

NATIONAL COMMISSION FOR INTERNALLY DISPLACED PERSONS,
REFUGEES AND MIGRANTS BILL, 2016
ARRANGEMENT OF SECTIONS

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A BILL

FOR

AN ACT TO REPEAL THE NATIONAL COMMISSION FOR REFUGEES ACT, CAP.N21 LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NATIONAL COMMISSION FOR INTERNALLY DISPLACED PERSONS, REFUGEES AND MIGRANTS TO PROVIDE A FRAMEWORK FOR MANAGEMENT, REHABILITATION, RETURN, RE-INTEGRATION AND RESETTLEMENT OF VICTIMS OF DISPLACEMENT, REFUGE, MIGRATION AND FOR RELATED MATTERS

Sponsored by Hon. Mohammed Sani Zoro

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 PART 1 - ESTABLISHMENT OF THE NATIONAL COMMISSION FOR
2 INTERNALLY DISPLACED PERSONS, REFUGEES AND MIGRANTS

3 1.-(1) There is established a Commission to be known as the
4 National Commission for Internally Displaced Persons, Refugees and
5 Migrants (in this Bill referred to as "the Commission").

Establishment of the Commission

6 (2) The Commission shall be a body corporate with perpetual
7 succession and a common seal and may sue and be sued in its corporate
8 name.

9 (3) The Commission may acquire, hold and dispose of any
10 moveable or immovable property for the purpose of its functions under this
11 Bill

12 2.-(1) There is established for the Commission a Governing Board
13 (in this Bill referred to as "the Board").

Establishment and appointment of members of Council

14 (2) The Board shall consist of:

15 (a) a Chairman;

16 (b) one representative each of the following who shall not be below

1 the rank of Director:

2 (i) Secretary to the Government of Federation;

3 (ii) National Security Adviser,

4 (iii) Ministry of Foreign Affairs,

5 (iv) Ministry of Justice,

6 (v) Ministry of Interior,

7 (vi) Nigeria Civil Defence Corp,

8 (vii) National Emergency Management Agency,

9 (viii) Red Cross Society of Nigeria;

10 (c) a representative of:

11 (i) United Nations High Commissioner for Refugees in Nigeria,

12 (ii) International Organisation for Migration in Nigeria,

13 (iii) International Committee of the Red Cross;

14 (d) Director General who shall be the Secretary of the Board.

15 (3) The Chairman shall be appointed by the President, subject to the
16 confirmation of the Senate.

17 (4) The members of the Board referred to in paragraph (b-c) of sub-
18 clause (2) of this Clause shall be part-time members

Schedule

19 (5) The supplementary provisions set out in the Schedule to this Bill
20 shall have effect with respect to the proceedings of the Board and the other
21 matters contained therein.

Tenure,
resignation,
cessation or
removal from
membership of
the Board

22 **3.-(1)** Members of the Board other than the Director General shall
23 hold office on part time basis.

24 (2) Subject to the provisions of sub clause (1) of this Clause, members
25 of the Board shall hold office as follows:

26 (a) Director General for a term of 4 years renewable for another term
27 and no more; and

28 (b) all other members of the Board other than statutory member shall
29 hold office for a term of 5 years and no more

30 (3) The Chairman may resign his appointment by notice in writing

1 addressed to the President.

2 (4) A member of the Council may cease membership if the
3 member:

4 (a) becomes of unsound mind;

5 (b) becomes bankrupt;

6 (c) is convicted of a felony or of any offence involving dishonesty;

7 and

8 (d) is guilty of serious misconduct in relation to the office.

9 (5) Subject to any other provisions of this Bill, a member of the
10 Board shall hold office on such terms and conditions as may be specified

11 (6) in his letter of appointment.

12 Where a vacancy occurs in the Board's composition at any time, the
13 Chairman of the Board shall formally notify the President through the
14 Secretary to the Government of the Federation of the vacancy and shall
15 make recommendations towards ensuring that the Board maintains a
16 balance of skills, expertise, diversity and representation of relevant
17 stakeholder groups

18 (7) A member of the Board may resign his membership by giving 2
19 months' notice in writing or such other period as may be specified in his
20 letter of appointment to the Board Chairman who shall forward same to the
21 Secretary to the Government of the Federation for onward transmission to
22 the President.

23 (8) Membership of the Board shall be terminated where a member
24 ceases to hold office on the basis of which he became a member.

25 4--(1) The Board shall:

26 (a) formulate and provide policy guidelines for the discharge of the
27 functions of the commission;

28 (b) monitor and ensure the implementation of the policies and
29 programmes of the commission; and

30 (c) carry out such other functions as are necessary and expedient to

Functions and
Powers of the
Board

1 ensure the efficient performance of the functions of the;

2 (2) Commission under this Bill.

