



Jackson, Etti & Edu

Immigration Newsletter

**Federal Ministry
of Interior:
Updated Guidelines
on the administration
of expatriate quota
and other business
instruments.**



On the 24th of January 2022, the Federal Ministry of Interior (FMI) released new guidelines to govern the administration of Expatriate Quota (EQ) in Nigeria (Guidelines). These Guidelines contain some notable provisions which have now been summarized as follows:

Expatriate Quota Positions with Permanent Until Reviewed (PUR) Status

As provided in the Guidelines, all Companies granted EQ positions on a PUR status are now required to submit clear copies of the approval letters to the Office of the Deputy Director, (Enforcement, Inspection & Investigation). The purpose of this, according to the FMI, is to carry out an examination of all PUR instruments issued since the establishment of the Ministry and to assist the FMI to determine the length of time of each PUR instrument and ensure that the holders are eligible. The submission is to commence on the 24th of January 2022 and end on the 28th of February 2022.

The penalty for not submitting within the stipulated period will be the immediate cancellation of all such PUR statuses.

Update of Details of Company Representatives

Similarly, with effect from the 24th of January 2022, all companies that have been granted EQs and other facilities by the FMI are now required to update their contact details by submitting a formal letter introducing their representatives or consultants.

Mandatory Submission of Monthly Returns and National Identification Number

The Guidelines makes it mandatory for National Identification Number (NIN) of the expatriates and their Nigerian understudies to be reflected in the monthly returns filing with effect from Monday, 24th January 2022. Consequently, all organisations granted EQ positions must ensure that their Expatriates and Nigerian Understudies obtain their NINs. Monthly Returns are the reports on the utilization of the EQ issued to the Company. The reports usually contain information such as, the nationality of the expatriates, when the expatriates arrive or exit Nigeria and where they reside in the country, and now their NINs.

Before now, monthly returns were filed manually at the FMI, but, with the launching of the online portal, monthly returns on the utilization of all approved EQ positions are now required to be submitted via the online portal.

Commencement of Inspection

The FMI has stated that it will commence inspection on all companies, organisations, and facilities in Nigeria. It is interesting to note that while the FMI has the authority to carry out inspections under the Nigerian Immigration Act, 2015 (the Act), it did not exercise it before now. However, it has stated in the Guidelines that it will begin to carry out inspections as authorised by the Act. Further to this, the FMI has introduced inspection fees which is renewable every 2 years. The inspection fees are as itemized below:

- ▶ Inspection of Organisations that are located outside FCT that require flight and overnight stay- N150,000 (One Hundred and Fifty Thousand Naira Only)
- ▶ Inspection of Organisations in FCT or out of state which require overnight stay and journeys by Road – N80,000 (Eighty Thousand Naira, Only)
- ▶ Inspection of Organisations located in FCT and neighboring states that do not require flight or overnight stay – N45,000 (Forty-Five Thousand Naira Only).

Conclusion

It is our considered view that the FMI may soon embark on compliance drive. Thus, we recommend that companies engage experts and immigration specialists to advise them on their immigration responsibilities as it relates to the Guidelines and other applicable legislation.

At Jackson, Etti & Edu, our immigration advisory team is available to assist companies to achieve compliance with the law and engage with the FMI, NIS, NCDMB and other relevant regulatory agencies as may be required.