



The Intersection of Irregular Migration and Human Trafficking in Nigeria: Statutory, Policy, and Enforcement Challenges under the Immigration Act, 2015

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Abstract

Irregular migration and human trafficking remain pressing challenges within Nigeria's migration landscape. Positioned strategically in West and Central Africa, Nigeria shares extensive borders with the Benin Republic, Niger Republic, Chad, and Cameroon, making it a major source, transit, and destination country for migrants and trafficked persons. The porous and weakly monitored borders facilitate cross-border movements that often blur the lines between irregular migration and human trafficking. This study examines the statutory, policy, and enforcement challenges confronting Nigeria's response to these intertwined phenomena under the Immigration Act, 2015. References to Cameroon, Chad, Niger and Benin Republic are limited to their relevance as neighbouring states affected by cross-border migration and trafficking dynamics. The research adopts a qualitative doctrinal approach, drawing on statutory analysis, policy review, and relevant academic literature to evaluate the effectiveness of Nigeria's migration governance framework. The doctrinal analysis is particularly suitable for this study because it focuses on the systematic examination, interpretation, and analysis of relevant legal rules, statutes, judicial decisions, policy instruments and international legal frameworks on the subject. Findings reveal significant gaps in law enforcement, inter-agency coordination, and border management, especially along Nigeria's frontiers with its four neighbouring states. The study also identifies limited institutional capacity, overlapping mandates between the Nigeria Immigration Service (NIS) and the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), and the inadequate regional cooperation as key impediments to effective implementation. The article recommends enhanced inter-agency collaboration and comprehensive border governance with Benin, Niger, Chad, and Cameroon. It concludes that sustainable progress requires a holistic, rights-based, and regionally coordinated approach to migration control and anti-trafficking efforts, ensuring that the objectives of the Immigration Act, 2015, are effectively realized.

Keywords: Irregular Migration, Human Trafficking, Border Governance, Migrant Smuggling, Transnational Crimes

INTRODUCTION

Migration has always been a defining element of human existence, driven by the search for safety, livelihood, and better opportunities. In Africa, and particularly in Nigeria, migration patterns are shaped by historical, economic, political, and environmental factors that transcend national boundaries. Nigeria occupies a strategic position in West and Central Africa, sharing extensive land borders with the Benin Republic to the west, the Niger Republic to the north, Chad to the northeast, and Cameroon to the east. These borders, stretching thousands of kilometres, are largely porous and weakly monitored, facilitating not only legitimate cross-border movements but also irregular migration and human trafficking activities.

Over the years, Nigeria has emerged as a significant source, transit, and destination country for both migrants and trafficked persons. The complex interplay of poverty, unemployment, insecurity, and weak institutional governance has made irregular migration and human trafficking mutually reinforcing phenomena. Traffickers and smugglers exploit Nigeria's geographical position and insufficient border control mechanisms to move people across its frontiers with neighbouring countries under false pretenses or coercion. Consequently, irregular migration and trafficking have become interlinked challenges, undermining human rights, national security, and regional stability.

In response, Nigeria enacted the Immigration Act, 2015, to modernize migration governance, strengthen border management, and align domestic law with international standards. The Act provides a legal foundation for regulating the entry, residence, and departure of persons, while addressing offences related to smuggling and trafficking in persons. Despite its progressive intent, implementation has been hindered by weak enforcement, limited capacity, institutional fragmentation, and inadequate coordination amongst key agencies, particularly the Nigeria Immigration Service (NIS) and the National Agency for the Prohibition of Trafficking in Persons (NAPTIP).

This article explores the intersection of irregular migration and human trafficking in Nigeria, focusing on the statutory, policy, and enforcement challenges that impede effective regulation under the Immigration Act, 2015. It interrogates how Nigeria's porous borders with Benin, Niger, Chad, and Cameroon contribute to the persistence of these crises and evaluates the adequacy of the existing legal and institutional frameworks.

The study further examines the policy coherence between national institutions and regional patterns, highlighting the urgent need for integrated, rights-based, and collaborative strategies to safeguard human dignity while promoting secure and orderly migration in line with Nigeria's international obligations.

CONCEPTUAL CLARIFICATIONS: IRREGULAR MIGRATION AND HUMAN TRAFFICKING

The concepts of irregular migration and human trafficking are distinct yet interrelated phenomena within the broader discourse of migration governance and transnational crime.¹

Concept of Irregular Migration

Irregular migration refers to the movement of persons that occurs outside the legal and regulatory frameworks established by a state for entry, residence, or employment. The International Organization for Migration (IOM) defines it as “movement that takes place outside the laws, regulations, or international agreements governing the entry or exit of persons from any country.”²

¹ International Organization for Migration (IOM), *Glossary on Migration* (Geneva, 2019) 70.

² Ibid

In the Nigerian context, the Immigration Act, 2015, criminalizes unauthorized entry, overstaying of visas, and other breaches of immigration control.³ Section 57 of the Act makes it an offence to aid or facilitate the illegal entry or stay of any person in Nigeria, thereby recognizing both the migrant and the facilitator as potential offenders.⁴ However, irregular migration does not necessarily involve coercion or exploitation, distinguishing it from trafficking in persons.