3 The Board shall have powers to:

4 (a) approve rules and regulations relating to the appointment,
5 promotion and disciplinary measures for staff of the Commission; and

6 (b) regulate its proceedings and make standing orders with respect to
7 the keeping of minutes of its proceedings, and such other matters as the Board
8 may from time to time determine, subject to extant circular of the Federal
9 Government on number of meetings of the Board.

Functions of the
Commission

10 5.-(1) The functions of the Commission shall include the following:

11 (a) advising the Federal Government on policy matters relating to
12 internally displaced persons, refugees and migrants;

13 (b) promoting Donor commitment to humanitarian response by
14 organizing missions, liaising on an ongoing basis on developments,
15 achievements and funding requirements for humanitarian interventions
16 targeting internally displaced persons, refugees and migrants;

17 (c) organizing and maintaining relationship with relevant
18 government Ministries, Departments and Agencies (MDAs) and where
19 required, facilitating the provision of appropriate advice and capacity support
20 towards meeting the protection and assistance needs of internally displaced
21 persons, refugees and migrants including returnees in collaboration with
22 relevant UN Agencies;

23 (d) ensuring that the integration approaches for protecting and
24 assisting internally displaced persons, refugees and migrants as well as host
25 communities are mainstreamed into the policies and practices of relevant
26 agencies, line ministries and local authorities;

27 (e) undertaking comprehensive multi-agency situational analysis by
28 using participatory assessment methodologies to identify threats to the rights
29 of refugees, migrants and internally displaced persons and their host
30 communities and assessing the protection risks, assistance gaps, resources and

1 opportunities available and offered locally, nationally and internationally by
2 stakeholders;

3 (f) identifying, mobilizing and coordinating internally displaced
4 persons, refugees and migrants camp management agencies and other
5 sectorial partners and ensuring co- ordination among other sectors
6 responding to their assistance and protection needs;

7 (g) evaluating the performance of refugees, migrants, returnees
8 and internally displaced persons camp managing agencies and addressing
9 issues relating to under-performing agencies, misuse of assets and strong
10 religious agendas, in an objective and transparent manner;

11 (h) monitoring and regularly reviewing the development,
12 implementation and evaluation of protection mechanisms and assistance
13 programmes target in, internally displaced persons, refugees and migrants;

14 (i) identifying and promoting best practices in internally displaced
15 persons, refugees and migrants camp management, including harmonizing
16 protection and assistance standards between camps, taking into
17 consideration the host community;

18 (j) developing and ensuring compliance by government, Civil
19 Society Organization: and humanitarian agency workers to clear guidelines,
20 Standard Operating Procedures and Codes of Conduct for working with
21 various groups of refugees returnees, migrants and internally displaced
22 persons including women children, elderly, persons with disabilities and
23 such other groups with specie needs;

24 (k) creating humanitarian coordination sectors and prescribing the
25 composition and responsibility of each technical sector in addition to or in
26 modification of the sectors recommended in the relevant National Frame
27 works and Policies on Internally Displaced Persons, Refugees and
28 Migrants;

29 (l) coordinating the activities of all Governmental and Inter-
30 Governmental or Humanitarian Agencies on refugee, migration and internal

1 displacement issues in Nigeria;

2 (m) designating a lead agency for each of the humanitarian sectors
3 responding to issues of refugees, migrants and internally displaced persons in
4 Nigeria and such other sectors that may be created or modified in furtherance of
5 the wellbeing, safety and security of the affected persons, taking into
6 consideration the mandates, capacities and capability of the relevant
7 intervening agencies and institution;

8 (n) developing standard procedures, in conjunction with relevant
9 Ministries, Departments, Agencies and Inter-Governmental or Humanitarian
10 Agencies, for the return, re-admission and re-integration of excluded migrants
11 in line with extant legal instruments and measures to protect and promote the
12 human rights and well-being of migrants;

13 (o) ensuring the protection and assistance of internally displaced
14 persons during and after displacement as well as during return or resettlement
15 and reintegration;

16 (p) providing a framework for conditions and means for internally
17 displaced persons to return voluntarily, in safety and with dignity, to their
18 homes or places of habitual residence, or to resettle voluntarily in another part
19 of the country;

20 (q) collaborating and partnering with relevant Ministries,
21 Departments, Agencies and Inter-Government or Humanitarian Agencies in
22 carrying out the activities of the Commission or in implementing national and
23 international legal instruments relating to the functions of the Commission;

24 (r) facilitating the negotiated and voluntary repatriation of Nigerian
25 irregular migrants in conjunction with the Ministry of Foreign Affairs, the
26 Nigerian Immigration Service (NIS), National Agency for the Prohibition of
27 Trafficking in Persons (NAPTIP), security agencies or organisations and other
28 stakeholders;

29 (s) encouraging and ensuring capacity building and skill acquisition
30 training programmes to Nigerians who are being repatriated in order to ensure

1 that they are gainfully engaged upon return;

2 (t) collaborating with the Ministry of Foreign Affairs in negotiating
3 and facilitating bilateral agreements with nations repatriating Nigerian
4 citizens to provide adequate time for the deportees to secure, convey and
5 wind up their personal belongings and affairs, including the provision of
6 opportunity to arrange for banking and other financial transactions;

7 (u) considering such matters as the Secretary to the Government of
8 the Federation may, from time to time refer to it and making
9 recommendations thereon; and

10 (v) do such other things necessary or expedient to the performance
11 of its functions under this Bill.

