FOURTH REPUBLIC
7TH NATIONAL ASSEMBLY
THIRD SESSION
NO. 32

HOUSE OF REPRESENTATIVES

FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 12 November, 2013

1. The House met at 11.30 a.m. Mr Speaker read the Prayers.

2. **Votes and Proceedings:**
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Thursday, 7 November, 2013.

By unanimous consent, the Votes and Proceedings was adopted.

3. **Messages:**
Mr Speaker read the following Messages from the President of the Federal Republic of Nigeria:

(i)

PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

November 11, 2013

Rt. Hon. Aminu Waziri Tambuwal, CFR
Speaker of the House of Representatives,
National Assembly Complex,
Three Arms Zone,
Abuja.

Your Excellency,

RE*: 2014 *BUDGET

Sequel to my letter of 23*rd October*, 2013 *requesting that the Honourable House grant me the slot of* **12.00** ***noon*** *on* ***Tuesday*, 12*th November*, 2013** *to enable me formally address a Joint Session of the National Assembly on the 2014 Budget, emergent circumstances have necessitated my having to request for a new date of* ***Tuesday*, 19*th November*, 2013** *at the same time.*

It is my hope that the Honourable Members will, in your usual tradition, favourably consider my request.

While thanking you** for the constancy of your support, please accept, Honourable Speaker, **the assurances of my highest consideration.

PRINTED BY NATIONAL ASSEMBLY PRESS, ABUJA

Yours Sincerely,

(*Signed*)

GOODLUCK EBELE JONATHAN

(*ii*)

PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

November 5, 2013

Rt. Hon. Aminu Waziri Tambuwai, CFR
Speaker of the House of Representatives,
National Assembly Complex,
Three Arms Zone,
Abuja.

Your Excellency,

RE: EXTENSION OF THE PERIOD FOR THE PROCLAMATION OF A STATE OF EMERGENCY

Pursuant to my letter requesting the Honourable House of Representatives to extend the period of the State of Emergency in Adamawa, Borno and Yobe States, please find attached a brief report by the Chief of Army Staff on the current situation in the affected areas.

Accept, Honourable Speaker, the assurances of my highest consideration and esteem.

Yours Sincerely,

(*Signed*)

GOODLUCK EBELE JONATHAN

4. Announcement:
***Visitors in the Gallery*:**
Mr Speaker recognized the presence of members of the Legislative Council, Etsako East Local Government, Edo State.

5. Petitions:
The following petitions were presented and laid by:

(*i*) Hon. Chris Sunday Eta (*Boki/Ikom Federal Constituency*) from Nweke Chidinma Canice, praying the House to investigate the termination of her appointment by the Nigeria Drugs Law Enforcement Agency (NDLEA), with a view to reinstating her;

(*ii*) Hon. Abike Dabiri-Erewa (*Ikorodu Federal Constituency*) from Helory-More Solicitors on behalf of Mr Adekunle Awobodu, a Nigerian resident in Iran, praying the House to redress the travel ban placed on him since March 2013 by the Iranian Authorities;

(*iii*) Hon. Essien Ekpenyong Ayi (*Calabar South/Akpabuyo/Bakassi Federal Constituency*) from :

(*a*) Ofere James Ofuna on behalf of aggrieved dock workers of Calabar Port, praying the House to investigate their dispute with the Port Authorities, K-Marine and Business Network;

(*b*) on behalf of Nwanji E. C. and 15 others, praying the House to redress their premature retirement from Nigerian Customs Service.

Petitions referred to the Committee on Public Petitions.

6. **Privilege:**
Citing Order VI, Rules 19 and 22, Hon. Femi Gbajabiamila (*Surulere I Federal Constituency*) drew the attention of the House to the communication from Mr President in respect of extension of State of Emergency in Borno, Yobe, and Adamawa States. He stressed the need for members of the House to have copies of the situation report in the affected States to enable them make an informed decision on the extension of the State of Emergency in the States.

Mr Speaker noted the observation of Hon. Femi Gbajabiamila.

7. **Matter of Urgent Public Importance:**
Citing Standing Order VIII, Rule 46, Hon. Godfrey Gaiya (*Jaba/Zango Kataf Federal Constituency*) recalled the brilliant performance of the Nigerian Under-17 (U - 17) team at the just concluded World Youth Football Tournament in Dubai, which culminated in wining the trophy of the tournament. He commended the Golden Eaglets and urged the House to consider their success as a matter of urgent public importance, and to suspend Order VIII, Rule 46 (3) to enable it be debated forthwith.

Question that the matter be considered as one of urgent public importance, put and agreed to.

Question that the House do suspend Order VIII, Rule 46 (3) *to enable it debate the matter forthwith, put and agreed to.*

Victory of the Golden Eaglets at the U-17 World Cup Championship in United Arab Emirate (UAE):

The House:

Notes the victory of the Golden Eaglets in UAE 2013 as World Champions' at the U-17 category;

Further notes the emphatic manner in which all matches were played and won;

Salutes the gallantry of the players, the Coaches, the Nigerian Football Federation (NFF), and the National Sport Commission (NSC) and the National Assembly in ensuring the victory recorded in UAE.

Resolves to:

(*i*) commend this achievement, Mr President for providing an enabling environment and the awards given to the players and their handlers;

(*ii*) urge the Team to be focused and also note the NFF to provide an enabling environment that can ensure the continuity of this team to become our future Super Eagles;

(*iii*) admit the Team, Coaches, NFF, NSC, and members of the Nigerian Football Supporters Club to the House to allow Honourable Members felicitate with the victorious Golden Eaglets (*Hon. Godfrey Gaiya — Jaba/Zango Kataf Federal Constituency*).

Debate:

Amendment Proposed:
Leave out Prayer (*ii*) and *insert* instead thereof as follows:
"Urge the Federal Government to put the necessary steps in place to bid for the hosting of the 2026 World Cup Soccer tournament" (*Hon. Friday Itulah — Esan North East/Esan South Federal Constituency*).

Question that the amendment be made, put and agreed to.

Main Question as amended, put and agreed to.

The House:

Noted the victory of the Golden Eaglets in UAE 2013 as World Champions' at the U-17 category;

Further noted the emphatic manner in which all matches were played and won;

Saluted the gallantry of the players, the Coaches, the Nigerian Football Federation (NFF), and the National Sport Commission (NSC) and the National Assembly in ensuring the victory recorded in UAE.

Resolved to:

(*i*) commend this achievement, Mr President for providing an enabling environment and the awards given to the players and their handlers;

(*ii*) urge the Federal Government to put the necessary steps in place to bid for the hosting of the 2026 World Cup Soccer tournament;

(*iii*) admit the Team, Coaches, NFF,NSC, and members of the Nigerian Football Supporters Club to the House to allow Honourable Members felicitate with the victorious Golden Eaglets (**HR. 72/2013**).

8. Presentation of Reports:

(*i*) ***Committee on Health*:**

Motion made and Question proposed, "That this House do receive the Report of the Committee on Health on a Bill for an Act to Provide for the Protection, Promotion and Maintenance of Health in Matters Relating to Housing, Food and Generally for the Protection of the Environment and for the Control of Services, Activities and Other Matters Connected Therewith (HB. 20)" (*Hon. Ndudi Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Question put and agreed to.

Report laid.

(*ii*) ***Committee on Health*:**

Motion made and Question proposed, "That this House do receive the Report of the Committee on Health on the Need to Establish Federal Medical Centre in Port Harcourt, Rivers State (**HR. 71/2012**)" (*Hon. Ndudi Elumelu — Aniocha North/Aniocha South/Oshimili North/Oshimili South Federal Constituency*).

Question put and agreed to.

Report laid.

9. Urgent Need to Investigate the Alleged Connivance of the Nigerian National Petroleum Corporation (NNPC) with Swiss Oil Dealers to Rob Nigeria Billions of Dollars:

Motion made and Question proposed:

The House:

Notes the long standing allegation of secrecy surrounding the operations of the Nigerian National Petroleum Corporation (NNPC) and the Oil Industry;

Aware of several previous investigations and probes on the Oil sector by the National Assembly with far reaching recommendations and benefits to the Nation, which saved Nigeria Billions of Naira;

Concerned that in spite of all these actions of the National Assembly, there are still allegations of corruption in the Nigerian oil industry;

Alarmed at the new report by Swiss Non Governmental Advocacy Organization, the Berne Declaration, detailing how the Nigerian National Petroleum Corporation (NNPC), in connivance with major Swiss oil trading Companies, is draining Nigeria of Billions of Dollars of revenue through the sale of crude oil below the market value;

Further alarmed that the report titled "Swiss Traders Opaque Deals in Nigeria", details the schemes employed by the Nigerian National Petroleum Corporation (NNPC) and foreign oil companies to dupe the country of over $6.8 billion dollars through some "Letter Box Companies";

Disturbed that the Berne Declaration has described the Nigerian Oil Scam as the greatest fraud Africa has ever known and the report specifically mentioned Vitol and Transfigura Commodity Trading Firms (NNPC Partners) in the shady deals and how Nigeria loses billions of dollars as large volumes of Oil are exported far below the market prices;

Bothered that "exclusive and untransparent" partnerships of Vitol and Transfigura with the Nigerian National Petroleum Corporation (NNPC), gave them over 36 per cent of the market share, with the Nigerian National Petroleum Corporation (NNPC) selling its crude at discounts;

Further bothered why Nigeria is the only major oil producing nation that sells 100 per cent of its crude to private traders rather than market it herself and benefit from the resulting added value with the greatest number of beneficiaries of export allocations;

Worried by sharp practices and deals in Nigerian National Petroleum Corporation (NNPC) Crude Oil allocations to local refineries which are not utilized but sold fraudulently at knock down prices to Geneva based companies through letter box companies by SWAP arrangements;

Further worried about the numerous damaging allegations contained in the report against Nigerian National Petroleum Corporation (NNPC) and its subsidiaries accused of not publishing detailed financial reports since 2005.

Resolves to:

Mandate the Committees on Petroleum Resources (Upstream), Petroleum Resources (Downstream) and Justice to investigate the matter and report to the House within 4 weeks (*Hon. Abiodun Abudu-Balogun — Ijebu North/Ijebu East/Ogun Waterside Federal Constituency*).

Debate:

Question put and agreed to.

The House:

Noted the long standing allegation of secrecy surrounding the operations of the Nigerian National Petroleum Corporation (NNPC) and the Oil Industry;

Aware of several previous investigations and probes on the Oil sector by the National Assembly with far reaching recommendations and benefits to the Nation, which saved Nigeria Billions of Naira;

Concerned that in spite of all these actions of the National Assembly, there are still allegations of corruption in the Nigerian oil industry;

Alarmed at the new report by Swiss Non Governmental Advocacy Organization, the Berne Declaration, detailing how the Nigerian National Petroleum Corporation (NNPC), in connivance with major Swiss oil trading Companies, is draining Nigeria of Billions of Dollars of revenue through the sale of crude oil below the market value;

Further alarmed that the report titled "Swiss Traders Opaque Deals in Nigeria", details the schemes employed by the Nigerian National Petroleum Corporation (NNPC) and foreign oil companies to dupe the country of over $6.8 billion dollars through some "Letter Box Companies";

Disturbed that the Berne Declaration has described the Nigerian Oil Scam as the greatest fraud Africa has ever known and the report specifically mentioned Vitol and Transfigura Commodity Trading Firms (NNPC Partners) in the shady deals and how Nigeria loses billions of dollars as large volumes of Oil are exported far below the market prices;

Bothered **that "exclusive and untransparent" partnerships of Vitol and Transfigura with the Nigerian National Petroleum Corporation (NNPC), gave them over 36 per cent of the market share, with the Nigerian National Petroleum Corporation (NNPC) selling its crude at discounts;**

Further bothered why Nigeria is the only major oil producing nation that sells 100 per cent of its crude to private traders rather than market it herself and benefit from the resulting added value with the greatest number of beneficiaries of export allocations;

Worried by sharp practices and deals in Nigerian National Petroleum Corporation (NNPC) Crude Oil allocations to local refineries which are not utilized but sold fraudulently at knock down prices to Geneva based companies through letter box companies by SWAP arrangements;

Further worried about the numerous damaging allegations contained in the report against Nigerian National Petroleum Corporation (NNPC) and its subsidiaries accused of not publishing detailed financial reports since 2005.

Resolved to:

Mandate the Committees on Petroleum Resources (Upstream), Petroleum Resources (Downstream) and Justice to investigate the matter and report to the House within 4 weeks (**HR. 73/2013**).

10. **Urgent Need to Investigate the Expenditure and Subsidy on Kerosene (HHK, DPK):**

Order read; by leave of the House, deferred.

11. **Consolidation of Bills:**
Motion made and Question Proposed, "That a Bill for an Act to Establish the Nigerian Financial Intelligence Centre as the Central body in Nigeria Responsible for Receiving, Requesting, Analyzing and Disseminating Financial Intelligence Reports and Other Information to Law Enforcement, Security and Intelligence Agencies and Other Relevant Authorities and for Related Matters (HB. 574) and a Bill for an Act to Establish the Nigerian Financial Intelligence Agency as the Central Body in Nigeria Responsible for Receiving, Requesting, Analyzing and Disseminating Financial Intelligence Reports and Other Information to Law Enforcement, Security and Intelligence Agencies and Other Relevant Authorities, and for Other Related Matters (HB. 495) be now consolidated" (*Hon. Albert T. Sam-Tsokwa — Dunga/Ussa/Takum Federal Constituency*).

Consolidation deferred to enable the Committee on Rules and Business to look at the procedure of consolidation in respect of this matter.

12. **A Bill for an Act to Amend the Code of Conduct Bureau and Tribunal Act, Cap. C 15 LFN, 2004 so as to make the leave of the Bureau necessary for a Public Officer to maintain or operate a Bank Account outside Nigeria and Other Related Matters (HB. 229), a Bill for an Act to Amend the Code of Conduct Bureau and Tribunal Act by deleting Proviso to Section 3 deleting Section 18 (1) and Enacting an Amended Section 18 (2) (HB. 517) and a Bill for an Act to Amend the Code of Conduct Bureau and Tribunal Act, Cap. C15 Laws of the Federation of Nigeria 2004 so as to make accessible Assets and Liabilities declared by Public Office Holders and Other Matters Connected Thereto (HB. 522) — *Second Reading*:**

Order deferred by leave of the House.

13. Consideration of Reports:
(*i*) ***Committee on Interior*:**
Motion made and Question proposed, "That this House do consider the Report of the Committee on Interior on a Bill for an Act to Repeal the Immigration Act of 1963 and Enact the Immigration Bill 2012 and Other Related Matters (HB. 61) and approve the Recommendations therein" (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question put and agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report, put and agreed to.

(HOUSE IN COMMITTEE)

(***Mr Deputy Speaker** in the Chair*)

A BILL FOR AN ACT REPEAL IMMIGRATION ACT OF 1963 AND ENACT IMMIGRATION ACT 2013 AND OTHER RELATED MATTERS

PART I — ESTABLISHMENT, STRUCTURE AND FUNCTIONS OF THE NIGERIA IMMIGRATION SERVICE, AND THE APPOINTMENT AND DUTIES OF IMMIGRATION OFFICERS

***Committee Recommendation*:**

Clause 1: **Establishment of the Nigeria Immigration Service.**

There is established for Nigeria, an Immigration Service to be known as the Nigeria Immigration Service (in this Bill referred to as "the Service") which shall be a body corporate with power to sue and be sued (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 1 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 2: **General Duties of the Immigration Service.**

The Service shall be responsible for —

(*a*) the control of persons arriving in or departing Nigeria;

(*b*) issuance of travel documents, including Nigerian passports, to *bona fide* Nigerians, within and outside Nigeria;

(*c*) issuance of residence permits to foreigners in Nigeria;

(*d*) border surveillance and patrol;

(*e*) due enforcement of all laws and regulations with which they are directly charged; and

(*f*) performance of such Para-military duties within or outside Nigeria as may be required of them by, or under the authority of this Bill or any other enactment (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Amendment Proposed:

In paragraph (*a*) immediately after the word "person", *leave out* the words "arriving and departing Nigeria" and *insert* the words "entering or leaving Nigeria" instead thereof and wherever it may appear (*Hon. Yakubu Dogara — Bogoro/Dass/Tafawa Balewa Federal Constituency*).

Question that the amendment be made, put and agreed to.

Question that Clause 2 *as amended, stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 3: **Appointment of Immigration Officers.**

(1) The Comptroller-General of Immigration shall be appointed by the President from among the serving officers of the Service on the recommendation of the Minister.

(2) The Comptroller-General shall, subject to directives by the Minister on matters of policy, be charged with the responsibility for the day - to - day administration of this Bill or any other enactment conferring immigration duties upon him, including the performance of those duties specified in section 2 of this Bill.

(3) There shall be appointed by the President on the recommendation of the Board such number of fit persons from among serving officers of the Service to be Deputy Comptrollers-General.

(4) There shall be appointed by the Board, from among serving Officers of the Service, Assistant-Comptroller-General, Comptrollers of immigration Service for each of the States of the Federation and the Federal Capital Territory, and such other Officers as may from time to time be employed to assist The Comptroller-General of Immigration under the Act and to be subject to his directive and control (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Amendments Proposed:

(*i*) In subclause (1), line 2, *leave out* the word "Minister" and *insert* the word "Board" instead thereof (*Hon. Uzo Azubuike — Aba North/Aba South Federal Constituency*).

Question that the amendment be made, put and agreed to.

(*ii*) *Leave out* all the words in subclause (1), and *insert* as follows instead thereof:
"the Controller-General of Immigration shall be appointed by the President from among the serving Deputy Inspector General of Immigration on the recommendation of the Board" (*Hon. Abubakar Momoh — Etsako East/West/Central Federal Constituency*).

Question that the amendment be made, put and negatived.

(*iii*) In subclause (3), line 2, *leave out* the word "fit" (*Hon. Friday Itulah — Esan North East/ South East Federal Constituency*).

Question that the amendment be made, put and agreed to.

(*iv*) In subclause (4), *leave out* all the words and *insert* as follows instead thereof:
"(*a*) There shall be appointed by the Board, from among serving officers of the service Assistant-Comptroller-General;

(*b*) There shall be appointed by the Board, from among serving officers of the service, Comptrollers of Immigration and such other officers as may from time to time be employed to assist The Comptroller-General of Immigration under the Act and to be subject to his directive and control" (*Hon. Ibrahim Olaifa — Oluyole Federal Constituency*).

Question that the amendment be made, put and agreed to.

Question that Clause 3 *as amended, stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 4: **Oaths and Declarations to be taken by officers on appointment.**

(1) On the appointment or promotion of any persons as a member of the service to or above the rank of Assistant Superintendent II, the provisions of the Oaths Act shall apply and such person shall forthwith take and subscribe to the Oath of Secrecy.

(2) Every non-commissioned shall make and subscribed to the Oath of Secrecy and the Service declaration (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 4 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 5: **Appointment of Medical Inspectors.**

The Minister, with the approval of the Minister of health shall appoint a duly qualified medical practitioner as a medical inspector for the purpose of this Bill, who shall act in accordance with such instructions as may be given by the minister of Health from time to time (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Amendment Proposed:
In line 1, *leave out* the words "with the approval of" and *insert* the words "in consultation with" instead thereof (*Hon. Andrew Uchendu — Ikwerre/Emoha Federal Constituency*).

Question that the amendment be made, put and agreed to.

Question that Clause 5 as amended, stand part of the Bill, put and agreed to.