The phenomenon of irregular migration in Nigeria is influenced by several push and pull factors, including poverty, unemployment, conflict, and the search for better living conditions abroad. Nigeria's geographical position and its long, porous borders with the Benin Republic, Niger Republic, Chad, and Cameroon exacerbate the challenge of monitoring irregular movement.⁵ The lack of adequate border surveillance and documentation infrastructure creates opportunities for smugglers and traffickers to operate within the transnational networks.

In *Federal Republic of Nigeria v Osahon*,⁶ the Supreme Court affirmed the statutory authority of immigration officers to investigate and prosecute persons involved in illegal entry, emphasizing the government's duty to safeguard national borders.

Nevertheless, irregular migration must be approached not solely as a criminal issue but as a multidimensional phenomenon rooted in socio-economic inequalities and governance failures.

Concept of Human Trafficking

Human trafficking is one of the gravest violations of human dignity, often constituting modern-day slavery. The Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015 (TIPPEA Act) defines human trafficking as the recruitment, transportation, transfer, harbouring, or receipt of persons by means of threat, coercion, abduction, fraud, deception, or abuse of power for exploitation.⁷ This definition aligns with Article 3(a) of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)-the Palermo Protocol.⁸

The three core elements of human trafficking are:

- a) the act (what is done)-recruitment, transportation, transfer, harbouring, or receipt of persons;
- b) the means (how it is done)-through coercion, deception, or abuse of power; and
- c) the purpose (why it is done)-for exploitation, which may include forced labour, sexual exploitation, slavery, or organ removal⁹.

Unlike irregular migration, which may be voluntary though unlawful, trafficking inherently involves coercion, or deception, and results in exploitation. The absence of consent-or its vitiation through fraud or coercion-is a key distinguishing element.

In *Udeh v Federal Republic of Nigeria*¹⁰ the Court of Appeal upheld the conviction of a defendant for trafficking under the then Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, emphasizing that the consent of the victim was immaterial where exploitation was established. Similarly, in *Federal Republic of Nigeria v Afolabi*,¹¹ the court reiterated that human trafficking is a crime against both the individual and the state, given its inherent violation of human rights.

³ *Ibid*, s 57.

⁴ O. Okojie, "Irregular Migration and Border Governance in Nigeria" (2020) 14 *Nigerian Journal of Migration Studies* 33-35.

⁶ (2006) 5 NWLR (Pt.973) 361.

⁷ Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015, s 82.

⁸ United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000 (Palermo Protocol).

⁹ United Nations Office on Drugs and Crime (UNODC), Legislative Guides for the Implementation of the Palermo Protocols (2004) 32-34.

¹⁰ (2014) LPELR-22977(CA).

¹¹ (2019) LPELR-48244(CA).

Distinguishing Features and Interrelationship.

Although irregular migration and human trafficking are conceptually distinct, their intersection lies in the process of movement and exploitation.¹² Many irregular migrants become victims of trafficking when smugglers or intermediaries subject them to abuse, debt bondage, or forced labour after crossing borders illegally.¹³ The distinction often becomes blurred in practice, as victims of trafficking may be criminalized as irregular migrants, while traffickers exploit migration routes to disguise their activities.¹⁴

The Palermo Protocol on the Smuggling of Migrants by Land, Sea and Air (2000),¹⁵ differentiates smuggling from trafficking: smuggling involves the facilitation of illegal entry for financial or material benefit, while trafficking entails ongoing exploitation. However, both thrive in contexts of weak governance, poverty, and porous borders-conditions prevalent in Nigeria and its neighbouring countries.

In *Federal Republic of Nigeria v Danjuma*,¹⁶ the Court of Appeal stressed the importance of distinguishing between mere facilitation of migration and exploitation-based trafficking, observing that failure to do so may result in wrongful prosecution or denial of justice to victims. The judicial position underscores the need for law enforcement agencies to apply a victim-centered approach consistent with Nigeria's human rights obligations.

Human Rights and Development Dimensions

The human rights dimension of both irregular migration and human trafficking cannot be overstated. Victims are often subjected to sexual exploitation, forced labour, and inhumane treatment. These abuses contravene Nigeria's obligations under the Constitution of the Federal Republic of Nigeria 1999 (as amended), particularly sections 34 and 35, which guarantee human dignity and personal liberty.¹⁷

Moreover, both phenomena have profound implications for national development and security. The loss of human capital through irregular migration, coupled with the social and economic costs of trafficking, undermines Nigeria's sustainable development efforts.¹⁸ Addressing these challenges requires not only strict enforcement but also preventive strategies, including job creation, education, and regional cooperation with Benin, Niger, Chad, and Cameroon.¹⁹

STATUTORY AND POLICY FRAMEWORKS GOVERNING IRREGULAR MIGRATION AND HUMAN TRAFFICKING IN NIGERIA

Nigeria's legal and policy architecture on irregular migration and human trafficking has evolved considerably over the past two decades in response to the rising incidence of transnational crimes, exploitation, and border insecurity. The Immigration Act, 2015, serves as the cornerstone of migration governance in Nigeria, complemented by specialized statutes such as the Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015, and a range of national policies and regional instruments that collectively aim to harmonize national responses in line with international standards.

The Immigration Act, 2015

The Immigration Act, 2015, represents a significant modernization of Nigeria's migration regime. It repealed the Immigration Act of 1963 and provides comprehensive provisions regulating the entry, stay,

¹² A. Okonjo, "The Nexus between Irregular Migration and Human Trafficking in West Africa" (2021) 8 *African Journal of Criminology and Justice Studies* 91-92.