12 (2) Where there is a large scale influx of persons claiming to fall
13 within the meaning of:

14 (a) refugees under this Bill;

15 (b) massive internal displacement; or

16 (c) situation of mass return deportation, the Commission shall, in
17 consultation with other relevant Government Ministries, Departments or
18 Agencies, meet on an emergency basis and advise the Federal Government
19 on the appropriate measures to be taken on the provision of adequate
20 facilities and services necessary to take care of the particular group of
21 persons affected by the influx or displacement.

22 6.-(1) The Commission shall have powers to:

Powers of the
Commission

23 (a) set up appropriate advisory committees composed of
24 administrative, technical or other experts in humanitarian, refugee,
25 migration, internal displacement and development issues as may be
26 necessary for the effective carrying out of its functions and powers under
27 this Bill; and

28 (b) delegate its powers to any specific person or committee and to

29 (2) grant to such person or committee general or specific powers of
30 sub-delegation.

1 The Commission:

2 (a) may accept gifts of Land, Money or other property on such terms,
3 conditions, if any, as may be specified by the person or organization making
4 gifts; and

5 (b) shall not accept any gift if the conditions attached by the person or
6 organization making the are inconsistent with its functions or any law in force
7 in Nigeria.

8 PART II - APPOINTMENT OF Director-general And Other Staff Of The
9 Commission

Appointment of
Director-General
and Staff of the
Commission

10 7.-(1) There shall be appointed by the President a Director General of
11 the Commission who shall be:

12 (a) the chief executive of the Commission; and

13 (b) a person with not less than 10 years relevant requisite experience
14 in refuge, humanitarian development or migration issues.

15 (2) The Director General shall:

16 (a) grant refugee status to applicants on the recommendations of the
17 Eligibility Committee constituted under Clause 9 of this Bill;

18 (b) preside over the committees on refugees, migrants and internally
19 displaced persons as may be set up from time to time;

20 (c) represent the Commission and enter contract on its behalf;

21 (d) ensure the provision of adequate facilities and services for the
22 reception and care of refugees, migrants or returnees and internally displaced
23 persons in Nigeria;

24 (e) exercise such other powers and perform such other duties relating
25 to refugees, migrants and internally displaced persons as may be assigned to
26 him from time to time, by the Board; and

27 (f) take such steps as he considers necessary to ensure compliance
28 with the provisions of this Bill.

29 (3) The Board shall have power to appoint directly or request for the
30 deployment from the Public Service of the Federation, such number of staff as

1 may be necessary for the proper and efficient performance of its functions
2 under this Bill.

3 (4) The terms and conditions of service including remunerations,
4 allowances and benefit: of staff of the Commission shall be as determined by
5 the Board in consultation with the National Salaries, income and Wages
6 Commission, subject to extant Government Rules.

7 PART III - ESTABLISHMENT OF COMMITTEES OF THE COMMISSION

8 8.-(1) There is established for the Commission a Committee to be
9 known as the Internally Displacement Management Committee which shall
10 consist of:

Establishment of
Internally Displaced
Management
Committee

11 (a) the Permanent Secretary Ministry of Interior as Chairman; and

12 (b) a representative of each of the following:

13 (i) Ministry of Justice,

14 (ii) Ministry of Women Affairs and Social Development,

15 (iii) National Human Rights Commission,

16 (iv) National Planning Commission,

17 (v) National Emergency Management Agency,

18 (vi) Nigerian Red Cross Society,

19 (vii) State Security Service Office,

20 (viii) Nigeria Police Force,

21 (ix) Nigeria Security and Civil Defence Corps,

22 (x) State Emergency Management Agencies and Local
23 Government Emergency Management Committees, where there is mass
24 displacement in the State or Local Government.