***Committee Recommendation*:**
Clause 6: The Command structure of the Service shall comprise —

(*a*) the Comptroller-General of Immigration, who shall be the head of the Service, shall be charged with the day to day administration of the Service, and with the responsibility of directing the performance of the functions specified in section 2 of this Bill;

(*b*) the Deputy Comptroller General who shall assist the Comptroller-General of immigration in the performance of his duties and head Directorates at the Service Headquarters;

(*c*) the Assistant Comptrollers-General who shall be in charge of Divisions as the Service Headquarters, and head Zonal Offices;

(*d*) the Comptrollers of Immigration Service who shall head sections at the Service Headquarters, and be the head of State Commands and Training Schools;

(*e*) the Assistant Comptroller of Immigration who shall head Area Offices, each of which shall exercise supervisory functions over at least three Local Government Areas in each State of the Federation;

(*f*) officers in charge of Borders, Land, Marine and Air Border Patrol Units; and

(*g*) immigration Local Government Area Officers who shall head Local Government Immigration Offices (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 6 stand part of the Bill, put and agreed to.

***Committee Recommendation*:**
Clause 7: **Duties of the Deputy Comptroller-General of Immigration.**

(1) A Deputy Comptroller-General is the second in command in the Service and shall act for the Comptroller-General in the Comptroller-General's absence from Service Headquarters.

(2) When acting for the Comptroller - General, the Deputy Comptroller- General shall be guided by the following —

(*a*) all matters involving any change in Service policy shall be held in abeyance pending the return of the Comptroller-General except where a matter is urgent when it shall be referred directly to the Comptroller-General for instruction;

(*b*) all matters of importance dealt with by the Deputy Comptroller-General during the absence of the Comptroller-General shall be referred to the Comptroller-General on his return for his review (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 7 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 8: **Duties of Assistant Comptroller-General of Immigration.**

(1) An Assistant Comptroller-General shall act for the Comptroller-General in the absence of both the Comptroller-General and the Deputy Comptroller-General and when so acting, the provisions of paragraphs (*a*) and (*b*) of the subsection (2) of section 7 of this Bill shall, with all necessary modifications, apply to him.

(2) An Assistant Comptroller-General shall act for the Comptroller-General in the absence of both the Comptroller-General and the Deputy Comptroller-General and when so acting, the provisions of paragraphs (*a*) and (*b*) subsection (2) of section 7 of this Bill shall, with all necessary modification apply to him (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 8 *stand part of the Bill, put and agreed to.*

PART II — PASSPORTS AND PASSPORTS OFFENCES

***Committee Recommendation*:**

Clause 9: **Power to issue, procedure for the issuance, and types of Nigeria passport.**

(1) The power to issue Nigerian passports shall be vested in the Comptroller-General of Immigration.

(2) Nigerian passports shall be issued only to *bona fide* Nigerians, within and outside Nigeria.

(3) Application for Nigerian passports made in Nigeria shall —

(*a*) be made to the appropriate Immigration Office closest to the applicant's place of residence within Nigeria;

(*b*) in a foreign country, to the appropriate Diplomatic Mission established abroad, and shall be issued by the Immigration Attaché to that Mission: Provided that where there is no Nigerian Diplomatic Mission in the foreign country in which the Nigerian citizen is resident, then he shall direct his application to the Nigerian Diplomatic Mission in the nearest country performing immigration duties for the country in which he is resident.

4. On the receipt of an application for the Nigerian passport, the officer in charge of issuance of passports shall forthwith issue the passport to the applicant who has satisfied all the requirements for the issuance of the passport:

Provided that where an applicant fails to satisfy any requirement or requirements, that officer shall forthwith notify the applicant in writing of the requirement or requirements which he needs to satisfy within such reasonable period as may be specified in that notice.

(5) In this section, "Passport" means a document of protection and authority to travel issued by the Nigeria Immigration Service to Nigerians wishing to travel outside Nigeria, and includes as defined in subsections (3) and (4) of section 1 of this Bill, the following —

(*a*) a standard Nigerian Passport;

(*b*) a Nigerian Diplomatic Passport;

(*c*) a Nigerian Official passport;

(*d*) a Nigerian Pilgrim's Passport; and

(*e*) a Seaman's Passport or Seaman's Certificate of Identity (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Amendment Proposed:
Approved Clause 9, in line Clause 2 (5) - (6) of a Bill (HB. 103) earlier passed on the same subject matter by the House (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the amendment be made, put and agreed to.

Question that Clause 9 as amended, stand part of the Bill, put and agreed to.

***Committee Recommendation*:**
Clause 10: Certain offences in respect of passports.

(1) Any person who —

(*a*) has, holds or is in unauthorised possession of more than one valid standard Nigerian Passport;

(*b*) unlawfully alters, tampers with or mutilates any passport or any pages thereof;

(*c*) knowingly makes or causes to be made any false statement for the purpose of procuring passport whether for himself or for another person;

(*d*) submits multiple application forms to one or more passport offices with the intention of obtaining multiple passports;

(*e*) knowingly conceals, hides from or fails to disclose to the proper authority the loss of a passport;

(*f*) acts as a broker at or in the vicinity of any passport office or elsewhere, for the procurement of a passport;

(*g*) forges or traffics in passports or holds or is in possession of any forged passport knowing the same to be forged;

(*h*) attempts, aids, abets, counsels, procures or connives or conspires with any other person to commit any of the offences set out in this subsection —

commits an offence.

(2) Any person found guilty of an offence under paragraphs (*b*) to (*i*) of subsection (1) of this section shall be liable on conviction to imprisonment for a term of ten years or a fine of Two Million Naira or both.

(3) A person shall not be regarded as being in possession of more than one standard Nigerian passport if, in addition thereto, he is in possession of any other passport of the following descriptions issued to him by the lawful authority, that is to say —

(*a*) a Nigerian diplomatic passport;

(*b*) a Nigerian official passport;

(*c*) a Nigerian pilgrim's passport; or

(*d*) a Seaman's passport or Seaman's certificate of identification.

(4) In this section, "Standard Nigerian Passport" means any passport of certain description normally issued to a Nigerian citizen, not being a passport of the description specified in paragraph (*a*), (*b*), or (*c*) of subsection (3) of this section.

(5) For the avoidance if doubt —

(*a*) a person seeking entry shall be treated as in Nigeria after he has complied with all formalities prescribed for inspection by Immigration, health and customs authorities and whether the compliance is subject to conditions or otherwise.

(*b*) any permit issued under any repealed Act and valid immediately before the commencement of this Bill, shall on the commencement thereof be deemed to have been issued under this Bill for the unexpired balance of the term of the permit and may be dealt with accordingly (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 10 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 11: Liability of a recommender or guarantor signing application containing false declaration.

(1) Any recommender guarantor who signs any application form which contains any false declaration knowing same to be false or to hide or conceal any material Information commits an offence.

(2) Any person found guilty of an offence under subsection (1) of this section, shall be liable on conviction to imprisonment for a term of five years and fine of One Million Naira (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Amendment Proposed:

In subclause (2) line 2, immediately after the words "term of", *leave out* all the other words and *insert* the words "six months and fine of five hundred thousand Naira" instead thereof (*Hon. Raphael Igbokwe — Ahiazu/Ezinihitte Federal Constituency*).

Question that the amendment be made, put and agreed to.

Question that Clause 11 *as amended, stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 12: A non-Nigerian citizen and penalties for such non-Nigerian offender.

(1) Any person not being a citizen of Nigeria, has, holds or is in possession of any Nigerian passport commits an offence.

(2) Any person who unlawfully assists a non-Nigerian citizen to procure or be in possession of a Nigerian passport commits an offence.

(3) Any person found guilty of an offence under subsection (1) of this section, shall be liable on conviction to imprisonment for a term of seven years and a fine Two Million Naira.

(4) A non-Nigerian citizen who is recommended or guaranteed or in any way assisted to procure a Nigerian passport in contravention of subsection (1) of this section, shall on conviction be liable to imprisonment for a term of seven years and a fine of Two Million Naira; and it shall be immaterial that the non-Nigerian citizen concerned has not actually procured the passport.

(5) In addition to the penalties imposed under the foregoing provisions of this section, the non-Nigerian citizen concerned may be deported from Nigeria (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 12 *stand part of the Bill, put and agreed to.*

Committee Recommendation:

Clause 13: Cancellation or withdrawal of passports, etc.

(1) The Minister may, at any time, cancel or withdraw any passport issued to any person if —

(*a*) the passport is obtained by fraud;

(*b*) a person unlawfully holds more than one passport at the same time; or

(*c*) it is in the public interest to do so.

(2) The number of the passport, name and particulars of the holder of any passport withdrawn or cancelled pursuant to the provisions of subsection (1) of this section shall be published in the Federal Gazette (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Amendment Proposed:

Leave out the provision of subclause (1) (*c*) (*Hon. Yakubu Dogara — Bogoro/Dass/Tafawa Balewa Federal Constituency*).

Question that the amendment be made, put and agreed to.

Question that Clause 13 *as amended, stand part of the Bill, put and agreed to.*

PART III — ENTRY INTO AND DEPARTURE FROM NIGERIA

Committee Recommendation:

Clause 14: Persons liable to examination.

(1) Subject to the provisions of this section, this Bill shall apply to persons arriving or departing Nigeria and to persons who are at any time therein after the commencement of this Bill.

(2) Nothing in this section shall be construed to —

(*a*) require Nigerians to complete disembarkation cards on arriving Nigeria;

(*b*) impose any restriction or liability under this Bill as to entry, repatriation or deportation in respect of persons who satisfy an Immigration Officer that they are entitled under any rule of law or enactment to immunity from suit or legal process not being immunity in respect only of things done or omitted to be done in the course of their duties; and complete any other requirement of this Bill before entry or departure;

(*c*) in respect of any particular requirement, to affect persons exempted therefrom by the Minister under this Bill;

(*d*) prohibit the entry of any person who satisfies an Immigration Officer as to his identity as a citizen of Nigeria or as the holder of a valid travel document or that he is a person in the employment of the Federal, State or Local Government, as the case may be;

(*e*) authorize the deportation from Nigeria of any citizen of Nigeria; and

(*f*) exempt any person from medical examination if required by the Immigration Officer.

(3) Where a person enters Nigeria as an exempted person under this Bill and while in Nigeria thereafter ceases to be entitled to such exemption, he shall as soon as possible report the fact in writing to the Comptroller- General of immigration, and this Bill shall have effect as if the person who ceased to be exempted were a person desirous of entering Nigeria for the first time and the Comptroller- General of Immigration may, if he thinks fit, refer the case to the Minister or may deal with the case himself

(4) A person affected by subsection (3) of this section may, in the discretion of the Minister or such officer as the case may require, be issued with a permit to remain in Nigeria and if a permit is refused, the person affected shall be deemed to be a prohibited immigrant, and may be dealt with in accordance with the provisions of this Bill (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 14 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 15: Examination of persons arriving or departing Nigeria.

(1) It shall be the duty of every person arriving or departing Nigeria —

(*a*) to report to an Immigration Officer for examination;

(*b*) to furnish such information in his possession as that Officer may reasonably require for the purpose of this Bill; and

(*c*) the Immigration Officer may refuse admission in any proper case.

(2) Person liable to be examined by an Immigration Officer shall if directed to do so by such officer in the course of his examination —

(*a*) declare whether or not he is carrying or conveying any document of any description specified by that officer, being a description appearing to that officer to be relevant for the purpose of the examination; and

(*b*) produce to the officer any document of any such description which he is carrying or conveying, and the power to examine any such person shall include power to search him and any baggage belonging to him or under his control with a view to ascertaining whether he is carrying or conveying any such documents: Provided that nothing in subsection (1) of this section shall authorize the search of any woman or girl except by a female officer.

(3) An Immigration Officer may examine, and may detain for such time as he thinks proper for the purpose of examination not exceeding seven days any document produced pursuant to or found on a search under this section.

(4) Reference in this Bill to person landing in Nigeria from or arriving at parts in Nigeria as members of the crews of ships or aircraft, or any other medium of transportation, does not include reference to persons landing from a ships or aircraft which began its journey at a place in and has not during the journey called at any place outside Nigeria.

(5) For the avoidance if doubt —

(*a*) a person seeking entry shall be treated as having been admitted into Nigeria after he has complied with all formalities prescribed for inspection by Immigration, health and customs authorities and whether the compliance is subject to conditions or otherwise;

(*b*) any permit or visa issued under any repealed Act and valid immediately before the commencement of this Bill, shall on the commencement thereof be deemed to have been issued under this Bill for the unexpired balance of the term of the permit (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 15 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 16: **Passenger list (Manifest) and medical examination.**

(1) Where any ship or aircraft lands in Nigeria, the captain or commander as the case may be, shall supply to the immigration Officer in charge, separate list showing disembarking and transit passengers and the Immigration Officer may, if he thinks fit, examine transit passengers as if they were immigrations.

(2) Any immigration or transit passengers named in any such list whose international certificate of health fails to comply with the requirement of the Comptroller-General or whose state of health the Immigration Officer has cause to suspect, shall submit to such medical examination or vaccination as a medical inspector may reasonable require (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 16 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 17: **Production of travel document.**

(1) Every passenger who arrives or departs Nigeria by any means at or from any recognized port, shall produce to an immigration officer landing or embarkation cards in such form as the Minister or Comptroller-General may specify, and shall satisfy the immigration officer that he is the holder of a valid travel document: Provided that nothing in this subsection shall be construed as requiring a Nigerian to complete a disembarkation card.

(2) The Minister or the Comptroller-General of Immigration may by order direct the owners or agents of ships and aircrafts, and other means of transportation to supply to passengers with such landing or embarkation cards.

(3) Every member of the crew of a ship or aircraft who lands in or leaves Nigeria shall produce such evidence or travel document as an immigration officer may require.

(4) No person whether in possession of a travel document or not, who is a prohibited immigrant, shall enter Nigeria without the consent of the Minister.

(5) For the purposes of this section, the expression; "travel document" in the case of any member of the crew of a ship or aircraft, includes any card or other document in a form approved by or acceptable to the Comptroller-General of Immigration (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 17 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 18: (1) An Immigration Officer shall, unless the Minister or the Comptroller-General of Immigration otherwise directs, admit into Nigeria a person who —

(*a*) has in his possession a valid passport or such other travel document as is approved by the Minister or Comptroller-General of Immigration for admission into Nigeria;

(*b*) is in possession of a valid visa, residence or work permit, or any other permit, or other form of approval;

(*c*) is not a prohibited immigrant;

(*d*) will not be considered to be a risk to public health, public interest or national security; and

(*e*) should not be admitted into Nigeria on any other ground that may be prescribed form time to time by the Minister or the Comptroller-General of Immigration.

(2) For the avoidance of doubt, a resident or work permit granted to a foreign immigrant shall be treated for purposes of entry into Nigeria as a multiple entry permit (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 18 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 19: Power to refuse entry or to admit into Nigeria.

(1) The Power of an Immigration Officer to refuse entry or to admit into Nigeria subject to conditions, shall unless the Minister 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.

(2) Where an immigrant who is to be admitted into Nigeria subject to conditions is a member of a group in charge of a person appearing to the Immigration officer to be a responsible person, the notice under this section shall be duly given if delivered to the person in charge of the group.

(3) A notice refusing a person admission into Nigeria may at any time be cancelled by a subsequent notice in writing given to him by an Immigration Officer; and where a notice under this subsection canceling such a notice is given to any person at any time, the immigration Officer may at the same time give to that person a permit admitting him into Nigeria, subject to conditions.

(4) Any conditions specified in a notice under this section may at any time be revoked or varied by the Minister or the Comptroller - General of Immigration either by notice in writing given to the immigrant to whom those conditions apply or by order applying to immigrants of any class to whom the conditions for the time being apply.

(5) Any notice under this section and any condition specified in such a notice shall unless previously cancelled or revoked under the provision of this Bill, cease to have effect if the person to whom the notice was given again enters or seeks to enter Nigeria.

(6) An Immigration Officer shall have the power to refuse entry into Nigeria of any person who is not a citizen of Nigeria, if —

(*a*) the person concerned is a prohibited immigrant;

(*b*) where a visa is required such person has no valid visa;

(*c*) where a resident or other permit is required as a condition of entry it has not been obtained; or

on the advise of a medical inspector, it is undesirable for medical reasons to admit such a person (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 19 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 20: Visa requirements and conditions, and power to issue visa.

(1) The power to issue visa shall be vested in the Comptroller-General of Immigration.

(2) Application for visa shall be made to the Comptroller-General of Immigration or to the appropriate Nigerian Diplomatic Mission established abroad.

(3) Visa shall be issued in such Diplomatic Missions by the Immigration Attaché: Provided that where no Immigration Attaché is available in any Mission, that duty shall be performed by any other officer designated for the purpose by the Head of Mission.

(4) On the receipt of an application for visa, the officer in charge of issuance of visa shall —

(*a*) in the case of a person visiting Nigeria, if satisfied that it is proper, issue a visa;

(*b*) in the case of crew seeking permission to land in Nigeria issue appropriate visa;

(*c*) in the case of persons falling within the categories listed below seeking entry into Nigeria, issue appropriate visa to —

(*i*) diplomatic or government officials of countries other than Nigeria,

(*ii*) personnel of the United Nations Organization and its agencies,

(*iii*) personnel of the African Union and its agencies,

(*iv*) personnel of Economic Community of West African States and its agencies,

(*v*) personnel of international and non-governmental organizations,

(*vi*) persons seeking entry under any technical aid scheme,

(*vii*) special organised economic and trade delegations,

(*viii*) other specialised delegation, and

(*ix*) persons specially invited by the Federal, State and Local Governments of Nigeria;

(*d*) in the case of a person seeking entry into Nigeria for the purpose of taking up employment under a contract of service with the Federal, State or Local Government of Nigeria (other than by way of technical aid), his spouse and dependants, on the production by that person of the contract of service or such other evidence as may be satisfactory to the Comptroller-General of Immigration, issue the appropriate visa;

(*e*) in the case of a person seeking entry into Nigeria for the purpose of taking up employment in Nigeria, refer the application to the Comptroller-General of Immigration.

(5) Where no diplomatic Nigerian Mission is established in the country concerned, an application shall be made to the nearest Nigerian Mission —

(*a*) if there is an agreement between Nigeria and the Government of that country for the performance by that Government of consular functions on behalf of Nigeria, be made to that government; and

(*b*) if there is no such agreement, be made to such Diplomatic Mission as may be designated by the Minister of Foreign Affairs;

(6) Nothing in this section shall apply to —

(*a*) persons who after a tour of duty with the Federal, State or any Local Government, corporation or company owned or controlled by any such government, are abroad on leave with the intention of resuming duty in Nigeria thereafter;

(*b*) spouse and children of person within paragraph (*a*) of this subsection;

(*c*) persons otherwise employed in Nigeria and their spouses and dependants who before departure on leave apply for and obtain a re-entry visa from the Comptroller-General of Immigration; and

(*d*) transit passengers who remain in or in the vicinity of the port of entry for a period of time not exceeding 48 hours.

(7) The Comptroller-General of Immigration shall authorise the issuance of Short Visit Visas at the Port of entry to frequent travel business persons of international repute, executive directors of multinational companies, members of government delegations, holders of United Nations Laissez-passer, Africa Union Laissez-passer, Economic Community of West African States Laissez-passer, and holders of any other official travel documents of other recognized international organisations, who are on short visits to Nigeria (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 20 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 21: Control of visitors and transit passengers.