¹³ *ibid*

¹⁴ A. Adepoju, "Migration, Human Trafficking, and Regional Integration in West Africa" (2005) 43 *International Migration* 73-75.

¹⁵ United Nations Protocol against the Smuggling of Migrants by Land, Sea, and Air, 2000.

¹⁶ (2018) LCN/12497(CA).

¹⁷ M. Afolayan, "Transnational Cooperation and the Fight against Human Trafficking in Nigeria" (2020) 12 *Nigerian Journal of Migration Studies* 47- 49.

¹⁸ *ibid*

¹⁹ Immigration Act, 2015, s 37.

and exit of persons in Nigeria.²⁰ The Act empowers the Nigeria Immigration Service (NIS) to control the movement of persons across Nigeria's borders and to prevent the entry of irregular migrants and traffickers. Section 57 of the Act defines offences relating to illegal entry, smuggling, and trafficking of migrants, prescribing penalties for aiding and abetting such crimes²¹.

The Act also mandates the Minister of Interior to issue regulations for effective border management, visa policy, and the deportation of irregular migrants. However, enforcement remains challenging, particularly along Nigeria's extensive and porous borders with the Benin Republic, Niger Republic, Chad, and Cameroon, where limited infrastructure, corruption, and inadequate manpower facilitate the proliferation of human smuggling routes²².

In *Federal Republic of Nigeria v Osahon*,²³ the Supreme Court affirmed the power of immigration officers to investigate and prosecute offences relating to illegal entry and trafficking, stressing that such powers are integral to maintaining territorial integrity. Nonetheless, the implementation gap between statutory mandate and operational capacity continues to impede the realization of the Act's objectives.

The Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015

The TIPPEA Act, 2015, is Nigeria's primary anti-trafficking statute. It establishes the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) as the lead enforcement institution mandated to investigate, prosecute, and rehabilitate victims of human trafficking.²⁴ Section 13 of the Act criminalizes the recruitment, transportation, transfer, and harbouring of persons for purposes of exploitation, whether within or across borders.²⁵

The Act reinforces the state's obligation to protect victims' rights, provide rehabilitation, and prevent re-trafficking through education and social reintegration programmes. However, overlaps in jurisdiction between NAPTIP and NIS have often created coordination challenges, with both agencies exercising concurrent powers over the investigation and prosecution of trafficking-related offences.

In *Attorney-General of the Federation v. Abubakar*,²⁶ the Supreme Court underscored the importance of institutional cooperation and inter-agency harmony in enforcing federal statutes. This principle is particularly relevant for the operational synergy required between NAPTIP and NIS to curb the dual challenges of irregular migration and human trafficking.

National Policy Frameworks

Nigeria has also developed several policy instruments to complement statutory measures. The National Migration Policy (2015) provides a comprehensive framework for regulating migration, emphasizing the protection of migrants' rights and integration of migration issues into national development planning.²⁷ It recognizes the complex relationship between irregular migration, human trafficking, and economic insecurity.

Similarly, the National Policy on Protection and Assistance to Trafficked Persons (2008) focuses on victim-centered approaches, including rehabilitation, counselling, and reintegration into society.²⁸ Despite these progressive policies, implementation has been marred by insufficient budgetary allocation, weak institutional capacity, and limited collaboration between ministries and agencies.

²⁰ Immigration Act, Cap 11, Laws of the Federation of Nigeria, 2004 (Repealed).

²¹ Immigration Act, 2015, s 57.

²² A. O. Ibidapo-Obe, "Migration Law and Policy in Nigeria" Lagos: University of Lagos Press, 2018) 73-75.

²³ (2006) 5 NWLR (Pt.973) 361.

²⁴ Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015, s 2

²⁵ Ibid, s 13.

²⁶ (2007) 10 NWLR (Pt.1041) 1.

²⁷ Federal Government of Nigeria, National Migration Policy (Abuja, 2015).

²⁸ Federal Ministry of Women Affairs, National Policy on Protection and Assistance to Trafficked Persons (Abuja, 2008).

The National Action Plan against Human Trafficking (2022-2027) further seeks to consolidate inter-agency coordination through a whole-of-government approach involving NAPTIP, NIS, and civil society partners.²⁹ However, effective operationalization remains a challenge, particularly at subnational levels where enforcement and victim support are weakest.³⁰

Regional and International Commitments

Nigeria's commitment to international and regional conventions underpins its domestic legal reforms. It is a party to the United Nations Convention against Transnational Organized Crime (2000) and its Protocols on the Smuggling of Migrants and Trafficking in Persons (2000), collectively known as the Palermo Protocols.³¹ These instruments mandate signatory states to criminalize trafficking, protect victims, and strengthen international cooperation.³²

At the regional level, the ECOWAS Protocol on Free Movement of Persons, Residence and Establishment (1979) facilitates intra-regional mobility but has also inadvertently provided traffickers with opportunities to exploit weak documentation and enforcement regimes.³³ The ECOWAS Plan of Action against Trafficking in Persons (2001-2003) and the Joint ECOWAS –EU Action Plan on Migration (2016-2020) reinforce commitments to cross-border intelligence sharing, joint investigations, and return mechanisms³⁴.

Nigeria's bilateral agreements with Benin, Niger, Chad, and Cameroon on border security cooperation and mutual legal assistance further underscore the recognition of trafficking and irregular migration as shared transnational concerns. However, fragmented implementation and inadequate regional funding mechanisms continue to limit their impact.

