



NATIONAL POLICY on LABOUR MIGRATION 2014

FEDERAL REPUBLIC OF NIGERIA

IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to assist in meeting the operational challenges of migration; advance understanding of migrants' issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants. The Policy was produced through the joint technical support of ILO and IOM in collaboration with the national partners in Nigeria.

This document was published for the Federal Government of Nigeria by International Organization for Migration (IOM) with funding provided by the European Union under the 10th EDF programme on "Promoting Better Management of Migration in Nigeria". The Federal Government of Nigeria is entirely responsible for the contents of this publication. The contents herein can in no way be taken to reflect the opinions or views of the European Union.

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PREFACE

Nigeria has a long history of extensive migration. We can distinguish five different migration patterns within this history. The first were the Hausa transnational links through trans-Saharan trade routes and on pilgrimage to Mecca; the second was the transatlantic slave trade; the third was migration, mostly internal, in search of better wages and living conditions during the colonial period; and the fourth was intraregional migration strengthened mainly by ethnic solidarities of communities separated by borders, and the movement to African countries that had booming economies. The fifth pattern of migration has been the migration of Nigerian professionals to other countries of the world, such as Germany, Italy, Spain, the United States, the United Kingdom, and so on, due to the downturn of the Nigerian economy in the 1980s.

Many Nigerians who chose to leave the country at that time, or who were already abroad but chose to remain in their host countries, did so to escape a harsh economic climate at home – in pursuit of the proverbial greener pastures. In other words, most of them left the shores of this country to seek employment and improve their standards of living. Predominantly young, the majority of these Nigerians embarked on blind, undocumented migration to unknown destinations. They passed through treacherous routes and put their lives at risk to reach parts of the world where they believed they would find work. Many died on the journey and many more are now in various prisons serving a range of sentences for crimes committed in their desperate fight for survival. A significant proportion of these migrants are victims of traffickers and smugglers who subject them to inhumane treatment and modern-day slavery. In addition, in response to the increasing numbers of migrants entering their countries indiscriminately, countries of destination have tightened

security at their borders and introduced stringent visa requirements. As a result, desperate migrants now seek out illegal routes to enter these countries.

The illegal, and sometimes criminal, activities of Nigerian migrants in host communities have been a source of concern to the Governments, both in the past and present. The need for effective governing of the process of labour migration has become more necessary because of Nigerian migrant workers in irregular situations – especially women – who are extremely vulnerable to violations of their basic and fundamental human rights. There is a pressing need to check extensive exploitation, lack of social protection, the stigmatization that Nigerian labour migrants are exposed to, and the embarrassment experienced by innocent Nigerians at various entry ports, especially at airports. The negative image of Nigeria among the comity of nations and the tensions usually generated between Nigeria and host countries resulting from xenophobic attacks on Nigerians – especially in those countries where large numbers of irregular Nigerian migrant workers reside – also calls for attention. Equally important has been the necessity for organizing labour migration so that it is beneficial to the migrants and their families, as well as to both the origin and destination countries, to ensure labour migration for development.

Our desire for and commitment to formulating this Policy was born out of the statutory responsibility of the Federal Ministry of Labour and Productivity (FMLP) to protect all Nigerians in employment wherever they may be domiciled, and the patriotic need to protect the good image of our dear country, using every instrument within our mandate. Consequently, we requested for technical assistance to develop the National Policy on Labour Migration from the International Labour Organization (ILO) and the International Organization for Migration (IOM).

IOM agreed to accommodate our request within the AENEAS 2006 project financed by the European Union (EU), and ILO responded by engaging a consultant – Professor Aderanti Adepoju – to do the preliminary work, and later sent a mission from Geneva to push the work forward and build

on the foundation already laid by the Consultant. The project constituted a Technical Working Group (TWG) to supervise the drawing up of the Policy. It comprised key stakeholders from Ministries, Departments and Agencies (MDAs), including non-State actors, and they were armed with the required capacity through two training workshops on “Development of Migration Policies” provided by IOM as part of the project.

The initial Policy draft was based on and adapted from the dialogue with the national social partners, government, employers and workers’ representatives – taking into account their perspectives and concerns in respect of the proposed National Policy on Labour Migration – as captured in consultations facilitated by the ILO and in a report prepared by Professor Aderanti Adepoju entitled *Report of Social Partners’ Dialogue on Nigeria Labour Migration Policy* (December 2009).

Inputs were provided by officials of the social partners: FMLP, the Nigeria Employers’ Consultative Association, the Trade Union Congress, the Nigeria Labour Congress and the members of the TWG. These inputs were based on the ILO’s Multilateral Framework on Labour Migration (2006), the Sri Lanka National Labour Migration Policy (2008), and the contemporary preparation of a national labour migration policy in the United Republic of Tanzania. Officials of the EU delegation observed the process and made useful contributions to the project.

ILO assisted by preparing an initial draft derived from these inputs, and Professor Aderanti Adepoju was then engaged by IOM to incorporate further comments of the interministerial TWG and the national stakeholders into the final draft Policy document.

The Policy was conceived by Nigerians and put together by Nigerians. It is therefore a Nigerian document. It is the product of dogged determination and the commitment of Nigerians to succeed in their various endeavours. It is a true reflection of the positive spirit for which Nigerians are noted far and wide.

It is my hope that the successful implementation of this Policy will achieve the much-desired development and improvement of Nigeria’s image. It is in this regard that I commend this Policy document to all Nigerians, in particular the social partners – and also indeed the international communities and development partners – to take advantage of this initiative for effectively managing labour migration – to achieve development for the benefit of the country, and of humanity in general.

Chief Emeka Wogu CON
Honourable Minister
Federal Ministry of Labour
and Productivity

ACKNOWLEDGEMENTS

The production and final completion of the National Policy on Labour Migration was made possible by the commitment and contributions of numerous individuals and organizations that are true friends of Nigeria.

We thank, first, the International Organization for Migration for its sustained financial and technical contributions towards the final draft document. Development of the Policy required IOM to provide capacity-building for key stakeholders on “Labour Migration Policy Development” under the framework of the AENEAS 2006 Labour Migration Project funded by the Italian Government. We also note with appreciation the financial contribution of this organization towards the setting up and hosting of meetings of the TWG under the framework of AENEAS 2006.

We are also immensely grateful to the International Labour Organization (ILO) for its timely and important support and intervention in the process of developing the document. ILO’s technical expertise in the area of labour migration globally was brought to bear on the final document, and we are particularly appreciative of ILO for having embarked on two separate missions to Nigeria for this purpose.

The contributions of Professor Aderanti Adepoju were of the utmost importance to the success of the process of producing this document. Funded by ILO, Professor Adepoju painstakingly developed the initial concept report that galvanized the expectations of the social partners (government, workers and employers) into a document providing the bedrock for further enrichment of the document by other stakeholders. We deeply appreciate his efforts.

Social partners are the drivers of the labour sector in Nigeria and globally. Consequently, the importance of their contributions in providing a road map to guide the development of the initial draft document must be highlighted. These contributions are the foundation upon which the Policy has been developed. We note with particular satisfaction the comradeship that grew among the organizations that made up the interministerial TWG, and the invaluable contributions by this group during the development of the Policy; we hope that this wonderful support will be sustained and extended to the implementation of the Policy.

Dr. O.C. Illoh
Permanent Secretary
Federal Ministry of Labour
and Productivity

ABBREVIATIONS AND ACRONYMS

| | |
|---------|---|
| AFRO | World Health Organization Regional Office for Africa |
| DWCP | Decent Work Country Programmes |
| CAC | Corporate Affairs Commission |
| CBN | Central Bank of Nigeria |
| DWCP | Decent Work Country Programmes |
| ECOWAS | Economic Community of West African States |
| EU | European Union |
| FMLP | Federal Ministry of Labour and Productivity |
| FMoE | Federal Ministry of Education |
| FMol | Federal Ministry of Information |
| FMoj | Federal Ministry of Justice |
| HuCaPAN | Human Capital Providers Association of Nigeria |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| ILM | International Labour Migration |
| ILMD | International Labour Migration Desk (FMLP) |
| ILO | International Labour Organization |
| IOE | International Organization of Employers |
| IOM | International Organization for Migration |
| ITUC | International Trade Union Confederation |
| MDAs | Ministries, Departments and Agencies |
| MFA | Ministry of Foreign Affairs |
| MoU | Memorandum of Understanding |
| NAPTIP | National Agency for the Prohibition of Traffic in Persons and Other Related Matters |
| NBS | National Bureau of Statistics |

| | |
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| NDE | National Directorate of Employment |
| NECA | Nigeria Employers' Consultative Association |
| NELEX | National Electronic Labour Exchange (FMLP) |
| NIS | Nigeria Immigration Service |
| NLC | Nigeria Labour Congress |
| NNVS | Nigeria National Volunteer Service |
| NPopC | National Population Commission |
| NSITF | Nigeria Social Insurance Trust Fund |
| OATUU | Organization of African Trade Union Unity |
| OHCHR | Office of the United Nations High Commissioner for Human Rights |
| PEAs | Private Employment Agencies |
| PRSP | Poverty Reduction Strategy Paper |
| SMEDAN | Small and Medium Enterprises Development Agency of Nigeria |
| TUC | Trades Union Congress |
| TWG | (Interministerial) Technical Working Group |
| TWC | Technical Working Committee |
| UN | United Nations |
| UNDAP | United Nations Development Assistance Plan |
| UNICEF | United Nations Children's Fund |
| UN-Women | United Nations Entity for Gender Equality and the Empowerment of Women |

1.1 Introduction

International migration has become a major aspect of international economic relations and an important component of a globalized world. In 2010, an estimated 215 million people lived outside their countries of birth or citizenship. It is estimated that over 20 million Africans live outside their countries of birth or citizenship – in other African countries, as well as in large numbers in Europe, North America and the Gulf States.