(1) An Immigration Officer may by notice given at any time to any person who —

(*a*) has arrived at a recognized port in Nigeria as a visitor or as a transit passenger on board a ship or other water vessel, aircraft, motor vehicle, or other means of transportation; and

(*b*) is for the time being on board a ship or other water vessel, aircraft, motor vehicle, or other means of transportation; prohibit him from landing from the ship or other water vessel, aircraft, motor vehicle, or other means of transportation, as the case may be, while he remains at such port or entry point, unless authorized to do so by a superior Immigration Officer.

(2) An Immigration Officer may, by notice given at any time to any person who —

(*a*) lands from a ship or other water vessel, aircraft, motor vehicle, or other means of transportation in contravention of a prohibition imposed on him under subsection (1) of this section; or

(*b*) being a visitor refused admission, or a transit passenger, remains in Nigeria in Nigeria after the ship or other water vessels, aircraft, motor vehicle, or other means of transportation has left the port of entry; or

(*c*) having been admitted as a visitor into Nigeria subject to a condition restricting the period for which he may remain, remains in Nigeria in contravention of that condition —

such person shall, subject to subsection (3) of this section, where necessary, be treated for the purposes of this Bill as if he had been refused admission into Nigeria.

(3) An Immigration Officer may, by notice in writing given at any time to any person who has landed or remained In Nigeria as mentioned in subsection (2) of this section, authorize him to remain in Nigeria either without conditions or subject to conditions the Minister may impose, including in particular, conditions requiring him to leave Nigeria —

(*a*) in specified ship or other water vessel , aircraft, motor vehicle, or other means of transportation; or

(*b*) within a specified period in accordance with the conditions of his permit or as the case may be, with arrangements made and where such a notice is given to any person, he shall not be treated as a person to whom admission to Nigeria has been refused unless, in the case where he is subject to conditions requiring him to leave Nigeria as aforesaid, he fails to comply or is reasonably suspected or intending to fail to comply with those conditions.

(4) Any permit under this section shall be in such form as the Minister may from time to time, prescribe and any permit issued or conditions endorsed may at any time be varied or revoked by the Comptroller-General of Immigration, or such officer may replace the permit in any proper case (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 21 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 22: Power to exempt from certain entry requirements.

(1) The Minister may by order exempt from the requirement of entry under this Bill any ,person or class of persons and with the concurrence of the Minister of Health, may restrict the classes of cases in which medical examination of persons landing in Nigeria is required.

(2) The Minister may by order, exempt any person or class of persons from the requirement of this Bill as to departure from Nigeria (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Amendments Proposed:

(*i*) *Leave out* all the words in subclause (1), and *insert* as follows instead thereof:
"The Minister may by order and in the national interest exempt from the requirement of entry under this Act any person or class of persons and with the concurrence of the Minister of Health, may restrict the classes of cases in which medical examination of persons landing in Nigeria is required" (*Hon. Yakubu Dogara — Bogoro/Dass/Tafawa Balewa Federal Constituency*).

Question that the amendment be made, put and agreed to.

(*ii*) *Leave out* all the words in subclause (2) and insert as follows instead thereof:
"The Minister may be order, and in the national interest exempt any persons or class of persons from requirement of this Act as to departure from Nigeria" (*Hon. Yakubu Dogara — Bogoro/Dass/Tafawa Balewa Federal Constituency*).

Question that the amendment be made, put and agreed to.

Question that Clause 22 *as amended, stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 23: Power to board ships, etc.

Any immigration Officer or Medical Inspector may board any ship, aircraft or a vehicle of any description at any frontier in Nigeria for purposes of inspection (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 23 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 24: Recognition of ports of entry, etc.

For the purpose of this Bill, the Minister may by order prescribed any aerodrome, airport, seaport or control post as recognized port of entry, and may likewise permit any aircraft or ship to land in Nigeria for the purpose of immigration clearance (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 24 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 25: **Arrival elsewhere other than at a recognized port.**

Where any ship, or water vessel, aircraft, motor vehicle, or other means of transportation lands by sea or air, or arrives overland in Nigeria elsewhere than at a recognised port, the master of the ship or water vessel, the captain of the aircraft, the driver of the motor vehicle or the operator of the other means of transportation shall report to the nearest Immigration Office and no person on board or in the vehicle shall leave the ship or water vessel, aircraft, motor vehicle, or other means of transportation lands by sea or air, or arrives overland without the authority of an Immigration Officer (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 25 *stand part of the Bill, put and agreed to.*

Committee Recommendation:

Clause 26: **Control of immigrants entering Nigeria by inland waters.**

Any person who enters Nigeria by inland waters or overland, shall forthwith proceed to the nearest recognized port and appear before an Immigration Officer, and that Immigration Officer after such examination as he may consider necessary, shall if the person appears to him to be a prohibited immigrant, detain that person; and the provisions of this Bill as to deportation shall have effect accordingly (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 26 *stand part of the Bill, put and agreed to.*

Committee Recommendation:

Clause 27: **Removal of immigrant where entry is refused.**

(1) Where a person arriving by ship or water vessel, aircraft, motor vehicle, or other means of transportation lands by sea or air, or arrives overland is for any reason refused entry into Nigeria, an Immigration Officer may give the following directives —

(*a*) the master of the ship or captain of the aircraft, the driver of the motor vehicle or the operator of the other means of transportation in which the immigrants arrived in Nigeria, to remove the immigrant from Nigeria in that ship or aircraft;

(*b*) the owners or agents of the said ship or water vessel, aircraft, motor vehicle, or other means of transportation, to remove the immigrant from Nigeria in any ship or water vessel, aircraft, motor vehicle, or other means of transportation specified in the directives, being a ship or water vessel, aircraft, motor vehicle, or other means of transportation of which they are the owners or agents;

(*c*) the said owners or agents to make arrangement for the removal of the immigrant from Nigeria in any ship or water vessel, aircraft, motor vehicle, or other means of transportation bound for a country or territory specified in the directives, being —

(*i*) a country of which the person refused entry is a citizen,

(*ii*) a country or territory from which he has obtained a passport or other documents of identity,

(*iii*) a country or territory from which he embarked for Nigeria,

(*iv*) a country or territory to which there is reason to believe that the immigrant will be admitted and for securing him a passage to that country or territory.

(2) If it appears to the Minister, that in the circumstances it is not practicable for directives to be given under subsection (1) of this section in respect of an immigrant, or that directives so given would be ineffective, the Minister or the Comptroller-General of Immigration may give to the owners or agents of any ship or water vessel, aircraft, motor vehicle, or other means of transportation such directives as may be given under paragraph (*c*) of subsection (1) of this section to the owners or agents of the ship or water vessel, aircraft, motor vehicle, or other means of transportation in which the immigrant arrived in Nigeria; and for the avoidance of doubt in any such case, the cost of complying with the directives shall be borne by the owners or agents as the case may be, of the ship or water vessel, aircraft, motor vehicle, or other means of transportation.

(3) An immigrant in respect of whom directives are given under this section may be placed, under the authority of an Immigration Officer, on board any ship or aircraft in which he is to be removed in accordance with the directives (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 27 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 28: Determination of nationality in special cases.

(1) The Minister may give such directives as he thinks fit for the determination of the nationality of any person, or if a deportation order is in force, for the disregarding of any change of nationality; and where at any time before or after entry into Nigeria the nationality of any a person is or may be questioned, or after entry into Nigeria a person for any reason changes his nationality, the burden of proof shall in any case, lie upon the person asserting the nationality, as the case may be.

(2) Save In the case of any person in or resident in Nigeria and claiming to be a citizen of Nigeria, no directive given under this section shall be questioned in any Court.

(3) Where a person is detained by virtue of the Act, any Immigration Officer authorised by the Comptroller-General of Immigration or Minister, may do all things reasonably necessary for photographing, measuring or otherwise identifying him and to obtain his biometric data (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 28 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 29: Power to abolish or suspend visa requirement.

(1) Where the Minister is satisfied that the Government of any other country or a Minister thereof permits the entry of citizens of Nigeria into that country without requiring a visa by nationals of that other country, but without prejudice to any other requirements of this Bill.

(2) Notice of the making of any order under this section shall be given to such person outside Nigeria as the Comptroller- General of Immigration may think fit as soon as practicable (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 29 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 30: Power to prescribe entry conditions and fees.

(1) The Minister may, from time to time, prescribed the conditions for entry into Nigeria and the fees payable in respect of any travel documents, visa and the relevant mission shall given effect in any proper case by issuance of a visa.

(2) For the purpose of this section "embassy" includes any Nigerian High Commission or Consulate (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 30 stand part of the Bill, put and agreed to.

***Committee Recommendation*:**

Clause 31: Power to prohibit departure.

(1) The Minister if he thinks it to be in the public interest may by order prohibit the departure of any person.

(2) The Comptroller-General of Immigration may prohibit departure of any person under the following conditions —

(*a*) if there is to his knowledge an unsatisfied order of a court of competent jurisdiction;

(*b*) if there is a warrant of arrest relating to that person, an Immigration Officer may refuse to allow such person to leave Nigeria, or in his discretion he may refer the case to the Comptroller-General of Immigration for further consideration.

(3) Nothing in this Section shall apply to any person entitled under any rule of law or enactment to immunity in respect of things done or omitted to be done in the course of his duty (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 31 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 32: General provisions as to detained persons.

(1) A person required or authorized to be detained under this Bill may be detained in such places as the Minister may direct

(2) Where a person is detained by the virtue of this Bill, eny Immigration Officer authourised by the Comptroller-General of Immigration or Minister, may do all things reasonably necessary for photographing, measuring or otherwise identifying him and to obtain his biometric data (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 32 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 33: Application of the act to young persons.

(1) Subject to the provisions or this Bill any person of or above the apparent age of eighteen years who is in Nigeria but is not a citizen thereof, shall apply to the Comptroller-General of Immigration at such time and place as may be required under this section for a permit under this Bill; any person as afore-said and under the apparent age of eighteen years shall apply to the Comptroller-General of Immigration for such permit, not later than three months after he attains that age, and notice of the requirement of this se ction may be published in such a manner as the Comptroller-General of Immigration thinks fit.

(2) The Minister may exempt any person or class of persons from the requirement of this section; and subject thereto the Comptroller-General of Immigration may from time to time give notice of the requirements of this section in the Federal Gazette and in some newspapers printed and circulating in Nigeria.

(3) A permit under this section shall be subject to such conditions as the Minister may, from time to time prescribe, and the failure to comply, when required by this section shall be an offence against this Bill, and any person affected shall be deemed to be a person seeking to enter Nigeria for the first time, and may be dealt with accordingly.

(4) A person under the apparent age of eighteen years may be permitted to enter Nigeria only when he has a valid passport and Visa, and may be permitted to remain in Nigeria as long as such person is with his parents as long as such person is with his parents, and any person so admitted shall not live elsewhere without the approval of the Comptroller - General of Immigration.

(5) Such a person, if he attains the age of eighteen shall apply to the comptroller - General of Immigration for the issuance of a residence permit under this Bill to remain in Nigeria.

(6) The Comptroller-General of Immigration may issue a permit upon such conditions as he thinks fit, or he may refuse a permit; and if a permit is refused the person affected shall be dealt with in such manner as the Minister may direct.

(7) The failure to comply with the requirement of this section shall be an offence under this Bill (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 33 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 34: Admission of mentally ill or mentally subnormal persons.

(1) A person who, without the approval of the Minister given on such term as he thinks fit, brings into Nigeria any mentally ill or mentally subnormal person, not being a citizen of Nigeria, shall be liable to pay the Minister all expense which may incurred by the Minister in connection with the maintenance and transport of such idiot or insane person and his deportation from Nigeria.

(2) The amount of any expense incurred shall be recoverable by action brought in the name of the Attorney-General of the Federation (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 34 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 35: Application of the Act to cases of dual nationality.

(1) Subject to the provisions of this Bill, any person who being —

(*a*) a national of more than one Country including Nigeria elects within the time prescribed by the Constitution of the Federal Republic of Nigeria or any other enactment to be national of any country other than Nigeria; or

(*b*) having acquired Nigeria nationality, for any reason, loses that nationality —

such person, who desires to obtain a residence permit shall, within one month after the election or loss of nationality, as the case may be, apply to the Comptroller-General of Immigration for a permit to enter or remain in Nigeria; and the Comptroller-General of immigration may grant or refuse the permit.

(2) The Minister may upon application approve that a Permanent Residence Permit be issued to a Nigerian citizen by birth who had earlier on renounced his nationality.

(3) Where the issuance of the permit is refused, an appeal shall lie to the Minister for the grant of the permit under this subsection (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 35 *stand part of the Bill, put and agreed to.*

PART IV — RESIDENCE AND EMPLOYMENT OF FOREIGN NATIONALS IN NIGERIA

***Committee Recommendation*:**

Clause 36: Entry for business purposes.

(1) No persons other than a citizen of Nigeria shall —

(*a*) accept employment (not being employment with the Federal, State or Local Governments) without the consent in writing of the Comptroller General of Immigration; or

(*b*) on his own account or in partnership with any other person, practice a profession or establish or take over any trade or business whatsoever or register or take over any company with limited liability for any such purpose, without the consent in writing of the Minister given on such by or on behalf of such persons, as the Minister may prescribe.

(2) Any person desirous of entering Nigeria for any of the purpose in subsection (1) of this section, shall produce the consent of the Comptroller-General of Immigration to an Immigration Officer; and the failure to do so shall be an offence under this Bill, and any person who commit such an offence shall be liable on conviction to a fine of one Million Naira or deportation or both as a prohibited immigrant.

(3) Where any person exempt from any provision of the Act restricting his employment cease to be so exempt, he shall be deemed to be a person seeking entry into Nigeria for the first time; and the provisions of this section shall have effect accordingly (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 36 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 37: Residence Permit.

(1) A foreign national may, subject to the provision of section 20 of this Bill, enter Nigeria for the purpose of residence on the production of a residence visa with his other travel documents, signed by or on behalf of the Comptroller-General of Immigration and issued subject to such conditions as may be endorsed thereon; and if the entry is for any tour of service, such foreign national shall on production of any evidence which an Immigration Officer may reasonably require, be deemed to be in possession of a residence permit.

(2) The Comptroller-General of Immigration may grant residence permit for a period not exceeding two years, subject to renewal.

(3) A person not a citizen of Nigeria, desirous of entering Nigeria for the purpose of residence shall, unless exempted under this Bill, show evidence of immigration responsibility or any other security on his behalf, and shall supply such information as the Comptroller-General of Immigration is satisfied he may issue a residence permit accordingly.

(4) The residence permit issued under subsection (2) of this section shall be in such form as may be prescribed and may be issued by endorsement on any travel document or otherwise as the Comptroller-General of Immigration may direct.

(5) The Comptroller - General of Immigration may endorse on a residence permit such conditions not inconsistent with this Bill as he thinks fit, and may replace any valid permit issued or deemed to have been issued.

(6) A person who has been lawfully allowed entry into Nigeria, may upon application to the Comptroller-General of Immigration in the prescribed manner, be issued with a resident permit.

(7) The failure by any person to comply with the requirements of this section or of any conditions imposed shall be an offence under this Bill, and such person may, if the Minister thinks fit be required to leave Nigeria; and any bond may be entreated at suit of the Comptroller - General of immigration.

(8) The Comptroller - General of Immigration service may authorize the issuance of temporary work permit outside quota provision which may be issued by endorsement on any travel document or otherwise as the Comptroller - General may direct.

(9) **The Comptroller-General** of Immigration may authorize the issuance of Short Visit **Visas to foreign nationals desirous** of coming to Nigeria on short visit not exceeding **a period of three months: Provided** that the visa shall not be renewed: And provided further that the recipient shall not engage in any form of paid employment.

(10) The Comptroller-General of Immigration may authorize the issuance of Temporary Residence Visas to foreign nationals desirous of taking up employment for a period not less than three months, and not exceeding two years.

(11) The Comptroller-General of Immigration may authorize the issuance of Permanent Residence Visas to foreign nationals who are married to Nigerians, or who are investors who have imported an annual minimum threshold of capital over a period of time as may be specified from time to time in the National Visa Policy or any other such policy: Provided that the Residence Permit can be withdrawn whenever the investor withdraws his investment or fails to comply with any other condition or conditions that may have been prescribed for the issuance of the Residence permit.

(12) The Minister may, upon application by a Nigerian citizen by birth, who had earlier on renounced his nationality, approve that Permanent Residence Permit be issued to him.

(13) The provisions of this section relating to foreign nationals requiring visas, work permits and residence permits shall not apply to nationals of Member States of the Economic Community of West African States who are exempted from requiring entry visas, and are allowed to reside, work and undertake commercial and industrial activities within Nigeria : Provided that such citizens shall register with the Service as nationals of the Economic Community of West African States (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 37 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 38: Employment of Immigrants.

(1) Where a person in Nigeria is desirous of employing a person who is national of any other country he shall unless exempted under this section, make application to the Comptroller - General of Immigration in such manner as may be prescribed and shall give such information as to the provision to be made for repatriation of that national and his dependants as the Comptroller General of Immigration may reasonably require; and no such person shall be employed without the permission of the Comptroller - General of immigration given on such terms as he think fit; the provision of this section shall extend and apply to persons in employment in Nigeria immediately before, as well as to those employed or to be employed at any time.

(2) The Comptroller - General or Immigration shall record the information in such form as he thinks necessary: and where he is so satisfied, he may require provision to be made for repatriation either generally as to all person so employed by a person in Nigeria and their dependants or with reference to any particular person, by payment into the Consolidated Revenue Fund by way of deposit of such amount as the Minister may prescribe for the repatriation, or by a bond in such form as the Comptroller-General of Immigration may prescribe for such purpose,

(3) The Minister may, by notice, exempt any person from the requirements of this section on such condition as he thinks fit and subject thereto any person to whom this section applies, who is employed in Nigeria, shall on ceasing for any reason to be so employed be deemed to be a prohibited immigrant as from the date of the expiration of his permit and the person who employed him shall be liable to pay all costs and incidental expenses for the repatriation of the prohibited immigrant and of his dependants.

(4) Failure to comply with the provision of this section shall be an offence under this Bill, and the offender shall be liable to imprisonment for term of five years of a fine of One Million Naira or both.

(5) For the purpose of this section, any person being a company or association shall be deemed to be in Nigeria if carrying out any work therein (***Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency***).

Question that Clause 38 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 39: Revocation or variation of permit.

(1) The Comptroller-General of Immigration may at any time if he deems it to be in the public interest, revoke a resident permit or other permit under this Bill or may issue a new permit on such conditions as he thinks fit; and where any permit is revoked without replacement, the person affected shall be deemed to be a person seeking to enter Nigeria for the first time, and the Minister in his discretion, may issue a deportation order.

(2) The Comptroller-General of immigration may direct the holder of a permit to surrender it for replacement or he may re-issue it with such additional or varied conditions as the circumstance may require: the failure to comply with any directives of the Comptroller - General of Immigration under this subsection shall be an offence under this Bill, and the offender shall be liable to imprisonment for term of five years of a fine of One Million Naira or both (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 39 *stand part of the Bill, put and agreed to.*

PART V — CONTROL OF CREW AND STOWAWAYS

Committee Recommendation:

Clause 40: Examination of Crew.

(1) An Immigration Officer may examine any person who arrived at a port in Nigeria as a member of the crew of a ship or water vessels, aircraft, motor vehicle, or other means of transportation whether or not he lands or seeks or land in Nigeria, or comes overland into Nigeria; and the provisions of this Bill shall apply to any such person accordingly.

