



ACCESS

The Role of Courts in Shaping Access to Asylum

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INTRODUCTION: OBJECTIVES OF ACCESS

The research project “Gatekeepers to International Refugee Law? – The Role of Courts in Shaping Access to Asylum” [ACCESS](#) investigates the role of courts in shaping access to asylum. It seeks to understand how courts globally interpret State-developed barriers in light of the Refugee Convention (RC) and other international norms, what socio-legal factors influence asylum access adjudication, and how the emerging jurisprudence shapes international refugee law (IRL) and migration governance.

ACCESS adopts a comparative approach as it relies on data collected from 19 countries, theoretically selected to cover all geographical regions, various legal systems and adjudication models, and different forms of participation in the international refugee law regime.¹

Given the comparative and socio-legal approach of the project, our goal is to collect data through multiple methods that guarantee comparability, comprehensiveness, and reliability of the data.

The data collection template, along with the explanatory guidance used for the preparation of this National Report, can be found at: Lacchei, Alice; Lambertini, Sara Mariella; McDonough, Paul; Moraru, Madalina; Reyhani, Adel-Naim; Scissa, Chiara (2026) National Report ACCESS Project Template. DOI: 10.6092/unibo/amsacta/8984

In addition, the summaries of the judicial decisions analysed in Part II of this National Report and cited throughout this document can be found at: Lacchei, Alice; Lambertini Martinez, Sara Mariella; McDonough, Paul; Moraru, Madalina; Reyhani, Adel-Naim; Scissa, Chiara; Jesudoss, Loretta Mary (2026) ACCESS Mid-Term Dataset: The Role of Courts in Shaping Access to Asylum. University of Bologna. DOI 10.6092/unibo/amsacta/8962. [Dataset]

DEFINING TERMS

‘Asylum’ denotes the protection a state grants on its territory to non-citizens who seek it. It includes a legal status that protects against refoulement and provides a right to stay. In several jurisdictions, e.g. those that do not have domestic asylum legislation, this status might not be labelled ‘asylum’. The research nevertheless includes such equivalent protection under the term ‘asylum’. Similarly, if a national system that includes an asylum status provides additional protection statuses that include a set of rights closely similar to those the 1951 Convention provides for refugees lawfully staying, the research includes those statuses under ‘asylum’.

‘Accessing asylum’ describes using legal and practical avenues to move towards the territory of potential host states, or to enter procedures and other arrangements for obtaining such status (labelled as asylum or not) implemented by a state or on its behalf. Territorial asylum processing (sometimes referred to as refugee status determination or RSD) itself or equivalent practices, however, are not studied here.

‘Barriers to accessing asylum’ refers to measures, arrangements, approaches, implementation practices, or structures that impede access to asylum. They can be implemented by state actors and others (if tolerated by the state); be of a practical or legal character; incorporate socioeconomic and cultural elements; and pertain to administrative or judicial spheres. Barriers implemented after the formal start of territorial asylum processing can be considered, if the processing is conducted as a sham or pretence rather than allowing effective access to asylum.

‘Pushbacks’ denote the removal or non-admittance of individuals trying to access asylum, without a substantive assessment of risks or potential rights violations. They can occur both on land and sea, including on international waters.

¹ Australia; Kenya, Nigeria, South Africa, Tunisia (Africa); Austria, Greece, Italy, Poland, Spain (Europe); India, Malaysia, Pakistan, Türkiye (Asia); Argentina, Brazil, Chile, Ecuador, Mexico (Latin America), USA.

‘Pullbacks’ are the dragging back of individuals approaching a destination state to the territory of a state from which they had departed without a substantive assessment of risks or potential rights violations. Such practices are often implemented in cooperation between two or more countries. While typically practiced at sea, such as in the territorial waters of the state of departure, pullbacks can also occur on land.

‘Walls and fences’ include physical barriers that prevent access to territory at or near borders, irrespective of the specificities of the construction or the materials used.

‘Detention’ is the imprisonment or other limitations of the right to liberty and security of person of individuals, territorially or extraterritorially, in connection with their asylum accessing.

‘Externalization of asylum processing’ denotes outsourcing procedures and transferring individuals to other jurisdictions to assess protection claims. Under such a practice, for example, potential destination states disallow asylum procedures on their territory, dismiss the corresponding applications, and deport individuals to cooperating countries. Externalized asylum processes can be based on formal and informal agreements between states.

‘Procedural barriers’ refers to any administrative practice or arrangement which, after individuals (attempt to) claim asylum, impedes the formalization of the application or the commencing of a procedure for obtaining asylum. This barrier can, for example, take the form of sham processes or (fast-track) processes based on the safe third country or safe country of origin concept, or a lack of mechanisms for ensuring appointments at registration offices.

‘Judicial or quasi-judicial body’ is the body that reviews/assesses the legality of the decisions, actions, or omissions of state authorities. This term encompasses the wide range of institutions adjudicating asylum barriers, including government/executive bodies, UNHCR, etc.

‘First instance judicial or quasi-judicial body’ is a court, tribunal, or other quasi-judicial body that hears appeals against administrative or executive decisions. ‘Second instance judicial or quasi-judicial body’ is a court or tribunal or other body that hears appeals against decisions made by a first instance judicial or quasi-judicial body. ‘Third instance judicial or quasi-judicial body’ is a court or tribunal (possibly a constitutional court) or another body that hears onward appeals, i.e., appeals against decisions already made by a judicial or quasi-judicial body of at least a second instance. In some jurisdictions there might be further levels of appeal.

‘Legal system’ refers to deeply rooted, historically conditioned attitudes about law’s nature and role, the legal system’s organization and functioning, and how the law is developed, applied, and interpreted (Merryman, 1985). The most common legal systems are the common law, civil law, Islamic, indigenous and socialist legal traditions (idem).

‘Asylum access adjudication’ refers to judicial examination and review by courts or quasi-judicial bodies of administrative decisions made by executive or immigration authorities regarding asylum.

‘Socio-legal factors’ refer to macro, meso, and micro factors influencing asylum access adjudication in the selected jurisdictions. They can originate at the macro level (state), at the meso level (judicial or quasi-judicial body), and at the micro level (individual). For example, adjudication may be influenced by the level of independence of the judiciary (macro factor) or the specialization of the asylum adjudication system (e.g., specialized courts); or availability of judicial or quasi-judicial bodies resources such as time, funds, human resources (meso factors); or individual characteristics of the actors involved, such as background or gender of adjudicators (micro factors).