25 (2) The Internally Displacement Management Committee shall:

26 (a) assist in the formulation of guidelines, strategies and action
27 plans by the Commission for periodic monitoring and evaluation of the
28 practice implementation of the National Policy on Internally Displaced
29 Persons;

30 (b) monitor and evaluate the progressive implementation of

1 Nigeria commitments and obligations under regional and conventions on
2 Internally Displaced Persons;

3 (c) ensure and monitor the timely intervention of the Commission and
4 the humanitarian community towards providing lasting solutions to internally
5 displacement in Nigeria with effective participation of internally displaced
6 persons in all decision making processes affecting their lives;

7 (d) engender effective cooperation and collaboration between the
8 Commission and relevant Humanitarian organizations providing interventions
9 on internal displacement;

10 (e) receive, attend to and resolve complaints, petitions and grievances
11 expressed by internally displaced persons or their host communities as relate to
12 their fundamental rights, safety, security and wellbeing provided for in the
13 National Policy on internal displacement, regional protocols, conventions and
14 the Constitution of the Federal Republic of Nigeria;

15 (f) liaise with the Commission to develop the requisite technical
16 capacity, human and material resources to respond to internal displacement
17 situations in Nigeria; and

18 (g) Advise the Commission on any other issue relating to effective
19 assistance and protection of internally displaced persons in Nigeria

20 **9. The Commission shall:**

21 (a) in collaboration with relevant agencies of government, ensure
22 compliance with the provisions of the African Union Convention for the
23 Protection and Assistance of Internally Displaced Persons, 2009 (in this Bill
24 referred to as "Kampala Convention");

25 (b) be the designated agency of government responsible for
26 coordinating activities aimed at protecting and assisting internally displaced
27 persons and shall seek the collaboration of other appropriate Ministries,
28 Departments or Agencies of Government for such protection and assistance;

29 (c) support State Governments in the creation and maintenance of an
30 up-dated register of all internally displaced persons within their jurisdiction;

Protection,
registration,
documentation
and assistance
of Internally
Displaced Persons

Fourth Schedule

1 (d) register and made personal documentation of internally
2 displaced persons.

3 10.-(1) There is established a committee to be known as the
4 Eligibility Committee for Refugees (in this Act referred to as "the Eligibility
5 Committee") which shall consist of:

Establishment of
Eligibility
Committee for
Refugees

6 (a) The Permanent Secretary Ministry of Foreign Affairs as
7 Chairman;

8 (b) the Comptroller General of Nigeria Immigration Service;

9 (c) a representative of the:

10 (i) Ministry of Interior;

11 (ii) Office of the Vice President,

12 (iii) National Human Rights Commission,

13 (iv) Non-Governmental Organizations with relevant expertise in
14 humanitarian affairs,

15 (v) office of the National Security Adviser,

16 (vi) Office of the United Nations High Commissioner for Refugees
17 in Nigeria who shall participate as an observer.

18 (2) The Committee shall:

19 (a) process and consider applications for refugee status and
20 recommend such applicants that qualify for that status to the Director-
21 General;

22 (b) consider cases for cancellation and withdrawal of refugee
23 status as may be referred to it by the Director General; and

24 (c) exercise any other powers and perform any other duties that
25 may be assigned to it from time to time, by the Director General.

26 11.-(1) There is established for the commission, the Refugee
27 Appeal Panel (in this Bill referred to as "the Appeal Panel").

Refugee Appeal
Panel

28 (2) The Appeal Panel shall consist of three legal practitioners, one
29 of whom shall:

30 (a) be a retired Judge with adequate knowledge in international

1 Humanitarian Law, International Human Rights Law or International
2 comparative law who shall be the Chairman;

3 (b) two legal practitioners of at least 10 years' experience; and be
4 appointed by the Secretary to the Government of Federation;

5 (c) the Federation in consultation with the Attorney-General of the
6 Federation and Minister of Justice.

7 (3) The representative of the United Nations High Commissioner For
8 Refugees in Nigeria may be invited to participate in the proceedings of the
9 Appeal Committee and shall have the right to make an oral or written
10 representation on behalf of any person concerned in an appeal that is being
11 heard by the Appeal Panel.

12 (4) The Appeal Panel shall meet at the invitation of the Director
13 General.

14 (5) Subject to the provisions of this Bill, the Appeal Panel shall hear
15 appeals against the decisions of the Eligibility Committee.

16 (6) The Appeal Panel shall give due consideration to any
17 representation made or on behalf of an appellant before coming to a final
18 decision on the appeal.

19 **12.-(1)** There is established for the Commission a Committee to be
20 known as the Migration Management Committee which shall consist of:

21 (a) the Solicitor-General who shall be the Chairman; and

22 (b) a representative of the following:

23 (i) Ministry of Foreign Affairs;

24 (ii) Ministry of Interior;

25 (iii) Ministry of Finance

26 (iv) National Population Commission;

27 (v) Nigeria Immigration Service,

28 (vi) National Planning Commission,

29 (vii) Central Bank of Nigeria,

30 (viii) Office of the Vice President

1 (2) The Migration Management Committee shall:

2 (a) facilitate, formulate, review and make necessary
3 recommendations on national policy on migration;

4 (b) monitor the implementation of bilateral agreements regarding
5 migration and recommend to the Commission situations where new
6 bilateral agreements are required to ensure that Nigerians being repatriated
7 from abroad are treated humanely and fairly, in safety, dignity and that their
8 basic human rights are respected;