Best estimates indicate that in 2009, over 5 million Nigerians lived abroad, well over half of them in sub-Saharan Africa, and primarily in West Africa. On the other hand, after the oil boom that led to economic growth in 1975, Nigeria became a country of immigration. By 2006, well over 600,000 foreigners were resident in Nigeria, 97 per cent of whom originated from other West African countries.

The importance of labour mobility has long been recognized as key in obtaining economic integration and advancement across the Economic Community of West African States (ECOWAS). In recent years, the positive links between migration and development have been receiving increasing attention. At the same time, migration has been posing a number of challenges for Africa, raising concerns over skills drain, discrimination and social exclusion.

Labour migration is often embarked upon because of lack of opportunities for decent work at home; other factors compelling migration include violations of human rights, bad governance, political intolerance and wars.

Labour migration can and does serve as an engine of growth and development for all parties involved. In destination countries, migration has rejuvenated workforces, improved the economic viability of traditional sectors including agriculture and services, promoted entrepreneurship, and met demand for skills for high tech industries, as well as unmet labour needs. In regions of origin, positive contributions of migrant workers are reflected in remittance flows, transfer of investments, increased technological and critical skills through return migration, as well as increased international business and trade generated by transnational communities. Migrants in regular situation also acquire new skills and ideas in more favourable working and living conditions.

However, in response to the current global economic and employment crisis, destination countries have been imposing more stringent conditions for admission, while some countries are even encouraging return through incentive packages. Nonetheless, it can be assumed that new demands for foreign workers will open up with economic recovery.

1.2 Rationale

Background

Migration is a vital economic and social feature of Nigeria. As a country of origin, transit and destination, Nigeria has benefited and can benefit from labour migration, but this potential is not yet being fulfilled.

Dissatisfaction with general socioeconomic conditions in the country and high unemployment rates have increased emigration from Nigeria, especially among young, educated persons – traditionally males and increasingly females – in search of employment opportunities within and outside the continent, some towards the Middle East and the United States, others across Europe, the Americas and Asia. Nigeria has lost some of its best brains to labour migration and is spending huge amounts on hiring foreign experts. Lower-skilled migrants have also found their way around the world, including to many African nations.

At present, Nigeria has no formal structure to aid nationals migrating to other countries; people are left to decide on their own to emigrate to escape economic hardship. Many migrate in risky and unsafe travelling conditions and, on arrival, often can obtain only low-skill, low-paying jobs. In addition, migrants are often poorly informed, or misinformed, about the conditions governing entry, work, residence, skills required, cultural issues, and their rights and obligations in destination countries. In addition, many women and children are trafficked and lured into commercial sex work and exploitative forced labour. Yet, irregular migration and trafficking thrive because so many people, particularly women and children, are disempowered and vulnerable.

Pre-departure training and counselling can help prepare migrant workers to enter the labour market and be integrated into a new society. Most Nigerian labour migrants travel under private arrangements, thus protection against scams and bogus agencies needs to start at home. This ensures that recruitment agencies do not exploit the ignorance and vulnerability of potential migrants by charging exorbitant fees.

Need for an Improved Migration Policy and Regulation of Labour Migration

Globally, remittances have overtaken official development assistance, and in Nigeria they are now the second-largest foreign exchange earner. Prior to 2003, remittance inflow into the country was under USD 2.0 billion; five years later, it had reached 10 times that amount. There has, however, been limited success in harnessing this huge remittance inflow for development. In addition, there is no monitoring of return migration of the Nigeria diaspora, so that the skills of returnees can be used for development.

Since most migration is for employment, there was a clear need for a comprehensive national policy on labour migration, situated within the framework of national laws, national migration policy and relevant international conventions. Such a policy would aim to regulate and provide data on the movement of citizens into and out of the country. In addition, it would provide for the protection and welfare of nationals who

choose to become migrant workers, taking into account the uprooting that their migration entails, along with the difficulties of relocating in a foreign country. It would also ensure that immigrants into Nigeria are qualified to take available jobs and are treated equally and fairly, and that the country will not lack the same skills provided by foreigners when its own qualified citizens leave.

Regulating labour migration and its attendant employment issues implies the existence of rules and regulations that all stakeholders must uphold. In this context, Nigeria has ratified both the Migration for Employment Convention, 1949 (No. 97) of the ILO in 1960 and the International (UN) Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990, in January 2009. Some of the legal standards in these instruments have been incorporated into national legislation (Annex 2); but more work is needed to fully “domesticate” these norms to provide a sound national legal foundation for labour migration policy and practice.

Other points to be noted include the following:

- Social partners contribute significantly in setting standards for employment contracts, ensuring and/or providing welfare services for migrants, advocating assigning labour attachés to Nigerian missions abroad and cooperating with countries of destination.
- Some sectoral policies relating to labour migration have been formulated; these include the revised National Human Resources for Health Policy (2006), National Gender Policy (2006), National Youth Policy (2009) and so forth.

Developing the National Policy on Labour Migration: The Process

In 2004, at the request of FMLP, ILO provided technical support in setting up the International Labour Migration Desk (ILMD) at the Ministry, and in October 2008, the Minister of Labour formally requested both ILO and IOM to assist in preparing a national labour migration policy, and to help establish bilateral arrangements for the employment of Nigerians abroad.

In 2008, within the framework of the project “Facilitating a Coherent Migration Management Approach in Ghana, Nigeria, Senegal and Libya by Promoting Legal Migration and Preventing Further Irregular Migration”, IOM, supported by the European Union (EU) and the Government of Italy, initiated a consultative process towards a labour migration policy with a range of national stakeholders.

In September 2009, IOM organized a training workshop on labour migration policy development for members of the TWG. The workshop was based on two sets of recommendations made earlier that year by the AENEAS 2006 Labour Migration Project: one at a National Policy Planning Workshop held in Abuja in April, and the other at the Third Steering Committee Meeting held in Dakar, Senegal, in June. The objective of the workshop was to provide technical assistance and guidance to TWG members, as well as build the capacity of officials to equip them with the necessary tools for developing the proposed labour migration policy. The outcome of the training workshop was the identification by the TWG of initial concerns and of components they believed should be included in such a policy.

In December 2009, ILO facilitated a consultation between FMLP and the national employers association and trade union federations to obtain inputs on the proposed Policy. These inputs, including the concerns expressed earlier by the TWG, served as the basis for the framework of a zero draft National Policy on Labour Migration. This was subsequently reviewed by the Ministry of Labour and social partner organizations, and forwarded for review and comments by members of the TWG. IOM later facilitated the hiring of a consultant to fine-tune the document, incorporate comments from stakeholders, and organize meetings of the social partners and the TWG in order to review and validate the draft Policy document.

The process of developing the draft Policy thus spanned almost two years – from early 2008 to December 2010 – involving consultations, drafting and validation, meetings with social partners and other stakeholders, the TWG, a national validation workshop, and so on.

Finally, it should be borne in mind that the existence of a National Policy on Labour Migration will require subsequent monitoring, reviewing and evaluating, in collaboration with the social partners and other relevant stakeholders.

1.3 Vision

Establish an effective, responsive and dynamic labour migration governance system in Nigeria.

1.4 Mission

To provide an appropriate framework at national level to regulate labour migration; to ensure benefits to Nigeria as a country of origin, transit and destination; to ensure decent treatment of migrants and their families; and to contribute to development and national welfare.

1.5 Overall objectives

The National Policy on Labour Migration addresses the following three broad objectives:

- Promotion of good governance of labour migration;
- Protection of migrant workers and promotion of their welfare and that of families left behind;
- Optimization of the benefits of labour migration on development while mitigating its adverse impact.

1.6 Specific objectives

1.6.1 Governance

- Enact legislative framework as foundation of national labour migration governance;
- Strengthen rules and regulations for effective and efficient administration of labour migration;
- Strengthen existing institutional framework for labour migration and enhance coordination with all concerned ministries and agencies across all levels of government;
- Ensure full participation of social partners as key labour migration stakeholders in policy elaboration, implementation and evaluation;
- Build migration-related knowledge and database for good policy and effective administration;
- Cooperate with ECOWAS towards full implementation of relevant protocols;
- Ensure gender-responsive policy and its implementation at all levels, by government, social partners and other relevant actors;
- Ensure competency and capacity of all concerned staff of government and of social partner officers, to effectively and knowledgeably conduct their responsibilities.

1.6.2 Protection and social welfare

- Promote right to decent work, including access to social protection for female and male migrant workers;
- Ensure non-discrimination and equality of treatment for all workers, migrants, and nationals abroad and at home;
- Ensure that all employment of migrant workers is subject to labour standards and code of ethics;

- Equip workers to make better-informed decisions on migration for employment;
- Promote and protect the rights of labour migrants in recruitment for employment abroad through supervision and monitoring of recruitment activities;
- Promote consular and diplomatic services to protect migrants and oversee their welfare;
- Strengthen policies and programmes for welfare of migrants, return migrants and families left behind;
- Ensure the voting rights of migrant workers.