In *Federal Republic of Nigeria v Danjuma*,³⁵ the Court of Appeal reiterated the necessity of procedural compliance and institutional professionalism in handling offences with transnational dimensions, reflecting judicial sensitivity to due process even within complex migration contexts.

Institutional Enforcement Challenges

Despite the existence of comprehensive laws and policies, enforcement remains fraught with difficulties. The multiplicity of agencies, including NAPTIP, NIS, the Nigeria Police Force, and the Nigeria Customs Service, has led to duplication of roles and poor coordination.³⁶ Institutional rivalry, inadequate training, and insufficient logistical resources further hamper effective investigation and prosecution.

Corruption at border posts, coupled with limited technological infrastructure, allows traffickers and smugglers to operate with impunity. Weak judicial capacity, delays in trial, and low conviction rates exacerbate the challenge.³⁷ As observed in *Federal Republic of Nigeria v Abiola*,³⁸ the courts have increasingly emphasized adherence to procedural safeguards to ensure that prosecutions under migration-related statutes do not infringe on constitutional rights.

The Intersection of Irregular Migration and Human Trafficking

The nexus between irregular migration and trafficking is evident in common migration routes through Edo, Kano, and Borno States. Victims often commence their journey voluntarily but fall into trafficking networks during transit or upon arrival.³⁹

²⁹ *ibid*

³⁰ *ibid*

³¹ United Nations Office on Drugs and Crime (UNODC), Palermo Protocols, 2000.

³² *ibid*

³³ O. E. Okojie, "Trafficking and Irregular Migration in West Africa" (2017) 5 *African Journal of Criminology and Justice Studies*

³⁴ Nigeria Immigration Service, Annual Migration Report (Abuja: NIS, 2022)

³⁵ (2018) LCN/12497 (CA).

³⁶ *Ibid*, n 45

³⁷ *ibid*

³⁸ (1996) All N.L.R 315.

³⁹ IOM Nigeria, Protection Risks in Irregular Migration (2021), available at <https://www.iom.int> accessed 20 November 2025.

Irregular migrants intercepted at borders or during raids are often treated as criminals rather than potential victims. Lack of screening protocols at detention center means many trafficking survivors are deported without protection.⁴⁰

The NIS and other security agencies tend to prioritize immigration offences over trafficking detection. This undermines Nigeria's obligations under the United Nations Trafficking Protocol and Article 6 of the TIPPEA Act, which mandates victim identification and protection.⁴¹

Irregular migration and human trafficking, though conceptually distinct, often converge in complex and overlapping ways within Nigeria's migration landscape.⁴²

While irregular migration primarily involves the unauthorized movement of persons across borders without legal documentation or in contravention of immigration laws, human trafficking encompasses the recruitment, transportation, harbouring or receipt of persons by means of coercion, deception, or abuse of power for the purpose of exploitation.⁴³ In practice, both phenomena are driven by similar socio-economic and structural factors-poverty, unemployment, insecurity, porous borders, and weak law enforcement-which render individuals vulnerable to exploitation.

Nigeria's geographical position heightens this intersectional vulnerability. The country shares extensive borders with Benin Republic, Niger Republic, Chad and Cameroon, which serve as major corridors for human mobility within West and Central Africa.⁴⁴ These borders, spanning over 4,000 kilometres, remain largely porous and under-policed, providing fertile ground for smuggling networks and trafficking syndicates to operate with relative ease.⁴⁵ Traffickers frequently disguise their activities as irregular migration schemes, promising victims legitimate travel and employment opportunities abroad, only to subject them to forced labour, sexual exploitation, or domestic servitude. The blurred line between voluntary irregular migration and coerced trafficking creates a grey zone that complicates identification, protection, and prosecution efforts.

The Immigration Act, 2015 attempts to address these challenges by regulating the entry and exit of persons, establishing offences related to smuggling of migrants, and empowering the Nigeria Immigration Service (NIS) to enforce migration laws.⁴⁶ However, the Act does not sufficiently delineate the intersection between smuggling and trafficking, often leading to misclassification of victims as offenders. This legislative ambiguity undermines Nigeria's obligations under the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol)*, and the *Protocol against the Smuggling of Migrants by Land, Sea and Air*, both supplementing the United Nations Convention against Transnational Organized Crime (UNTOC)⁴⁷.

The Nigerian judiciary has, on occasion, recognized the nexus between irregular migration and human trafficking. In *Federal Republic of Nigeria v Favour Anware Okwuede*,⁴⁸ the court affirmed the conviction of a trafficker who exploited women under the guise of facilitating foreign employment, holding that such deceit constituted trafficking even where victims initially consented. Similarly, in *Attorney-General of the*

⁴⁰ NAPTIP, Annual Report 2023,12.

⁴¹ *ibid*

⁴² *ibid*

⁴³ O. Okunade, "Cross-Border Security Cooperation in West Africa: Challenges and Prospects" (2019) 9 African Security Review 54-50.

⁴⁴ (2018) LPELR-43889(CA).

⁴⁵ M. Afolayan, "Institutional Coordination and the Challenges of Human Trafficking Enforcement in Nigeria" (2020) 12 Nigerian Journal of Migration Studies 34-38

⁴⁶ (2020)LPELR-49322(CA).

