government through negotiations with
27 relevant government and humanitarian agencies;

28 (e) ensuring access by humanitarian agencies, non-governmental
29 organisations or government officials providing assistance and support to
30 internally displaced persons in their communities;

1 (f) restoring the environment during the emergency and recovery
2 phases of the displacement;

3 (g) allowing internally displaced persons the freedom to express
4 their cultural, religious and political beliefs without undue discrimination,
5 molestation or inhibition; and

6 (h) limiting the lawful movement of internally displaced persons
7 within, into or out of their community, or prevent their access to any part of
8 their community.

9 PART VI - FINANCIAL PROVISION

10 34.-(1) The Commission shall establish and maintain a Fund into Fund of the
11 which shall be paid- Commission

12 (a) such sums as may be appropriated to it by the Federal
13 Government of Nigeria;

14 (b) such sums that may accrue to it from time to time in connection
15 with any of its functions and obligations under this Act; and

16 (c) 10 percent of the Ecological Fund of Nigeria to be used for the
17 rehabilitation of persons displaced by ecologically induced calamities.

18 (2) In the application of the Fund under subsection (1) of this
19 section, notwithstanding the provisions of section 5 of this Act, the Board
20 shall regulate the utilisation of any fund above the threshold of the Federal
21 Commissioner.

22 35.-(1) There is established for the Commission the Humanitarian Establishment of
23 Trust Fund (in this Act referred to as "the Trust Fund") into which shall be Humanitarian
24 paid the- Trust Fund

25 (a) grant from the Federal Government;

26 (b) donations, gifts or endowment from individuals, corporate
27 entities, international donor agencies and other developmental partners; and

28 (c) such other funds that may accrue to the Trust Fund.

29 (2) There shall be a Board of Trustees for the Trust Fund
30 established under subsection (1) of this section (in this Act referred to as "the

1 Board of Trustees") to be headed by the Chairman of the Board, with the
2 following membership -

3 (a) the Federal Commissioner, who shall serve as the Secretary to the
4 Trust Fund; and

5 (b) three other members knowledgeable in refugee, migrants or
6 internally displaced persons matters to be appointed by the Secretary to the
7 Government of the Federation.

8 (3) The Management of the Trust Fund shall be vested in the Board of
9 Trustees.

10 (4) The Trust Fund shall be utilised in cases-

11 (a) where there is an influx of persons or such other situations of mass
12 voluntary or involuntary displacement or migration; and

13 (b) of return, resettlement, reconstruction, rehabilitation and
14 reintegration of refugees, migrants or internally displaced persons.

Annual estimates,
accounts and
audit

15 36.-(1) The Commission shall not later than 30th September of each
16 year, submit its estimates of income and expenditure for the next financial year
17 through the Board to the Secretary to the Government of the Federation for
18 approval.

19 (2) The Commission shall-

20 (a) keep proper records of all accounts of its income and expenditure;
21 and

22 (b) prepare statement of account in respect of each financial year.

23 (3) The Commission shall, not later than 30th June of each financial
24 year, submit its accounts to auditors appointed from the list of qualified
25 auditors in accordance with guidelines laid down by the Auditor-General for
26 the Federation.

Annual report

27 37.-(1) The Commission shall, not later than 30th June of each
28 financial year, submit to the President, in respect of the preceding financial
29 year, an annual report on the activities of the Commission in such form as the
30 Board may direct.

1 (2) The report referred to in subsection (1) of this section shall
2 include-

3 (a) information on the activities of the Commission for the year;

4 (b) a copy of the audited accounts of the Commission for that year,
5 together with the Auditor-General's report on the accounts of the
6 Commission; and

7 (c) such other information as the Board may request.

8 38.-(1) The Commission may accept any gift of land, money or
9 other property on such terms and conditions, if any, as may be specified by
10 the person or organisation making the gift. Power to accept
gifts

11 (2) The Commission shall not accept any gift where the conditions
12 attached by the person or organisation making the gift are inconsistent with
13 the functions and objectives of the Commission.