1.6.3 Promoting employment and development benefits of migration

- Integrate migration issues into national planning and Decent Work Country Programmes (DWCPs), and promote decent work at home;
- Link migration and employment in policy and practice;
- Upgrade skills and vocational training in Nigeria to meet assessed and anticipated domestic and foreign labour market needs, in harmony with international qualifications standards;
- Promote development based on funds coming into Nigeria as remittances;
- Create environment conducive to attracting migrant remittances, diaspora investments and technology transfers;
- Create environment conducive to attracting return of Nigerian talent;
- Attract migrant expertise for domestic development, using the new skills of returned migrants, as well as utilizing at home the high skills of those still in diaspora;
- Negotiate bilateral agreements and Memorandums of Understanding (MoUs) with major origin and destination countries.

1.7 Policy framework

The National Policy on Labour Migration is intended to be consistent with the National Development Plan, and the draft National Policy on Migration. It aims to be comprehensive, fair and transparent, in line with international norms and good practices; to be effective and efficient; and, above all, to be gender sensitive and in consonance with the country's Decent Work Agenda and the federal government initiatives.

The guiding principles for an effective and efficient labour migration policy must include the promotion and protection of the human rights of migrant workers, regardless of their status. National laws and practice should ensure this and should further specify steps for the prevention of and protection against abusive migration practices such as migrant smuggling, trafficking in persons and exploitation of persons. An orderly and equitable process of labour migration in both origin and destination countries would guide migrant workers through all stages of migration, including planning and preparation, transit and arrival, reception in the country of destination, as well as possibilities for return and reintegration. The National Policy on Labour Migration is intended to:

- endorse the principles of good governance and regulation of labour migration by putting in place policies, laws, regulations and administrative procedures, based on consultative processes with social partners and civil society, which are reflective of the international standards ratified and respected by Nigeria;
- promote opportunities for all men and women to engage in migration for decent and productive employment in conditions of freedom, equity, security and human dignity;
- work towards the fulfilment and protection of all human and labour rights of migrant workers, including effective protection of and services to their families left behind;
- promote and support the migration of skilled men and women to secure work environments where the protection of fundamental human rights at work is upheld to the highest standards;

- enhance the benefits of labour migration on the Nigerian economy, society and the migrant workers and their families and minimize its negative impacts;
- mobilize development contributions of migrant workers in terms of remittances, investments, transfer of technology and skills, human capital formation, enhancement of social capital, promotion of trade and business links, and reintegration of returning migrant workers;
- link the development and migration processes in recognition of the contribution of labour migration to employment, economic growth, development and the generation of income; and
- mainstream labour migration issues into national development plans.

2.1 Promotion of good governance in labour migration

A fundamental dimension to effective migration policy is good governance. Good governance protects human rights, promotes the participation of all stakeholders in migration management processes, and achieves equitable social and economic outcomes. A sound approach to the governance of labour migration will also assist in resolving problems of irregular migration and positively enhance the image of Nigeria. Participation, transparency and accountability are key elements of good governance.

Key components of governance of labour migration include:

- strengthening the legal and legislative foundations for the governance of migration, migratory processes, as well as their social and economic dimensions;
- establishing rules and practices to promote regular migration through established channels and reduce risks in labour migration;
- setting in place government institutional structures and capacity-building of officials for the administration and coordination of the policy, and defining a clear division of responsibilities among them;
- providing for mechanisms of social dialogue and consultation with all stakeholders (labour unions, employers associations, civil society organizations);
- collecting and analysing labour migration statistics and promoting research to apply the results to both labour migration policy and national development policy;

- enhancing cooperation with other governments and regional bodies, particularly within ECOWAS; and
- ensuring policy responsiveness to gender-related issues.

2.1.1 Legislative foundation

Nigeria has an established legislative framework that could provide a foundation for national migration policy and practice. This framework builds on the commitments to international standards within agreements and protocols that Nigeria has already ratified, and every effort would be made to ensure full domestication in national law and practice.

The principles and norms of good governance in any country are established in law by enacting legislation that reflects the international standards ratified or respected by that country and thus provide a mandate and accountability for policy, regulation and practice under the rule of law.

The International Labour Organization Conventions 97 and 143, and the 1990 UN Convention provide guidelines for the fair treatment of labour migrants and facilitate labour migration through regular means. Nigeria ratified the ILO Convention 97 in 1960, and the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in January 2009, as well as all eight of the ILO's fundamental conventions on rights in the workplace (see Annex 1). The other conventions that need to be ratified are Private Employment Agency Convention 181 and Domestic Work/Domestic Workers Convention.

The ECOWAS protocols on free movement of persons, right of residence and right of establishment are relevant regional legal instruments requiring domestication within Nigerian legislation.

Legislation on labour issues nationwide is on the Exclusive Legislative List of the 1999 Constitution of the Federal Republic of Nigeria. This domiciles the power to regulate employment and the related issues within FMLP.

The recent review of existing Nigerian laws in the light of international norms should be utilized by the Ministry of Justice, in collaboration with FMLP, to identify gaps and areas for improvement. New or amended legislation may be proposed as appropriate, to ensure a fully adequate legislative foundation consistent with relevant international and regional standards.

2.1.2 Regulation

Elements of a regulatory framework for labour migration are contained in various statutes already in operation within the country: regulation of employment and work-related activities, including local recruitment, overseas employment and the protection of workers' welfare are contained in the Labour Laws of the Federation (2004); border management and control fall within the Nigeria Immigration Act 1963; and financial services regulations and control can be found in the Central Bank of Nigeria Act 1958.

2.1.2.1 Employment and recruitment agencies

Parties engaged in providing employment services must abide by the relevant regulations to maintain integrity within the system, to provide high service quality and to report, within stipulated periods, on activities embarked upon. FMLP has already developed a process for the registration and licensing of genuine private employment agencies (PEAs). Registration requirements for PEAs that fill vacancies within Nigeria are different from those for PEAs filling vacancies abroad.

In addition, clear guidelines for recruitment need to be issued and the recruitment process more closely monitored and regulated. If existing legislation were strictly applied, the licensing and supervising of recruitment and placement services for migrant workers, as enjoined by the Private Employment Agencies Convention 1997 No. 181 and its Recommendation No. 188, would lead to the prevention of trafficking and other forced labour outcomes by stopping unscrupulous intermediaries, agencies and employers from luring migrants into exploitative employment, especially domestic workers. Constant monitoring of PEAs involved in the recruitment of migrant workers would eradicate excessive

fees, false job offers, misleading propaganda relating to emigration, provision of credits with high interest rates for travel, and job-brokering services, as well as the use of forged documents. Recruitment agencies should be held to high standards of conduct, and penal provisions should be present and regularly applied to address offences.

Streamlining and simplification of regulations and procedures to facilitate their application would protect workers and would also prevent the regulatory framework from becoming unwieldy – and thus an unintended inducement to irregular migration.

2.1.3 Institutional framework

The framework on which this National Policy on Labour Migration is built consists of initiatives driven by the Nigerian Government and the social partners.

2.1.4 Government initiatives

2.1.4.1 Federal Ministry of Labour and Productivity

FMLP is responsible for promoting employment, regulating the labour market, overseeing labour relations and monitoring employment conditions. Implementation of the National Policy on Labour Migration is thus primarily the responsibility of the Ministry, in collaboration with social partners and other stakeholders directly involved in various aspects of the labour migration process.

The Ministry has offices in all the states of the federation and in the Federal Capital Territory. The traditional public employment exchanges and professional executive registries of the Ministry are located in these offices. The Ministry carries out its other mandatory and statutory labour and employment administration responsibilities through these offices. Labour officers in the state offices are statutorily empowered to carry out labour inspections, which are a necessary tool for policy implementation and monitoring. The officers will have to play pivotal roles in the effective administration and implementation of the policy document throughout the country.

2.1.4.2 International Labour Migration Desk

In 2004, the Nigerian Government embarked on proactive measures to regulate regular migration, as well as to manage irregular migration, by establishing ILMD within FMLP, with a mandate – among other things – to formulate, review and implement the National Policy on Labour Migration, as well as establish a database on migrants within and outside Nigeria, and to formulate and conduct pre-departure training programmes, including counselling. ILMD also collaborates and cooperates with other relevant stakeholders and agencies of government on migration within and outside the country to ensure smooth and orderly migration and successful overseas job placements. It is also charged with preventing child labour and other forced labour, and child and migrant trafficking.

FMLP has commenced with licensing PEAs and recruiters for overseas and local job placement. Among its other activities are management of entry quota offered to Nigeria by the Government of Italy arising from bilateral agreement on migration repatriations, and management of the bilateral agreement on migration repatriations that Nigeria has with Spain and Ireland, among other countries. ILMD has also been involved in a media campaign to educate and sensitize Nigerians regarding the adverse consequences of irregular migration.

ILMD is thus responsible for ensuring the protection of employment and social rights of Nigerian workers abroad and those of foreign migrant workers within the country. It aims, in other words, to ensure the application of simple, effective processes for providing information and services to would-be migrant workers, discouraging irregular undocumented migration into and out of the country, and promoting gradual, systematic implementation of regional and subregional labour migration schemes. In addition, ILMD is expected to ensure coherence between labour migration, employment and other national policies, in recognition of the wide social and economic implications of labour migration, and to promote decent work and full, productive and freely chosen employment for all. Through ILMD, the Government also aims to strengthen existing departments and those agencies responsible for ensuring that all citizens have accessible and equitable opportunities for skills development.