⁴⁷ Immigration Act 2015(Nigeria);Trafficking in Persons(Prohibition)Enforcement and Administration Act 2015(Nigeria);Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted 15 November 2000,2237 UNTS 319(entered into force 25 December 2003);Protocol against the Smuggling of Migrants by Land, Sea, and Air, supplementing the United Nations Conventions against Transnational Organized Crime, adopted 15 November 2000,2241 UNTS 507(entered into force 28 January 2004);United Nations Convention against Transnational Organized Crime, adopted 15 November 2000,2225 UNTS 209(entered into force 29 September 2003).

⁴⁸ Charge No. FHC/ASB/24C/09, Federal High Court of Nigeria, Asaba Judicial Division, 7 October 2010).

Federation v Sarah Okoya,⁴⁹ the court emphasized that the transportation of persons under fraudulent pretenses for exploitative purposes falls squarely within the definition of trafficking under the Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015. These decisions highlight judicial awareness of how irregular migration schemes often evolve into trafficking situations.

At the regional level, Nigeria's adherence to the ECOWAS Protocol on Free Movement of Persons, Residence and Establishment (1979) complicates enforcement dynamics. While the Protocol promotes cross-border mobility among member states, traffickers exploit this liberalized framework to transport victims across Nigeria's borders with Benin, Niger, Chad, and Cameroon under the pretext of lawful movement.⁵⁰ The absence of harmonized migration data and inadequate border infrastructure further impede the distinction between legitimate migration and criminal exploitation.

Socio-economic realities further reinforce this intersection. Many irregular migrants depart Nigeria voluntarily, seeking better opportunities abroad, yet the conditions of their journey –including debt bondage, confiscation of documents, and physical coercion–often convert voluntary migration into trafficking.⁵¹ Scholars argue that the “continuum of exploitation” concept best captures this overlap, where irregular migration exists on a spectrum that can escalate into trafficking depending on the degree of coercion and control exerted.

Institutionally, the Nigeria Immigration Service (NIS) and the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) share overlapping mandates that sometimes lead to fragmented enforcement. While NIS focuses on irregular entry and exit, NAPTIP investigates trafficking cases, yet the absence of a unified data system and joint task forces across border regions allows many cases to go undetected. This disjointed approach weakens Nigeria's compliance with its international obligations and limits its capacity to protect victims effectively.

To address this intersection effectively Nigeria must adopt an integrated strategy that unites migration control with human rights protection. Legal frameworks should clearly differentiate between smuggling and trafficking while ensuring that irregular migrants who are victims of coercion or exploitation are treated as victims, not offenders. Enhanced collaboration with neighbouring countries, particularly Benin, Niger, Chad, and Cameroon, is indispensable for intelligence sharing, joint border patrols, and coordinated victim repatriation. Moreover, community-based sensitization and livelihood programmes should target border communities, which often serve as recruitment zones for traffickers.

The intersection of irregular migration and human trafficking in Nigeria underscores the urgent need for a human-centered approach to migration governance. The challenge transcends law enforcement; it calls for legal clarity, institutional synergy, and regional solidarity to ensure that the Immigration Act, 2015 and related statutes achieve their intended goals of safe, orderly, and humane migration.

Irregular migration and human trafficking often operate along a continuum, particularly where migrants rely on informal networks to facilitate cross-border movement. Although irregular migration may begin as a voluntary act, structural vulnerabilities and exploitative arrangements frequently convert it into trafficking. In the Nigerian context, this transition is commonly driven by debt bondage, deception, dependency, and the abuse of irregular status.

⁴⁹ Suit No.B/15C/2004, High Court of Justice, Edo State, 19 November 2004).

⁵⁰ R. Plant, *Trafficking for Labour Exploitation: The Continuum of Abuse* (ILO, 2019).

⁵¹ National Agency for the Prohibition of Trafficking in Persons (NAPTIP), *Annual Report on Trafficking in Nigeria* (Abuja: NAPTIP, 2021).

A central mechanism is the inflation of migration costs by smugglers.⁵² Prospective migrants who cannot independently finance their journeys agree to travel under arrangements where transport, accommodation, and border facilitation fees are advanced on credit. These costs are often grossly exaggerated. Upon arrival in transit or destination countries, migrants are informed that they owe substantial sums far beyond the original agreement because they lack lawful status and access to formal employment, repayment becomes unrealistic.⁵³ Smugglers or associated actors then compel migrants into forced labour, domestic servitude, agricultural work, or prostitution as a means of liquidating the debt. What began as consensual smuggling thus evolves into exploitation through coercion and abuse of vulnerability.⁵⁴

Deception also plays a significant role. Many migrants are promised legitimate employment abroad, only to discover that such opportunities do not exist.⁵⁵ Their travel documents may be confiscated, their movement restricted, and threats issued regarding arrest or deportation.⁵⁶ The migrant's irregular status becomes a tool of control, preventing recourse to state protection and reinforcing dependency on exploitative networks.

Additionally, the fragmented nature of smuggling routes, particularly across the Sahara, and through the North-Africa, means migrants are frequently transferred between facilitators. In some cases, they are effectively sold or detained for ransom during transit. At this stage, the original smuggling arrangement collapses into outright trafficking, characterized by forced labour, sexual exploitation, or other forms of coercion.