14 (3) Any gift or donation to the Commission for its project shall be
15 made directly to the Commission and utilised only for the purpose for which
16 it was made.

17 39. The Commission may, with the approval of the Secretary to the
18 Government of the Federation, borrow by way of overdraft or such sums, as
19 it may require on such terms and conditions for the performance of its
20 functions under this Act. Power to borrow

21 PART VII - MISCELLANEOUS PROVISIONS

22 40. The Commission may, with the approval of the Secretary to the
23 Government of the Federation, make regulations necessary for giving effect
24 to the provisions of this Act. Power to make
regulations

25 41. The Secretary to the Government of the Federation may give
26 directives of a general character to the Commission relating to its policies
27 and functions. Power to give
directives to the
Commission

28 42. The National Commission for Refugees Act, Cap. N21, Laws
29 of the Federation of Nigeria, 2004 is repealed. Repeal of Cap.
N21, LFN, 2004

Transitional and
savings provisions

1 43.-(1) Anything made or done or having effect before the
2 commencement of this Act by the National Commission for Refugees,
3 Migrants and Internally Displaced Persons, which have any resulting or
4 continuing effect, shall be treated as from the commencement of this Act, as if it
5 were made or done by the Commission.

6 (2) From the commencement of this Act, any staff or officer who
7 immediately before the commencement of this Act, holds office in the National
8 Commission for Refugees, existing before the commencement of this Act, is
9 deemed to have been transferred to the Commission, established under this Act
10 on such terms and conditions no less favourable than those obtaining
11 immediately before the commencement of this Act.

12 (3) Service or employment in any Department of the Commission is
13 deemed to be service or employment in the Commission established under this
14 section.

Interpretation

15 44. In this Act-
16 "arbitrary displacement" includes-

17 (a) displacement as a result of ethno-religious or communal crisis and
18 in the execution of projects, including exploration of natural resources or other
19 similar practices;

20 (b) individual or mass displacement of civilians in situations of armed
21 conflict, unless the security of the civilians involved or imperative military
22 reasons so demand, in accordance with international humanitarian law;

23 (c) displacement intentionally used as a method of warfare or due to
24 other violations of international humanitarian law in situations of armed
25 conflict;

26 (d) displacement caused by generalised violence or violations of
27 human rights; and

28 (e) displacement as a result of harmful practices-

29 (i) caused by forced evacuations in cases of natural or man-made
30 disasters or other causes where the evacuations are not required by the safety

1 and health of those affected,

2 (ii) used as a collective punishment, and

3 (iii) caused by such other act, event, factor, or phenomenon of
4 comparable gravity which is not justified under international law, including
5 human rights and international humanitarian law;

6 "armed groups" means dissident armed forces or other organised armed
7 groups that are distinct from the Armed Forces of the Federal Republic of
8 Nigeria;

9 "competent officer "means immigration officer, customs officer, police
10 officer, liaison officer of the Commission or any other relevant security
11 officer;

12 "country of nationality "in relation to a person who has more than one
13 nationality, means each of the countries of which that person is a national;

14 "durable solutions" means a situation where internally displaced persons no
15 longer have specific assistance and protection needs that are linked to their
16 displacement and such persons can enjoy their human rights without
17 discrimination resulting from their displacement;

18 "emigrant and immigrant" refer respectively to migrants from the
19 perspective of the country of origin or departure and the country of
20 destination or settlement;

21 "frontier" means land-frontier, sea-frontier, port or airport of entry;

22 "internal displacement" means the involuntary or forced movement,
23 evacuation or relocation of persons or group of persons within
24 internationally recognised state borders;

25 "internally displaced persons" are persons or groups of persons who have
26 been forced or obliged to flee or leave their homes or places of habitual
27 residence, in particular as a result of or in order to avoid the effects of armed
28 conflict, situations of generalised violence, violations of human rights or
29 natural or human-made disasters, and who have not crossed any of Nigeria's
30 internationally recognised borders;

1 "members of the Board" includes the Chairman;