2.1.4.3 National Electronic Labour Exchange

The National Electronic Labour Exchange (NELEX) Project is an electronic meeting place for job-seekers and employers, with the Government playing the catalytic role of regulating job offers and providing a safe environment for job-seeking. The NELEX platform is capable of collecting information about job-seekers and employers from anywhere in the world. The data is collated in a simple and understandable format and further information can be presented when requested.

The aim is to transform employment exchanges and professional executive registries, including the NELEX centre in Abuja, into nationwide one-stop job centres for the registration of job-seekers within the country and also for those who may wish to be engaged outside the country by foreign employers. NELEX centres would provide job-seekers with information about regular means of securing visas for work purposes in all parts of the world, and would give names and addresses of registered and licensed PEAs. Employers would be able to place orders for workers from any part of the world and have their requests met within a short time.

An added advantage is that the centres would provide researchers with information on the dynamics of labour and skills shortages, and make known to the public other relevant labour market information.

The Government plans to position NELEX strategically to enable it to extend its services to neighbouring West African States, to promote subregional integration of labour.

2.1.4.4 Other Ministries and Departments

Several Ministries, Departments and Agencies (MDAs) are engaged in the formulation of the National Policy on Labour Migration, and will also be actively involved in the implementation of the Policy. These include the following:

- National Planning Commission
- National Population Commission

- National Commission for Refugees, Migrants and Internally Displaced Persons
- National Agency for the Prohibition of Traffic in Persons and Other Related Matters
- Nigeria Immigration Services
- Central Bank of Nigeria
- National Bureau of Statistics
- Federal Ministry of Health
- Federal Ministry of Justice
- Federal Ministry of Interior
- Federal Ministry of Information
- Federal Ministry of Women Affairs and Social Development
- Ministry of Foreign Affairs
- Federal Ministry of Education
- Federal Ministry of Youth Development
- Office of the Special Assistant to the President on Migration and Youth
- Nigerian National Volunteer Service

The roles and responsibilities of other MDAs, as well as those of a stakeholder forum, a technical working committee and an advisory board, will be identified and/or assigned in the course of the implementation of this policy.

2.1.4.5 Subnational Level

At the state and local government levels, there are no MDAs directly involved in migration matters. This situation will have to be reviewed once the National Policy on Labour Migration is adopted. However, FMLP includes state labour offices that are responsible for the registration of applicants for local or domestic employment and for job placement. These offices should be playing a larger role as migration information centres to provide services and up-to-date information to would-be migrants on employment possibilities, both in the country and abroad. The state offices also carry out pre-registration inspection of PEAs and issue reports to the headquarters.

2.1.5 Social partners

2.1.5.1 Nigeria Employers' Consultative Association

The Nigeria Employers' Consultative Association (NECA) is the umbrella organization of employers in the organized private sector of Nigeria, formed in 1957, to provide the forum for the Government to consult private sector employers on socioeconomic and labour policy issues. NECA provides a platform for private sector employers to interact with the Government, labour, communities and other relevant institutions in and outside Nigeria for the purpose of promoting harmonious business environment that will engender productivity and prosperity for the benefit of all. Its primary function is to protect employers' interest and promote the private sector as a dependable engine of development. It serves as external moderator for recruitment and selection exercises to ensure objectivity, neutrality and transparency; assists in the preparation of employment contracts, wages and salary administration, in collective bargaining, and in the management of industrial disputes; and provides a database on collective agreements, taxation and social welfare issues, among others.

2.1.5.2 Nigeria Labour Congress

The Nigeria Labour Congress (NLC) is a central labour organization (Federation of Trade Unions), which was established in 1978 to protect, defend and promote the rights, well-being and interest of all workers, pensioners and trade unions; to promote and defend a Nigerian nation that would be just, democratic, transparent and prosperous; and to advance the cause of the working class generally. Its primary objectives are to continually enhance the quality of life of workers, to improve their income and other working conditions, and to promote and defend the trade union and human rights of workers. Its role in promoting and defending the rights of migrant workers is key in the implementation of the National Policy on Labour Migration.

2.1.5.3 Trade Union Congress

The mission of the Nigeria Trade Union Congress (TUC) is to organize, nurture, unite and defend trade unions in Nigeria and advance the socioeconomic and political interests of workers and society, so that social justice and democracy will thrive. The TUC evolved consequent to government rationalization of hundreds of trade associations and was backed by the Trade Unions Act Cap 437 of the 1990 Law of Federation of Nigeria (first known as Trade Union Decree 22 of February 1978).

2.1.6 Building a knowledge base through data generation and research

The federal government will take charge of disseminating information about the Nigerian environment to migrants coming into the country, and providing information about countries of destination to Nigerians intending to leave the country. A federal data bank containing information about migrants and their skills, to aid employers in identifying job-seekers with relevant skills, would be expanded. There is a need to systematically collect accurate and up-to-date information on domestic and foreign labour markets, and about education and training institutions in the country. The Government will support a “human resource and skills” survey that would build upon the results of previous surveys by relevant institutions.

The National Bureau of Statistics (NBS) and the National Population Commission (NPopC) are the government institutions empowered to coordinate and manage all data, including migration data, in the country. A common migration database would be established to register departures and returns of migrants, as well as to store details of employment possibilities both in Nigeria and abroad.

2.1.7 International cooperation

The Nigerian Government will promote regional cooperation in the context of ECOWAS agreements, and seek to monitor and effectively implement the agreements and MoUs.

It will further negotiate and enter into bilateral agreements and MoUs with destination countries with a view to maximizing their benefits for migrant workers and the country.

The Government strongly discourages indiscriminate international recruitment from Nigeria, especially in sensitive sectors that could have a negative impact on national development – for example, health, education and engineering. The National Policy on Labour Migration is, however, designed to promote programmes, initiatives and interventions that would attract and facilitate investment into training or higher education programmes by governments of destination countries. The Policy also proposes transfer of skills and technology through mutually agreed terms and conditions.

Efforts will be made to encourage other countries to respect and adhere to relevant international agreements and instruments on migrant workers.

2.1.8 Gender

Specific attention shall be paid to ensure that all labour migration policies, legislation, institutions and practices are gender responsive. Specific sex-disaggregated data on labour migration and immigration concerning Nigeria will be collected and analysed to ensure that the implementation of the Policy is gender responsive at all levels of government, and in the actions of social partners and other actors.

2.1.9 Capacity-building

Attention will be given to capacity-building of staff associated with administrative, regulatory and management structures of labour migration, including staff of social partner organizations and labour and welfare attaché offices. Specific attention will be given to develop capacity to pursue bilateral and multilateral agreements that would benefit Nigeria, migrant workers and their families, and the host countries.

3.1 Protection of migrant workers and promotion of their welfare

Protecting all workers, particularly migrant workers, both those lawfully resident and those in irregular situation in line with the provisions of extant international legal instruments Nigeria has ratified, is a cardinal policy objective. Protecting migrant workers and providing support services to them are pertinent ways to optimize the benefits of labour migration, as well as ensuring the human rights and dignity of all persons. Existing international legal instruments, including both the main international conventions addressing migrant workers referred to in the governance section discussed earlier and international labour standards, provide the basic legal framework for the protection of migrant workers and the promotion of their welfare.

Key objectives sought by this policy include protecting the rights of all migrant workers within and outside the country, developing more effective mechanisms to enforce the protection of migrant workers, regulating the employment environment to check unfair labour practices, enhancing the orientation and knowledge of migrant workers and potential emigrants, and ensuring the portability of the social security benefits of migrant workers.

3.2 Protection

Treatment of all migrant workers should be based on the four pillars of the ILO's Decent Work Agenda and align with its international labour standards. There should be no forced labour, and all migrant workers must

have rights to freedom of association and access to engage in collective bargaining.

Special attention will be given to certain vulnerable categories, such as women domestic workers, temporary migrants, and migrant workers in irregular status, who continue to suffer abuses and malpractices at the hands of employers, government officials and the general population in receiving countries.

Support will be provided for the empowerment of migrant workers, especially through the formation of community-based organizations, to enable their voice to be clearly heard and taken into account in policy development and in community life.

The following trade union rights will be upheld for migrant workers, as well as other workers:

- Belonging voluntarily to unions of their choice;
- Negotiating by collective bargaining;
- Equality of wages and conditions with citizens;
- Freedom of movement;
- Freedom to earn, spend and remit their incomes;
- Formal contracts and conditions of service, written in a language the migrant worker understands.

3.3 Equality of treatment

Existing inequalities and discrimination based on sex, race, ethnic origin, nationality or other grounds have been found to be important underlying factors contributing to or increasing the vulnerability of certain groups to being abused, exploited and/or trafficked. In addition, due to restrictive migration laws and policies on entry, residence and employment, workers in irregular situations, as well as trafficked workers, often find themselves in situations that make them more vulnerable to multiple forms of discrimination.

Sexual discrimination puts women migrant workers at particular risk of marginalization, exploitation and abuse. Discrimination facilitates potentially abusive employment situations and weakens the position of migrant workers. This creates particular problems for the country, which, while anxious to maintain the integrity of its immigration laws, also seeks to protect vulnerable groups from discrimination and exploitation. Measures shall therefore be taken to:

- uphold equality of treatment and non-discrimination as universal human and labour rights principles, applicable to migrant workers and national workers alike;
- uphold the labour rights and benefits deriving from engagement in an employment relationship for all migrants working in the country (as also for nationals);
- bring laws and practices, where necessary, in line with the national pension scheme;
- advocate similar equality of treatment and non-discrimination for all Nigerian migrant workers in other countries, in line with international standards; and
- prioritize efforts to obtain full employment in decent conditions – given that the right of citizens to be gainfully employed is provided for in the country’s constitution.