‘Judicialization of politics’ refers to the increasing reliance on courts and judicial means for addressing core moral, political, and public policy questions (Hirschl 2013). For an overview of the meanings of judicialization, please refer to Hamlin and Sala (2018), who trace various forms in which judicialization of politics can occur (e.g., expanding the jurisdiction of courts, judicial activism, or due to the large number of cases decided by courts).

'Forced migration' refers to 'a migratory movement which, although the drivers can be diverse, involves force, compulsion, or coercion' (IOM, 2019:77). Although it is not an international legal concept and the use of the term is debated because of the controversial dichotomy of voluntary/forced movements, in this report we refer to forced migration including the movement of refugees and asylum seekers, as well as other displaced persons (including those displaced by disasters or victims of human trafficking) who will not attempt to lodge an asylum application. When referring to 'other displaced persons', we mean those forced migrants who are not registered as asylum seekers or refugees, etc., despite being present in the country.

1. **Functioning:** What is the barrier's specific functioning? How does it prevent individuals from accessing asylum?
2. **Time:** What is the implementation period of the barrier? Is it still in use? Is there a time frame for its planned termination?
3. **Place:** Where is the barrier implemented?
4. **Actors:** Who are the key institutional and other actors implementing the barrier? Are there relevant actors from other jurisdictions or international actors?
5. **Interaction:** How does the barrier interact with other barriers and the country's asylum system?
6. **Development:** What has been the historical and political context for introducing the barrier, and how have its implementation and its character developed over time? (Please consider e.g. corruption, economic or human resources available to implement the barrier, resistance or support by local actors - officials or local community)
7. **Rationale:** What are the stated purposes (e.g., in legislative preambles, government/executive, or judicial statements) the barrier is designed to serve?
8. **Legal Status:** What legal status does the national legal framework provide to individuals prevented by this barrier from accessing asylum? For example, do they fall under a specific (protected or unprotected) category within national law, such as asylum seekers or refugees before formal recognition, or are they treated under the general framework for non-citizens?
9. **Specific Impact:** What is the impact of the barrier on specific groups, such as children, women, LGBTQ+ individuals, or people with disabilities? How does it differ from the barrier's general impact?
10. **Reach:** How many individuals have been affected by this barrier since 2010, both in absolute numbers and relative to the number of procedures for determining protection status in the same period? Has the barrier contributed to less movement of displaced persons towards the country? Please provide an informed estimate if reliable statistics or studies are unavailable.
11. **Source:** What is the legal basis or source of the barrier? Is it grounded in or approved by domestic, international, or supranational law (even if its legality might be contested)?
12. **Justification:** What justifications have the government/executive branch provided for the barrier? Are there official statements or documents that outline these justifications?
13. **Domestic and International Reactions:** What have been the reactions or interventions from domestic actors, international bodies, or other countries?
14. **Externalization:** How does the barrier outsource migration control functions to actors outside the jurisdiction?
15. **Technology:** How does the barrier draw on technological infrastructure or tools to fulfil its functioning?
16. **Other:** Any further information considered crucial for understanding this barrier to accessing asylum and its relevance.

PART 1: BARRIERS TO ACCESSING ASYLUM

I. IDENTIFYING BARRIERS

This section identifies the barriers to accessing asylum relevant to Nigeria between 2010 and 2024.

A. Barriers of general relevance

Pushbacks: ☒

Detention: ☒

Procedural barriers: ☒

II. UNDERSTANDING BARRIERS

A. Barriers of general relevance

Pushbacks

1. Functioning: Nigeria has, on several occasions, removed or refused effective access to asylum procedures for persons seeking international protection, particularly in the context of security operations and immigration enforcement. Pushbacks generally occur where asylum seekers are returned across the border or deported without an individual assessment of their protection needs or without completing refugee status determination procedures. In practice, newly arrived asylum seekers who have not yet been registered by the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) are especially vulnerable to summary removal because they are frequently treated as irregular migrants rather than as potential refugees.

2. Time: The incidence of pushback has occurred in Nigeria for many years, particularly since the escalation of regional insecurity from around 2015 onwards. The most notable examples include the return of Togolese asylum seekers in 2015 and the forced return of Cameroonian asylum seekers and refugees in 2018. Reports suggest that summary returns at border entry points have continued, although comprehensive official statistics are unavailable.

3. Place: Pushbacks have mainly been reported in border regions, particularly along Nigeria's borders with Cameroon, Niger and Chad, where immigration control and counter-terrorism operations are concentrated. The 2018 Cameroonian case arose from persons who had sought protection in Nigeria after crossing from Cameroon.

4. Actors: The principal actors include the Nigeria Immigration Service (NIS), security agencies, the police and, in some instances, military authorities. The NCFRMI and UNHCR may subsequently intervene where individuals are identified as asylum seekers or refugees, although intervention has not always prevented removal.

5. Interaction: Pushbacks interact closely with detention and procedural barriers. Delays in registration, limited documentation and restricted access to the asylum procedure increase the likelihood that asylum seekers will be regarded as undocumented migrants, exposing them to arrest, detention and eventual removal before their protection claims can be examined.

6. Development: Although Nigeria has generally maintained an open asylum system and cooperates with UNHCR, increasing insecurity associated with Boko Haram, the Lake Chad Basin conflict and the Anglophone crisis in Cameroon led to a stronger emphasis on border security and migration control. As a result, concerns over national security have increasingly influenced migration enforcement, creating circumstances in which pushbacks and forced returns have occurred despite legal safeguards protecting asylum seekers.

7. *Rationale:* Government authorities generally justify removals on grounds of national security, border management, counter-terrorism and immigration control. Officials have maintained that irregular border movements require strict enforcement to prevent the infiltration of terrorists and other transnational criminal actors.

8. *Legal Status:* Under the NCFRMI Act 2022, asylum seekers are entitled to protection against *refoulement* and should not be penalised solely because of irregular entry. Nevertheless, where individuals have not yet been recognised or documented as asylum seekers, they are frequently treated as irregular migrants under the Immigration Act, increasing the risk of summary removal.

9. *Specific Impact:* Pushbacks expose asylum seekers to the risk of *refoulement*, preventing them from presenting protection claims and potentially returning them to situations where they may face persecution, arbitrary detention or other serious human rights violations. The impact is particularly acute for newly arrived asylum seekers, political dissidents and persons fleeing armed conflict.

10. *Reach:* Reliable statistics are unavailable. Available evidence indicates that pushbacks are relatively infrequent compared with detention practices but remain significant. Documented examples include the return of 119 Togolese asylum seekers in 2015,² the extradition of 47 Cameroonian asylum seekers and refugees in 2018,³ together with reports of additional undocumented pushbacks and forced returns at border entry points.