(2) The Minister may, by order, make provision for requiring masters of ships and captains of aircrafts or operators of the other means of transportation arriving at ports in Nigeria to furnish to the Immigration Officer particulars of the members of the crew of those ships or water vessels, aircraft, motor vehicle, or other means of transportation and for enabling the immigration Officer to dispense with the furnishing of such particulars (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 40 *stand part of the Bill, put and agreed to.*

Committee Recommendation:

Clause 41: Control of crew members in ships, aircrafts etc.

(1) A superior immigration Officer may by notice given at any time to any person who —

(*a*) has arrived at a port in Nigeria as a member of the crew of a ship or water vessels, aircraft, motor vehicle, or other means of transportation; and

(*b*) is for the time being on board the ship or water vessels, aircraft, motor vehicle, or other means of transportation in which he arrived at the port, prohibit him from landing from that ship or water vessels, aircraft, motor vehicle, or other means of transportation as the case may be, while it remains at the port, unless authorized to do so by an Immigration Officer.

(2) If a person affected by subsection (1) of this section —

(*a*) lands for a ship or water vessels, aircraft, motor vehicle, or other means of transportation in contravention of a prohibition imposed on him under subsection (1) of this section; or

(*b*) remains in Nigeria after his ship or water vessels, aircraft, motor vehicle, or other means of transportation has left the port; or

(*c*) having been admitted into Nigeria subject to a condition restricting the period for which may remain there, remains in Nigeria in contravention of that condition, he shall subject to the provision of subsection (3) of this section be treated for the purpose of this Bill as if he had been refused admission into Nigeria.

(3) A superior Immigration Officer may, by notice in writing given at any time to any person who has landed or remained in Nigeria as mentioned in subsection (2) of this section authorize him to remain in Nigeria either without condition or subject to any condition the Minister may impose, including in particular conditions requiring him —

(*a*) to leave Nigeria in a specified ship or water vessels, aircraft, motor vehicle, or other means of transportation; or

(*b*) to leave Nigeria within a specified period in accordance with arrangements for his repatriation, and where such a notice is give to any person he shall not be treated as a person to whom admission to Nigeria has been refused unless, in the case where he is subject to conditions requiring him to leave Nigeria as aforesaid, he fails to comply or is reasonably suspected of intending to fail to comply with those conditions (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 41 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**
Clause 42: Stowaways.

(1) If a person arrives at a port in Nigeria as stowaway in a ship or aircraft, he shall, subject to the provision of subsection (2) of this section be treated for the purpose of this Bill as if he were a prohibited immigrant and be refused admission into Nigeria accordingly.

(2) Subsection (3) of section 19 of this Bill shall apply in relating to any such person refused admission as it applies in relation to any person who has landed or remained in Nigeria as mentioned in subsection (2) of section 19 (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 42 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**
Clause 43: Discharge of Crew in Nigeria.

(1) Notwithstanding the provisions of any other Acts or enactment, no member of the crew of any ship or water vessels, aircraft, motor vehicle, or other means of transportation who is not a citizen of Nigeria, shall be discharged without the approval of the Comptroller-General of immigration given on such terms as he may think fit.

(2) For the avoidance of doubt, the provisions of this section shall extend and apply to the crew of any ship or water vessel which operates solely or mainly within the territorial waters of Nigeria (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 43 *stand part of the Bill, put and agreed to.*

PART VI — DEPORTATION

***Committee Recommendation*:**
Clause 44: Prohibited Immigrants.

(1) A person within any of the following categories shall be deemed to be a prohibited immigrant and liable to be refused admission or to be deported from Nigeria as the case may be, namely —

(*a*) a person who is without visible means of support or is likely to become a public charge,

(*b*) mentally ill or mentally severely subnormal person;

(*c*) a person trafficking in person or smuggling migrants;

(*d*) a person convicted of any crime wherever committed, which is an extradition crime within the provisions of the Extradition Act;

(*e*) a person whose admission would in the opinion of the Minister be contrary to national interest or security;

(*f*) a person against whom an order of deportation from Nigeria is in force;

(*g*) a person who —

(*i*) has not in his possession a valid passport, or

(*ii*) being a person under the age of eighteen years, has not in his possession a valid passport or visa, and is unaccompanied by an adult on whose valid passport, his particulars are appearing;

(*h*) a person who —

(*i*) is a prostitute,

(*ii*) is a person who has been convicted of the offence of rape, defilement, or any other sexual offence,

(*iii*) is a brothel keeper or a person permitting the defilement, or seduction of a child or young person on his premises or on any other premises under his control,

(*iv*) encourages the seduction of a child or young person,

(*v*) is trading in prostitution, or is a procurer —

is deemed to have committed an offence and shall be liable on conviction to imprisonment for ten (10) years.

(2) Any person convicted under subsection (1) of this section shall be deported after serving his term of imprisonment unless the provisions of the transfer of convicted offenders (Enactment and enforcement) Act apply.

(3) The Minister may, at any time by notice add to or amend any category of prohibited immigrants in subsection (1) of this section and if he deems it to be in the public interest, may prohibit the entry into or stay in Nigeria of any other person or category of persons.

(4) In this section —

(*a*) "brother keeper" include any person who appears, acts or behaves himself as the owner of, or the person having the care, management or control of any premises. Or room or set of rooms in any premises, kept for the purpose of prostitution;

(*b*) "householder permitting the defilement of a child or young person on his premises" means any person who, being the owner or occupier of any premises or having or acting or assisting in the management and control thereof, induces or knowingly suffers any person under the age of eighteen to resort to or being or upon such premises for the purpose of being unlawfully and carnally known by any person or for any lewd purpose;

(*c*) "person allowing a person under eighteen years of age to be in a brothel" means any person having the custody, charge or care of a child or young person who has attained the age of six years but is below the age of eighteen years, who allows that child or young person to reside in or frequent a brothel;

(*d*) "Person causing or encouraging the deduction or prostitution of a person under eighteen years of age" means any person having the Custody, charge or care of a girl under the age of eighteen years who causes or encourages the seduction, unlawful carnal knowledge, or prostitution of or the Commission of an indecent assault upon such person.

(*e*) "person trading in prostitution" means —

(*i*) a person who, for knowingly lives wholly or in part on the earnings of prostitution or who in any public place persistently solicits or importunes for immoral purpose,

(*ii*) a person who, for the purpose of gain; exercise control direction or influence over the movements of a prostitute in such a manner as to show that such a person is aiding, abetting or compelling his prostitution with any person or persons;

(*f*) "procurer" means any person who —

(*i*) procurer or attempts to procure any person under eighteen years of age, not being a prostitute or of known immoral character, to have unlawful carnal connection, either within or without Nigeria, with any other person,

(*ii*) procurers or attempts or procure any person to become either within or without Nigeria a prostitute,

(*iii*) procures or attempts to procure any person to leave his usual place of abode, such place not being a brothel, with intent that he may, for the purpose of prostitution, become an inmate of a brothel, either within or without Nigeria,

(*iv*) by threats or intimidation procures or attempts to procure any person to have any unlawful carnal connection either within or without Nigeria,

(*v*) by false pretences or false representations procures any person, not being a prostitute or of known immoral character, to have any unlawful carnal connection, either within or without Nigeria,

(*vi*) applies or administers to or causes to be taken by a person any drug, matter, or thing, with intent to stupefy or overpower her so as thereby to enable any person to have unlawful carnal connection with him,

(*g*) "Prostitution", with its grammatical variations and cognate expression, includes the offering by a person of his body commonly for acts of lewdness for payment although there is no act, or offer of an act, of ordinary sexual connection.

(5) For the purpose of this section a person shall be deemed to posses a valid passport if —

(*a*) being a citizen of any other country he produces with his passport for inspection under this Bill a residence permit issued by or on behalf of the Comptroller- General of Immigration under section 37 and any visa issued under section 19 of this Bill; or

(*b*) being a citizen of any other country not otherwise exempted under this Bill, he produces for inspection with his passport, a valid visa for entry into Nigeria for any purpose designated in the visa, and a residence permit (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 44 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 45: Deportation order in special cases.

(1) Subject to subsections (2) and (3) of this section, any person who being a prohibited immigrant enters Nigeria except in accordance with this Bill shall be guilty of an offence under this Bill, and if convicted the court may make a recommendation for the deportation of the offender.

(2) The Minister may, if satisfied that it is in the public interest, and whether or not any person has been prosecuted for an offence under this section, make a deportation order against the person as a prohibited immigrant; and it shall be no defense that such person was not notified that his entry into Nigeria was prohibited, or that the entry was permitted by oversight or otherwise; this subsection shall have effect notwithstanding any other provision of this Bill.

(3) If the Minister is of the opinion that any person in Nigeria ought, at any time after his entry to be classed as a prohibited immigrant, he may make an order accordingly and the provisions of any such order shall have effect as if the person named in the order were a prohibited immigrant landing in Nigeria for the first time; any person affected by an order made under this subsection may be deported.

(4) The provision of this section shall if the Minister thinks fit, extend and apply to any person who having entered Nigeria at any time in pursuance of a Visitors Permit or Transit Permit remains in Nigeria beyond the time allowed by such a permit or breaks any other condition subject to which such permit was issued whether or not he has been prosecuted for an offence under this Bill (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 45 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 46: Power of the Court to recommend deportation on conviction.

(1) Where the court convicts an offender under this Bill or any other enactment for an offence punishable by imprisonment for a term of one year and above the court may, in addition to or in lieu of a sentence recommend the deportation of the offender, and the Minister may order his deportation accordingly.

(2) For the purpose of any enactment relating to appeals in criminal cases, a recommendation for deportation by the trial court shall be treated, for purposes of an appeal, as if it were a sentence (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 46 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 47: Deportation order on recommendation by the Court.

(1) Where a recommendation by the court deportation is in force, the Minister may if he thinks fit make a deportation order requiring him to leave Nigeria and prohibiting him from returning to Nigeria as long as the order is in force.

(2) Subject to the provisions of this Bill an order under this section shall not be made in pursuance of a recommendation for deportation, unless —

(*a*) the time for bringing an appeal against the recommendation , or against conviction upon which it was made, has expired without such an appeal having been brought; or

(*b*) such an appeal has been brought and abandoned, or finally determined otherwise than by the quashing of the recommendation or the conviction; or

(*c*) the recommendation was upheld on appeal and no further appeal lies.

(3) The Minister may, if he thinks fit, revoke a deportation order at any time, whether before or after the person to whom it relates has left or been removed from Nigeria, but the revocation of a deportation order shall not affect the validity of anything previously done (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Amendment Proposed:
In subclause (1), lines 1 and 2, *leave out* all the words before the word "requiring" and *insert* as follows instead thereof:
"Where a court order a deportation the Minister shall comply with such orders" (*Hon. Leo Ogor — Isoko North/Isoko South Federal Constituency*).

Question that the amendment be made, put and agreed to.

Question that Clause 47 *as amended, stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**
Clause 48: Court cases involving deportation to be accorded priority.

(1) Where a person is charged with an offence upon conviction of which the offender may be recommended under this or any other Act for deportation, the case shall be dealt with in priority to any case, civil or criminal, other than a case part heard; and notwithstanding the provisions of any other Act or enactment, the offender at the hearing may be remanded in custody for a period not exceeding 21 days at the first instance, and thereafter as occasion may require, the offender may be again so remanded from time to time; but in no case shall the total period of remand exceed 90 days.

(2) If no deportation order is made by the Minister within such period or extended period as aforesaid the offender may be dealt with as the court thinks fit; and where a sentence of imprisonment is imposed, account shall be taken of the period during which the offender was held in custody on remand (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 48 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**
Clause 49: Removal of persons subject to deportation order.

(1) The Minister, Comptroller-General of Immigration or any officer acting under his authority any, notwithstanding any other provision of this Bill, give directives to the master of any ship or captain of any aircraft or operator of any other means of transportation which is about to leave Nigeria, requiring him to provide passage to any person against whom a deportation order is in force, and to any dependants of his specified in the directives, a passage to any port so specified being a port in a country of which that person is a citizen or a country or territory to which the Minister has reason to believe that he will be admitted, and at which the ship, aircraft, or the other means of transportation is to call or land in the course of its journey and proper accommodation and maintenance during the passage.

(2) A person in respect of whom directives are given under subsection (1) of this section, any be placed, under the authority of the Minister, on board any ship, or water vessel, aircraft, motor vehicle or other means of transportation in which he is to be removed in accordance with the directives.

(3) The employer of any person against whom a deportation order is in force shall pay the expenses incidental to the journey from Nigeria of the person to be deported and his dependants, if any, and the maintenance until departure of such person and his dependants; and in default of such payment the Minister may sue for and recover the same, or in his discretion may apply in and towards any such expenses aforesaid, funds belonging to the persons to be deported, or cause the expenses to be defrayed by the Government of the Federation (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 49 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 50: Screening of persons liable to deportation.

(1) Where a recommendation for deportation is in force in respect of an offender and the offender is neither detained in pursuance of the sentence or order of any court, nor for the time being released on bail by any court having power so to release him, he shall unless the court by which the recommendation is made otherwise directs, be detained until the Minister —

(*a*) make a deportation order in respect of him;

(*b*) notifies him that no such order is to be made; or

(*c*) directs that he be released pending further consideration of his case.

(2) Where a deportation order is in force in respect of an offender, he may be detained under the authority of the Minister until he is removed from Nigeria pursuant to this Bill; and if he is released from detention pending further consideration of his case or while liable to be detained is not so detained, the Minister may by order impose on him such restrictions as to place of residence and requirements as to reporting to the Immigration Office as the Minister may think fit (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 50 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 51: Offences in connection with deportation order.

(1) If a person in respect of whom a deportation order is in force —

(*a*) having left Nigeria after notice of the making of the order has been given to him on behalf of the Minister, subsequently returns to Nigeria; or

(*b*) having been placed on board a ship or aircraft under this Bill, lands from that ship or water vessel, aircraft, motor vehicle or other means of transportation before it has left Nigeria —

he shall be guilty of an offence and shall be liable to the penalty provided for in subsection (8) of this section: Provided that any offence under this section shall be deemed to continue throughout any period during which the offender is in Nigeria after its commission.

(2) If a person, upon whom any restriction or requirement is imposed under this Bill, fails to comply with that restriction or requirement, he shall be guilty of an offence and shall be liable to the penalty provided for in subsection (8) of this section.

(3) Where a person in respect of whom a deportation order is in force is convicted of any offence under subsection (1) of this section, the operation of the deportation order shall not be suspended but shall cease to have effect.

(4) If any person knowingly harbours any person whom he knows or has reasonable grounds for believing to have committed an offence under subsection (1) of this section, shall be guilty of an offence and shall be liable to the penalty provided for in subsection (8) of this section.

(5) Any person who knowingly harbours any person whom he knows is to be deported or has reasonable grounds to believe has acted in contravention of this Bill, shall be guilty of an offence and shall be liable to the penalty provided for in subsection (8) of this section.

(6) Any person who knowingly permits or assists the escape from any ship or water vessel, aircraft, motor vehicle or any other means of transportation in Nigeria of any person to be deported, shall be guilty of an offence and shall be liable to the penalty provided for in subsection (8) of this section.

(7) Any person who wilfully and without lawful excuse hinders or obstructs any deportation being effected under this Bill is guilty of an offence and shall be liable to the penalty provided for in subsection (8) of this section.

(8) Any person convicted of an offence under this section shall be liable to imprisonment for ten years or to a fine of Two Million Naira or both (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 51 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 52: Power to notify cases especially liable to deportation.

(1) The Minister may from time to time by notice direct that persons within any category specified in the notice, entering Nigeria otherwise than by land, sea or air, shall be liable to deportation as prohibited immigrants without the intervention of any court; and any person in any such category may be arrested and detained by an Immigration Officer within a reasonable time and may, subject to subsection (2) of this section, be deported forthwith. If any person is to be deported under this section, the Immigration Officer shall report the case in writing as soon as possible to the Comptroller-General of Immigration.

(2) The power to arrest or to deport under this section may be exercised by a Superior Immigration Officer (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 52 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 53: Power to detain in lieu of deportation.

Notwithstanding any other provision of this or any other Act, where a deportation order has been made, the Minister may direct the detention of the person affected for such period as he thinks fit, if in his opinion, the deportation is impracticable or prejudicial to the efficient prosecution of any war in which Nigeria may be engaged, and the detention of the person affected by the deportation order is necessary or expedient for securing public safety, the defence of Nigeria, or the maintenance of public order (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Amendment Proposed:

(*i*) In line 2, *leave out* the word "may", and *insert* the word shall" instead thereof (*Hon. Raphael Igbokwe — Ahiazu/Ezinihitte Federal Constituency*)

Question that the amendment be made, put and agreed to.

(*ii*) In lines 2 and 3, *leave out* the words " as he thinks fit" and *insert* the word "which" instead thereof (*Hon. Raphael Igbokwe — Ahiazu/Ezinihitte Federal Constituency*).

Question that the amendment be made, put and agreed to.

Question that Clause 53 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 54: **Liability of master of a ship and captain of an aircraft, etc. for cost of deportation.**

(1) Where a prohibited immigrant disembarks from any ship or water vessel, aircraft, motor vehicle or other means of transportation in Nigeria, the master, owner, operator and the agent of such ship or water vessel, aircraft, motor vehicle or other means of transportation shall be jointly and severally liable to pay to the Service all expenses incurred by the Service in connection with the transport and maintenance of the prohibited immigrant and of his deportation from Nigeria.

(2) The amount of any expenses incurred shall be recoverable by action brought in the name of the Attorney -General of the Federation.

(3) When an action, be it civil or criminal, has been brought against a master of ship or captain of an aircraft, driver of a vehicle or any operator of any other means of transportation under the provisions of this Bill, the clearance outwards of the ship or water vessel, aircraft, motor vehicle, or other means of transportation may be refused until the case has been determined and upon such master, captain, driver, or other operator has complied with whatever order the court may issue in respect of the case.

(4) When an action, be it civil or criminal, has been brought against a master of a ship or catain of an aircraft or driver of a vehicle under the provisions of this Bill, the clearance outwards of the vessel or aircraft or vehicle may be refused until the case has been determined, and until such master, catain or driver has complied with whatever order the Court may issue in respect of the case (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 54 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 55: **Power to appoint receiver etc., where owner is deported.**

(1) Where it appears to the Minister and it is expedient that any business previously conducted or managed by any person who has been deported, or has been detained under section 53 of this Bill, should be wound up, he may cause application to be made to the Court for the appointment of a receiver or receiver and manager in respect of such business, and the Court shall have power to appoint a receiver or receiver and manager for such time and subject to such conditions and with such modifications, restrictions or extensions of the ordinary powers and duties of a receiver or receiver and manager as the court may think fit.

(2) The Court shall also have power to direct how and by whom the costs of any proceeding under this section, and the remuneration, charges and expenses of the receiver or receiver and manager shall be borne, and may order that the costs and expenses be charged against the property of the person whose business is being wound up in such order of priority in relation to any existing charges thereto as it thinks fit (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 55 *stand part of the Bill, put and agreed to.*

PART VII — IMMIGRATION OFFENCES

Committee Recommendation:

Clause 56: **Offences in connection with control of immigrants.**

(1) A person who —

(*a*) aids or assists any person to enter Nigeria in contravention of this Bill;

(*b*) while refusal of admission is in force in relation to him enters or remains within Nigeria otherwise than in accordance with the directives or under the authority of an Immigration Offence;

(*c*) contravenes or fails to comply with any condition imposed on him under this Bill,

(*d*) restricts or obstructs, any Immigration Officer in the lawful execution of his duty —

is guilty of an offence and any offence under this subsection, being an offence committed by entering or remaining in Nigeria, shall be deemed to continue throughout any period during which the offender is in Nigeria thereafter.