9 (c) monitor and recommend actions to the Commission aimed at
10 ensuring that the human, economic, labour and civil rights of Nigerians
11 resident abroad are well protected in their host countries including those
12 guaranteed by existing International Conventions, Customary Laws and
13 General Principles and such other agreements concluded on bilateral and
14 multilateral basis;

15 (d) make policies and guiding principles as well as advise the
16 Commission on strategies for a well-managed labour migration that would
17 enhance its benefits to Nigeria and reduce the adverse impact resulting from
18 the loss of skilled citizens;

19 (e) monitor, advise and ensure protection of migrants in Nigeria,
20 and Nigerian migrants in other countries under the International Convention
21 on the Protection of the Rights of all Migrant Workers and Members of their
22 Families;

23 (f) support the Commission in liaising with the Technical Partners
24 in the implementing technical cooperation in identified areas of needs; and

25 (g) advise the Commission on general migration issues and
26 ratification and implementation of relevant Migration treaties, protocols
27 and conventions.

28 **13.-(1)** This Bill vests on the Commission the responsibility of
29 coordinating migration issues and ensuring the protection of migrants and
30 their families, whether other nationals resident in Nigeria or Nigerians

Management and
protection of
Rights of Migrants

1 resident in other countries, in line with the provisions of international
2 conventions, protocols and treaties guiding the protection of rights and
3 promotion of the welfare of migrants.

4 (2) The Commission, through the Migrant Management Committee
5 established under this Bill, shall provide a platform for the uniform
6 administration of migration in Nigeria as a coordinating agency of all
7 stakeholders in the field of migration and for formulating, reviewing and
8 implementing a national policy on migration and development.

9 PART IV - MANAGEMENT OF REFUGEES

Application for
Refugees Status
in Nigeria

10 14.-(1) Application for the grant of a refugee status shall be made to
11 the Director General through the nearest competent officer or through the
12 office of the United Nations High Commissioner for Refugees in Nigeria.

13 (2) A competent officer to whom a person seeking asylum first
14 presents himself shall, where he is not an immigration officer, promptly notify
15 an immigration officer that a person seeking a refugee status has entered into or
16 is present in Nigeria.

17 (3) An application received by the office of the United Nations High
18 Commissioner for Refugees shall be forwarded to the Eligibility Committee.

19 (4) The Eligibility Committee may invite the applicant to appear
20 before it.

21 (5) The decision of the Eligibility Committee shall be notified in
22 writing to the applicant by the Director General.

23 (6) Where the Eligibility Committee recommends that the applicant
24 shall not be granted refugee status, it shall give reasons for its decision.

25 (7) In the case of a refusal to grant refugee status, the applicant may
26 appeal against the decision of the Eligibility Committee to the Appeal Panel
27 established under section 10 of this Bill within 30 days of his being notified of
28 the refusal.

29 (8) Pursuant to clauses 14 and 15 of this Bill, an applicant shall be
30 allowed to remain in the country while waiting for the final decision of the

1 Appeal Panel.

2 Where an applicant is finally refused a refugee status, he shall be given
3 reasonable time to seek admission as a refugee into another country

4 15.-(1) Notwithstanding the provisions of any other law, no
5 person who is a refugee within the meaning of this Bill shall be refused entry
6 into Nigeria, expelled, extradited or returned in any manner to the frontiers
7 of any territory where:

Prohibition of
expulsion return
of Refugees from
Nigeria

8 (a) his or her life or freedom may be threatened on account of race,
9 religion, nationality, membership of a particular group or political opinion;
10 and

11 (b) physical integrity and liberty may be threatened on account of
12 external aggression, occupation, foreign domination or events seriously
13 disrupting public order in any part or the whole of that territory.

14 (2) The provisions of sub-clause(1) of this clause shall not apply to
15 a refugees who:

16 (a) constitutes a threat to the security of Nigeria; or

17 (b) Is convicted by a court or tribunal for committing any serious
18 crime stipulated in the conventions contained in the schedules to this Bill.

19 (3) No person claiming to be a refugee within the meaning of this
20 Bill, who has illegally entered into or is illegally present in Nigeria, shall be
21 expelled, extradited or returned merely by reason of his illegal entry or
22 presence in Nigeria or any part of Nigeria pending the determination of his
23 application for a refugee status.

24 (4) A person who has lawfully entered into or is lawfully present in
25 Nigeria and who wishes to remain in Nigeria on the grounds that he or she is
26 a refugee within the meaning of this Bill shall not be compelled to leave
27 Nigeria, unless he or she has found another country of asylum.

28 16.-(1) Notwithstanding the provisions of any other law, any
29 person who has applied under Clause 14 of this Bill for grant of refugee
30 status and members of his family shall have the right to remain within

Residence in
Nigeria pending
recognition or
refusal as Refugee

1 Nigeria, until he has:

2 (a) been granted refugee status under the provisions of this Bill; or

3 (b) had an opportunity to exhaust his right of appeal under clause 11 of
4 this Bill, where his application is not successful.