11. *Source:* For legal framework, main sources comprise of the Constitution of the Federal Republic of Nigeria 1999, the Immigration Act 2015, the National Commission for Refugees, Migrants and Internally Displaced Persons Act 2022, the 1951 Refugee Convention, the 1967 Protocol and the 1969 OAU Refugee Convention. For reported incidents, the main sources are from UNHCR reports, reports of the UN Working Group on Arbitrary Detention, media, interviews, human rights organisations and the Federal High Court decision concerning the 2018 Cameroonian removals.

12. *Legitimization:* There is no express legal basis authorising pushbacks as a migration management tool. Rather, removals have generally been justified by the executive through reliance on national security, immigration enforcement and public order considerations. These justifications have been criticised as inconsistent with Nigeria's non-refoulement obligations where asylum claims were not individually assessed.

13. *International Reactions:* The 2018 removal of Cameroonian asylum seekers attracted widespread international criticism. UNHCR publicly condemned the forced returns, while the UN Working Group on Arbitrary Detention found the detention arbitrary. In 2019, the Federal High Court declared the arrests and extradition unlawful, unconstitutional and contrary to Nigeria's international obligations. Civil society organisations and academic groups also criticised the removals.

14. *Other:* Unlike detention, pushbacks do not appear to constitute a systematic or formalised policy in Nigeria. Available evidence instead suggests that they occur occasionally, primarily in the context of security operations, border enforcement and regional political crises. Their relatively limited documentation is likely due to the small size of Nigeria's asylum population and the fact that many incidents occur at border locations before individuals are formally registered within the asylum system.

² See 'Nigeria sends Togolese asylum seekers back home'. The Nation September 8, 2015. Available at: <<https://thenationonline.net/nigeria-sends-togolese-asylum-seekers-back-home/?utm=>>

³ Chidi Odinkalu and Tem Fuh Mbuh, Where Are the 47 Political Exiles Sent by Nigeria to Cameroon? (Open Society Foundations, 23 April 2018) <<https://www.opensocietyfoundations.org/voices/where-are-47-political-exiles-sent-nigeria-cameroon>> accessed 30 July 2026; See UNHCR Nigeria, 'Nigeria: Update on the Cameroon Arrivals' # 6 (External) 6 February 2018. p.1. Available at: <<https://data.unhcr.org/en/documents/download/61893>>

Detention

1. *Functioning:* In Nigeria, the legal framework governing the arrest and detention of migrants and asylum seekers is established by the Nigerian Immigration Act, 2015, the Immigration Regulations, 2017,⁴ and the National Commissioner for Refugees, Migrants and Internally Displaced Persons Act, 2022 (hereinafter referred to as NCFRMI Act)⁵. Individuals who enter and/or stay in the country without proper authorisation are considered to be violating immigration laws and may be subject to detention or deportation, as stipulated by the Immigration Act.⁶ Although there are no specific safeguards for asylum seekers entering the country under the Immigration Act, the NCFRMI Act offers protection to asylum seekers, explicitly prohibiting their penalisation for irregular entry into the country, including prohibiting their expulsion solely on the foregoing ground, per the principle of *non-refoulement*.⁷ Nevertheless, despite this provision, refugees and asylum seekers may still face arrest, detention, and even expulsion under Section 25(1) of the NCFRMI Act due to concerns pertaining to national security or public order. An example of the implementation of this provision was in the detention of 47 Cameroonian asylum seekers and refugees, including leaders of the Cameroonian pro-independence movement in Nigeria. These 47 Cameroonians were subsequently extradited to Cameroon.⁸ Newly arrived asylum-seekers who are yet to complete their registration with UNHCR or NCFRMI often face a significant risk of arrest and detention, as well as *refoulement*.⁹

According to UNHCR, ‘despite Nigeria’s favourable protection environment, refugees continued to experience arbitrary arrests by government security forces due to several factors. A main challenge has been the low rate of issuance of valid identity documents to refugees due to lack of resources, widespread population over big geographical area, hard-to-reach locations.’¹⁰

2. *Time:* The use of detention for refugees and asylum seekers in Nigeria was uncommon prior to 2013. This shift was occasioned by the increase in terrorist activities in border locations in the Northeast of Nigeria by the terrorist group, the *Jama'atu Ablis Sunna Lidda'Awati Wal-Jihad* which in Arabic means “People Committed to the Prophet's Teachings for Propagation and Jihad” but widely known as Boko Haram¹¹. The government around this time intensified the use of arrest detention of migrants, refugees and asylum seekers particularly those believed to have connections with Boko Haram or who have entered the country unlawfully. This change aligned with the Nigerian government's increased focus on national security in response to the intensification of Boko Haram's insurgency.¹² Consequently, the detention of asylum seekers became more prevalent as part of comprehensive counterterrorism and immigration enforcement strategies.¹³

⁴ Immigration Regulations 2017, Sec. 34

⁵ National Commissioner for Refugees, Migrants and Internally Displaced Persons Act, 2022 (herein after referred to as NCFRMI Act), Sec. 25 (1)

⁶ Immigration Act, Sec. 44.

⁷ NCFRMI Act, Sec. 17 (3) & 19

⁸ Chidi Odinkalu and Tem Fuh Mbuh, Where Are the 47 Political Exiles Sent by Nigeria to Cameroon? (Open Society Foundations, 23 April 2018) <<https://www.opensocietyfoundations.org/voices/where-are-47-political-exiles-sent-nigeria-cameroon>> accessed 30 July 2026; See UNHCR Nigeria, ‘Nigeria: Update on the Cameroon Arrivals’ # 6 (External) 6 February 2018. p.1. Available at: <<https://data.unhcr.org/en/documents/download/61893>>

⁹ UNHCR Submission for the Universal Periodic Review – Nigeria – UPR 17th Session (2013). p.3.

¹⁰ UNHCR Nigeria, ‘Annual Results Report 2022 Nigeria’ p.12. Available at: <<chrome-extension://efaidnbmnnnipccpgcglefindmkaj/https://reporting.unhcr.org/files/2023-06/WA-%20Nigeria.pdf>>

¹¹ See ‘Security Council Al-Qaida Sanctions Committee Adds Boko Haram to Its Sanctions List’ UN Security Council Press Release 22 May 2014. Security Council SC/11410. Available at: <<https://press.un.org/en/2014/sc11410.doc.htm>>

¹² See also Afzal, Madiha. "From "Western Education is Forbidden" to the Worlds Deadliest Terrorist Group: Education and Boko Haram in Nigeria." (2020).