3.4 Enforcement of labour standards and contracts

All employment activities involving migrant workers will be subject to the Labour Act, Chapter L1, Laws of the Federation of Nigeria 2004 and subsequent revisions.

- Labour inspection activity and labour law enforcement will be extended to sectors and workplaces where migrant workers may be present.

- Strong measures will be introduced to ensure the enforcement of employment contracts at the worksite, particularly through bilateral arrangements with host governments.

3.5 Orientation programmes

Pre-employment orientation seminars and intensified information campaigns, especially in rural communities, to provide potential migrant workers with sufficient information to enable informed decision-making will be provided by FMLP, in collaboration with social partners and other relevant stakeholders.

- ILMD will design and, together with other relevant agencies, implement regular pre-departure training programmes for migrant workers ready to travel abroad.
- Orientation programmes will be developed and tailored to impart the expectation that migrant workers are to respect the constitution and laws of the host country. This will include migrant workers coming to Nigeria.
- Orientation services will also be provided to employers and trade union organizations regarding relevant laws and responsibilities for the treatment of migrant workers, including the application of labour law.

3.6 Private employment agencies

Government shall undertake close supervision and monitoring of the recruitment activities of overseas employment promoters or agencies, to minimize malpractices and abuses against those seeking overseas jobs; and, in addition to the cancellation of licenses, criminal proceedings will be introduced against serious offenders.

- Private (electronic) employment agencies are to register with FMLP for the purposes of regulating and monitoring their activities to forestall bogus job advertisements, trafficking in persons, smuggling and other fraudulent activities.
- Special attention will be paid to the recruitment and deployment of categories of workers – such as female domestic workers – who are especially vulnerable to malpractice and abuse.
- For Nigerians travelling abroad, the recruiter will have to expose the intending migrant worker to his/her contract of employment in the presence of an authorized Labour Officer before the migrant embarks on his/her journey.

3.7 External protection or protection at destination

Protection and welfare of migrant workers will be enhanced by securing bilateral instruments with various countries and enhancing the implementation of relevant ECOWAS protocols in Nigeria.

- Bilateral agreements shall be sought to ensure the portability of social security and other entitlements and benefits earned by migrant workers.
- The roles and responsibilities of Nigerian missions abroad shall be expanded to seek and support the welfare of Nigerian migrant workers and their families in destination countries, and the protection of their fundamental rights. This includes, when necessary, advocacy and mediation on behalf of Nigerian migrant workers.
- It is equally important that the role of diplomatic missions in receiving countries, including their capacity to meet the protection and guidance needs of Nigerian migrant workers, be established through the allocation of resources for training, greater service coverage and the establishment of relevant facilities.

- Labour attachés shall be assigned to Nigerian diplomatic missions in countries where there is a strong presence of Nigerian migrant workers.
- Cooperation will be sought with foreign embassies in Nigeria to enhance support for and protection of migrant workers within Nigeria, including assisting their nationals in situations of distress.
- Trades unions and employers' organizations in Nigeria would play a critical role in the protection of migrant workers and their families.
 - To help protect migrant workers, unions and employers' organizations are encouraged to build solidarity alliances with their counterparts in destination and origin countries for applying labour laws and other social protection policies.
 - They should encourage the enforcement of international framework agreements to regulate conditions of work in line with international best practices.

3.8 Migrant welfare programmes and funds

This Policy encourages the establishment and operation of welfare programmes for migrant workers, as well as for their families left at home. In light of this:

- Migrant workers welfare funds shall be developed as innovative and financially sustainable means of providing support services to vulnerable migrant workers in distress.
- Policies and programmes for welfare of migrant workers, return migrants and families left behind shall be strengthened.

4.1 Optimizing the benefits of labour migration for development

This National Policy on Labour Migration expressly links development and migration processes in both origin and destination countries. Migrant workers and returning migrant workers contribute through investments to the transfer of technology and skills, human capital formation, enhancement of social capital, promotion of trade, and business links and good governance. Measures would be taken to enhance the benefits of labour migration on the economy and society; aid and support migrant workers and their families; mobilize development contributions of migrant workers; and expressly link development and migration processes in recognition of the contribution of labour migration to employment, economic growth, development and the generation of income.

This section covers the following:

- Mainstreaming migrant workers contributions into national development plans;
- Linking labour migration and employment;
- Enhancing skills development to meet national and international needs;
- Enhancing the developmental impact of remittances;
- Facilitating reintegration of returning migrants;
- Negotiation of bilateral agreements with labour-receiving and labour-sending countries;
- Linking with the pool of expertise in Nigerian transnational communities.

4.2 Mainstreaming migrant workers' contributions into national development plans

Key to achievement of this National Policy on Labour Migration is the explicit linkage of migration dynamics and its contributions to national development, in the elaboration and implementation of:

- the national DWCP;
- the negotiation of bilateral agreements with labour-receiving and labour-sending countries; and
- the UN Development Assistance Fund (UNDAF) operation.

In addition, the Government shall:

- facilitate and regulate labour and skills emigration, with administration supported by development plans and financing;
- enhance an understanding of the expected impacts of ECOWAS labour circulation measures on national and regional development through development planning; and
- explore possible improvements of models of bilateral and multilateral agreements with migrant-labour destination countries through development planning linkages.

4.3 Linking labour migration and employment

ILMD shall be strengthened to:

- undertake projection of human resource requirements in countries of labour and skills demand, with special attention to emerging skills requirements, to anticipate meeting demand with matching skills;

- provide useful information for the certification of professional and technical qualifications standards in harmony with international expectations;
- create a system for disseminating information among potential emigrants;
- promote opportunities for migrant workers' deployment abroad, taking into account brain drain concerns;
- ensure equal access for suitably qualified Nigerians to skilled employment opportunities abroad; and
- ensure coherence of this National Policy on Labour Migration with any other policies and programmes of the Government, in particular with the anticipated national policy on migration.

4.4 Enhancing skills development to meet national and international needs

In realizing the objectives of this Policy, the Government shall:

- encourage reviews of skills development training structures and systems, to take into account the importance of quality in education, and emerging labour market needs;
- take steps to raise the skill levels of workers to higher standards, to improve their employment opportunities – both at home and abroad;
- develop financial support schemes to help youth acquire skills that are sought after in both domestic and foreign labour markets;
- uphold the freedom of employers to determine the levels of skills and qualifications desired for their staff; and

- promote the participation of employers and trade union organizations in the provision and funding of vocational training and skills upgrading institutions, to meet international skills requirements.

4.5 Enhancing the developmental impact of remittances

Measures shall be taken to:

- ensure freedom for migrant workers to remit their wages back to their home countries;
- facilitate and secure low-cost means for the transfer of remittances; and
- design appropriate programmes and devise financial incentives to help utilize migrant workers' remittances in the development of the country, for example, by promoting investment in small and medium-sized enterprises and through microfinancing.

4.6 Facilitating reintegration of returning migrants

To achieve this, the Government would support voluntary return of Nigerian migrant workers but strongly condemns the forceful return of Nigerian migrant workers. In line with this, efforts shall focus on:

- seeking to encourage collaboration between sending and receiving countries in the development of return and reintegration programmes;
- assisting returning migrant workers impart their skills and expertise to employment creation and the general development of the country through the design of appropriate migrant reintegration programmes;

- further reducing bottlenecks associated with registration of companies to attract increased investments from returnees;
- appropriate provisions for reorientation of returnees to aid their reintegration and also those leaving to prepare them for future return; and
- creating an overall environment conducive to attracting the return of Nigerian talents.

4.7 Negotiation of bilateral agreements with labour-receiving and labour-sending countries

Nigeria has concluded a number of bilateral migration agreements, but these are essentially in relation to return and readmission of irregular migrants. To ensure that future agreements are mutually beneficial to the country, it is desirable also to:

- negotiate bilateral labour migration agreements or MoUs on labour migration that would be beneficial to Nigeria, the migrant workers and the destination country; and
- prepare model MoUs, with particular reference to ILO Recommendation 86, which sets out a model bilateral labour agreement.

4.8 Linking with the pool of expertise in Nigerian transnational communities

Nigerians in the diaspora include highly skilled professionals in technology, science, and the medical and paramedical fields. To facilitate their contribution to national development through physical or “virtual” return, appropriate mechanisms shall be developed to:

- attract migrant workers' expertise to contribute to the sharing of skills and technology transfer;
- provide information to diaspora migrants regarding local investment opportunities; and
- create an enabling environment for investments and enterprise developments from migrants.

5.1 Institutional framework for policy implementation

Successful formulation and implementation of this National Policy on Labour Migration requires cooperation and partnership among relevant stakeholders. Accordingly, a participatory framework involving all stakeholders shall be elaborated for the implementation of this Policy.

5.2 Coordination mechanisms

The federal government – through FMLP – shall be generally responsible for coordinating the implementation of the Policy, through a high-level Technical Working Committee (TWC) consisting of representatives of relevant MDAs of government. Other members of this Committee shall be drawn from relevant committees of the State and non-State actors. ILMD shall be the secretariat of the Committee.