(2) If a person knowingly harbours any person whom he knows or has reasonable ground for believing to have committed an offence under subsection 91) of this section, being an offence committed by entering or remaining within Nigeria he shall be guilty of an offence.

(3) If a person —

(*a*) makes or causes to be made to any Immigration Officer any return, statement, or representation which he knows to be false or does not believe to be true; or

(*b*) refuses or fails to produce or furnish to any such officer any document or information which he is required to produce or furnish to that officer under this Bill or otherwise obstruct any such officer In the exercise of his function there under; or

(*c*) without lawful authority, alters any document issued or made under or for the purpose of this Bill or has in his possession any forged or altered passport or other travel document, or produces or reproduces any travel document without lawful authority shall be guilty of an offence.

(4) Any person who commits any of the offences prescribed under subsections (1) and (2) of this section shall be liable to imprisonment for a term of ten years or a fine of Two Million Naira, or both.

(5) Any person who commits any of the offences prescribed under subsection (3) of this section shall be liable to imprisonment for a term of five tears or a fine of One Million Naira, or both.

(6) Where a person is charged with any of the offences under this Bill and the evidence establishes an attempt to commit that offence, he may be convicted of having attempted to commit that offence and shall be liable on conviction to half of the penalty provided for that offence in this Bill.

(7) Where a person is charged with attempt to commit any of the offences under this Bill and the evidence establishes the commission of the full offence, the offender shall not be entitled to acquittal but shall be convicted of the offence as prescribed by this Bill (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 56 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 57: **Offences by individuals and penalties.**

(1) The Nigerian passport of any person convicted of an offence under this Bill and any other enactment, shall be forfeited to the Federal Government and shall not be returned to that person unless the Minister so directs.

(2) A Nigerian deported —

(*a*) for immigration related offences shall not be issued another passport until after two years of his deportation;

(*b*) **for any other criminal offence, shall not be issued** another passport until **after five years of his deportation.**

(3) A person found guilty of fraudulently acquiring or possessing multiple Nigerian passports shall not be issued any other passport until after five years of his being convicted for such offence.

(4) If a person presents to an Immigration Officer forged travel documents in the cases hereunder listed, he shall be guilty of an offence under this Bill —

(*a*) traveling out of Nigeria for the purpose of prostitution; or

(*b*) human trafficking for the purpose of prostitution and child labour and abuse —

and shall be liable to imprisonment for a term of ten years or a fine of Two Million Naira or both;

(5) Any expatriate person who fails, necglects or refuses to apply for the —

(*a*) regularization of his stay in Nigeria within the stipulated period of three months,

(*b*) renewal of his Business, Transit, Visitors Pass, or Temporary Work Permit (TWP) after expiration,or

(*c*) renewal of his residence permit 30 days after its expiration - shall be guilty of an offence shall be liable to imprisonment for a term of three years or a fine of Five Hundred Naira or both (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 57 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 58: **Offences by immigrants employers and workers.**

It shall be an offence under this Bill for any employer of persons liable to repatriation to discharge any such persons without giving notice to the Comptroller-General of Immigration, or for any such employed person to be re-designated, or change his employment, without the approval of the Comptroller-General of Immigration, and upon conviction, the employer. if not a citizen of Nigeria and the employed person, as the case may be and his dependants shall, if the Minister thinks fit, be deported and the business of the employer may be wound up as prescribed by this Bill (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 58 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 59: **Offence of alteration, etc., of travel documents.**

A person who alters or assist another in altering his travel document, other than a passport, or who produces or reproduces, or assists in the production or reproduction of any such travel document without lawful authority, commits an offence and is liable on conviction to imprisonment for a term of ten years or to a fine of Two Million Naira or both (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Amendments Proposed:

(*i*) In line 1, *leave out* the words "other than a Passport" (*Hon. Yakubu Dogara — Bogoro/Dass/Tafawa Balewa Federal Constituency*).

Question that the amendment be made, put and agreed to.

(*ii*) In line 4, immediately after the word "of", *leave out* the words "10 years or to a fine of two million Naira of both" and *insert* the words "five years or to a fine of one million Naira or both" instead thereof (*Hon. Friday Itulah — Esan North East/ South East Federal Constituency*).

Question that the amendment be made, put and agreed to.

Question that Clause 59 *as amended, stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 60: General penalties, proceedings, etc.

(1) A person guilty of an offence under this Bill, where no specific penalty is provided, shall be liable on conviction to imprisonment for a term of five years or a fine of One Million Naira or both and the court may if he thinks fit, recommend the deportation of the offender.

(2) An agent, who is not a body corporate and who is guilty of an offence under this Bill, shall where no specific penalty is provided be liable to imprisonment for a term of ten years or a fine of Two Million Naira or both.

(3) For the purpose of the trial of a person for any offence under this Bill, the offence shall be deemed to have been committed either at the place at which it was committed, or at any place at which the offender may be.

(4) An Immigration Officer may arrest without warrant any person who he has reasonable grounds to believe has committed an offence under this Bill.

(5) A power exercisable under this Bill in the case of any person may be exercised notwithstanding that proceedings for an offence under this Bill have been taken against him (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Amendment Proposed:

In subclause (1), lines 2 and 3, *leave out* the words "five years or a fine of One Million Naira" and *insert* the words "one year imprisonment or One Hundred Thousand Naira" (*Hon. Leo Ogor — Isoko North/Isoko South Federal Constituency*).

Question that the amendment be made, put and agreed to.

Question that Clause 60 *stand part of the Bill, put and agreed to.*

PART VIII — ESTABLISHMENT OF THE DIRECTORATE OF MIGRATION AND THE DIVISIONS OF REGULAR AND IRREGULAR MIGRATION, AND THE POWERS AND FUNCTIONS OF THE DIVISION OF IRREGULAR MIGRATION

***Committee Recommendation*:**

Clause 61: Establishment of the directorate of migration and the divisions of regular and irregular migration.

(1) There is established within the Nigeria Immigration Service the Directorate of Migration, in addition to the existing Directorates.

(2) There is established the Directorate of Migration the Division for Regular Migration and the Division for Irregular Migration.

(3) The Division for Irregular Migration shall have responsibility for handling matters relating to smuggling of migrants and allied matters provided for under this Bill and any other relevant law (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 61 *stand part of the Bill, put and agreed to.*

Committee Recommendation:

Clause 62: **Powers and functions of the Division of Irregular Migration.**

The Division for Irregular Migration shall be responsible for —

(*a*) the enforcement and the due administration of the provisions of this Bill and any other relevant law, in so far as they relate to smuggling of migrants;

(*b*) the co-ordination and enforcement of any other law relating to any aspect of smuggling of migrants and related offences;

(*c*) the adoption of effective measures for the prevention, eradication or elimination of smuggling of migrants and related offences, including coordinated preventive and regulatory actions, introduction and maintenance of investigative and control techniques on the prevention of smuggling of migrants;

(*d*) the investigation of all cases of smuggling of migrants;

(*e*) the facilitation and encouragement of the presence or availability of persons, including persons in custody, who consent to assist in investigations or participate in proceedings relating to smuggling of migrants and related offences;

(*f*) the enhancement of the effectiveness of law enforcement agents and other partners in the suppression of smuggling of migrants;

(*g*) in collaboration with the Public Relations Unit of the Service, the undertaking and enhancement of public enlightenment and awareness creation through seminars, workshops, publications, radio and television programmes and other means aimed at educating the public on the dangers of smuggling of migrants;

(*h*) establishing, maintaining and securing communications to facilitate the rapid exchange of information concerning offences under this Bill or any other relevant law;

(*i*) improving international co-operation in the suppression of smuggling of migrants;

(*j*) conducting joint operations with relevant law enforcement agencies, international bodies or authorities involved in similar responsibilities geared towards the eradication of smuggling of migrants;

(*k*) reinforcing and supplementing measures in bilateral and multilateral treaties and conventions on smuggling of migrants adopted by Nigeria;

(*l*) strengthening and enhancing effective legal means for international cooperation in criminal matters for suppressing smuggling of migrants;

(*m*) strengthening cooperation with other law enforcement and security agencies, relevant government agencies and other partners in the eradication of smuggling of migrants;

(*n*) taking charge, supervising, controlling and coordinating the protection and rehabilitation of, as well as assistance to smuggled migrants;

(*o*) taking charge of, supervising, controlling, coordinating all the responsibilities, functions and activities relating to the prevention, investigation and prosecution of all offences connected with or relating to smuggling of migrants;

(*p*) adopting measures to identify, trace, freeze, confiscate or seize proceeds derived from smuggling of migrants and related offences, or properties and assets of offenders or suspected offenders whose value corresponds to such proceeds;

(*q*) researching into the internal and external factors responsible for smuggling of migrants and to take measures, initiate programmes and develop strategies for addressing the problems to enhance the prevention and elimination of the root causes of smuggling of migrants in collaboration with relevant agencies or bodies, research institutions, non-governmental organizations, consultants and international partners;

(*r*) facilitating rapid exchange of scientific and technical information concerning or relating to smuggling of migrants;

(*s*) collaborating with government bodies both within and outside Nigeria carrying on functions wholly or partly similar to those of the Division concerning the —

(*i*) movement of proceeds or properties derived from smuggling of migrants and other related offences;

(*ii*) identities, whereabouts and activities of persons suspected of being involved in offences created under this Bill; and

(*iii*) exchange of personnel and other experts;

(*t*) the establishment and maintenance of a system for monitoring trans-border dealings in smuggling of migrants in order to identify suspicious movements and persons involved;

(*u*) dealing with matters connected with the extradition, deportation and mutual legal or other assistance between Nigeria and any other country involving trafficking in persons, subject to the powers of the Minister, and the Attorney-General of the Federation, in appropriate cases;

(*v*) initiating, developing and enhancing capacity building, including specific training programmes for the personnel of the Division, and personnel of other Divisions of the Service, as well as the personnel of other relevant law enforcement agencies charged with the responsibility for the prevention, detection and investigation of offences created under this Bill and any other relevant law, judicial officers handling the trial of the cases, and other stakeholders, including the personnel of the civil society, who may be involved in the various stages of the processes of prevention, investigation, and trial of the offenders, and the rehabilitation and resettlement of the smuggled persons; and

(*w*) carrying out such other activities as are necessary or expedient for the full discharge of any or all of the functions conferred on it under this Bill or any other relevant law (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 62 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 63: Special powers of the Division.

The Division shall have the power to —

(*a*) investigate whether any person, body or entity has committed an offence under this Bill or any ancillary offence under any other relevant law;

(*b*) enter into any premises, property or conveyance without warrant for the purpose of conducting searches in furtherance of its functions under this Bill or under any other relevant law;

(*c*) arrest, detain and prosecute offenders under this Bill or any other law on smuggling of migrants and ancillary offences in Nigeria;

(*d*) **trace, seize, detain or retain the** custody, for the purpose of investigation and **prosecution, of any property which the Division reasonably believes to have been involved in or used in the commission of offences, or derived from the commission of the offences under this Bill or any other relevant law;**

(*e*) seal up premises upon reasonable suspicion of such premises being involved with or used in connection with the commission of offences under this Bill or any other relevant law; and

(*f*) seeking and receiving information from any person, authority, corporation or company without let or hindrance in respect of the enforcement of any of the provisions of this Bill or any other relevant law (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 63 *stand part of the Bill, put and agreed to.*

PART IX — PROHIBITION OF SMUGGLING OF MIGRANTS

***Committee Recommendation*:**

Clause 64: **Prohibition of smuggling of migrants.**

No person shall, for purposes of financial or any other material benefit, by means of a fraudulent travel or identity document, procure the illegal entry of a person into, or the illegal stay of a person in, a country of which that person is not a national or a permanent resident (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 64 *stand part of the Bill, put and agreed to.*

PART X — SMUGGLING OF MIGRANTS OFFENCES

***Committee Recommendation*:**

Clause 65: **Offence relating to smuggling of migrants.**

(1) Any person who intentionally or knowingly, in order to obtain directly or indirectly, a financial or other material benefit, procures the illegal entry of a person into a country of which the person is not a national or permanent resident, commits an offence, and is liable on conviction to imprisonment for a term of ten years or a fine of not less than One Million Naira or both, and shall in addition be liable to refund to the migrant all monies obtained from him in the course of commission of the offence.

(2) Where the offence in subsection (1) of this section is committed in circumstances which endanger the life or safety of the smuggled migrant concerned, or entail the subjection of the smuggled person to torture, cruel, inhuman or degrading treatment, or exploitation, or is committed by a member of a criminal group, the offender shall be liable to imprisonment for a term of fourteen years or a fine of not less than Two Million Naira or both, and shall also be liable to refund to the smuggled migrant all monies obtained from him in the course of the commission of the offence, and shall in addition be liable to pay compensation to the smuggled migrant as may be determined by the Court.

(3) Where any person who is the object of the smuggling in subsection (1) of this section is a citizen of a Member State of the Economic Community of West African States and the receiving country is also a Member State of the Economic Community of West African States, the offender shall be liable to a penalty of imprisonment for a term of three years or a fine of Three Hundred Thousand Naira or both : Provided however that where the offence is committed in any of the circumstances specified in subsection (2) of this section, the offender shall be liable to the penalty or penalties provided for in the said subsection (2) of this section.

(4) For the purpose of subsection (1) of this section, "illegal entry" shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State, and shall include any crossing of a border at an irregular border point.

(5) For the purpose of subsection (4) of this section, "an irregular border point" means any point on any border of a country which is not an officially designated entry or exit point into or out of that country.

(6) For the purpose of subsection (2) of this section, "receiving country" shall mean the country into which the migrant is smuggled.

(7) Any person who intentionally, in order to obtain a financial or material benefit from another person, engages in fraudulent acts or conducts purportedly for the purpose of procuring, facilitating or promoting the actual or intended entry or transit by another person into or across a country of which that other person is not a national or a permanent resident, commits an offence, and is liable on conviction to imprisonment for a term of ten years or a fine of not less than One Million Naira or both, and shall in addition be liable to refund to the smuggled person all monies fraudulently obtained from him : Provided however that where the offence is committed in any of the circumstances specified in subsection (2) of this section, the penalty or penalties shall be as specified in the said subsection (2) of this section : Provided further that where the offence was committed against a citizen of a Member State of the Economic Community of West African States in circumstances specified in subsection (3) of this section, the offender shall be liable to imprisonment for term of five years or a fine of not less than Five Hundred Thousand Naira or both, and shall also be liable to refund to the smuggled migrant all monies obtained from him in the course of the commission of the offence, and shall in addition be liable to pay compensation to the smuggled migrant as may be determined by the Court (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 65 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 66: Abuse of the vulnerability of a smuggled person.

(1) Any person who intentionally or knowingly, in order to obtain directly or indirectly a financial or material benefit, abuses, endangers or exploits the vulnerability of a smuggled person, commits an offence, and is liable on conviction to imprisonment for a term of fourteen years and a fine of not less than Two Million Naira or both, and shall, in addition, be liable to refund to the smuggled migrant all monies obtained from him in the course of the commission of the offence, and shall also be liable to pay adequate compensation to him for any economic, physical, psychological, emotional, or other injury, loss or damage which he may have suffered as a result of the offence as may be determined by the Court.

(2) Where any offence under this Bill or any other relevant law is committed in circumstances which endanger the life or safety of the smuggled migrant concerned, or entail the subjection to torture, cruel, inhuman or degrading treatment or exploitation of such migrant, or is committed by a member of a criminal group, the offender shall be liable to imprisonment for a term of fifteen years or a fine of not less than not less than Two Million Naira or both, and shall, in addition, be liable to refund to the smuggled person all monies obtained from him in the course of the commission of the offence, and shall also be liable to pay adequate compensation to him for any economic, physical, psychological, emotional, or other injury, loss or damage which he may have suffered as a result of the offence as may be determined by the Court.

(3) For the purpose of this section, the term "abuse, endangering or exploitation of vulnerability" shall include circumstances where it is apparent or should have been apparent to the person that the smuggled person had little real choice but to agree to submit to the conduct defined as an offence under subsection (1) or subsection (2) of this section, particularly where the smuggled person —

(*a*) is a woman or a person below the age of eighteen years; or

(*b*) had little real choice but to agree to submit to —

(*i*) torture, cruel, inhuman or degrading treatment,

(*ii*) abnormal or dangerous travels, living or working conditions,

(*iii*) the provision of services to the smuggler or some other person at the instance of, or with the connivance of the smuggler, either without payment or for abnormally low payment, and

(*iv*) payment of an excessive amount or with sexual services, for goods or services, including but not limited to food, water accommodation, transport, immigration and employment related services provided by the smuggler (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 66 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 67: Offences relating to enabling illegal residence.

(1) Any person who intentionally or knowingly, in order to obtain, directly or indirectly, a financial or material benefit, enables a person who is not a national or permanent resident of a country to stay illegally in that country by means of a fraudulent identity document or any other illegal means, commits an offence, and is liable on conviction to imprisonment for a term of seven years and a fine of not less than One Million Naira or both, and shall in addition be liable to refund to the smuggled person all monies obtained from him in the course of the commission of the offence.

(2) Any person who intentionally, in order to obtain a financial or material benefit from another person, engages in a fraudulent act or conduct purportedly for the purpose of procuring, facilitating or promoting the stay by that other person in a country of which he is not a national or a permanent resident, commits an offence, and is liable on conviction to imprisonment for a term of ten years or a fine of not less than One Million Naira or both, and shall in addition be liable to refund to the smuggled migrant all monies obtained from him in the course of the commission of the offence (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 67 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 68: Offences relating to procurement, etc., of fraudulent travel or identity documents.

(1) Any person who, in order to obtain directly or indirectly a financial or material benefit, intentionally or knowingly produces, procures, provides, or possesses a fraudulent travel or identity document for the purpose of enabling the smuggling of migrants provided for in section 65 of this Bill, or the enabling of illegal residence provided for under section 67 of this Bill, commits an offence and is liable on conviction to imprisonment for a term of not less than seven years or a fine of not less than One Million Naira or both, and shall in addition be liable to refund to the smuggled person all monies fraudulently obtained from him.

