



Jackson, Etti & Edu

# **IMMIGRATION AUDITS AND COMPLIANCE: A Necessity For Seamless Business Operations And Continuity**



## Introduction

There is no doubt that the world is a global village. As the saying goes, “no man is an island” which could be extended to mean that no country deals in isolation. Nigeria like many developing countries encourage foreign direct investments (FDI) to boost its economy and as the largest economy in Africa, Nigeria attracts lots of FDIs within its regions thereby bringing about the influx of foreigners.

The advent of technology and the internet has made global mobility easier. Due to the dearth of knowledge in the country, many organisations now see the need to employ foreign personnel who are more qualified to take on technical roles within their organisations. It is therefore imperative for employers to ensure that they adhere strictly to immigration rules and regulations as they take on more foreign employees.

The implication is that it places a heavy responsibility on the Immigration authority to ensure that the activities of foreigners who are within its borders are effectively monitored. In Nigeria, the Nigerian Immigration Service (NIS) is saddled with the responsibility of ensuring that foreigners or expatriates who come into the country are in compliance with the Immigration Act and Regulations.

## What is an Immigration Audit?

Simply put, an immigration audit is a review of a company's immigration documents and the verification of all expatriate staff information in order to ensure that they are in compliance with the Immigration Laws and Regulation currently in force in the country. In furtherance of this, the Nigerian Immigration Act granted the Immigration Service powers to enter any premises and carry out searches on all companies who have expatriate staff even without a warrant. These inspections are usually unannounced and impromptu to ensure that no immigration offence has been or is being perpetrated by the company or its expatriate staff. Sometimes, companies are selected for audits based on intelligence or anonymous reports of some form of wrongdoings within the company.

It is advisable for companies to develop an approach to immigration compliance based on their structure and employment needs. Conducting an internal audit of immigration operations, is an important process to ensuring that the company is compliant with immigration regulations while still meeting their commercial needs.

## Preparing For an Immigration Audit: What Employers Should Do

Immigration audits are deliberately designed to take companies unaware to ascertain whether they are flouting any immigration rules. Many companies are usually not prepared for immigration audits primarily due to misinformation. For a company to be successful at an immigration audit exercise, the following are a few of the immigration requirements a company should ensure are always in place:

- ❑ Proper documentation of all expatriates within their employment including their Temporary Receipts, Bio Data Pages, Combined Expatriate Residence Permit and Alien Card (CERPAC) also known as the Green Card, endorsement pages, Visa endorsement receipts, and other relevant information;
- ❑ Monthly returns should be filed as and when due;
- ❑ Expatriate Quotas, Temporary Work Permits, Residence Permits and Visas should be tracked to ensure that they are renewed before they expire;
- ❑ At all times ensure that there are at least two Nigerians understudying each expatriate;
- ❑ Send notifications to the Nigerian Immigration Service if there is any change to the company's office address;
- ❑ Ensure that expatriates are not re-designated or given a different employment without first getting an approval from the Comptroller-General of Immigration;
- ❑ Any expatriate who is discharged from employment must be deleted/ removed from the quota and notice must be given to the NIS.

It is important to note that while immigration audit exercises are conducted within a period of three (3) to six (6) months, impromptu inspections and audits can be carried out at any time and without notice. There are extreme punitive sanctions on any company that fails to meet the requirements as requested by the compliance officers.

The compliance officers will usually assess the company and it is not unusual for them to request for additional documents that they consider essential during the audit process.

The outcome of the audit exercise is usually communicated to the company through a report generated by the compliance officers. Where a company is in contravention of any of the immigration laws and regulation, there are penalties meted out on such companies as prescribed under the Immigration Acts and Regulations. The penalties may range from retention of the original passport of the expatriate staff to detention of these expatriates or placing the company under surveillance.

## **Why is Immigration Audit Important?**

In recent years, there has been an increase in the level of scrutiny from the immigration authorities. Many company usually find it challenging to balance immigration compliance and business productivity. The inability to strike this balance makes many companies pay less attention to their immigration compliance and may unintentionally put them in a position where they are in contravention of the Act.

Immigration audits help the immigration authorities to identify companies that are in contravention of the Act. It also helps the immigration authorities to monitor the movement of expatriates in and out of the country. Asides these, immigration audits can also ensure that the immigration authorities have the updated information concerning the business activities of all expatriates within the company. It also ensures that all relevant taxes and fees are being paid to the government as and when due.

Although, Immigration audits majorly help the authorities, it can also help the companies to ensure that internally, all their documents are up to date and that they are in no way contravening the relevant laws.

While immigration compliance may seem like a straightforward process, it usually needs a lot of attention and expertise because the lack of compliance on the part of the company may open them to both punitive and pecuniary sanctions under the Act. These immigration sanctions usually have lasting damaging effects on a company and the image it has worked so hard to protect.

## **Conclusion**

The immigration reforms and initiatives carried out by the NIS in ensuring that Nigeria is compliant with international best practice in accordance with the Immigration Act, makes it imperative for organisations who have expatriate staff

in their employment to comply fully with the legal requirements in order to ensure that they are not caught on the wrong side of the law. This can only be achieved if these companies align their internal processes and other necessary details to ensure full compliance with the law.

At Jackson Etti & Edu, our immigration advisory team is available to assist companies to achieve compliance with the Immigration laws and regulations and engage with the Federal Ministry of Interior, Nigerian Immigration Service and other regulatory agencies.

## CONTACT PERSONS



### **TAIWO ADESHINA**

Partner, Immigration and  
Private Client Service Unit

*[taiwo.adeshina@jee.africa](mailto:taiwo.adeshina@jee.africa)*



### **ADEBOMI ADEKEYE**

Associate, Immigration and  
Private Client Services Unit

*[adebomi.adekeye@jee.africa](mailto:adebomi.adekeye@jee.africa)*



RCO Court 3-5, Sinari Daranijo Street, t: +234 (1) 4626841/3, +234 (1) 2806989  
f: +234 (1) 2716889 Victoria Island, Lagos, Nigeria. e: [jee@jee.africa](mailto:jee@jee.africa) [www.jee.africa](http://www.jee.africa)