The functions of the Committee shall include:

- advising the Government on appropriate labour migration policy measures to adopt;
- coordinating labour migration activities of the country;
- harmonizing labour migration programmes and projects nationwide;
- assessing and recommending programmes and projects for implementation;

- developing and reviewing coherent strategies for achieving the national goals and objectives of labour migration governance; and
- considering and approving recommendations of the Social Partner Advisory Committee.

5.3 Membership of the technical working committee

| | | |
|--------|---|-----------|
| i. | Permanent Secretary, Federal Ministry of Labour and Productivity | Chairman |
| ii. | Director, Employment and Wages Department, Federal Ministry of Labour and Productivity | Member |
| iii. | Head, International Labour Migration Desk, Federal Ministry of Labour and Productivity | Secretary |
| iv. | Representative, Ministry of Foreign Affairs | Member |
| v. | Representative, Federal Ministry of Justice | Member |
| vi. | Representative, Federal Ministry of Youth Development | Member |
| vii. | Representative, Federal Ministry of Information | Member |
| viii. | Representative, Federal Ministry of Education | Member |
| ix. | Representative, Federal Ministry of Health | Member |
| x. | Representative, Federal Ministry of Finance | Member |
| xi. | Representative, Federal Ministry of Women Affairs and Social Development | Member |
| xii. | Representative, Federal Ministry of Interior | Member |
| xiii. | Representative, Nigeria Immigration Service | Member |
| xiv. | Representative, Central Bank of Nigeria | Member |
| xv. | Representative, National Agency for the Prohibition of Traffic in Persons and Other Related Matters | Member |
| xvi. | Representative, National Bureau of Statistics | Member |
| xvii. | Representative, National Population Commission | Member |
| xviii. | Representative, National Planning Commission | Member |
| xix. | Representative, National Commission for Refugees Migrants and Internally Displaced Persons | Member |
| xx. | Representative Nigeria National Volunteer Service | Member |
| xxi. | Representative, Nigeria Labour Congress | Member |
| xxii. | Representative, Trade Unions Congress | Member |
| xxiii. | Representative, Nigeria Employers' Consultative Association | Member |
| xxiv. | Representative, civil society organizations | Member |

5.4 Social Partner Advisory Committee

A Social Partner Advisory Committee consisting of representatives of key institutions in the employment sector shall be established. The Director of Employment and Wages Department of FMLP shall be the Chairman of the Committee. Other members include the following:

- Nigeria Labour Congress
- Trade Union Congress of Nigeria
- Nigeria Employers' Consultative Association
- Association of Private Employment Agencies

The Committee shall meet at least once every quarter. The secretariat of the Committee shall be domiciled in ILMD.

5.5 Resource mobilization

- The Government shall provide adequate funds in annual budgetary allocation of FMLP and other relevant MDAs for programmes and activities to be implemented in a sustainable manner.
- International development partners, such as ILO and IOM, would support the Government's efforts both technically and financially.

5.6 Monitoring, evaluation and review

FMLP is responsible for coordinating and monitoring the implementation of the Policy in collaboration with key stakeholders, especially the social partners. It will also periodically review and evaluate the process of implementation of the Plan of Action of the Policy to ensure that labour migration to and from Nigeria takes place in an atmosphere of freedom, dignity and respect for workers' rights.

Monitoring and evaluation tools would be developed and utilized within the framework of a follow-up mechanism, which would enhance regular reporting and tracking.

The Policy, with the leadership of FMLP, shall be reviewed every three years by the TWC.

Annex 1: Selection of United Nations and International Labour Organization Conventions Relating to Labour Migration Ratified by Nigeria

| Title of Convention | Year of Ratification |
|---|----------------------|
| Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment | 2000 |
| United Nations Convention against Transnational Organized Crime | 2001 |
| Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children | 2001 |
| African Charter on the Rights and Welfare of the Child | 2001 |
| Protocol Against the Smuggling of Migrants by Land, Sea and Air | 2001 |
| Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour | 2001 |
| Discrimination (Employment and Occupation) Convention No. 111 of 1958 | 2002 |
| International Labour Organization Convention No. 97 of 1949, on Migration for Employment | 2003 |
| International Labour Organization Convention No. 29 of 1930 on Forced or Compulsory Labour | 1960 |
| International Labour Organization Convention No. 105 on Abolition of Forced Labour | 1960 |
| International Labour Organization Convention No. 111 on Discrimination in Respect of Employment and Occupation | 2002 |

| | |
|--|------|
| International Labour Organization Convention No. 138 on Minimum Age (1973) | 2002 |
| International Labour Organization Convention No. 182 on Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999) | 2002 |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) | 2009 |

Annex 2: National Legislation Relating to Labour Migration in Nigeria

- Immigration Act 1963
- NAPTIP Act 2003, as amended in 2005
- National Directorate of Employment Act 1986
- Factories Act, 2004
- Employees' Compensation Act, 2010
- Child's Rights Act 2003
- National Drug Law Enforcement Agency Act, 1989
- Labour Act, 2004

Annex 3: Plan of action for labour migration policy

Goal 1. Governance of the labour migration process

| Specific Objectives | Activities | Key Stakeholders | Expected Outcomes |
|---|--|--|---|
| 1.1 Enact legislative framework as foundation of national labour migration governance | <p>1.1.1 Review recent study of national legislation and regulations relating to migration and immigration and their consistency with ratified international conventions (ILO C-97 and ICRMW), relevant ECOWAS instruments, and other relevant legislation. Commission supplementary studies as deemed appropriate.</p> <p>1.1.2 Utilise recommendations of relevant studies in government and parliamentary deliberations to harmonise national legislation with adopted international and regional standards.</p> <p>1.1.3 Request ILO and OHCHR technical assistance towards effective implementation of ratified conventions.</p> <p>1.1.4 Initiate action to ratify ILO Convention 143 on migration for employment (supplemental provisions), Private Employment Agency Convention 181 and Recommendations 188 and Domestic Work/Domestic Workers Convention.</p> | <p>FMLP, FMoj, Ministry of Interior, TUC, NLC, NECA, National Assembly, ILO, OHCHR, Other concerned MDAs</p> | <p>Firm and clear legal foundation for policy and administration enacted.</p> <p>National Assembly engagement in and support for labour migration regulation and administration.</p> <p>National Assembly engagement in and support for labour migration regulation and administration.</p> |

| Specific Objectives | Activities | Key Stakeholders | Expected Outcomes |
|--|--|---|---|
| <p>1.2 Strengthen rules and regulations for effective and efficient administration of labour migration.</p> | <p>1.2.1 Review and streamline emigration and immigration procedures for workers, and reduce migration costs.</p> <p>1.2.2 Review and revise, as needed, rules and procedures for access to travel documents and issuance of work/residence permits to foreign workers.</p> <p>1.2.3 Review guidelines/conditions covering recruitment for employment outside Nigeria.</p> <p>1.2.4 Review regulations applying to other areas of policy enumerated in following sections of this policy matrix.</p> | <p>FMLP, Ministry of Interior, MFA, TUC, NLC, NECA, NIS, FMOJ, Other concerned MDAs</p> | <p>Clear and specific regulations for efficient administration of labour migration.</p> <p>Streamlined administrative procedures for issuing travel documents for Nigerians, and efficient permit issuance for immigrant skills and for labour useful to Nigeria.</p> <p>Clear guidelines for recruitment, monitoring of recruitment process; agencies held to high standards of conduct.</p> <p>Administrative support for labour migration conditions of dignity, security and justice.</p> |
| <p>1.3 Strengthen existing institutional framework for labour migration and enhance coordination with other concerned ministries and agencies of government.</p> | <p>1.3.1 Ensure adequate resourcing and capacity for the responsible departments in the Ministry of Labour and Productivity.</p> <p>1.3.2 Define or refine terms of reference for roles and responsibilities of other ministries regarding pertinent activity related to labour migration.</p> <p>1.3.3 Maintain inter-ministerial Technical Working Committee (TWC) as consultative and coordinating mechanism among the various ministries and agencies involved in labour migration issues.</p> <p>1.3.4 Incorporate full representation of Social Partner organisations (NECA, NLC, TUC) in all TWC meetings addressing labour migration related issues and agendas.</p> | <p>FMLP, Office of Budget and Management, Federal Executive Council.</p> | <p>Coherent initiative and administration on labour migration from the relevant government authority.</p> <p>Coordinated policy, administration and action across the multiple labour, productivity and social protection concerns of government related to labour emigration and immigration.</p> <p>Clear definition and division of responsibilities of “who does what, how, when and with whom?” among the concerned ministries.</p> <p>Regular and effective consultation, coordination and policy coherency across government as a whole in addressing labour migration and its related concerns.</p> |