2 "members of the family" in relation to a refugee means spouse or spouses,
3 unmarried children under the age of maturity and any other relative of the
4 refugee, migrant or internally displaced person who is dependent on him;

5 "migrant" means a person who is moving or has moved across an international
6 border or within a state away from his habitual residence regardless of the
7 person's legal status or whether the movement is voluntary or involuntary;

8 "non-state actors" means private actors who are not public officers of Nigeria,
9 including other armed groups not referred to under this Act and whose acts
10 cannot be officially attributed to the Nigerian Government;

11 "persons of concern" means refugees, asylum seekers, returnees, stateless
12 persons, migrants, Nigerian migrants abroad, internally displaced persons or
13 such other persons affected by voluntary or involuntary displacement or
14 migration;

15 "President" means the President of the Federal Republic of Nigeria;

16 "Refugee" means a person who falls within the definition provided by-

17 (a) Article 1 of the 1951 United Nations Convention;

18 (b) Article 1 of the 1967 Protocol Relating to the Status of Refugee;

19 and

20 (c) Convention Governing the Specific Aspects of Refugee Problems
21 in Africa;

22 "State" means any State in Nigeria and the Federal Capital Territory as
23 enshrined in the Constitution of the Federal Republic of Nigeria 1999, as
24 amended;

25 "State Governments" means institutions, agencies and machinery of
26 government within the constitutionally recognised States of the Federation,
27 including the Federal Capital Territory of the Federal Republic of Nigeria;

28 "Vice-President" means the Vice-President of the Federal Republic of Nigeria.

Citation

29 45. This Bill may be cited as the National Commission for Refugees,
30 Migrants and Internally Displaced Persons Bill, 2019.

SCHEDULE

Section 3 (6)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

1.-(1) Subject to the provisions of this Act and section 27 of the Interpretation Act the Board may make standing orders regulating its proceedings or those of any of its committees.

(2) (a) The quorum of the Board shall be the Chairman or the person presiding at the meeting, the Federal Commissioner and one-third of other members of the Board;

(b) The quorum of any Committee of the Commission shall be as determined by the Board.

2.-(1) The Board shall meet at least once every quarter and whenever it is summoned by the Chairman or if the Chairman is required to do so by notice given to him by at least seven other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Board, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of them to preside at the meeting.

(3) The Board may, at any time, co-opt any person to act as an adviser at any of its meetings, but such co-opted person is not entitled to vote at any meeting or count towards a quorum.

(4) All matters arising at a meeting of the Board shall be decided by a simple majority of the votes cast by members present and voted at the meeting, each member shall have one vote.

(5) In the event of an equality of votes, the person presiding at the meeting shall have a casting vote.

3.-(1) The Board may set up one or more Committees to perform, on behalf of the Board, such functions as the Board may determine.

(2) A Committee set up under this paragraph shall consist of such

1 number of persons as may be determined by the Board and a person shall hold
2 office on the Committee in accordance with the terms of his appointment.

3 (3) A decision of a Committee of the Board is of no effect until it is
4 confirmed by the Board.

5 4.-(1) The fixing of the seal of the Commission shall be authenticated
6 by the signatures of the Chairman or any other member of the Board generally
7 or specifically authorised by the Board to act for that purpose and the Federal
8 Commissioner.

9 (2) A document purporting to be a document duly executed under the
10 seal of the Commission shall be received in evidence and is, unless and until the
11 contrary is proved, presumed to be so executed.

12 (3) The validity of any proceeding of the Board or Committee is not
13 adversely affected by-

14 (a) any vacancy in the membership of the Board;

15 (b) any defect in the appointment of a member of the Board or
16 committee; or

17 (c) reason that a person not entitled to do so took part in the
18 proceedings of the Board or Committee.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the National Commission for Refugees Act, Cap. N21
Laws of the Federation of Nigeria, 2004 and enact the National Commission
for Internally Displaced Persons Act to provide a framework for management,
rehabilitation, return, reintegration and resettlement of refugees, migrants and
victims of displacement.