Ultimately, irregular migration evolves into trafficking where economic desperation, inflated debt obligations, deception, and the insecurity attached to undocumented status converge. Effective regulatory responses under the Immigration Act, 2015 must therefore recognize this continuum and integrate enforcement with victim protection, and preventive safeguards.⁵⁷

Mechanisms Through Which Irregular Migration Evolves into Human Trafficking.

Irregular migration and human trafficking are distinct legal concepts; however, the former often creates conditions that facilitate the latter. The absence of lawful migration channels, inadequate documentation, porous borders, and the activities of organized criminal networks frequently expose irregular migrants to exploitation during recruitment, transit, and destination stages. Consequently, irregular migration may evolve into trafficking where deception, coercion, abuse of vulnerability, or exploitation becomes involved.

One of the principal mechanisms through which irregular migration develops into trafficking is through migrant smuggling networks. Migrants who seek unauthorized entry into another country often depend on intermediaries who arrange transportation, accommodation, and border crossings. During the migration process, these intermediaries may exploit migrants through debt bondage, forced labour, sexual exploitation, or other forms of abuse. Such conduct falls within the definition of trafficking under the Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015, which criminalizes the recruitment, transportation, transfer, harbouring or receipt of persons through coercive or deceptive means of purposes of exploitation.

⁵² International Organization for Migration (IOM), *Handbook on Protection and Assistance for Migrants Vulnerable to Violence, Exploitation and Abuse (IOM 2019)* 52- 58.

⁵³ United Nations Office on Drugs and Crime (UNODC), Issue paper: *The Role of Recruitment Fees and Abusive and Fraudulent Recruitment Practices of Recruitment Agencies in Trafficking in Persons (United Nations 2015)* 11-18.

⁵⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (adopted 15 November 2000, entered into force 25 December 2003) UNTS 319, art 3.

⁵⁵ International Labour Office, *Profits and Poverty: The Economics of Forced Labour (ILO 2014)* 15-19.

⁵⁶ International Organization for Migration (IOM), *Handbook on Protection and Assistance for Migrants Vulnerable to Violence, Exploitation and Abuse (IOM 2019)* 46-49, 54-56; United Nations Office on Drugs and Crime (UNODC), *Global Report on Trafficking in Persons 2024 (United Nations 2024)* 38-42.

⁵⁷ United Nations Office on Drugs and Crime (UNODC), *Smuggling of Migrants: The Harsh Search for a Better Life (UNODC)*

<https://www.unodc.org/toc/en/crimes/migrant-smuggling.html>.>accessed 20 March 2026.

A second mechanism is fraudulent recruitment. Many migrants are induced to undertake irregular journeys through false promises of employment, education, marriage, or economic opportunities abroad. Once transported, they are often subjected to exploitative conditions contrary to the representations made to them. The trafficking process is thereby completed through the abuse of the victim's vulnerability and the subsequent exploitation of his or her labour or services.

Irregular migration may also evolve into trafficking where migrants lack legal status in the destination country. Fear of arrest, detention, or deportation often prevents victim from seeking assistance, thereby increasing their susceptibility to exploitation by traffickers and employers. This challenge is particularly significant in cross-border movements involving Nigeria and neighbouring states such as Cameroon, Chad, Niger, and Benin Republic, where informal migration routes are frequently utilized.

The legal consequences of this nexus are substantial. Under the Immigration Act, 2015, irregular entry, unlawful residence, and related immigration violations attract sanctions, while the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015, treats trafficked persons as victims entitled to protection and assistance. The overlap between both regimes may create difficulties in victim identification, resulting in situations where trafficking victims are mistakenly treated as immigration offenders. Operationally, this necessitates enhanced cooperation among the Nigeria Immigration Service, the National Agency for the prohibition of Trafficking in Persons (NAPTIP), law enforcement agencies, and neighbouring states to ensure effective detection, protection, and prosecution measures.

The evolution of irregular migration into trafficking therefore underscores the need for coordinated approach that combines immigration control with victim protection, criminal justice interventions, and regional cooperation. Such an approach is essential to addressing the structural vulnerabilities that enable traffickers to exploit irregular migration pathways.

ENFORCEMENT GAPS AND INSTITUTIONAL CHALLENGES

Border Surveillance and Insecurity

Nigeria shares borders with four countries and has over 1,400 illegal crossing points.⁵⁸ The NIS lacks the manpower and technological infrastructure to effectively monitor these routes, creating fertile ground for trafficking.

Institutional Rivalry and Fragmentation

There is inadequate coordination between the NIS, NAPTIP, Police, and Customs. Although a Joint Border Task Force exists on paper, it suffers from poor funding and leadership competition.

Victim Misclassification

Victims of trafficking are often detained and charged under the Immigration Act. In *Uwa v. FRN*,⁵⁹ the Court of Appeal held that a migrant arrested enroute to Libya could not be convicted of trafficking without clear evidence of exploitation.

Training and Capacity Deficits

Front-line officers are seldom trained in victim identification, resulting in missed opportunities for rescue and referral. Screening forms are often unavailable at border posts, and shelters are limited to urban areas.

CASE LAW AND ENFORCEMENT TRENDS IN NIGERIA

While trafficking prosecutions have increased, the misapplication of the Immigration Act remains a problem.

⁵⁸Punch Newspaper, "NIS Identifies 1,490 Illegal Border Routes in Nigeria," 15 August 2023, Punch Nigeria Ltd, available at <https://punchng.com/> accessed 1 September, 2025.

⁵⁹ (2020) LPELR-50432(CA).