5 (2) Where the person mentioned under sub-clause (1) of this clause
6 has appealed pursuant to clause 11 of this Bill and the appeal was not
7 successful, he shall, within 30 days from the date of determination of the appeal
8 leave Nigeria for another country of his choice.

Cessation or Stay
of Proceedings in
respect of illegal
entry

9 **17.** Notwithstanding the provisions of the Immigration Act, Cap. 11
10 LFN, 2004, no proceedings shall be instituted or continued against any person
11 or any member of his family in respect of his, unlawful entry into or unlawful
12 presence within Nigeria where he:

13 (a) applies under clause 14 of this Bill for the grant of a refugee status,
14 unless:

15 (i) a decision has been made on the application, and

16 (ii) he has had an opportunity of exhausting his right of appeal under
17 that clause; or

18 (b) has been granted refugee status.

Residence in
Nigeria of person
granted Refugee
Status, etc.

19 **18.-(1)** Subject to the provisions of this Bill, a person who has been
20 granted refugee status under this Bill and members of his family shall be:

21 (a) issued with an identity card in the form prescribed by the Minister
22 charged with responsibility for matters relating to internal affairs;

23 (b) issued with residence permit;

24 (c) subject to the laws in force in Nigeria.

25 (2) A refugee and members of his family lawfully staying in Nigeria
26 shall, in accordance with Article 28 of the 1951 United Nations Refugees
27 Convention and other relevant conventions, be issued with the United Nations
28 Travel Document.

Withdrawal of
Refugees Status

29 **19.-(1)** The Director General shall refer a matter to the Eligibility
30 Committee, where he considers that there are reasonable grounds for believing

1 that a person who has been granted a refugee status under this Bill:

2 (a) should not have been so granted; or

3 (b) has ceased to be a refugee

4 (2) Where a matter has been referred to the Eligibility Committee
5 established under clause 10 of this Bill, it shall cause a written notice to be
6 served on the person whose status as a refugee is under reconsideration:

7 (c) informing him of the fact that his status as a refugee is to be
8 reconsidered; and

9 (d) inviting him to make written representations to it within 14 days
10 from the date of service of the notice, in respect of his status as a refugee.

11 (3) The Eligibility Committee shall consider every matter referred
12 to it under sub clause (1) of this clause and enquire into or investigate the
13 matter as it deems necessary.

14 (4) After considering any advice or recommendation given or
15 made to him by the Eligibility Committee in relation to any case referred to it
16 under sub clause (1) of this clause, the Director General:

17 (a) may withdraw the grant of refugee status; and

18 (b) shall cause the person concerned to be notified in writing of his
19 decision on the matter.

20 **20.**-(1) Any person aggrieved by a decision of the Director General
21 to withdraw the grant of refugee status may, within 7 days of being notified
22 of such withdrawal, appeal in writing to the Secretary to the Government of
23 the Federation.

Right of Appeal
to the Secretary
to the Government
of the Federation

24 (2) In any appeal under sub clause (1) of this clause, the Secretary
25 to the Government of the Federation may confirm or set aside the decision of
26 the Director General and inform the Director General of his decision on the
27 matter.

28 (3) Notwithstanding the provisions of sub clause (2) of this clause
29 the Secretary to the Government of the Federation may, before reaching a
30 decision on all appeal:

1 (a) invite the representative of the United Nations High
2 Commissioner for Refugees in Nigeria to make oral or written representation
3 on the matter;

4 (b) refer the matter to the Eligibility Committee for further inquiry
5 and investigation; and

6 (c) make such further inquiry or investigation into the matter as he
7 deems fit. Where the Director General withdraws the grant of refugee status.

8 (4) under clause 19 of this clause, the person concerned and any other
9 person who became a refugee by virtue of being a member of his family shall
10 cease to be a refugee with effect from:

11 (a) 7 days after he was notified of the withdrawal by the Director
12 General; or

13 (b) the date on which the Secretary to the Federal Government
14 notifies him of his confirmation of the decision of the Director General, such a
15 person shall within 30 days leaves Nigeria to another country of his choice.
16 Nothing contained in this section shall be construed as preventing a

17 (5) person who became a refugee by virtue of being a member of the
18 family of the person mentioned under this section from applying for the grant
19 of a refugee status.

20 **21.**-(1) The Director General and all competent officers shall ensure
21 that members of the family of a refugee:

22 (a) benefit from the same treatment as provided for refugees in this
23 Bill,

24 (b) are permitted to enter and remain in Nigeria as long as the refugee
25 concerned is permitted to remain in Nigeria under this Bill.

26 (2) Subject to the provision of clause 19 of this Bill, a change in family
27 status or ties resulting from marriage of the dependant family member, divorce
28 or legal separation, death of the principal applicant or attainment of age of
29 majority by a minor dependant shall not affect the refugee status of such family
30 members.