| Specific Objectives | Activities | Key Stakeholders | Expected Outcomes |
|--|--|---|--|
| <p>1.4 Ensure full participation of social partners as key labour migration stakeholders in policy elaboration, implementation and evaluation.</p> | <p>1.4.1 Establish an Advisory Board on labour migration, consisting of representatives from the Ministry of Labour and Productivity and from the NLC, TUC, NECA and the association of private recruiters.</p> <p>1.4.2 Establish mechanisms for informing and capacity-building of social partner organisations at national and local levels.</p> | <p>FMLP, NECA, NLC, TUC, HuCaPAN</p> | <p>Elaboration of specific knowledge, concerns, and recommendations from key 'operational' partners in labour migration: employers who engage workers, and unions who represent them.</p> <p>Obtaining common views and cooperation among social partners on migration issues.</p> <p>Enhanced social actor cooperation and compliance with governance policy and administration.</p> |
| <p>1.5 Building knowledge and data base for good policy and effective administration.</p> | <p>1.5.1 Improve and disseminate gender-disaggregated data on stocks and flows of women and men migrant workers –Nigerians abroad and foreigners in the country — by skills, sectors of employment, destination countries, remittances, etc. (using ILM database indicators).</p> <p>1.5.2 Develop the database of Nigerians (skills profiles, CVs) available for deployment abroad.</p> <p>1.5.3 Establish data interface and exchange with the global ILM database.</p> <p>1.5.4 Enhance skills database exchange with potential destination countries.</p> <p>1.5.5 Utilise and update assessments and forecast of future skills needed in Nigeria.</p> <p>1.5.6 Commission research studies on emerging and future labour migration phenomena, issues, and trends likely to affect policy (for example forecasting potential future skills and labour needs in Nigeria).</p> | <p>FMLP-nelex, National Directorate of Employment (NDE), NPopC, NBS, Federal Ministry of Women Affairs and Social Devpt., ILO, IOM, FMOE, NIS, CSOs, NGOs and Other relevant Agencies</p> | <p>Policy makers have access to reliable data and information.</p> <p>Potential employers abroad obtain access to information about available skills and labour from Nigeria.</p> <p>Destination country government employment services have access to the profile of Nigerian skills and labour on offer.</p> <p>Longer term, Nigerian employers obtain information about needed skills available in other countries as similar systems are established elsewhere, for example in other ECOWAS countries.</p> |

| Specific Objectives | Activities | Key Stakeholders | Expected Outcomes |
|--|--|--|---|
| <p>1.6 Cooperation with ECOWAS towards full implementation of relevant protocols.</p> | <p>1.6.1 Review state of implementation of ECOWAS Protocol on Migration in Nigeria law and administration.</p> <p>1.6.2 Develop and maintain proactive role in ECOWAS discussions and activity on regional labour circulation.</p> <p>1.6.3 Develop and maintain Nigeria's active role and presence in international migration dialogue processes.</p> <p>1.6.4 Ensure that Nigeria's social partner organisations take a proactive role in relevant regional and international employer and trade union activities and processes addressing labour migration.</p> | <p>FMLP, MFA NECA, NLC, TUC, ECOWAS, ILO, IOM, IOE, ITUC, Pan Africa Employers Confederation, ITUC AFRO, OATUU, NIS, FMol, CSOs, NGOs</p> | <p>Enhanced implementation of ECOWAS protocols; reduction of restrictions of concern to Nigeria to allow freer labour circulation in West Africa.</p> <p>Enhanced understanding and cooperation with partner and destination countries of concern to Nigeria.</p> <p>Increased cooperation among employers regarding international exchange and mobility of workers.</p> <p>International trade union cooperation geared towards protection of workers and effective involvement in international labour migration policy dialogue.</p> |
| <p>1.7 Ensure gender-responsive policy and its implementation at all levels of government, social partners and other actors.</p> | <p>1.7.1 Generate, sex-disaggregated data on labour emigration and immigration concerning Nigeria.</p> <p>1.7.2 Conduct a gender audit: review of policy, administration, institutional practices and practical measures addressing labour migration, to ensure that specific conditions and needs of migrant women and children are taken into account.</p> | <p>FMLP, Federal Ministry of Women Affairs and Social Devpt., All other concerned Ministries, TUC, NLC, NECA, CSOs, NGOs, ILO, IOM, UN Women, UNICEF</p> | <p>Addressing the specific situations and needs of migrant women by appropriate and effective policies and measures.</p> <p>Safe and dignified migration for women enhanced; abuse targeting women migrants prevented, or at least greatly reduced.</p> |

| Specific Objectives | Activities | Key Stakeholders | Expected Outcomes |
|---|---|---|---|
| <p>1.8 Ensure competency and capacity of all concerned staff of government and social partner offices, enabling them to conduct their responsibilities effectively and knowledgeable.</p> | <p>1.8.1 Organise tripartite capacity-building seminars, and training workshops on labour migration and/or specific aspects, at national and regional levels.</p> <p>1.8.2 Include labour migration components in general training workshops, courses for government officials and social partner staff.</p> <p>1.8.3 Participation of government officials and social partner executives in international training activities on labour migration (such as ILO International Training Centre courses).</p> | <p>FMLP, NECA, NLC, TUC, All concerned Ministries and Departments</p> | <p>Development of competent cadres in government administration and other concerned stakeholder organisations, so that they are able to effectively carry out responsibilities, deliver services, and ensure policy implementation.</p> <p>Increased effectiveness and efficiency in use of public funding and staff resources.</p> <p>Improved credibility of Nigerian government and other actors with their constituencies, and with international partners.</p> |
| <p>1.9 Ensure wide dissemination of labour migration information at curriculum and public education level</p> | <p>1.9.1 Develop training guide for labour migration at secondary and tertiary levels</p> <p>1.9.2. Pursue public awareness education and sensitisation programmes to enhance public enlightenment</p> | <p>FMLP, FMol, FMoE, TUC, NLC, NECA, All other concerned Ministries and Departments, CSOs, NGOs, the media, Michael Imoudu National Institute for Labour Studies (MINILS)</p> | <p>Comprehensive training guide on labour migration issues mainstreamed into schools' curricula.</p> <p>Public better informed on labour migration issues.</p> |

Goal 2. Protection of migrant workers and their families

| Specific Objectives | Activities | Key Stakeholders | Expected Outcomes |
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| 2.1 Ensure rights to decent work, including access to social protection of migrant workers in a gender-disaggregated manner. | <p>2.1.1 Promote use of understandable and enforceable employment contracts for migrant workers.</p> <p>2.1.2 Monitor conditions of work of Nigerian women and men migrant workers in destination countries (see 2.6 below).</p> <p>2.1.3 Establish measures to prevent migrant workers from falling into situations of trafficking and forced labour.</p> <p>2.1.4 Employ signed agreements and MoUs where applicable, to ensure decent working conditions for migrant workers.</p> <p>2.1.5 Incorporate components of Decent Work into bilateral agreements and MoUs.</p> <p>2.1.6 Negotiate social security agreements with destination countries, particularly within the ECOWAS region..</p> | <p>FMLP, NAPTIP, NECA, NLC, TUC, FMOJ, National Human Rights Commission, MFA, ECOWAS, NSITF, other concerned MDAs, CSOs, NGOs</p> | <p>Mechanisms provided for the protection of migrant workers against abuse and exploitation.</p> <p>Expanded social security coverage for migrant workers.</p> |
| 2.2 Ensure non-discrimination and equality of treatment for all workers, migrants and nationals, abroad and at home. | <p>2.2.1 Review national law and administrative regulations to ensure that non-discrimination and equality of treatment are expressly provided for.</p> <p>2.2.2 Implement relevant national laws and regulations through inspections</p> <p>2.2.3 Establish specific policy plans to sensitise employers, workers and the public regarding non-discrimination.</p> <p>2.2.4 Incorporate attention to foreign workers and families in national human rights/anti-discrimination monitoring bodies.</p> | <p>FMLP, Ministry of Interior, National Assembly, NECA, NLC, TUC, MFA, other concerned MDAs</p> | <p>Measures adopted to ensure national labour legislation and regulations adequately cover male and female foreign migrant workers.</p> <p>Mechanisms in place for effective supervision of non-discrimination legislation.</p> |

| Specific Objectives | Activities | Key Stakeholders | Expected Outcomes |
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| <p>2.3 Ensure that all employment of migrant workers is subject to labour standards and codes.</p> | <p>2.3.1 Review national labour law and labour regulations to ensure that rights of migrant workers are covered.</p> <p>2.3.2 Extend labour inspection activity and labour law enforcement to sectors and workplaces where migrant workers may be present.</p> <p>2.3.3 Provide specialised training to labour inspectors to ensure their ability to address migrant-specific concerns.</p> <p>2.3.4 Elaborate specific model labour contracts for foreign workers.</p> <p>2.3.5 Ensure specific coverage of labour contract issuance and enforcement in bilateral and multilateral international agreements on labour migration.</p> | <p>FMLP, MFA, Ministry of Interior, NECA, NLC, TUC, FMOJ, CSOs, NGOs</p> | <p>Enhanced and enforced protection of migrant workers in employment.</p> <p>Discouragement of abuse and exploitation of vulnerable migrant workers.</p> <p>Levelled playing field between national and migrant workers (removal of incentives for abusive employment of foreign workers at expense of nationals).</p> |
| <p>2.4 Workers equipped to make better-informed decisions on migration for employment.</p> | <p>2.4.1 Conduct awareness training and pre-departure orientation programmes for potential migrant workers.</p> <p>2.4.2 Identify relevant partners for developing and conducting labour migrants' orientation programmes.</p> <p>2.4.3 Prepare and disseminate information materials for awareness-raising and training on regular migration opportunities, and on risks of irregular migration.</p> <p>2.4.4 Conduct pre-departure orientation programmes on the situation in destination countries: conditions of work, rights and obligations, and available redress procedures.</p> | <p>FMLP, NECA, NLC, TUC, FMOJ, NOA, NIS, All concerned MDAs, CSOs, NGOs, the media</p> | <p>Awareness materials published and disseminated.</p> <p>Migrant workers aware of the risks of migration, especially irregular migration.</p> <p>Migrants know what to expect in respect of their rights and conditions of work in destination countries.</p> <p>Reduction in irregular migration and trafficking.</p> |