¹³ UNHCR, ‘Regional Protection Strategic Framework: Responding to the Protection Crisis in the Lake Chad Basin’ January 2017 - December 2018. pp.4-5.; See Ogonna, Confidence Nwachinemere, Nsemba Edward Lenshie, and Chikodiri Nwangwu. "Border governance, migration securitisation, and security challenges in Nigeria." *Society* 60, no. 3 (2023): 297-309.

Currently, this strategy remains in effect, particularly in light of the ongoing security situation in parts of the country.¹⁴ Consequently, detention is still utilised as a security measure, especially in border regions and areas affected by insurgency and various types of violence.¹⁵

3. Place: Asylum seekers and migrants frequently face arrest and detention in border regions, in the Northeastern states of Borno, Yobe, and Adamawa due to activities of Boko Haram across the border locations,¹⁶ as well as border locations and unofficial entry points in States hosting refugees such as Akwa Ibom, Benue, and Cross River.¹⁷ Asylum, seekers, refugees and migrants in these locations are detained in the same immigration holding centres, police stations, or military facilities and often face same conditions in detention.

4. Actors: Police officers, immigration officers, and the military.

5. Interaction: Detention interacts with procedural barriers, particularly the administrative inefficiencies present within the asylum system. The Refugee Status Determination (RSD) process in Nigeria is frequently hindered by persistent delays, insufficient institutional capacity, and a lack of adequate legal protections, all of which contribute to the lengthy processing times for asylum applications.¹⁸ These systemic deficiencies often result in the rejection of legitimate claims, forcing asylum seekers to endure extended periods of detention.¹⁹

6. Development: The detention of asylum seekers in Nigeria was relatively uncommon prior to 2013. This changed with the escalation of the insurgency led by the Boko Haram.²⁰ The group operates mostly in border locations in Northeastern states of Borno, Yobe, and Adamawa.²¹ Designated as a terrorist organisation by both Nigeria and the international community, including the United Nations,²² the United States, and the European Union which intends to do so as well,²³ Boko Haram has escalated its violent attacks against civilians, government institutions, and security forces since 2013. This rise in violence has significantly altered the nation's approaches to national security and immigration enforcement.²⁴

With the increase of insecurity in the country due to Boko Haram insurgency and other forms of security threats such as banditry, the Nigerian government adopted more rigorous immigration security protocols.²⁵ This height the risk of migrants, asylum seekers, refugee and other forcibly displaced to risks

¹⁴ See Zubairu, Nasiru. "Rising insecurity in Nigeria: Causes and solution." *Journal of studies in social sciences* 19 (2020).

¹⁵ See Dele-Adedeji, Ini. "Scarcity in the Study of Boko Haram in Nigeria: Notes from the Field (2013-2016)." *Sources: Materials & Fieldwork in African Studies* 2 (2021): 201-220.

¹⁶ See Ayodele Oluwagbemi 'Borno SEMA arrests nine Boko Haram fighters, 100 accomplices among returning refugees' *Punch News Paper*. 2nd July 2017. Available at <<https://punchng.com/borno-sema-arrests-nine-boko-haram-fighters-100-accomplices-among-returning-refugees/?utm=>

¹⁷ See UNHCR, 'Cameroon Situation' Situation Update / Nigeria Operation July to November 2020. Available at: <<https://data.unhcr.org/ar/documents/download/84103>>

¹⁸ See Ibeh, Nwokedi Castro, and Jane Chinelo Ebubedike. "Issues and Challenges in the Protection of the Rights of Refugees and IDPs in Nigeria." *AJLHR* 8 (2024) p.84.

¹⁹ Submission by the United Nations High Commissioner for Refugees (UNHCR) For the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review. *Op cit.* p.3.

²⁰ See 'Security Council Al-Qaida Sanctions Committee Adds Boko Haram to Its Sanctions List' UN Security Council Press Release 22 May 2014. Security Council SC/11410. Available at: <<https://press.un.org/en/2014/sc11410.doc.htm>>

²¹ Anyebe, Adam Adem. "An overview of boko haram insurgency in Nigeria." *Saudi Journal of Humanities and Social Sciences* 1, no. 2 (2014). p.56; See also Afzal, Madiha. "From" Western Education is Forbidden" to the Worlds Deadliest Terrorist Group: Education and Boko Haram in Nigeria." (2020).

²² See 'Security Council Al-Qaida Sanctions Committee Adds Boko Haram to Its Sanctions List' UN Security Council Press Release 22 May 2014. Security Council SC/11410. *Op cit.*

²³ European Parliament, 'Boko Haram as an extremist terrorist organisation' Parliamentary question - E-002047/2024. Available at: https://www.europarl.europa.eu/doceo/document/E-10-2024-002047_EN.html See also US Bureau of Counterterrorism website 'Foreign Terrorist Organizations'. Available at: <<https://www.state.gov/foreign-terrorist-organizations/>>

²⁴ See also Afzal, Madiha. "From" Western Education is Forbidden" to the Worlds Deadliest Terrorist Group: Education and Boko Haram in Nigeria." (2020).

²⁵ See Ogbonna, Confidence Nwachinemere, Nsemba Edward Lenshie, and Chikodiri Nwangwu. "Border governance, migration securitisation, and security challenges in Nigeria." *Society* 60, no. 3 (2023): 297-309.

of arrests and detention, especially those suspected to be linked to Boko Haram or for entering the country irregularly.²⁶

7. Rationale: The detention of migrants and asylum seekers in Nigeria results from a multifaceted interaction of legal, security, and administrative factors. In light of the escalating security threats from the Boko Haram insurgency and other organised violent groups, Nigerian authorities have increasingly utilised detention as a means to manage migration and protect national security. Individuals who enter or stay in the country without appropriate documentation are frequently arrested and detained, especially in the border areas of Borno, Yobe, and Adamawa, which are significantly affected by insurgent activities.

Although by policy, detention in Nigeria is intended to be utilised only as a last resort, particularly in situations where there is a significant risk of flight or when a migrant presents a danger to public safety,²⁷ often leave asylum seekers without documentation and at risk of detention. Additionally, the legal structure governing immigration in Nigeria, particularly the Immigration Regulations, provides broad discretion to law enforcement and immigration officials,²⁸ who often prefer detention.