(2) Where the offence in subsection (1) of this section is committed in circumstances which endanger the life or safety of the smuggled migrant concerned or any other person, or entail inhuman or degrading treatment or exploitation of such migrant or such other person, or is committed by a member of a criminal group, the offender shall be liable to imprisonment for twelve years and a fine of not less than Two Million Naira or both, and shall in addition be liable to pay compensation to the smuggled migrant as may be determined by the Court (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 68 *stand part of the Bill, put and agreed to.*

Committee Recommendation:

Clause 69: **Penalty for an offence under another relevant law committed for the purpose of enabling the smuggling of a migrant.**

Any person who is convicted of any offence not created under this Bill, but is created under any other relevant law, and that offence is committed for the purpose of enabling the smuggling of a migrant or enabling illegal residence, notwithstanding any penalty provided for that offence in that other law, the offender shall be liable on conviction to imprisonment for a term of ten years or a fine of One Million Naira or both (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 69 *stand part of the Bill, put and agreed to.*

Committee Recommendation:

Clause 70: **Organising or directing, participating, aiding and abetting, and preparatory acts.**

Any person who —

(*a*) organises or directs any other person to commit an offence under this Bill or under any other relevant law;

(*b*) participates as an accomplice in the commission of an offence under this Bill or under any other relevant law;

(*c*) procures any other person by any means whatsoever to commit an offence under this Bill or under any other relevant law;

(*d*) aids, abets, or counsels any other person to commit, or is an accessory to any act or offence under this Bill or under any other relevant law; or

(*e*) does any act preparatory to or in furtherance of the commission of an offence under this Bill or under any other relevant law;

commits an offence and shall be liable on conviction to the same penalty as is provided for the offence itself under this Bill or under any other relevant law, and where no penalty is provided for such an offence under this Bill, to twice the penalty provided under any such other law: Provided that the penalties provided under such law is not the equivalent to or higher than the punishments provided under this Bill (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 70 *stand part of the Bill, put and agreed to.*

Committee Recommendation:

Clause 71: **Conspiracy to commit an offence under this Bill or any other relevant law.**

Any person who conspires with another to commit an offence under this Bill or any other relevant law is guilty of an offence, and is liable —

(*a*) where the offence is committed, to the punishment provided for the commission of that offence under this Bill or any other such relevant law: Provided that where the offence is committed for the purpose of enabling the smuggling of a migrant, notwithstanding any penalty provided for that offence in any other such law, the offender shall be liable on conviction to imprisonment for a term of ten years and a fine of One Million Naira or both: Provided that if the penalties provided for such offences under that relevant law is higher than the penalties provided for under this Bill, those penalties shall apply; and

(*b*) where the offence is not committed, to a penalty which is half of the punishment provided for the offence under paragraph (*a*) of this section (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 71 *stand part of the Bill, put and agreed to.*

Committee Recommendation:

Clause 72: **Attempt to commit an offence under this Bill or any other relevant law.**

(1) Any person who attempts to commit any offence under this Bill or any other relevant law shall be liable on conviction to a penalty which is not less than half of the penalty provided for the offence under this Bill or any other relevant law.

(2) Where a person is charged with any of the offences under this Bill or any other law and the evidence establishes an attempt to commit that offence, he may be convicted of having attempted to commit the offence and shall be liable on conviction to the penalty provided for in subsection (1) of this section.

(3) Where a person is charged with an attempt to commit an offence under this Bill or any other relevant law, but the evidence establishes the commission of the full offence, the offender shall not be entitled to acquittal, but shall be convicted for the commission of the offence and shall be liable to the penalty provided for the offence under this Bill (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 72 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 73: **Escape or aiding and abetting escape.**

(1) Any person who —

(*a*) being in lawful custody, escapes, or

(*b*) aids, facilitates or abets the escape of a person in lawful custody of the Service, or suspected to have committed an offence under any of the provisions of this Bill or any other relevant law;

commits an offence and shall be liable on conviction to imprisonment for a term of fourteen years, or a fine of not less than Two Million Naira or both.

(2) Where the offender under subsection (1) of this section, commits the offence in circumstances which endanger the life or safety of any law enforcement officer, other public official or witness, or which entail the subjection of such officer or official or witness to torture, cruel, inhuman or degrading treatment, or exploitation, or is committed as a member of a criminal group, the offender shall be liable to imprisonment for a term of fifteen years or to a fine of not less than Three Million Naira or both and shall also be liable to pay compensation to such officer, official or witness as may be determined by the Court, and in addition, all his assets traceable to have been derived from the commission of an offence under this Bill shall be subject to forfeiture and shall be paid into the Objects of Smuggling of Migrants Trust Fund established under section 97 of this Bill (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 73 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 74: **Tampering with evidence and witness, and obstruction of justice.**

(1) Any person who uses physical force, threats or intimidation, blackmail or similar acts, or the promise or offering or giving of any material or other benefit, or of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence by a witness in a proceeding in relation to the commission of offences created by this Bill or any other relevant law, commits an offence under this Bill and is liable on conviction to imprisonment for a term of fourteen years or to a fine of not less than Two Million Naira or both.

(2) Any person ~~who tampers with evidence or exhibit by~~ falsification, conversion, destruction or forgery commits an offence under this Bill and is liable on conviction to imprisonment for a term of fourteen years or to a fine of not less than Two Million Naira or both.

(3) Any person who uses physical force, threats or intimidation, blackmail or similar acts, or the promise or offering or giving of any material or other benefit, or of undue advantage, to interfere with the exercise of official duties by a judicial officer, law enforcement or other public official is liable on conviction to imprisonment for a term of fifteen years or to a fine of not less than Three Million Naira or both.

(4) Any person who in any other way not provided for under subsections (1) and (2) of this section obstructs, prevents, perverts, or defeats the course of justice is guilty of an offence, and is liable to imprisonment for a term of fourteen years or a fine of not less than Two Million Naira or both.

(5) Where the offender under subsections (1), (2), (3) and (4) of this section commits the offence in circumstances which endanger the life or safety of any judicial officer, law enforcement or other public official, or witness, or which entail the subjection of such judicial officer, law enforcement or other public offical or witness to torture, cruel, inhuman or degrading treatment, or exploitation, or is committed as a member of a criminal group, the offender shall be liable to a term of imprisonment for sixteen years or to a fine of not less than Four Million Naira or both, and shall also be liable to pay compensation to the person affected by his offence, and in addition, all his assets traceable to have been derived from the commission of an offence under this Bill shall be subject to forfeiture and shall be paid into the Objects of Smuggling of Migrants Trust Fund established under section 97 of this Bill.

(6) In addition to any other penalty provided for any offence under this section, all the assets of the offender traceable to have been derived from the commission of an offence under this Bill shall be subject to forfeiture and shall be paid into the Objects of Smuggling of Migrants Trust Fund established under section 97 of this Bill (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 74 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 75: Consent of an object of an offence under this Bill or any other relevant law.

(1) Without prejudice to the provisions of this Bill, the consent of an object of any of the offences created under this Bill or any other relevant law to the intended procurement of illegal entry into or illegal stay in a country of which he is not a national or permanent resident, or to any form of exploitation purnishable under this Bill or any other relevant law, shall not be a defence for an offender to any offence under this Bill or any other relevant law.

(2) Notwithstanding the provision of any other law to the contrary, the consent of an object of any of the offences created under this Bill or any other relevant law, to or his collaboration in any such offence, shall not constitute the ground for instituting a criminal prosecution against him, nor shall it constitute a bar to the making of restitution or the payment of compensation or costs to him, and neither shall it constitute a bar to his instituting a civil proceeding for the purpose of his obtaining remedy for any injury, loss or damage which he may suffer as a result of the commission of the offence by the smuggler (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 75 *stand part of the Bill, put and agreed to.*

PART XI — RESTITUTION AND COMPENSATION

***Committee Recommendation*:**

Clause 76: Restitution to smuggled persons.

(1) Where any person is convicted of an offence under this Bill or any other relevant law, the Court may, in addition to any penalty or measure, ~~and irrespective of the~~ immigration status of the ~~smuggled person, order the offender~~ to —

(*a*) return to the smuggled person any money or property obtained from him in the course of or for the purpose of the commission of the offence;

(*b*) defray the medical or other expenses of the smuggled person incurred as a result of any injury, loss or damage suffered by him in connection with or as a result of the commission of the offence, including loss of wages where applicable.

(2) Where there are two or more offenders convicted of an offence and they are adjudged to make restitution to the person who suffered injury, loss or damage, the Court shall apportion the amount of restitution payable by each offender according to the degree of the benefit he derived, or as the Court may otherwise determine.

(3) Not withstanding any other provision of this Bill or any other law, a smuggled person has the right to institute civil action against a smuggler and any other person, including a public officer who may have exploited him or abused his person, for restitution or recovery of any property or assets unlawfully taken from him in the course of the commission of any of the offences created under this Bill or under any other relevant law.

(4) Where restitution is ordered in addition to any other penalty, and that other penalty is subject to appeal, the restitution shall not be made before the period allowed for presenting the appeal has elapsed or, if an appeal is presented, before the decision on the appeal.

(5) Where an order for restitution has been executed and the conviction is later set aside, the restitution order shall stand notwithstanding: Provided that such an unexecuted restitution order may be enforced even after the conviction has been set aside where the circumstances are such that a civil court would have ordered restitution in similar circumstances had the matter been tried before it in a civil suit (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 76 stand part of the Bill, put and agreed to.

***Committee Recommendation*:**

Clause 77: Compensation to smuggled migrants.

(1) Where any person is convicted of an offence under this Bill or any other relevant law, the Court may, in addition to any penalty or measure, and irrespective of the immigration status of the smuggled person, order the offender to compensate in whole or in part an object of any such offence for the economic, physical, psychological, emotional, or other injury, loss or damage caused to or suffered by him in the course of or in consequence of the commission of the offence where in the opinion of the court compensation is recoverable by civil suit.

(2) The award of such compensation shall be a bar to any further action for the same injury loss or damage : Provided however that an action may lie with the consent of the Court consequent upon an application for the purpose upon the ground that the award by the criminal court is so grossly inadequate as to amount to a miscarriage of justice : Provided further that in any such subsequent civil proceeding the court shall take into account any such sum already awarded as compensation in awarding its own compensation : And provided further that a refusal to accept a compensation ordered as above shall be a bar to any further action for the same injury, loss or damage.

(3) Where there are two or more offenders convicted of an offence and they are adjudged to make compensation to the person who suffered injury, loss or damage, the court shall apportion the amount of compensation payable by each offender according to the degree of his guilt and or the benefit derived by him, or as the court may otherwise determine.

(4) Where compensation is awarded in addition to any other punishment, and that other punishment is subject to appeal, no such amount awarded in compensation shall be paid before the period allowed for presenting the appeal has elapsed or, if an appeal is presented, before the decision on the appeal.

(5) Where an order for compensation has been executed and the conviction is later set aside, the compensation order shall stand notwithstanding: Provided that any such unexecuted compensation order may be enforced even after the conviction has been set aside where the circumstances are such that a civil court would have ordered compensation in similar circumstances had the matter been tried before it in a civil suit (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 77 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 78: Enforcement of Restitution and Competition Orders.

(1) When an offender has been ordered to make restitution or to pay compensation upon his conviction, the court may, for the purpose of enforcing its payment, issue a warrant for the levy of the amount —

(*a*) by the seizure and sale of any movable property belonging to the offender; or

(*b*) by the attachment of all or part of any debts or income due to the offender; or

(*c*) subject to the provisions of the Land Use Act, No. 6 of 1978, by the attachment and sale of any immovable property of the offender situated within the jurisdiction of the Court.

(2) A warrant for seizure and sale of the immovable property of an offender shall be addressed to the court within the local limits of which jurisdiction it is to be executed.

(3) When execution of a warrant is to be enforced by attachment of debts, income or by sale of immovable property, the warrant shall be sent for execution to any court competent to execute orders for the payment of money in civil suits, and such court shall follow the procedure for the time being in force for the execution of such orders (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 78 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 79: Appeal against Order of Restitution or Compensation.

An appeal shall lie against any order awarding restitution or compensation under the preceding sections in this Part as if it were a conviction and a sentence thereupon (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 79 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 80: State compensation to objects of smuggling of migrants offences.

Where a Court which tries a smuggling of migrant offender under the provisions of this Bill or any other relevant law considers the award of compensation to be appropriate in the case, and no resources or insufficient resources are available or ascertainable from the offender from which the compensation can be paid, the Court shall order the payment of the compensation from the Objects of Smuggling of Migrants Trust Fund to the smuggled person (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 80 *stand part of the Bill, put and agreed to.*

PART XII — SEIZURE, ATTACHMENT AND FORFEITURE OF ASSETS

***Committee Recommendation*:**

Clause 81: **Forfeiture of passport.**

The passport of any Nigerian convicted of an offence of smuggling of migrants under this Bill shall be forfeited to the Federal Government and it shall not be returned to that person unless and until the Minister directs otherwise or after the grant of a pardon or on the exercise of the prerogative of mercy under the Constitution of the Federal Republic of Nigeria (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 81 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 82: **Forfeiture of assets after conviction.**

(1) A person convicted of an offence under the Act shall forfeit to the Federal Government —

(*a*) all the assets and properties which are the subject of an Interim Attachment Order of the Court after an attachment by the Service as specified by the provisions of this Bill;

(*b*) any assets or properties derived from any proceeds obtained directly or indirectly not already disclosed in the Assets Declaration Form specified in Form A of the Schedule to this Bill, or not subject of an Interim Attachment Order; and

(*c*) any property or instrumentalities used in any manner to commit or to facilitate the commission of such offence not already disclosed in the Assets Declaration Form or not subject of an Interim Attachment Order;

and the amount of these assets and properties shall be vested in the Federal Government and their proceeds shall be paid into the Consolidated Revenue Fund of the Federation from which they shall immediately be paid into the objects of Smuggling of Migrants Trust Fund.

(2) The Court in imposing a sentence on any person under this Bill shall, in addition to any other sentence imposed pursuant to this Bill or any other relevant law, order that the person forfeits to the Federal Government all properties described in subsection (1) of this section and the proceeds accruing from such properties shall be paid into the Consolidated Revenue Fund of the Federation from which they shall immediately be paid into the objects of Smuggling of Migrants Trust Fund.

(3) In this section, the term "proceeds" means any property derived or obtained, directly or indirectly through the commission of an offence under this Bill or any other relevant law, or any income accruing from such property (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 82 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 83: **Seizure of property of arrested persons.**

On the arrest of a person suspected to have committed an offence under this Bill or any other relevant law, the Court may, in addition to any money taken out of his possession, order the seizure and sale of any property found on him or in any place known to belong to him or to be in his possession or under his control, or any property known to belong to him (whether movable or immovable), or any property suspected to be the proceeds of or obtained through the commission of any such offence, and at the conclusion of the trial, the Court may use such property or its proceeds, as appropriate, to satisfy the smuggled person, either in restitution of any money or property taken from him in the course of or as a result of the commission of such offence, or as compensation for any injury, loss or damage suffered by such smuggled person (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 83 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 84: Property within Nigeria subject to forfeiture.

(1) Any property —

(*a*) in Nigeria whether real or personal, which represents the gross receipts which a person obtains directly or indirectly as a result of the commission of an offence created under this Bill or any other relevant law, or which is traceable to such gross receipts; and

(*b*) within Nigeria, which represents the proceeds of an offence under the laws of a foreign country within whose jurisdiction such offence or activity would be punishable by imprisonment for a term of imprisonment of not less than a year and which would be punishable by imprisonment under this Bill or any other relevant law if such act or activity had occurred within Nigeria;

is subject to forfeiture to the Federal Government and the proceeds accruing therefrom shall be paid into the Consolidated Revenue Fund of the Federation from which they shall immediately be paid into the Objects of Smuggling of Migrants Trust fund.

(2) Without prejudice to the provisions of any other law permitting the forfeiture of property, the following shall also be subject to forfeiture under this Bill and no proprietary right shall exist in them immediately upon such forfeiture:

(*a*) all means of conveyance, including vehicles or vessels or aircraft or other means of tranportation which are used or are intended for use to transport or in any manner facilitate the smuggling of any migrant, except that —

(*i*) no means of conveyance used by any person in the transaction of business as a common carrier shall be forfeited under this section unless it shall appear that the owner or other person in charge of such means of conveyance was a consenting party or privy to the commission of an offence created under this Bill or any other relevant law;

(*ii*) no means of conveyance shall be forfeited under this section by reason of any act established by the owner thereof to have been committed by any person other than such owner while such means of conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of Nigeria or any part thereof; and

(*iii*) no means of conveyance shall be forfeited under this section to the extent of an interest of an owner by reason of any act established by that owner to have been committed without the knowledge, consent or wilful connivance of that owner.

(*b*) all monies, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for the commission of an offence created under this Bill or any other relevant law, or all proceeds traceable to such an exchange, and all monies, negotiable instruments and securities used or intended to be used to facilitate the commission of any such offence,

(*c*) all real property, including any right, title and interest, including any leasehold interest, in the whole or any piece or parcel of land and any improvement or appurtenance which is used or intended to be used in any manner or part to commit or facilitate the commission of an offence under this Bill or any other relevant law (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 84 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 85: **Forfeiture of foreign assets.**

Where it is established that any convicted person has assets or properties in a foreign country, acquired as a result of any of the offences under this Bill or any other relevant law, or such assets or properties, subject to any treaty or arrangement with such foreign country, shall be forfeited to the —

(*a*) Federal Government and the proceeds accruing therefrom shall be paid into the Consolidated Revenue Fund of the of the Federation from which they shall immediately be paid into the objects of Smuggling of Migrants Trust Fund; or

(*b*) the Service shall, through the Office of the Minister, ensure that the proceeds accruing from such forfeited assets or properties are effectively transferred and vested in the Objects of Smuggling of Migrants Trust Fund from the Consolidated Revenue Fund of the Federation into which they were initially paid (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 85 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 86: **Seizure of property subject to forfeiture.**

(1) Seizure of any property subject to forfeiture under this Bill may be effected by the Service where the —

(*a*) seizure is incidental to an arrest or search as provided for under section 83 of this Bill;

(*b*) property is liable to forfeiture upon process issued by the Court following an application made by the Service in accordance with the prescribed rules.

(2) Whenever property is seized under any of the provisions of this Bill, the Service may —

(*a*) place the property under seal; or

(*b*) remove the property to a place designated by the Service.

(3) Property taken or detained under this section shall be deemed to be in the custody of the Service subject only to the order of the Court (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 86 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 87: **Investigation of assets and properties of an arrested person.**

Where a person is arrested for an offence under this Bill or any other relevant law, the Service shall immediately trace and attach all the assets and properties of the person acquired as a result of the offence (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 87 *stand part of the Bill, put and agreed to.*

Committee Recommendation:

Clause 88: **Disclosure of assets and properties by an arrested person.**

(1) Where a person is arrested for committing an offence under this Bill or any other relevant law, it shall be obligatory for the person to make full disclosure of all his assets and properties by completing the Declaration of Assets Form A specified in the Schedule to this Bill.

(2) The disclosures made in the Declaration of Assets Form shall be investigated by the Service.

(3) Any person who —

(*a*) knowingly fails to make full disclosure of his assets and liabilities;

(*b*) knowingly makes a declaration that is false; or

(*c*) fails, neglects or refuses to make a declaration or furnish any information required, in the Declaration of Assets Form;

commits an offence and is liable on conviction to imprisonment for a term of five years or a fine of One Million Naira or both, and such assets not disclosed in the Assets Declaration Form shall be forfeited to the Federal Government and the proceeds accruing therefrom shall be paid into the Consolidated Revenue Fund of the of the Federation from which they shall immediately be paid into the objects of Smuggling of Migrants Trust Fund.

(4) Whenever the assets and properties of any person arrested under this Bill or any other relevant law are to be attached, the Service shall apply to the Court for an Interim Attachment Order under the provisions of this Bill (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 88 *stand part of the Bill, put and agreed to.*

Committee Recommendation:

Clause 89: **Interim Attachment Order after seizure of property.**

Where any asset or property has been seized by the Service under this Bill, the Service shall immediately cause an application to be made to the Court for an Interim Attachment Order and the Court shall if satisfied that there is prima facie evidence that the property concerned is liable to forfeiture make an Interim Attachment Order (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 89 *stand part of the Bill, put and agreed to.*

Committee Recommendation:

Clause 90: **Final Order of Forfeiture.**

Where an arrested person is convicted of an offence under this Bill or any other relevant law, the Service shall apply to the Court for a Final Order of Forfeiture of the convicted person's assets and properties which are —

(*i*) already subject to an Interim Attachment Order;

(*ii*) derived from any proceeds the person obtained, directly or indirectly, as a result of such offence not already disclosed in the Assets Declaration Form and not subject to Interim Order; and

(*iii*) any property or instrumentalities used in any manner to commit or facilitate the commission of such offence not already disclosed in the Assets Declaration Form (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 90 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 91: Disposal of forfeited properties.