In *Attorney-General of the Federation v. Tijani*⁶⁰ the Supreme Court underscored the primacy of Nigeria's international obligations over domestic procedures in cases involving cross-border crimes.

In *FRN v. Salisu*,⁶¹ a trafficker who recruited young women for sexual exploitation in Mali was convicted under both the TIPPEA Act and Immigration Act, but no relief was provided to the victims, highlighting the lack of victim-centered justice.

COMPARATIVE PERSPECTIVES AND BEST PRACTICES

The phenomenon of irregular migration and human trafficking is not peculiar to Nigeria. Countries across the globe have responded with diverse statutory and institutional mechanisms, some more effectively than others. A comparative analysis of best practices from Italy, the United States, and Ghana provides valuable lessons for Nigeria's legal and policy frameworks under the Immigration Act, 2015. These jurisdictions demonstrate varied approaches to migration control, anti-trafficking protection, and inter-agency coordination that offer instructive contrasts and complementary strategies.

Italy: Protection-Centered Approaches in a High-Transit Jurisdiction

Italy, as a frontline EU state facing massive Mediterranean crossings, has developed a framework that seeks to balance border control with victim protection, albeit amidst significant political and humanitarian challenges. The Italian Consolidated Immigration Act (Legislative Decree No.286/1998) provides for the issuance of a residence permit on humanitarian grounds to trafficking victims who cooperate with authorities.⁶² This conditional regularization enables victims to escape traffickers' control and supports investigations.

Italy's best practice lies in its Article 18 residence permit, a tool for both migration management and victim rehabilitation.⁶³ In *Public Prosecutor v. Osakue Lucky*,⁶⁴ the court upheld the use of humanitarian protection to assist trafficking victims, recognizing their vulnerability as central to state intervention. Additionally, Italy has implemented strong collaboration between law enforcement, NGOs, and social workers, which ensures a multi-disciplinary victim identification process.

United States: Prosecution-Protection Balance and Institutional Specialization

The United States offers a model of institutional specialization and a dual approach of prosecution and protection. The Trafficking Victims Protection Act (TVPA) of 2000, as amended, is the cornerstone federal legislation that criminalizes trafficking and provides support for victims regardless of their immigration status.⁶⁵ Victims may apply for a T-visa, which allows them to remain in the U.S. temporarily and access federal benefits if they assist in investigations or prosecutions.⁶⁶

In *United States v. Baston*⁶⁷ the court convicted the defendant of human trafficking and acknowledged the importance of victim cooperation facilitated by the T-visa framework. The U.S. also operates a specialized agency-Homeland Security Investigations (HSI)-under Immigration and Customs Enforcement (ICE), dedicated to trafficking-related crimes, ensuring expert-led investigations.

The U.S. model is also noteworthy for its annual trafficking in Persons (TIP) Report, which not only evaluates global compliance but also influences bilateral cooperation and funding.⁶⁸ The integration of trafficking assessment into foreign policy instruments offers a strategic tool Nigeria can emulate.

⁶⁰ (2019) 3 NWLR (Pt.1660) 531.

⁶¹ (Unreported) Suit No. FHC/ABJ/CR/87/2018.

⁶² Legislative Decree No.286 of 25 July 1998, Consolidated Immigration Act (Italy), art.18.

⁶³ UNODC, Global Report on Trafficking in Persons 2020(Vienna: United Nations,2020), p.86.

⁶⁴ [2013] Cassazione Penale, No.48994.

⁶⁵ United States, Trafficking Victims Protections Act of 2000 (TVPA), Public Law 106-386.

⁶⁶ U.S. Citizenship and Immigration Services, "Victims of Human Trafficking: T Non-immigrant Status,"2022.

⁶⁷ *United States v. Baston*,818 F.3d 651(11th Cir.2016).

⁶⁸ U.S., Department of State, Trafficking in Persons Report 2023(Washington D.C:State Department,2023), pp.5-7

Ghana: Integrated Legal Framework and Community-Based Monitoring

Ghana represents a West African Model of innovation in localized enforcement and victim reintegration. The Human Trafficking Act, 2005 (Act 694) and its subsequent amendment in 2009 provides a comprehensive definition of trafficking, strong criminal sanctions, and procedural safeguards in Ghana, Human Trafficking Act,2005 (Act 694), as amended by Act 784(2009).⁶⁹

Importantly, the Act mandates the establishment of Human Trafficking Management Boards at both national and district levels, creating decentralized structures for monitoring and intervention.⁷⁰ Ghana's collaboration with civil society and traditional authorities is exemplary. Community Child Protection Committees (CCPCs) operate in rural areas as grassroots watchdogs against child trafficking.⁷¹ In *Republic v. Boateng*,⁷² the Ghanaian High Court affirmed the importance of local vigilance in early detection of trafficking, which had facilitated a swift and successful prosecution.

Additionally, Ghana has embraced the West Africa Network for the Protection of Children (WAN), a cross-border initiative that ensures transnational cooperation-particularly relevant in addressing the mobility dimension of trafficking and irregular migration in ECOWAS states.⁷³

Implications and Lessons for Nigeria

From these jurisdictions, Nigeria can draw the following best practices:

- **Victim-Centered Regularisation (Italy)**

Nigeria can adopt a discretionary immigration status for cooperating victims, akin to Italy's Article 18 permit, embedded within the Immigration Act or as a regulation by the Nigeria Immigration Service.