The rationale of the Nigerian government is predominantly shaped by national security concerns. Officials contend that, given the ongoing insurgency and regional instability, there is a valid necessity to scrutinise individuals entering the country irregularly to avert the risk of infiltration by insurgents or those associated with terrorism, trafficking, or other transnational criminal activities.²⁹

8. Legal Status: Most migrants in detention are considered ‘prohibited immigrants’ who under the Immigration Act, should be subject to deportation.³⁰ Although asylum seekers are by law exempted from such detentions and deportations, as per the principle of *non-refoulement*.³¹ In practice, law enforcement relies on Section 25(1) of the NCFRMI Act, which authorises the detention and removal of a refugee based on considerations of security or public order.

9. Specific Impact: The impact is not specific to migrants and asylum seekers. Like other individuals in detention in Nigeria, migrants and asylum seekers frequently face infringements of their human rights, and suffer severe treatment during their arrest, and detention. According to the UN Subcommittee on Prevention of Torture (SPT), ‘the situation in most places of detention is abysmal. Nigeria must urgently take measures to prevent torture and ill-treatment, and to improve conditions of detention, especially in police stations and other similar facilities. Legal safeguards must be immediately implemented, and the current impunity of perpetrators for acts of torture must end.’³²

10. Reach: In the period from January to December 2024, the Nigeria Immigration Service reported the deportation of 828 undocumented foreign nationals³³ and 155 in January 2025.³⁴ While these deportees are often generally classified as irregular migrants or undocumented foreigners, there have been instances of asylum seekers being deported together with other migrants, for instance, the deportation of 119

²⁶ UNHCR, ‘Regional Protection Strategic Framework: Responding to the Protection Crisis in the Lake Chad Basin’ January 2017 - December 2018. pp.4-5.

²⁷ International Organization for Migration (IOM), ‘Analysing Migrant Detention Legal Frameworks: Perspectives from West and Central Africa - Executive Summary.’ IOM, Geneva. p.6. Available at: <[chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://rodakar.iom.int/sites/g/files/tmzbd1696/files/documents/2024-10/analysing-migrant-detention-legal-frameworks_nolem.pdf](https://rodakar.iom.int/sites/g/files/tmzbd1696/files/documents/2024-10/analysing-migrant-detention-legal-frameworks_nolem.pdf)>

²⁸ Immigration Regulations, Sec. 34.

²⁹ See Ogbonna, Confidence Nwachinemere, Nsemba Edward Lenshie, and Chikodiri Nwangwu. "Border governance, migration securitisation, and security challenges in Nigeria." *Society* 60, no. 3 (2023): 297-309.

³⁰ Immigration Act 2015, Sec. 44

³¹ NCFRMI Act, Sec. 17 (3) & 19

³² UN, ‘Nigeria: Urgent measures needed to end torture and ill-treatment, say experts’. Press Release 23 September 2024. Available at: <<https://www.ohchr.org/en/press-releases/2024/09/nigeria-urgent-measures-needed-end-torture-and-ill-treatment-say-experts>>

³³ Sikiru Obarayese, ‘Nigeria deported 828 illegal immigrants in 2024. Nigerian Tribune January 28, 2025. Available at: <<https://tribuneonline.ng/nigeria-deported-828-illegal-immigrants-in-2024/?utm>>

³⁴ Solomon Odeniyi, ‘Immigration deports 155 foreigners’ Punch News Paper 23rd February 2025. Available at: <<https://punchng.com/immigration-deports-155-foreigners/>>

Togolese asylum seekers in 2015,³⁵ the deportation of 47 Cameroonian asylum seekers and refugees in 2018,³⁶ and other unreported incidences of pushbacks and forced returns at border entry points.

The most recent Global Detention Project Report from 2020 indicates that Nigeria carried out 68,259 immigration detentions; however, the precise number of refugees and asylum seekers included in this figure remains unknown.³⁷

11. Source: Authorities primarily depend on the stipulations outlined in Section 44 of the Immigration Act 2015, as well as Sections 34 and 44 of the Immigration Regulations 2017. These sections address issues related to unauthorised entry and residence, suspicions of criminal activity, and lack of documentation. Additionally, Section 25(1) of the NCFRMI which pertains to concerns regarding national security or public order is invoked to justify the detention of migrants and asylum seekers.

Notwithstanding the provisions of the 1999 Constitution of Nigeria,³⁸ which requires that a detainee be presented before a court within a reasonable timeframe, and the Administration of Criminal Justice Act, 2015, which stipulates that if a suspect detained for a non-capital offence is not granted bail within 24 hours, the relevant court may be informed through an application on behalf of the suspect, individuals in detention, including migrants and asylum seekers, often experience extended periods of confinement.³⁹ According to the National Human Rights Commission (NHRC), detainees often ‘remain trapped in prolonged pre-trial detention, due to corruption, judicial inefficiencies, police abuses, and limited legal aid.’⁴⁰

12. Legitimization: The Nigerian government persists in utilising detention as a primary strategy for addressing irregular migration, despite the stipulations of Objective 13 of the Global Compact for Safe, Orderly and Regular Migration (GCM),⁴¹ which recommends that immigration detention be employed solely as a last resort.⁴² In reality, Nigeria does not have a comprehensive framework for alternatives to detention for migrants. The Nigeria Immigration Service (NIS) frequently conducts operations aimed at apprehending undocumented migrants, often leading to their arrest and detention in conditions that raise significant human rights issues.

Concerning the arrests, detentions and even deportations, an official of the NIS, Mr. Sunday James, the NIS comptroller, Bayelsa State Command is quoted to have informed the Nigerian Tribune that ‘our intention is to flush out illegal migrants based on the approval of the comptroller-general [...] we are not after citizens of a particular country but we are doing the exercise in the interest of national security. The security situation in Nigeria has gotten to a point where people are tempted to point accusing fingers at the Nigeria Immigration Service that we cannot police the border properly and it is porous.’⁴³

13. Domestic and International Reactions: In Nigeria, the arrest and detention of asylum seekers and migrants have elicited significant criticism from both local and international organisations, as well as various public

³⁵ See ‘Nigeria sends Togolese asylum seekers back home’. The Nation September 8, 2015. Available at: <<https://thenationonlineng.net/nigeria-sends-togolese-asylum-seekers-back-home/?utm=>

³⁶ See UNHCR Nigeria, ‘Nigeria: Update on the Cameroon Arrivals’ # 6 (External) 6 February 2018. p.1. Available at: <<https://data.unhcr.org/en/documents/download/61893>>

³⁷ See Global Detention Project Report for Nigeria 2020. Available at <<https://www.globaldetentionproject.org/nigeria-immigration-detention-data-profile-2020>>

³⁸ 1999 Constitution of Nigeria, Sec. 35(4).

³⁹ The Administration of Criminal Justice Act, 2015, Sec. 31(1).