| Specific Objectives | Activities | Key Stakeholders | Expected Outcomes |
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| <p>2.5 Fairness and protection in recruitment for employment abroad, through supervision and monitoring of recruitment activities.</p> <p>2.6 Promote consular and diplomatic services to protect labour migrants and oversee their welfare.</p> | <p>2.5.1 License and monitor all agencies engaged in the recruitment of migrant workers for overseas employment, to ensure accountability, prevent unethical practices and avert abuse in the recruitment process.</p> <p>2.6.1 Review and assess adequacy of consular services for migrant workers in major destinations.</p> <p>2.6.2 Assign labour attachés to Nigerian diplomatic missions where there is a large presence of Nigerian migrant workers.</p> <p>2.6.3 Establish a Labour Migration Desk to be overseen by the Federal Ministry of Labour and Productivity in every embassy abroad</p> <p>2.6.4 Arrange orientation for consular officials on migrant worker issues.</p> <p>2.6.5 Launch outreach programmes to engage with diaspora communities through Nigerian missions in major destinations.</p> <p>2.6.6 Ensure protection components in bilateral labour agreements and MoUs with major destination countries.</p> <p>2.6.7 Identify and study feasibility of entering into labour migration agreements with countries such as Spain, Italy, South Africa, and the Gulf Cooperation Council states</p> <p>2.6.8 Study good practices and prepare model MoU text, with reference to ILO Recommendation 86 (model Bilateral Labour Agreement text).</p> <p>2.6.9 Negotiate Bilateral Labour Agreements and MoUs with relevant governments.</p> | <p>FMLP, MFA, NECA, NLC, TUC.</p> <p>FMLP, MFA, FMoJ, NIS, IOM, ILO, CSOs, NGOs, International migrant trade union, All concerned MDAs</p> | <p>Legal and registered recruitment agencies in place.</p> <p>Reduction of abusive recruitment practices.</p> <p>Migration occurs under conditions of dignity, equity, security and justice.</p> <p>Nigerian consular missions better equipped to respond to protection and welfare needs of Nigerian workers abroad.</p> <p>Bilateral cooperation on migration strengthened.</p> <p>The role of Nigerian diasporas in home development recognised in national policy.</p> |

| Specific Objectives | Activities | Key Stakeholders | Expected Outcomes |
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| <p>2.7 Policies and programmes for welfare of labour migrants; return labour migrants and families left behind strengthened.</p> | <p>2.7.1 Provide insurance coverage and welfare fund/facilities for migrant workers and their families. 2.7.2 Assess existing mechanisms for insurance and welfare provisions. 2.7.3 Propose establishment/ improvement of insurance and welfare coverage. 2.7.4 Establish employment/ reintegration services for returning workers. 2.7.5 Provide appropriate training to concerned agencies/officials for administration of welfare services.</p> | <p>FMLP, FMoI, NECA, NLC, TUC, NAPTIP, SMEDAN, NDE, IOM, ILO, CAC, CSOs, NGOs, All concerned MDAs</p> | <p>More effective contributions to the economy by returning migrant workers. Reduction in social costs of migration through welfare services to families left behind. Improved institutional capacity of concerned agencies to assist returnees and families left behind.</p> |

Goal 3. Linking migration to development

| Specific Objectives | Activities | Key Stakeholders | Expected Outcomes |
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| <p>3.1 Integrate labour migration issues into national development planning and DWCPs.</p> | <p>3.1.1 Review planning documents (national development plans, PRSPs, DWCPs and UNDAPs) and integrate labour migration issues as needed.</p> <p>3.1.2 Explore incorporation of labour migration in Nigeria's DWCPs and the Regional ECOWAS DWCP.</p> <p>3.1.3 Interact with donors, UN Country team and international agencies on incorporation of migration issues into development planning.</p> | <p>FMLP, National Planning Commission, NECA, NLC, TUC, MFA, ILO, IOM, ECOWAS, Directorate of Technical Cooperation in Africa, CSOs, NGOs, All concerned MIDAS</p> | <p>Improved development benefits from labour migration.</p> <p>Movement towards a more coherent approach to migration by the international community.</p> |
| <p>3.2 Link employment and labour migration issues in policy and practice.</p> | <p>3.2.1 Establish labour market monitoring function to identify labour and skills demands in countries of deployment, with special attention to emerging skills requirements.</p> <p>3.2.2 Promote opportunities for deployment abroad, taking into account brain drain concerns.</p> <p>3.2.3 Ensure equal access for Nigerians to all skilled employment opportunities – particularly those in Nigeria -- including through access to and/or provision of specialised training.</p> <p>3.2.4 Assist Nigerian enterprises in recruiting appropriate skills from abroad to meet identified shortages, and make provisions for local skills training.</p> <p>3.2.5 Conduct assessment of 'brain drain' from Nigeria, to identify appropriate responses for retaining talent.</p> <p>3.2.6 Provide incentives to attract back skilled Nigerians and promote return of talent.</p> | <p>FMLP, FMOE, Fed. Ministry of Health, NECA, NLC, TUC, Ministry of Interior, NNVS, MFA, ILO, IOM, CSOs, NGOs, the media, All concerned MIDAS</p> | <p>Labour market imbalances more effectively addressed.</p> <p>Employment creation both within and outside the country.</p> <p>Improved skills and technology transfer.</p> <p>Transforming 'brain drain' into 'brain gain'.</p> |

| Specific Objectives | Activities | Key Stakeholders | Expected Outcomes |
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| <p>3.3 Upgrade skills and vocational training in Nigeria to meet domestic and foreign labour market needs, in harmony with international qualifications standards.</p> | <p>3.3.1 Assess existing Nigerian training institutions and curriculum vis-à-vis current and emerging labour market needs at home and abroad.</p> <p>3.3.2 Establish or strengthen appropriate training programmes for workers to acquire skills in demand internationally and/or locally.</p> <p>3.3.3 Upgrade certification of professional and technical standards for qualifications in harmony with international expectations.</p> | <p>FMLP, FMoE, NECA, NLC, TUC, NDE, SMEDAN, CSOs, NGOs, All concerned MIDAs</p> | <p>Diversification of skills of migrant workers.</p> <p>Improved employment and productivity at home and abroad.</p> |
| <p>3.4 Create environment conducive to attracting migrant remittances, diaspora investments and technology transfers.</p> | <p>3.4.1 Work with financial institutions in destination countries and locally, to facilitate remittance transfers and lower remittance-sending costs.</p> <p>3.4.2 Provide and promote incentives to the productive investment of remittances in Nigeria.</p> <p>3.4.3 Provide information to diaspora on local investment opportunities.</p> <p>3.4.4 Promote networking of skilled diasporas.</p> | <p>FMLP, National Planning Commission, CBN, Fed. Ministry of Health, NECA, NLC, TUC, NIPC, NNVS, Diaspora Associations, House Committee on the Diaspora, CSOs, NGOs, All concerned MDAs</p> | <p>Increased inflow of remittances and standardised remittance delivery at relatively low cost.</p> <p>Increased investments by diaspora to promote economic development.</p> <p>Increased capital inflow from the diaspora.</p> <p>Increased skills and technology transfers by Nigerian diaspora.</p> |

| Specific Objectives | Activities | Key Stakeholders | Expected Outcomes |
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| 3.5 Create environment conducive to attracting return of skilled Nigerian talent. | <p>3.5.1 Provide and promote incentives for the return of trained/skilled Nigerians.</p> <p>3.5.2 Provide information to diaspora on local employment opportunities.</p> <p>3.5.3 Promote networking of scientific diasporas.</p> | <p>FMLP, NECA, NLC, TUC, MFA, Fed. Ministry of Health, National Orientation Agency, CSOs, NGOs, All concerned MDAs</p> | <p>Increased return and application of skills by diaspora, contributing to creation of jobs and enterprises, filling skills needs, enhancing skills profile of Nigerian businesses.</p> <p>Increased skills and technology transfers by Nigerian diaspora.</p> |
| 3.6 Negotiate bilateral agreements and MoUs with major origin and destination countries. | <p>3.6.1 Identify countries for negotiation of agreements and study feasibility of entering into such agreements.</p> <p>3.6.2 Study good practices and prepare model MoUs.</p> <p>3.6.3 Negotiate bilateral agreements and MoUs.</p> | <p>FMLP, FMol, MFA, NECA, NLC, TUC, All concerned MDAs</p> | <p>Bilateral cooperation on migration strengthened.</p> |
| 3.7 Attracting migrant expertise. | <p>3.7.1 Work with relevant institutions/agencies in destination countries and locally, to facilitate exchanges of personnel, including short term home placements.</p> <p>3.7.2 Provide incentives for transfer of expertise through training of Nigerians by Nigerians.</p> <p>3.7.3 Provide information to diaspora on local investment opportunities.</p> <p>3.7.4 Promote networking of scientific diasporas.</p> | <p>FMLP, National Planning Commission, NNVS, NIPC, MFA, Fed. Ministry of Health, NECA, NLC, TUC, ILO, IOM, CSOs, NGOs, All concerned MDAs</p> | <p>Increased sharing of competencies, skills and knowledge acquired abroad.</p> <p>Increased skills and technology transfers by Nigerian diaspora.</p> |



This publication is funded by the European Union.

FEDERAL REPUBLIC OF NIGERIA



International Organization for Migration (IOM)