- **Institutional Specialisation (USA)**

Nigeria could establish a dedicated inter-agency task-force within the NIS and NATIP, with clearly demarcated roles and anti-trafficking expertise, ensuring coherence and effectiveness.

- **Decentralised Monitoring (Ghana)**

A more localized monitoring and reporting mechanism, involving community structures, could strengthen early detection and reintegration efforts, especially in border and trafficking-prone zones.

By synthesizing these comparative insights, Nigeria can reform its statutory and enforcement mechanisms under the Immigration Act 2015, to adopt a more integrated, rights-based, and effective response to the crises of irregular migration and trafficking.

RECOMMENDATIONS

In view of the statutory, policy, and enforcement challenges identified in this study, a multifaceted approach is required to strengthen Nigeria's response to irregular migration and human trafficking under the Immigration Act, 2015.

The following recommendations are proposed:

1. **Strengthen Border Management and Surveillance:** Nigeria must enhance the monitoring of its land border with Benin, Niger, Chad, and Cameroon through the deployment of modern

⁶⁹ Ibid,s.3

⁷⁰ International Labour Organization (ILO), Community-Based Child Protection in Ghana (Accra: ILO,2019), p.12.

⁷¹ Ibid

⁷²[2016] High Court of Ghana, Accra, Suit No. H1/127/2016.

⁷³ ECOWAS and UNICEF, West Africa Network for the Protection of Children: *Regional Mechanism Evaluation Report*,2020.

surveillance technologies, joint patrols, and improved data-sharing systems. Collaboration between the Nigeria Immigration Service (NIS) and the border security agencies of these neighbouring countries is crucial to detect and dismantle trafficking and smuggling networks.

2. **Enhance Inter-Agency Coordination:** Effective cooperation between the NIS, the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), the police, customs, and other security agencies is essential. A harmonized operational frameworks and clear delineation of roles would minimize duplication, improve case management, and ensure the timely prosecution of offenders.
3. **Build Institutional Capacity and Training:** Continuous training for immigration and law-enforcement officers on human rights-based approaches to migration and trafficking cases should be institutionalized. Capacity-building initiatives should also emphasize the protection of victims and ethical conduct during enforcement operations.
4. **Promote Regional and Bilateral Cooperation:** Nigeria should deepen its engagement with regional mechanisms such as the ECOWAS Free Movement Protocol and strengthen bilateral agreements with Benin, Niger, Chad, and Cameroon to facilitate intelligence-sharing, joint investigations, and repatriation protocols consistent with international human rights standards.
5. **Adopt Preventive and Socio-Economic Measures:** Addressing the root causes of irregular migration and human trafficking requires investment in employment generation, education, and poverty-reduction programmes, especially in border communities. Public awareness campaigns should also highlight the dangers of irregular migration and the deceptive tactics used by traffickers.
6. **Legislative and Policy Harmonization:** The Immigration Act, 2015 should be reviewed to close existing legal gaps and align its provisions with international instruments such as the Palermo Protocol. Clearer statutory definitions and stronger penalties for trafficking-related offences would improve deterrence and legal coherence.
7. **Human Rights Protection and Victim Support:** Migration management policies must prioritize the dignity and welfare of victims. Establishing safe shelters, legal aid services, and rehabilitation programmes will help reintegrate trafficked persons and uphold Nigeria's human rights obligations.

CONCLUSION

The intersection between irregular migration and human trafficking in Nigeria represents a multifaceted socio-legal challenge deeply rooted in economic hardship, weak governance, porous borders, and limited institutional coordination. Nigeria's strategic geographical position in West and Central Africa, sharing extensive land boundaries with the Republic of Benin to the West, Niger Republic to the North, Chad to the northeast, and Cameroon to the east, has further complicated the control and regulation of cross-border movements. These long and often poorly monitored frontiers have become major conduits for irregular migration and human trafficking, facilitating the movement of persons and illicit networks that exploit gaps in law enforcement and border governance.

Although the Immigration Act, 2015 was enacted to modernize Nigeria's migration management and align it with international best practices, its practical impact remains constrained by inadequate enforcement mechanisms, institutional overlap, and insufficient coordination between key agencies such as the Nigeria Immigration Service (NIS) and the National Agency for the Prohibition of Trafficking in Persons (NAPTIP). The Act provides a legal foundation for addressing migration-related offences, however the absence of effective implementation has allowed traffickers and smugglers to continue exploiting vulnerable populations, especially along Nigeria's extensive and porous borders with neighbouring states.

The findings of this study demonstrate that the intersection between irregular migration and human trafficking presents significant challenges for the effective implementation of the Immigration Act, 2015. The Act should therefore be strengthened through enhanced provisions on victim identification, inter-agency coordination, intelligence sharing, border surveillance, and cooperation with neighbouring states. Greater harmonization between immigration enforcement measures and the protective framework under the Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015 is also necessary to prevent trafficking victims from being treated as immigration offenders. Policymakers should further prioritize safe and regular migration pathways, capacity building for enforcement agencies, and the deployment of technology-driven border management systems.

Future research may examine the practical effectiveness of existing inter-agency mechanisms in combating the migration-trafficking nexus, assess the impact of regional cooperation frameworks within West and Central Africa, and explore the implications of emerging migration trends, including digital recruitment and transnational criminal networks, on Nigeria's immigration and anti-trafficking regime.

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