⁴⁰ Ameh Ochojila, ‘National Action Plan: One year after, no reprieve for trapped Nigerians’ The Guardian 11 Mar 2025. Available at: <<https://guardian.ng/features/law/national-action-plan-one-year-after-no-reprieve-for-trapped-nigerians/?utm=>

⁴¹ Although GCM is not legally binding, the Nigerian Government have often used its provisions in shaping its migration strategy. Including in the revised National Migration Policy in 2025.

⁴² United Nations General Assembly, Global Compact for Safe, Orderly and Regular Migration, UN Doc. A/RES/73/195 (19 December 2018), Objective 13.

⁴³ Ebiowei Lawal, ‘Nigeria immigration commences clamp-down on illegal foreigners in Bayelsa’ Nigerian Tribune 12 September 2022. Available at: <<https://tribuneonlineng.com/nigeria-immigration-commences-clamp-down-on-illegal-foreigners-in-bayelsa/?utm=>

factions. For example, in January 2018, the Nigerian government arrested, detained, and extradited 47 anglophone Cameroonians, including the separatist leader, Julius Sisiku Ayuk Tabe, who had sought asylum in Nigeria after fleeing Cameroon. These individuals were registered refugees and asylum seekers in Nigeria.

In an [...] opinion adopted at its 94th session, the UN Working Group on Arbitrary Detention qualified the 2018 arrest and detention of [...] Cameroonian activists in Abuja, Nigeria, as arbitrary and called for their immediate release.⁴⁴ However, the group were extradited to Cameroon in February of 2018. In Cameroon, they were charged with terrorism and secession.⁴⁵ In a press release following the extradition, UNHCR condemns the forced returns of Cameroonians from Nigeria.⁴⁶ In March 2019, the Federal High Court, sitting in Abuja ruled that the arrest and extradition of the Cameroonians as illegal, unconstitutional and a breach of Nigeria's international law obligations. Justice Chikere, in the ruling, ordered the government to ensure their return to Nigeria and awarded damages against the government.⁴⁷

Furthermore, civil society groups, including the Academic Staff Union of Universities (ASUU), University World News, including civil society organisations joined in the condemnation of the arrests, detentions and extradition of the Cameroonians.⁴⁸

14. *Other:* Save for the immigration holding centres, refugees, asylum seekers and other offenders are often held in the same facilities and in similar conditions in violation of the rights of those seeking international protection.

Procedural barriers: Administrative Bottleneck

1. *Functioning:* Administrative obstacles within Nigeria's asylum framework significantly hinder access to international protection, primarily through delays or denials in registration, documentation, and status determination. These challenges stem from bureaucracy, inadequate resources, and ambiguous application of status determination.⁴⁹

In locations with NCFRMI Offices, the primary agency tasked with handling asylum applications as outlined in the NCFRMI Act,⁵⁰ asylum seekers can simply do a walk-in to register their interest to seek asylum, there are no daily quotas for registration. Appointments for interviewers are usually scheduled for another day based on the calendar of the RSD Officer. In areas where the NCFRMI is not directly present, there are significant delays in securing registration services. As a result, individuals may endure prolonged waiting periods, sometimes lasting several months, before they can formally apply or receive confirmation of their legal status.

Among the challenges faced are the delays in the NCFRMI recognising the substantial presence of asylum seekers in specific communities and consenting to dispatch registration personnel to those areas. Alternatively, asylum seekers may encounter difficulties in securing transportation to the nearest NCFRMI registration sites. Although this latter option may expedite the registration process, those who opt for it may face obstacles such as rigorous immigration inspections and the risk of arbitrary arrest and detention while awaiting verification of their intentions with the NCFRMI and UNHCR before they are released. For those who get registered, after the initial registration, applicants are required to participate in RSD

⁴⁴ HRW, 'Cameroon Events of 2022'. Available at <<https://www.hrw.org/world-report/2023/country-chapters/cameroon>>

⁴⁵ Musah, Christian Pagbe, "Cameroon-Nigeria relations in the face of secessionist tendencies in both countries." *International Journal of Liberal Arts and Social Science* 9, no. 1 (2021). pp.20-21.

⁴⁶ UNHCR, 'UNHCR condemns forced returns of Cameroon asylum-seekers from Nigeria.' Press Release 2018. Available at <<https://www.unhcr.org/uk/news/news-releases/unhcr-condemns-forced-returns-cameroon-asylum-seekers-nigeria>>

⁴⁷ Halimah Yahaya, 'Court declares Nigeria's deportation of Cameroonian activists illegal.' Premium Times, 2 March, 2019. Available at: <<https://www.premiumtimesng.com/news/headlines/317103-court-declares-nigerias-deportation-of-cameroonian-activists-illegal.html?tztc=1>>

⁴⁸ Tunde Fatunde 'Cameroon-Nigeria: Rights groups condemn deportation of academics and others' 23 February 2018.

⁴⁹ Navigating Refugee and Asylum Laws in Nigeria: A Comprehensive Guide - <https://generisonline.com/navigating-refugee-and-asylum-laws-in-nigeria-a-comprehensive-guide/> - Generis Global Legal Services - Accessed on: April 23, 2025

⁵⁰ NCFRMI Act, Sections 7 & 16.

interviews conducted by RSD Officers. However, this process is often hindered by significant delays due to the limited number of trained RSD Officers.

While the NCFRMI, with the assistance of UNHCR, strives to ensure that decisions are rendered within 90 days and that the Eligibility Committee meets at least three times annually, cases frequently extend for years due to an overloaded system and a turnover of trained staff. Although the Eligibility Committee is established by law, it does not meet regularly, and there is no legal deadline for finalising asylum applications, leading to prolonged uncertainties.⁵¹

The centralisation of NCFRMI is such that only NCFRMI can register asylum seekers, other government agencies cannot do this on its behalf, and UNHCR is only allowed to do this in exceptional cases. It is also used to mean that, although the NCFRMI regional and field offices can receive asylum seekers and register them, eligibility decisions are only made at NCFRMI Headquarters in Abuja. Numerous asylum seekers arrive via border states such as Akwa Ibom, Cross River, Benue, and Taraba, where access to NCFRMI and essential services is significantly limited,⁵² and they are required to register their interest in person. Section 16 of the NCFRMI provides that ‘application for the grant of refugee status shall be made - (a) directly to the Federal Commissioner (of the NCFRMI), or through a competent officer or the office of the United Nations High Commissioner for Refugees in Nigeria to the Federal Commissioner. (2) The competent officer to whom a person seeking asylum or refugee status first appeared shall, where the person is not an immigration officer, promptly notify the Commission that a person seeking asylum or refugee status has entered into or is present in Nigeria.’ Although the foregoing provision suggests that competent officers are able to receive and register asylum seekers in Nigeria, in practice, competent officers from the UNHCR, law enforcement and other relevant agencies must either notify the nearest NCFRMI of the presence of an asylum seeker or direct the asylum seeker to the NCFRMI for registration.