(1) A copy of every Final Order forfeiting the assets and properties of a person convicted under this Bill or any other relevant law shall be forwarded to the Service.

(2) Upon receipt of a Final Order pursuant to this section, the Comptroller-General of Immigration shall take steps to dispose of the property concerned by sale or otherwise and where the property is sold, the proceeds shall be paid into the Consolidated Revenue Fund of the Federation, from which they shall be paid immediately into the Objects of Smuggling of Migrants Trust Fund.

(3) Where any part of the property included in a final order is money in a bank or any financial institution or in the possession of any person, the Service shall cause a copy of the order to be produced and served on the manager or any person in control of the head office or branch of the bank concerned and that manager or person shall forthwith pay over the money to the Service and the Service shall pay the money received into the Consolidated Revenue Fund of the Federation, from which it shall be paid immediately into the Objects of Smuggling of Migrants Trust Fund (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Amendment Proposed:

Leave out all the words in subclause (2), and *insert* as follows instead thereof:

"Upon receipt of a final order pursuant to this Section, the Comptroller-General of Immigration shall take steps to gazette in a Federal Government gazette all such properties concerned before carrying out sales by a Federal Government licenses auctioneer" (*Hon. Daniel Reyenieju — Warri South/Warri West Federal Constituency*).

Question that the amendment be made, put and agreed to.

Question that Clause 91 *as amended, stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 92: Offences in relation to Forfeiture Orders.

(1) Any person who, without due authorization by the Service, deals with, sells or otherwise disposes of any property or asset which is the subject of attachment, seizure, Interim Attachment Order or Final Forfeiture Order, commits an offence and is liable on conviction to imprisonment for a term of fourteen years without an option of a fine and the return of a sum which is twice the amount of the value of such property or asset.

(2) Any bank or other financial institution or the manager or person in control of the head office or branch of which fails to pay over any money which is the subject of a Final Forfeiture Order to the Service upon the production of that Order to him or the bank or financial institution or its branch commits an offence under this Bill and is liable on conviction to imprisonment for a term of ten years or a fine of Two Million Naira or both, and the return of a sum which is twice the amount of the money so withheld from payment to the Service, and the Service shall immediately file a report on the matter with the Central Bank of Nigeria : Provided that the bank or financial institution shall also be subject to the penalty provided for offences by bodies corporate under section 104 (2) of this Bill (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 92 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 93: Consequences of an acquittal in respect of confiscated assets and properties.

(1) Where a person is discharged or acquitted by a Court of an offence under this Bill, the Court may make an order of revocation or confirmation as the case may be, of an Interim Attachment Order made pursuant to this Bill whichever order is considered just, appropriate or reasonable in the circumstances.

(2) The property may be attached where a discharge is merely given on technical grounds.

(3) Where an Interim Order is revoked by a Court under subsection (1) of this section, all assets and properties of the person concerned shall be released and immediately returned to him by the Service (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 93 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 94: Freezing order on banks or other financial institutions.

(1) Notwithstanding anything contained in any other enactment, where any person is arrested or is under investigation for an offence under this Bill or any other relevant law, the Comptroller-General of Immigration may, if satisfied that the money in the account of an arrested person is made through the commission of an offence under this Bill or any other relevant law, apply to the Court ex parte for an order authorizing the Service to issue or instruct a bank examiner or such other appropriate regulatory authority to issue an order as specified in Form B of the Schedule to this Bill, addressed to the manager of the bank or any person in control of the financial institution where the account is or believed by him to be or the head office of the bank or other financial institution, to freeze the account : Provided the freezing order shall not be in place for any period longer than is necessary or expedient for the determination of the case.

(2) The Comptroller-General of Immigration or bank examiner may by an order issued under subsection (1) of this section, or by any subsequent order, direct the bank or other financial institution to supply any information and produce books and documents relating to the account and to stop all outward payments, operations or transactions, including any bill of exchange, in respect of the account of the arrested person or a person under investigation.

(3) The manager or any other person in control of the Bank or a financial institution shall take necessary steps to comply with the requirements of the order made pursuant to subsections (1) and (2) of this section.

(4) In this section —

(*a*) "Bank" has the meaning given to it in the Banks and Other Financial Institutions Act, Cap. B3, Laws of the Federation of Nigeria, 2004, as amended;

(*b*) the reference to an order issued includes a reference to any order, direction or requirement addressed to the manager of a bank or any other officer of a bank which directs or purports to direct the manager or such officer to stop all outward payment, operations transactions in respect of any account with that bank (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 94 *stand part of the Bill, put and agreed to.*

PART XIII — MIGRANT REMEDY WITHOUT CRIMINAL CONVICTION

***Committee Recommendation*:**

Clause 95: Migrant's Civil remedy.

(1) A person who is an object of any offence of smuggling of migrants as prescribed under this Bill or any other relevant law shall have the right to institute civil proceedings against any person who subjected him to the act or conduct constituting the offence, and the Court shall have jurisdiction to entertain the action, and to order the provision of appropriate material or non-material remedy, including the making of restitution or payment of appropriate compensation, or both, to such object of the offence for the economic, physical, psychological, emotional, or other injury, loss or damage, including any violence, torture, cruel, inhuman or degrading treatment or punishment, or threat to his life or safety or that of any member of his family suffered by him as a result of his being subjected to any such act or conduct.

(2) The right to institute such a civil action shall not be affected by or be dependent upon the existence or outcome of criminal proceeding in connection with the same act or conduct from which the civil action derives.

(3) The immigration status or return to his home country or some other form of his absence from jurisdiction of the object of an offence created under this Bill or any other relevant law shall not affect the jurisdiction of the Court to hear the case and determine the matter (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 95 *stand part of the Bill, put and agreed to.*

PART XIV — JURISDICTION

***Committee Recommendation*:**

Clause 96: Jurisdiction to try immigration and smuggling of migrants matters.

(1) The Federal High Court shall have jurisdiction to hear and determine proceedings in all matters relating to immigration and smuggling of migrants under this Bill, however arising, including offences relating to Nigerian passports, visas, permits or other travel, work or residence documents, and in the case of offences, whether or not an offence was commenced in Nigeria and completed outside Nigeria, or whether or not an offence was commenced outside Nigeria and completed in Nigeria and the object of the offence is —

(*a*) a citizen or resident of Nigeria, or

(*b*) a foreigner who —

(*i*) is in transit,

(*ii*) has a link with Nigeria, or

(*iii*) is dealing with or on behalf of the Governments of Nigeria —

and the alleged offender is in Nigeria.

(2) For the purpose of subsection (1) of this section, there shall be established a Division of the Federal High Court which shall be responsible for trying all matters relating to immigration and smuggling of migrants (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 96 *stand part of the Bill, put and agreed to.*

PART XIV— OBJECTS OF SMUGGLING OF MIGRANTS TRUST FUND

***Committee Recommendation*:**

Clause 97: Establishment and management of Objects of smuggled Migrants Trust Fund.

(1) There is established the Objects of Smuggling of Migrants Trust Fund, into which all proceeds of the sale of assets and properties of smugglers shall be paid from the Consolidated Revenue Fund of the Federation into which they were initially paid.

(2) The Fund shall be managed by a Management Board which shall comprise —

(*a*) the Comptroller General of Immigration, who shall be the chairman;

(*b*) representative of the Federal Ministry of Interior;

(*c*) representative of the Federal Ministry of Health;

(*d*) representative of the Federal Ministry of Finance;

(*e*) representative of the Federal Ministry of Women Affairs and Social Development;

(*f*) representative of the Office of the Accountant-General of the Federation;

(*g*) representative of the Office of the Auditor -General of the Federation;

(*h*) representative of the Central Bank of Nigeria;

(*i*) Deputy Comptroller General — Finance and Accounts;

(*j*) Deputy Comptroller General-Migration; and

(*k*) Comptroller in charge of the Section on Administration, who shall be the Secretary.

(3) The Minister shall make regulations and issue guidelines for the management of the Fund established under subsection (1) of this section, or any other fund assigned to the Board for its management under this Bill, and other related matters (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Consideration deferred.

PART XVI — TREATMENT OF SMUGGLED MIGRANTS

***Committee Recommendation*:**

Clause 98: Treatment of smuggled migrants.

The Service shall ensure that –

(*a*) a smuggled migrant is not subjected to discriminatory treatment on account of race, colour, gender, age, language, religion, political or other opinion, cultural beliefs or practices, national, ethnic or social origin, property, birth or other status, including his status as a smuggled migrant;

(*b*) a smuggled migrant has access to adequate health and other social services during the period of his temporary residence in Nigeria;

(*c*) a smuggled migrant has access to the embassy or consulate of the country of which he is a citizen or where there is no embassy or consulate, have access to the diplomatic representative of the State that takes charge of the country's interest or nationals, to protect him;

(*d*) a smuggled migrant is able to return home safely, if he wishes and when he is able to do so;

(*e*) a smuggled migrant is not denied temporary residence visas during the pendency of any criminal, civil or other legal actions;

(*f*) investigation, detection, gathering and interpretation of evidence are conducted in such a manner as to minimize intrusion into the personal history of a smuggled migrant:

(*g*) the identity of a person smuggled is protected;

(*h*) the use of any person's history of being smuggled to discriminate or cause harm to such person, his family or his friends in any way whatsoever, particularly with regard to freedom of movement, marriage or search for gainful employment, is prohibited;

(*i*) steps are taken to maintain and rehabilitate facilities provided for smuggled migrants; and

(*j*) a smuggled migrant and his family are protected from intimidation, threats, and reprisals from smugglers and their associates, including reprisals from persons in position of authority (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 98 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 99: Non-detention or prosecution of smuggled person.

No smuggled migrant shall be detained or prosecuted for any of the offences created under this Bill or any other relevant law simply by reason of his being an object of any of the offences created under this Bill or any other relevant law, having consented to, collaborated with or participated in the commission of any such offence (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Amendment Proposed:

In line 2, immediately after the words "relevant law" *leave out* all the words (*Hon. Yakubu Dogara — Bogoro/Dass/Tafawa Balewa Federal Constituency*).

Question that the amendment be made, put and agreed to.

Question that Clause 99 *as amended, stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 100: Establishment of transit shelters.

(1) There shall be established for the Division Transit Shelters which shall be managed and supervised as facilities for caring for rescued smuggled migrants.

(2) The Transit Shelters shall be run by appropriate staff of the Division with the aim of providing protection, assistance, counselling, rehabilitation and training for the rescued smuggled persons to facilitate their rehabilitation and reintegration into the society (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 100 *stand part of the Bill, put and agreed to.*

PART XVII — PROTECTION OF INFORMATION, INFORMANTS AND WITNESSES

***Committee Recommendation*:**

Clause 101: Protection of information, informants and witnesses.

(1) Where a person volunteers to the Service or an official of the Service any information which may be useful in the investigation or prosecution of an offence under this Bill or any other relevant law, the Service shall take all reasonable measures to protect the identity of that person and the information so volunteered shall be treated as confidential.

(2) In any criminal trial undertaken for the prosecution of any offence created under this Bill or any other relevant law, any witness for the prosecution, and wherever necessary, members of his family shall be put under an appropriate witness protection programme which may be necessary for the protection of his life and safety, and the protection of his life and safety of members of his family (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 101 *stand part of the Bill, put and agreed to.*

PART XVIII — MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS

***Committee Recommendation*:**

Clause 102: Public Private Partnership and Sharing Formular.

(1) **The Service shall collaborate** with Public and Private Sector interest groups on a **Public -Private Partnership Platform to** attract funds for acquisition, provision and **development of infrastructure and equipment to enable the Service provide appropriate professional skills and modern migration management facilities.**

(2) All revenue accruing from the Public- Private Partnership Platform shall be shared in the following manner : 40% to the Federal Government, 30% to the Service Provider or providers and 30% to the Nigeria Immigration Service : Provided that the revenue accruing to the Service under this subsection shall be managed by the Management Board established under Section 97 of this Bill (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Consideration deferred.

***Committee Recommendation*:**

Clause 103: Refugees.

The Comptroller-General of Immigration upon the recommendation of the National Commission for Refugees shall issue any relevant immigration document in respect of a refugee in Nigeria (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 103 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 104: Burden of proof.

In any proceedings under this Bill or Regulations made under this Bill, or on examination by an immigration officer, if the question arises:

(*a*) whether any person is in possession of a passport, visa or permit;

(*b*) whether any person is a citizen of Nigeria; or

(*c*) Whether any person is a citizen of any other country —

the burden of proof that the person is in possession of a passport, visa or permi , or that he is a citizen of Nigeria, or that he is a citizen ofr that other country, lies on that person (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 104 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 105 Offences by a body corporate.

(1) Where an offence under this Bill or any other relevant law committed by a body corporate is proved to have been committed on the instigation or with the connivance of or is attributable to any neglect on the part of a director, manager, secretary of the body corporate, or any person purporting to act in any such capacity, the officer or person shall be liable on conviction to imprisonment for a term of Three years or to a fine of Two million Naira or both : Provided that where the offence committed is an offence relating to smuggling of migrants, the Director, Manager, Secretary or such other person purporting to act in any such capacity, the officer or person shall be liable to the penalty prescribed for individuals under the various provisions for such offences under this Bill.

(2) Where a body corporate is convicted of an offence under this Bill, it shall be liable to a fine of Five million Naira and the court may issue an order to wind up the body : Provided that where a body corporate is convicted of an offence relating to smuggling of migrants, it shall be liable to a fine of Ten Million Naira, and the court may issue an order to wind-up the body corporate and its assets and properties transferred to the Objects of Smuggling of Migrants Trust Fund.

(3) Nothing contained in subsections (1) and (2) of this section shall render any person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(4) Any body corporate that refuses to —

(*a*) renew its expatriate quota within the stipulated time; or

(*b*) render its expatriate monthly returns, shall be liable on conviction to a fine of Three Million Naira (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 105 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 106: Criminal responsibility of ships and airlines operators, other commercial carriers, tour operators and operators of travel agencies.

(1) Every airline operator, sea or other water vessel operator, or land transportation, or commercial carrier, tour operator, or operator of a travel agency is under obligation not to aid and abet, facilitate and promote —

(*a*) any Immigration offence;

(*b*) smuggling of persons; or

(*c*) any exploitation in tourism.

(2) Every airline operator, sea or other water vessel operator, commercial carrier including motor vehicle operator, tour operator or operator of a travel agency shall notify its clients of its obligation under subsection (1) of this section.

(3) Every airline operator, sea or other water vessel operator, commercial carrier, tour operator or travel agency is required to —

(*a*) insert in contracts with corresponding suppliers in destination countries, clauses requiring the suppliers to comply with the obligations stated in subsections (1) and (2) of this section;

(*b*) refrain from utilizing messages on printed materials, video or the Internet that could suggest or allude to behaviour incompatible with the objectives of this Bill;

(*c*) inform their staff of their obligations under this Bill; and

(*d*) include clauses regarding their obligations under this Bill in their conditions of service.

(4) Every airline operator, sea or other water vessel operator, commercial carrier, tour operator or travel agency who violates the provisions of subsections (1) and (2) of this section, commits an offence, and in addition to any other penalty provided in any other law or enactment, is liable on conviction to a fine of Two million Naira : Provided that where the offence committed is an offence relating to smuggling of migrants, the commercial carrier, tour operator or travel agency shall be liable to a fine not exceeding Ten Million Naira, and the court may issue an order to wind-up the business of the carrier, tour operator or travel agency and its assets and properties transferred to the Objects of Smuggling of Migrants Trust Fund (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 106 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 107: Evidence as to orders.

A document purporting to be an order, notice or directives made or given by the Minister for the purposes of this Bill, and to be signed by him or on his behalf, shall be received in evidence, and shall until the contrary is proved, be deemed to be made or issued by him; and prima facie evidence of any such order, notice or directive may in any legal proceedings, be given by production of a document bearing a certificate purporting to be signed by or on behalf of the Minister and stating that the document is a true copy of the order, notice or directive (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause* 107 *stand part of the Bill, put and agreed to.

***Committee Recommendation*:**

Clause 108: Application of certain enactment.

The President may, by order published in the Gazette, extend the provisions of —

(*a*) the Mutual Assistance in Criminal Matters within the Commonwealth (Enactment and Enforcement) Act, Cap. M-24, Laws of the Federation of Nigeria, 2004; and

(*b*) the Transfer of Convicted Offenders (Enactment and Enforcement) Act, Cap. T-16, Laws of the Federation of Nigeria, 2004, to apply to any country outside the Commonwealth and accordingly the provisions of the Acts mentioned in paragraphs (*a*) and (*b*) of this section shall have effect in their application to this Bill or any relevant law (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 108 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 109: Restriction on legal proceedings against the service.

(1) No civil action shall be commenced against the Service, or its authorised officers before the expiration of a period of 30 days after a written notice of intention to commence the suit shall have been served on the Service by the intending plaintiff or his agent, and the notice shall clearly and explicitly state the:

(*a*) cause of action;

(*b*) particulars of the claim;

(*c*) name of the plaintiff;

(*d*) name and office address of the intending plaintiff's counsel; and

(*e*) relief which he claims.

(2) The notice referred to in subsection (1) of this section and any summons, or other documents required or authorized to be served on the Service under this Bill or any other enactment or law, may be served by:

(*a*) delivering it to the Headquarters of the Service; or

(*b*) sending it by registered post addressed to the Service Headquarters (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 109 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 110: Restriction on execution against property of the Service.

In any action or suit against the Service no execution shall be levied or attachment process issued against the Service unless not less than three months' notice of the intention to execute or attach has been given to the Service (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 110 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 111: Indemnity of officers of the Service.

The Comptroller-General of Immigration, or any other officer or employee of the Service shall be indemnified out of the assets of the Service against any proceedings brought against him in his capacity as the Comptroller-General of Immigration, an officer or employee of the Service where the act complained of was performed in the course of his official duties and is not unlawful or ultra vires of his powers (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause* 111 *stand part of the Bill, put and agreed to.

***Committee Recommendation*:**

Clause 112: Regulations.

(1) The Minister may make regulations as in his opinion are necessary or expedient for giving full effect to the provisions of this Bill and for the due administration thereof.

(2) Without limiting the generality of the provisions of subsection (1) of this section, regulations may be made for all or any of the following purposes —

(*a*) for the control of immigrants resident in Nigeria;

(*b*) for the patrol of Air, Sea, and Land Borders;

(*c*) for the administration, control and issuance of passports, visas and other travel documents; and

(*d*) for any other matter covered by the provisions of this Bill (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 112 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 113: Power to institute proceedings.

Where by this Bill, any power to institute proceedings or to recover funds is vested in the Minister, that power may be exercised in his name by any authorized Immigration Officer (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 113 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 114: Repeal.

The Immigration Act, 1963, Cap. I-1, Laws of the Federation of Nigeria, 2004, and the Passport (Miscellaneous Provisions) Act, 1985, Cap. P-1, Laws of the Federation of Nigeria, 2004 are hereby repealed (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 114 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 115: Savings provision.

(1) It is declared that without limiting the provisions of the interpretation Act the repeal by this Bill shall not affect any document made or anything whatsoever done under the enactment so repealed.

(2) Every order, requirement, certificate, notice, authorisation, consent, application, request, or things made, issued, given or done under the repealed Act, shall if in force at the commencement of this Bill, and so far as it could have been made, issued, given or done under this Bill continue in force and have effect as if made, issued, given or done under the corresponding provision of this Bill (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 115 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 116: Interpretation.