1 22. A person granted refugee status in Nigeria shall be entitled to
2 the rights and subject to the duties contained in the Articles, Protocol,
3 Conventions ratified by Nigeria and any other law in force in Nigeria

4 23.-(1) A refugee may be detained or expelled for reasons of
5 national security or public order.

6 (2) No refugee shall be expelled pursuant to this clause, to a
7 country where he has reasons to fear persecution.

8 (3) A refugee who has been notified of a decision of expulsion may
9 appeal to the Appeal Panel or the Secretary to the Government of the
10 Federation, as the case may be, for reconsideration of his provisions of this
11 Bill.

12 24.-(1) Subject to the provisions of any other Law in Nigeria, the
13 Commission shall assist refugee who has satisfied the criteria to achieve any
14 of the following:

15 (a) citizenship by naturalization;

16 (b) voluntary repatriation;

17 (c) reintegration; or

18 (d) resettlement.

19 (2) The Commission shall:

20 (a) adopt procedures to be followed by the competent officer for
21 the purposes of facilitating entry and residence in Nigeria of refugees and
22 members of their family;

23 (b) assist in the training of family members of refugees,
24 particularly for unaccompanied children.

25 (c) seek co-operation with non-governmental organisations on
26 matters relating to refugees;

27 (d) give relief assistance to refugees while they are awaiting a final
28 decision of the Appeal Panel or the Secretary to the Government of the
29 Federation; and

30 (e) assist in seeking employment or education for refugees and

1 members of their family.

2 PART V - FINANCIAL PROVISION

3 25.-(1) The Commission shall establish and maintain a fund from
4 which shall be defrayed all expenditure incurred by the Commission. There
5 shall be paid and credited to the fund established pursuant to sub-clause (1) of
6 this Clause:

7 (a) from the Federal Government as subvention;

8 (b) such monies as may from time to time, be granted or lent to or
9 deposited with the Commission by the Federal or a State Government, any
10 other body or institution whether local or foreign;

11 (c) all moneys raised for the purposes of the Commission by way of
12 gifts, loan, grants-in-aid, testamentary disposition or otherwise; and

13 (d) proceeds from all other assets that may, from time to time, accrue
14 to the Commission.

15 (2) The Commission shall from time to time apply the fund:

16 (a) to the cost of its administration;

17 (b) to the payment of the salaries, fees or other remuneration or
18 allowances, payable to its staff or officers;

19 (c) for the maintenance of any property acquired or vested in it; and

20 (d) for and in connection with all or any of its functions under this Bill.

21 26.-(1) There is established for the Commission a fund to be known as
22 the Humanitarian Trust Fund (in this Act referred to as "the Trust Fund") into
23 which shall be paid the:

24 (a) grant from the Federal Government;

25 (b) donations, gifts or endowment from individuals, corporate
26 entities, international donor agencies and other developmental partners.

27 (2) There shall be a Board of Trustees for the Trust Fund established
28 under this clause, to be headed by the Chairman of the Board of the
29 Commission, with the following as members:

30 (a) Director General; and

1 (b) 3 other members to be appointed by the Secretary to the
2 Government of the Federation;

3 (3) Management of the Trust Fund shall be vested in the Board of
4 Trustees.

5 (4) The Trust Fund shall be utilised in cases where there is an influx
6 of persons or such other situations mass voluntary or involuntary
7 displacement or migration and in cases of return, resettlement,
8 reconstruction, rehabilitation and reintegration of refugees, migrants or
9 internally displaced persons.

10 27.-(1) Where a case of arbitrary displacement is established by the
11 Commission and where accused parties, whether state or non-state actors
12 are guilty of not conducting necessary or required Environmental Impact
13 Assessment prior to execution of a development project including
14 exploration of natural resources resulting to forced or arbitrary
15 displacement, the party or parties that commissioned the project shall
16 provide persons affected by displacement with effective remedies.

17 (2) Where persons affected or internally displaced arbitrarily are
18 not compensated or inadequately compensated by the perpetrators of the
19 displacement caused by an act or omission not attributable to any
20 foreseeable act of nature, the affected persons shall petition to the Internally
21 Displaced Persons Committee of the Commission to seek justice and fair
22 compensation and other forms of reparations, where appropriate, for
23 damages incurred as a result of displacement, in accordance with
24 international standards.

25 (3) Where it is established by a court of competent jurisdiction that
26 a party wilfully engaged in activities that led to:

27 (a) environmental pollution or degradation;

28 (b) violence;

29 (c) conflict; or

30 (d) other act of omission resulting in arbitrary or forced

1 displacement of persons from their places of habitual residence, the party shall
2 be liable to make reparation to internally displaced persons for damage.