2. *Time*: The administrative barriers that impede access to asylum in Nigeria are not recent; instead, they represent a systemic and enduring challenge that has persisted for over a decade and continues to affect the situation today. These barriers have become more pronounced since 2017, coinciding with the surge of Cameroonian refugees fleeing the Anglophone crisis in Cameroon. Due to resource limitations and institutional bureaucracy, the NCFRMI, tasked with managing refugee affairs, has faced difficulties in providing timely and consistent responses.⁵³

3. *Place*: Nationwide

4. *Actors*: The main actors include the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) which acts as secretariat for both the RSD Eligibility Committee (EC) and the Refugee Appeal Board (AB) established by its enabling Act.⁵⁴ Other actors are the Federal Ministry of Humanitarian Affairs; Federal Ministry of Justice; Office of the National Security Adviser (ONSA); Nigeria Immigration Service (NIS); National Human Rights Commission; a representative of Civil Society Organisation (CSO); and the UNHCR, which serves in an observational capacity.⁵⁵

5. *Interaction*: The administrative bottleneck or barrier present in the asylum process interacts with other barriers, such as arbitrary arrests,⁵⁶ detention, and *refoulement*, which significantly impede access to international protection.⁵⁷ Prolonged delays in the registration, especially those in areas where the

⁵¹ Discussion with an official.

⁵² *Ibid*

⁵³ See Ibeh, Nwokedi Castro, and Jane Chinelo Ebubedike. "Issues and Challenges in the Protection of the Rights of Refugees and IDPs in Nigeria." *AJLHR* 8 (2024): 78.

⁵⁴ NCFRMI Act, Sec 14-15.

⁵⁵ *Ibid* Sec. 14.

⁵⁶ Oko, Thomas Odey. "UNHCR Synergy with Nigerian Government and the Security Concerns of Vulnerable Cameroonian Anglophone Refugees in Cross River State, Nigeria, 2017-2023." *Journal of Contemporary International Relations and Diplomacy* 5, no. 1 (2024): 86-101 at p.96.

⁵⁷ UNHCR Nigeria, ‘Annual Results Report’ 2022 p.12. Available at: <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://reporting.unhcr.org/files/2023-06/WA-%20Nigeria.pdf?utm>

NCFRMI has no presence and delays in the actual processing of asylum applications often result in applicants facing legal ambiguity, as they lack formal recognition or documentation. This situation is further aggravated by security-related limitations, particularly in the Northeast and border regions, which restrict mobility and hinder access to NCFRMI offices for registration. These delays extend beyond mere procedural issues; they increase the susceptibility of asylum seekers to arbitrary arrest, detention, and *refoulement*, especially when they do not possess documentation that verifies their protected status.

Furthermore, the limited availability of legal support and general lack of awareness of asylum procedures significantly hinder access to fair adjudication. Asylum seekers in Nigeria do not get legal aid in the first instance. However, they could get some legal support with their appeals through a pool of Legal Officers from a local NGO funded by UNHCR. The Legal Officers, mostly general practitioners, sometimes lack good knowledge of international protection, which reduces their ability to effectively present valid claims or challenge adverse rulings.⁵⁸

6. *Development:* The barrier within Nigeria's asylum framework arises from enduring institutional and bureaucratic that interfere with the smooth running of the asylum processes, the centralisation of the asylum process, and insufficient resources in manpower, required skills, and finances. The NCFRMI, based in Abuja, is inadequately represented in border areas, particularly in regions experiencing high influxes like Cross River, Benue, and Taraba States, leading to delays in the registration and grant of refugee status. These issues have intensified since the increase in Cameroonian asylum seekers in 2017 due to the Anglophone crisis. Moreover, although NCFRMI endeavours to grant refugee status within 90 days of application by convening three Eligibility Committee meetings annually, this goal is seldom met due to administrative challenges such as funding issues, delays in fund approval, and the inconvenience of meeting times for all committee members. Additionally, even when the Eligibility Committee successfully holds the meetings, the Appeal Board may convene only once a year or even once every two years, resulting in prolonged waiting periods for asylum seekers.⁵⁹ These administrative challenges are not merely procedural but are deeply rooted and interconnected with broader systemic constraints, including security threats and limited access to legal assistance.

7. *Rationale:* There is no legal or policy-based rationale to support the existence of administrative bottlenecks and bureaucratic processes.

8. *Legal Status:* Asylum seekers, depending on their position within the administrative process, may encounter barriers such as delays in registration and the issuance of necessary documentation. Legally, individuals who have reported their intention to seek asylum, hold the status of asylum seekers pending the final determination of their claim. This ordinarily entitles them to protection safeguards.⁶⁰ However, in practice, those without asylum attestation documents sometimes face arrest and detention by law enforcement agents who refer to them as either irregular migrants or undocumented immigrants.

9. *Specific Impact:* The impact of the being an undocumented immigrant is that those so designated are susceptible to detention, deportation, and *refoulement*.

10. *Reach:* On the average, Nigeria receives about 1500 new asylum seekers every year,⁶¹ and it can be inferred that over fifty percent of these individuals encounter the administrative difficulties commonly associated with the asylum process.

⁵⁸ Discussion with an official.

⁵⁹ Discussion with an official.

⁶⁰ NCFRMI Act, Sections 17-19.

⁶¹ See Nigeria's Statement at the UNHCR 72nd Session of the Executive Committee of the High Commissioner's Programme (EXCOM), 4th - 8th October, 2021. Available at <chrome-extension://efaidnbmnnnibpcajpcglefindmkaj/https://www.acnur.org/sites/default/files/legacy-pdf/615c85e84.pdf?utm>; See also Integral Human Development, 'Country Profiles Nigeria'. Available at <https://migrants-refugees.va/country-profile/nigeria/?utm>

11. *Source:* The basis of the administrative obstacles within Nigeria's asylum process is largely rooted in the absence of a bidding procedural guideline for asylum in Nigeria. Although not a legal framework, there is a standard operating procedure (SOP) for refugee status determination jointly developed by UNHCR and NCFRMI and Case Officers (referred to as RSD Officers, and sometimes as Eligibility Officers) including the adjudication bodies i.e., Eligibility Committee and Appeal Board are supposed to follow guidelines in the SOPs. In practice, they are not bound to follow the guidelines in the SOPs or follow them strictly. Like in many jurisdictions across the world, the implementation and interpretation of the definition of a refugee in the international and regional refugee instruments are slightly varied and discretionary both on the part of the Case Officers and the adjudication bodies.⁶²

12. *Legitimization:* No known legal or policy-based rationale to support the existence of administrative bottlenecks and bureaucratic processes have been adduced by the government.