In this Bill unless the context otherwise requires —

"Alter" with its grammartical variations and cognate expression, when used with reference to a passport or any other travel document, identity document, work or residence permit sh all include, but shall not be limited to, effecting a change or changes in a passport or any other such document, or permit, or the production or reproduction, or assistance in the production or reproduction of any part or portion of a passport or any other such document (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Alter" be as defined in the interpretation to this Bill, put and agreed to.

"Area Office" means an administrative unit under the State Command comprising at least three Local Government Areas (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the words "Area Office" be as defined in the interpretation to this Bill, put and agreed to.

"Assets" means items of ownership convertible into cash; total resources of a person or business, as cash, notes and accounts receivable, securities, inventories, goodwill, fixtures, machineries or real estate (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Assets" be as defined in the interpretation to this Bill, put and agreed to.

"Attachment" includes forfeiture or the permanent deprivation of asset or property by order of a court (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Attachment" be as defined in the interpretation to this Bill, put and agreed to.

"Board" means Civil Defence, Fire, Immigration and Prisons Services Board (CDFIPB) (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Board" be as defined in the interpretation to this Bill, put and agreed to.

"Citizen of Nigeria" has the meaning assigned thereto by sections 23 to 25 of the Amended Constitution of the Federal Republic of Nigeria, 2011, signed into Law by the President of the Federal Republic of Nigeria on the 10th day of January, 2011, unless the context otherwise permits (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the words "Citizen of Nigeria" be as defined in the interpretation to this Bill, put and agreed to.

"Command" means an administrative unit comprising among others Area Offices, Out-post and Local Government Immigration Offices under a Comptroller of Immigration Service (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Command" be as defined in the interpretation to this Bill, put and agreed to.

"Commercial carrier" means any person or any public, private or other entity engaged in transporting pers ons, goods or mails, by air, land or water, including the sea, for remuneration, hire or any other commercial benefit (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the words "Commercial carrier" be as defined in the interpretation to this Bill, put and agreed to.

"Court" means the Federal High Court (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Court" be as defined in the interpretation to this Bill, put and agreed to.

"Criminal Group" means a group which has been in existence for a period of not less than six months preceding the commission of the offence under this Bill or any other relevant law, and which consists of three or more persons, the members of which have been acting in concert in the commission of crimes amounting to felony since its coming into existence, in order to obtain, directly or indirectly, financial or other material benefit; and the group need not have formally defined roles for its members, continuity of or permanence in its membership, or a developed structure (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the words "Criminal Group" be as defined in the interpretation to this Bill, put and agreed to.

"Crew" in relation to a ship or aircraft means all persons actually employed in the working or service of a ship or aircraft including the master of the ship and captain of the aircraft, and "supernumerary crew" shall be construed accordingly (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Crew" be as defined in the interpretation to this Bill, put and agreed to.

"Directorate" means an administrative unit at the Service Headquarters headed by a Deputy Comptroller-General of Immigration (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Directorate" be as defined in the interpretation to this Bill, put and agreed to.

"Division" means an administrative unit under the Directorate at the Service Headquarters headed by an Assistant comptroller-General of Immigration (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Division" be as defined in the interpretation to this Bill, put and agreed to.

"Enter" with its grammatical variations and cognate expression shall include land (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Enter" be as defined in the interpretation to this Bill, put and agreed to.

"Financial or other material benefit" includes any type of financial or non-financial inducement, payment, bribe, reward, advantage or service, including sexual or other services (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the words "Financial or other material benefit" be as defined in the interpretation to this Bill, put and agreed to.

"Fraudulent document" means a document which is forged, improperly issued or obtained through misrepresentation, corruption or duress, or any other unlawful manner, produced or reproduced without lawful authority or used by a person other than the lawful holder (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the words "Fraudulent document" be as defined in the interpretation to this Bill, put and agreed to.

"Freezing" means temporarily prohibiting the transfer, conversion, disposal or movement of money or assets or temporarily assuming custody or control of money or assets (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Freezing" be as defined in the interpretation to this Bill, put and agreed to.

"Immigrant" means any person who is not a Nigerian citizen, or persons accorded immunity by reasons of diplomatic status, who enters or seeks to enter Nigeria (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Immigrant" be as defined in the interpretation to this Bill, put and agreed to.

"Immigration Officer" means any fit person employed in accordance with section 3 of the Act (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the words "Immigrant Officer" be as defined in the interpretation to this Bill, put and agreed to.

"Import" with its grammatical variation and cognate expressions means to bring or cause to be brought into Nigeria (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Import" be as defined in the interpretation to this Bill, put and agreed to.

"Land" means disembark from a ship or aircraft and "disembark" shall be construed accordingly (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Land" be as defined in the interpretation to this Bill, put and agreed to.

"Leave" with grammatical variations and cognate expression include embark (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Leave" be as defined in the interpretation to this Bill, put and agreed to.

"Minister" means the minister charged with responsibility for immigration (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Minister" be as defined in the interpretation to this Bill, put and agreed to.

"Minor" means any young person under the age of 18 years (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Minor" be as defined in the interpretation to this Bill, put and agreed to.

"Object of an Offence of Smuggling of Migrants" means a smuggled person, whether or not he has suffered any economic, physical, psychological, emotional, social, or other injury, loss or damage, including any violence, torture, cruel, inhuman or degrading treatment or punishment, or threat to his life, health or safety, or he has been subjected to exploitation by a smuggler, in relation to any of the offences of smuggling of migrants created under this Bill or other relevant law (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the words "Object of an Offence of Smuggling of Migrants" be as defined in the interpretation to this Bill, put and agreed to.

"Passport" means with reference to the person producing it a travel document furnished with a photograph of such person and issued to him by or on behalf of the country of which he is a subject or a citizen and for a period which according to the laws of that country has not expired and includes any other similar document approved by the government establishing the nationality and identity of the person to whom it refers to the satisfaction of an immigration officer (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Passport" be as defined in the interpretation to this Bill, put and agreed to.

"Permit" includes pass (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Permit" be as defined in the interpretation to this Bill, put and agreed to.

"Person" means an individual or corporate entity under this Bill (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Person" be as defined in the interpretation to this Bill, put and agreed to.

"Prescribed" means prescribed by this Bill or by Regulations or any Order under this Bill (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Prescribed" be as defined in the interpretation to this Bill, put and agreed to.

"President" means the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "President" be as defined in the interpretation to this Bill, put and agreed to.

"Procure" includes recruit, incite, promise, or induce (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Procure" be as defined in the interpretation to this Bill, put and agreed to.

"Prohibited immigrant" includes any person liable to be refused entry or to be deported under this Bill (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the words "Prohibited immigrant" be as defined in the interpretation to this Bill, put and agreed to.

"Recognized port" or "Port of Entry" means in respect of landing from or embarking in an aircraft any recognized airport where there are facilities for customs, health and immigration inspection and in respect of persons landing from or embarking in a ship or otherwise arriving in or departing from Nigeria means any place where there are the like facilities (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the words "Recognized port" or "Port of Entry" be as defined in the interpretation to this Bill, put and agreed to.

"Residence permit" means a document that allows a non-Nigerian to reside in Nigeria and carry out an approved activity as specified in the document, or to a company, resident or citizen of Nigeria as a dependant (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the words "Residence permit" be as defined in the interpretation to this Bill, put and agreed to.

"Receiving country" means the country into which a migrant is smuggled or the country in which he is enabled to stay illegally (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the words "Receiving country" be as defined in the interpretation to this Bill, put and agreed to.

"Section" is an administrative unit under a Division at the Headquarters and State Command (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Section" be as defined in the interpretation to this Bill, put and agreed to.

"Service" means the Nigeria Immigration Service (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Service" be as defined in the interpretation to this Bill, put and agreed to.

"Smuggling of Migrants" means the procurement, in order to obtain directly or indirectly a financial or material benefit, of the illegal entry of a person into a country of which the person is not a national or a permanent resident, or to facilitate the illegal stay of such a person in a country (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the words "Smuggling of Migrants" be as defined in the interpretation to this Bill, put and agreed to.

"Smuggled person" means any person who is an object of any of the offences of smuggling of migrants created under this Bill or any other relevant law, regardless of whether that person consented to, or collaborated or participated in the process of the smuggling or not, and regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted or not (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the words "Smuggled person" be as defined in the interpretation to this Bill, put and agreed to.

"Smuggler" means a smuggling of migrants offender (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Smuggler" be as defined in the interpretation to this Bill, put and agreed to.

"Superior Immigration Officer" for the purpose of exercising authority in respect of this Bill, Superior immigration officer means an officer not below the rank of Assistant Superintendent of Immigration II (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the words "Superior Immigration Officer" be as defined in the interpretation to this Bill, put and agreed to.

"Trafficking" means all acts and attempted acts involved in the recruitment, transportation within or across Nigerian borders, purchase, sale, transfer, receipt, or harbouring of a person involving the use of deception, coercion or debt bondage for the purpose of placing or holding the person, whether for or not in involuntary servitude (domestic, sexual or reproductive), in forced or bonded labour, or in slavery-like conditions (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Trafficking" be as defined in the interpretation to this Bill, put and agreed to.

"Transit Shelter" means shelter established by the Service for the purpose of receiving, caring for, rehabilitating and re-integrating into society, objects of smuggling of migrants offences (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the words "Transit Shelter" be as defined in the interpretation to this Bill, put and agreed to.

"Travel document" for entry into Nigeria includes in any proper case a visa and employment papers and international certificates of health valid for such entry and where a citizen of Nigeria is departing include any visa, employment papers and international certificates of health valid for entry into or travel through any other country as the case may require (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the words "Travel document" be as defined in the interpretation to this Bill, put and agreed to.

"Trust Fund" means the Objects of Smuggling of Migrants Trust Fund established under section 97 of this Bill (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the words "Trust Fund" be as defined in the interpretation to this Bill, put and agreed to.

"Visa" means an impress, vignette or endorsement on a travel document purporting to be signed and dated by an officer appointed for that purpose by or on behalf of the government of Nigeria and authorizing entry into or transit across Nigeria subject to compliance with any special r requirements prescribed by the Immigration Authorities at a port of entry and valid for specified time and for the number of journeys stated therein (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Visa" be as defined in the interpretation to this Bill, put and agreed to.

"Work permit" means a document that allows a non Nigerian expert to reside and work in Nigeria for a specified period of time (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the words "Work permit" be as defined in the interpretation to this Bill, put and agreed to.

"Zone" means an administrative unit comprising of some State Commands headed by an Assistant Comptroller - General of Immigration Service (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that the meaning of the word "Zone" be as defined in the interpretation to this Bill, put and agreed to.

Question that Clause 116 *stand part of the Bill, put and agreed to.*

***Committee Recommendation*:**

Clause 117: Citation.

This Bill may be cited as the Immigration Bill, 2013 (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Question that Clause 117 *stand part of the Bill, put and agreed to.*

SCHEDULE

CONFIDENTIAL FORM A

Sections 82 (1) (*b*) *and* (*c*), 88 (1), (2) *and* (3), *and* 90 (*b*) and (*c*)

IMMIGRATION ACT, 2013

OFFENDERS DECLARATION OF ASSETS FORM

To be completed in TRIPLICATE and in BLOCK LETTERS or typed

All available information should be included.

Important: It is an offence punishable by up to a maximum of five years imprisonment under the Act to-

A. (*i*) knowingly fail to make full disclosure of your assets and liabilities.

(*ii*) knowingly make a declaration that is false.

(*iii*) fail to answer any question contained in this Form.

(*iv*) fail, neglect or refuse to make a declaration or furnish any information required.

B. (*i*) Each item is to be completed. If it does not apply, the person affected must write "nil" or "none" in the space. Where necessary an extra sheet or sheets may be used and attached to this form by the person affected.

(*ii*) The form should be addressed to the Comptroller-General of the NIGERIA IMMIGRATION SERVICE

I, ...

being accused of an offence of .....

..... under the IMMIGRATION ACT, 2013, or .....

..... declare as follows:

	Surname		*Other Names*	*Date of Birth*	*If Dead, State the Date of Death*	*Place of Birth*	*Nationality*		*State of Origin*	*Local Government*	*Occupation*	*Present Address*	*Home Address*
	a) Now	b) At birth if different					a) Now	b) At birth					
Declarant													
3. Spouse	If married, state date and place												
4. Father													
5. Mother													
6. Brothers (i) ii) iii) 7. Sisters i) ii) iii)													
8. Children (i) ii) iii)													
9. Dependant, Relative, Uncle, Aunt, Next of kin Uncle, Aunt, Next of kin													

9. Associate Persons		**Names in full**	**Address**	**Occupation**	**Nationality**
i)		.....	.....		.....
.....		.....	.....	.....	.....
ii)		.....	.....	.....	.....
iii).....				.....	

10. Aliens:	a) State b) if	Alien Registration Naturalized Certificate No.							
11. Schools attended with dates	Primary school Post Primary school Or Secondary University, Etc Qualification attended								

12. Amount held in own account ₦ : K

(*i*) Cash in hand .. ..

(*ii*) Cash at bank .. ..

(*iii*) Outside Nigeria (Countries /Bank to be named .. ..
(Denomination in foreign currency) ..... : .....

13. Amount held on behalf of or as trustee for any person other than your wife/husband ₦ : K

(*i*) Cash in hand .. ..

(*ii*) Cash at bank .. ..

(*iii*) Outside Nigeria (Countries /Bank to be named .. ..
(Denomination in foreign currency) ..... : .....
₦ : K

14. Loans or advances made.. .. ..

15. Loans or advances received .. .. ;.

16. Amount held on behalf of or as trustee of wife/husband ₦ : K
(*i*) Cash in hand.. .. .. ., ...
(*ii*) Cash at bank.. .. ..
(*iii*) Outside Nigeria (Countries/Banks to be named)
(Denomination in foreign currency) ..... : .....

17. Wife's/husband's/children's account held (beneficial or otherwise) ₦ : K

(*i*) Cash in hand .. ..

(*ii*) Cash at bank .. ..

(*iii*) Outside Nigeria (Countries /Bank to be named .. ..

18. Government securities, including premium bonds and other interests held in companies, firms or partnerships (giving names of companies firm and partnerships) —

(*a*) by you (here state the bonds, etc.)

(*b*) by Wife (wives)/husband* (here state the bonds, etc.)

(*c*) by children (here state the bonds, etc.).

19. Property in Nigeria which you are interested in, giving date when acquired —

(*i*) Land:

(*ii*) Buildings:

(*iii*) Other property (if any).

20. Membership, ownership, directorship, shareholding, or other related interest in —

(*i*) A company incorporated in Nigeria

(*ii*) A company incorporated outside Nigeria

(*iii*) A partnership or sole proprietorship

21. Property outside Nigeria in which you are interested in giving date when acquired —

(*i*) Land

(*ii*) Buildings

(*iii*) Other property (if any)

22. Property outside Nigeria which any wife/husband* is interested in, giving date when acquired —

(*i*) Land

(*ii*) Buildings

(*iii*) Other property (if any)

23. Property outside Nigeria which any wife/husband* is interested in, giving date when acquired —

(*i*) Land

(*ii*) Buildings

(*iii*) Other property (if any)

24. Property in Nigeria which any child of yours is interested in, giving date when acquired —

(*i*) Land

(*ii*) Buildings

(*iii*) Other property (if any)

25. Property outside Nigeria which any child of yours is interested in, giving date when acquired —

(*i*) Land

(*ii*) Buildings

(*iii*) Other property, (if any)

26. Names of other dependant relatives:

27. Estate in which you are interested as trustee or beneficially interested (Name of deceased or trustee).

28. Property held by any person on your behalf (in or outside Nigeria) —

(*i*) Cash in hand;

(*ii*) Cash at bank;

(*iii*) Land:

(*iv*) Buildings:

(*v*) Other properties.

If outside Nigeria, insert name of countries and banks, including the relevant account numbers, and the banks' addresses.

.....
.....
.....
Signature of Accused Person
Date .....

.....
.....
.....
Signature and Address of Witness
Date .....

FORM B

FREEZING ORDER

[*Section* 94 (1)]

(*This form may be amended according to circumstances*)

To the Manager.....
(*Here insert name and branch of bank*)

Under the authority conferred on me by section .....Act, you are hereby ordered —

(*a*) to supply the following information relating to the under mentioned accounts, that is to say ..... (*Here set out the information required in respect of named accounts*)

(*b*) to produce the books and documents relating to the under mentioned accounts, that is to say ..... (*Here set out the books and documents to be produced in respect of named accounts*)

(*c*) to stop all outward payments, operations or transactions (including bills of exchange) as far as possible in the ordinary course of banking in respect of the following accounts:
..... (Here indicate the accounts)

2. This order shall remain in force until revoked

DATED at this day of..... 20.....

.....
Judge

Federal High Court ..... *Judicial Division*

Long Title:
A Bill for an Act Repeal Immigration Act of 1963 and Enact Immigration Act 2012 and Other Related Matters (*Hon. Umar Bature — Sokoto North/Sokoto South Federal Constituency*).

Amendment Proposed:
Leave out the number "2012" and *insert* "2013" instead thereof (*Hon. A bubakar Momoh — E tsako East/West/Central Federal Constituency*).

Question that the amendment be made, put and agreed to.

Question put and agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair reported that the House in Committee of the Whole considered the Report of the Committee on Interior on a Bill for an Act to Repeal the Immigration Act of 1963 and Enact the Immigration Bill, 2013 and Other Related Matters (HB. 61) and approved Clause 1, approved Clauses 2 and 3 as amended, approved Clause 4, approved Clause 5 as amended, approved Clauses 6 - 8, approved Clause 9 as amended, approved Clauses 10 - 12, approved Clause 13 as amended, approved Clauses 14 - 21, approved Clause 23 as amended, approved Clauses 24 - 46, approved Clause 47 as amended, approved Clauses 48 - 52, approved Clauses54 - 58, approved Clause 59 as amended, approved Clauses 60 - 90, approved Clause 91 as amended, approved Clauses 92 - 96, deferred Clause 97, approved Clause 98, approved Clause 99 as amended, approved Clauses 100 - 101, deferred Clause 102, approved Clauses 103 - 117, approved the Schedule and approved the Long Title of the Bill as amended.

Question that the House do adopt the Report of the Committee of the Whole, put and agreed to.

(*ii*) ***Committee on Public Petitions*:**
Report of the Petition by SPR Tuku Paul:
That this House do consider the Report of the Committee on Public Petitions on the Petition by SPR Tuku Paul against the Nigerian Army on Alleged Non-Reinstatement into the Nigerian Army and approve the Recommendation therein.

Order read; by leave of the House, deferred.

(*iii*) ***Committee on Public Petitions*:**
Report of the Petition by Ex-Cpl Maria Ikhimi:
That this House do consider the Report of the Committee on Public Petitions on the Petition by Ex-Cpl Maria Ikhimi against the Nigerian Army on Alleged Dismissal from the Services of Nigerian Army and approve the Recommendation therein

Order read; by leave of the House, deferred.

(*iv*) ***Committee on Public Petitions*:**
Report of the Petition by Mr Tamuno Inabiebu Taylor:
That this House do consider the Report of the Committee on Public Petitions on the Petition by Mr Tamuno Inabiebu Taylor (a Distance Learning Student) against the University of Abuja on his Alleged Expulsion by the University of Abuja Authorities and approve the Recommendation therein.

Order read; by leave of the House, deferred.

14. **Adjournment:**
That this House do adjourn till Wednesday, 13 *November*, 2013 *at* 11.00 *a.m.* (*Hon. Mulikat Akande-Adeola — House Leader*).

The House adjourned accordingly at 3.45 *p.m.*

Aminu Waziri Tambuwal
Speaker