3 PART VI - MISCELLANEOUS

4 28. The Commission may, with the approval of the Minister make
5 regulations necessary for giving full effect to the provisions of this Bill.

6 29. The Commission shall not later than 30th June in each year,
7 submit to the Minister a report on its activities during the preceding year and
8 shall include in such report the audited accounts of the Commission.

9 29. The National Commission for Refugees Act, Cap.N21 Laws of the
10 Federation of Nigeria, 2004 is hereby repealed

11 30.-(1) Anything made or done or having effect before the
12 commencement of this Bill by the National Commission for Refugees and
13 having any resulting or continuing effect shall be treated as from the
14 commencement of this Bill, as if it were made or done by the Commission.

15 (2) As from to the commencement of this Bill, any staff or officer who
16 immediately before the commencement of this Bill holds office in the National
17 Commission for Refugees existing before the commencement of this Bill, and
18 who have been made an offer by the Commission shall be deemed to have been
19 transferred to the Commission established under this Bill, on such terms and
20 conditions no less favourable than those obtaining immediately before the
21 commencement of this Bill.

22 (3) Service or employment in the department shall be deemed to be
23 service or employment in the Commission established under this Bill and any
24 director, employee, staff or officer to whom the Commission did not make an
25 offer shall be redeployed by the Head of civil service of the Federation.

26 (4) All assets, rights, liabilities and obligations of the National
27 Commission for Refugees, before the commencement of this Bill shall, by
28 virtue of this Bill, be deemed to be that of the Commission.

29 31. In this Bill:
30 "Chairman" means Chairman of the Governing Board of the Commission;

1 "Competent Officer" means immigration officer, customs officer, police
2 officer, Liaison officer of the National Commission for Refugees, Migrants
3 and Internally Displaced Persons or any other relevant security officer;

4 "Country of Nationality" in relation to a person who has more than one
5 nationality, means each of the countries of which that person is a national;

6 "emigrant and immigrant" refer respectively to migrants from the
7 perspective of the Country of origin or departure and the Country of
8 destination or settlement;

9 "Frontier" means land frontier, sea frontier, port or airport of airport;

10 "Minister" means Minister of Interior;

11 "Internal displacement" means the involuntary or forced movement,
12 evacuation or relocation of persons or group of persons within
13 internationally recognized state borders; internally displaced persons" are
14 persons or groups of persons who have been forced or obliged to flee or
15 leave their homes or places of habitual residence, in particular as a result of
16 or in order to avoid the effects of armed conflict, situations of generalized
17 violence, violations of human rights or natural or human-made disasters,
18 and who have not crossed any of Nigeria's internationally recognized
19 borders.

20 32. This Bill may be cited as the National Commission for Internally Displaced Persons, Refugees and Migrants Bill, 2016. Short title

22 EXPLANATORY MEMORANDUM

23 This Bill seeks to Repeal the National Commission for Refugees Act,
24 Cap.N21 Laws of the Federation of Nigeria, 2004 and enact the National
25 Commission for Internally Displaced Persons, Refugees and Migrants to
26 provide a framework for management, rehabilitation, return, re-integration
27 and resettlement of victims of displacement, refuge and migratica.

SCHEDULES

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

1.-(1) Subject to the provisions of this Bill and section 27 of the Interpretation Act the Board may make standing orders regulating its proceedings or those of any of its committees.

(2) The quorum of the Board shall be the Chairman or the person presiding at the meeting, Director General and one third of other members of the Board. The quorum of any Committee of the Commission shall be as determined by the Board

2.-(1) The Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 4 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the Notice is given.

(2) At any meeting of the Board the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their member to preside at the meeting

3.-(1) The Board may appoint one or more committees to carry out, on behalf of the Board such functions as the Board may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on the committee in accordance with the terms of his appointment.

(3) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

4.-(1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Board generally or specifically authorized by the Board to act for that purpose and the Managing Director.

(2) A document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless and until the contrary is proved be presumed to be so executed. The validity of any

1 proceedings of the Board or of a committee shall not be adversely affected

2 by:

3 (a) a vacancy in the membership of the Board or committee;

4 (b) a defect in the appointment of a member of the Board or
5 committee; or

6 (c) reason that a person not entitled to do so took part in the
7 proceedings of the Board or committee

8 **SCHEDULES**

9 **FIRST**

10 **United Nations Convention Relating to the Status of Refugees 1951.**

11 **SECOND**

12 **Protocol Relating to Status of Refugees of 31st January 1967.**

13 **THIRD**

14 **Organisation of African Unity Convention 1969**

15 **FOURTH**

16 **African Union (Kampala) Convention on Protection and Assistance to**
17 **Internally Displaced Persons in Africa.**

18 **FIFTH**

19 **Internal Convention for the Protection of the Rights of All Migrants and**
20 **Members of their Family.**

21 **SIXTH**

22 **Convention Relating to the Status of Stateless Persons of 1954.**