13. *Domestic and International Reactions:* Although the administrative challenges within Nigeria's asylum system may not be readily apparent to those outside the field, there is a notable lack of documentation on this issue, largely due to the relatively small population of refugees and asylum seekers in the country. According to UNHCR, 'the RSD procedures meet minimum standards; however, gaps remain, particularly in adjudication delays. Of the 25,226 applications received [so far in 2025], 92 % [of the] applications have been assessed and are awaiting Eligibility Committee review and/or decision. Notably, there have been no sittings in 2025 so far [...] The pending registration is estimated at approximately 21,031 individuals'⁶³ Acknowledging the foregoing together with other administrative barriers, the UNHCR has organised various capacity-building training sessions and workshops aimed at enhancing the skills of national stakeholders involved in refugee protection and the processes of refugee status determination. These initiatives have included participation from key agencies such as the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI), the Nigeria Immigration Service (NIS), and relevant representatives from the Ministries of Justice and Foreign Affairs, as well as the Office of the National Security Adviser. The primary objectives of these training sessions were to reduce the risks of violence and exploitation faced by vulnerable individuals and to promote adherence to refugee law.⁶⁴

14. *Other:* Unlike in some jurisdictions, there is currently no substantiated evidence directly associating administrative obstacles within Nigeria's asylum framework with corrupt activities such as bribery or favouritism. Nevertheless, ongoing administrative inefficiencies, evidenced by delays, poor inter-agency coordination, and the failure of officials to execute their responsibilities promptly and effectively, can be viewed as a form of systemic or bureaucratic corruption. Although these issues may not always be overtly criminal, they erode the integrity and effectiveness of the asylum process. Such administrative hurdles lead to extended asylum adjudication periods and may indirectly hinder asylum seekers' access to protection.

⁶² This explanation was obtained in a discussion with an official of NCFRMI.

⁶³ UNHCR Nigeria, 'Refugees & Asylum-seekers in Nigeria' 1 February 2025. p.1. Bracket mine.

⁶⁴ UNHCR, 'Nigeria - Refugees and asylum seekers in urban areas in Nigeria'. Available at: <<https://reporting.unhcr.org/nigeria-refugees-and-asylum-seekers-urban-areas-nigeria?utm=>

PART 2: CASE LAW ANALYSIS

I. IDENTIFICATION OF BARRIERS IN THE CASE LAW

A. Description of the barriers in the case law

Pushbacks: The removal, deportation or non-admission of asylum seekers without an effective individual assessment of their protection claims or the risks arising from return. Number: One known judicial decision since 2010.⁶⁵ Type of body: Federal High Court, acting as a first-instance superior court. No reported appellate or Supreme Court decision has been reported.

Detention: The use of immigration detention as a mechanism for migration and security frequently affects asylum seekers. Number: Since 2010, there have been approximately 5 to 10 documented cases, which include the Federal High Court's 2019 ruling regarding the extradition of 47 individuals from Nigeria to Cameroon. Type of body: Mostly at the Magistrate Courts; a few cases at the High Court. Type of body: Eligibility Committee (EC), and Appeal Board (AB).

Procedural barriers: Definition: Delays in registration, documentation processes, lack of legal assistance, and centralised asylum procedures that limit prompt access. Number: Approximately eighty percent of all cases. Type of body: Eligibility Committee (EC), and Appeal Board (AP).

B. Institutional settings

Pushbacks:

- **First instance judicial or quasi-judicial body:** The Federal High Court has exclusive jurisdiction over immigration, emigration, deportation, citizenship, naturalisation, and other matters involving the entry and removal of non-citizens. Therefore, any challenge to a pushback, refusal of entry, deportation order, or immigration-related administrative decision would ordinarily be initiated before the Federal High Court.⁶⁶ However, where the issue concerns a criminal offence or other infringement that is not specifically related to immigration or asylum, proceedings would usually commence in the Magistrate Court.
- **Second instance judicial or quasi-judicial body:** Decisions of the Federal High Court may be appealed to the Court of Appeal, which exercises appellate jurisdiction over judgments and orders issued by the Federal High Court.⁶⁷
- **Third instance judicial or quasi-judicial body:** As the apex court, the Supreme Court hears appeals from the Court of Appeal, including those involving constitutional questions, fundamental rights, and other matters arising from immigration-related litigation.⁶⁸
- **Constitutional Court:** Nigeria does not have a separate Constitutional Court. Constitutional and fundamental rights issues arising from pushbacks, deportation, asylum, and immigration matters are adjudicated within the ordinary court system. Pursuant to Sec 251(1)(i) of the Constitution of Nigeria, 1999 (As Amended), Federal High Court exercises jurisdiction over matters relating to 'citizenship, naturalisation and aliens, deportation of persons who are not citizens of Nigeria, extradition, immigration into and emigration from Nigeria'.⁶⁹

⁶⁵ *Ayuk Tabe and Others v National Security Adviser and Attorney General of the Federation* Suit No FHC/ABJ/CS/85/2018 (↗ FHC/ABJ/CS/147/2018)

⁶⁶ Sec 249, Constitution of Nigeria 1999 (As Amended); Federal High Court of Nigeria, FAQ <<https://fhc.gov.ng/faq/>> accessed 28 April 2026.

⁶⁷ Sec 242 - 246 *Ibid*

⁶⁸ Sec 233, *Ibid*

⁶⁹ Notwithstanding this stipulation in the Constitution, with the exception of the 47 Cameroonian leaders extradited in 2019, there are no documented instances of asylum seekers contesting the eligibility committees decision in a court of law.

Detention:

- **First instance judicial or quasi-judicial body:** Federal High Court (as stated earlier, in some cases, the Magistrate Court. This is mostly where there is a criminal element that is not specifically related to immigration or asylum)
- **Second instance judicial or quasi-judicial body:** Court of Appeal
- **Third instance judicial or quasi-judicial body:** Supreme Court
- **Constitutional Court:** No specific constitutional court.

Procedural barriers:

- **First instance judicial or quasi-judicial body:** Appeal Board
- **Second instance judicial or quasi-judicial body:** Federal High Court
- **Third instance judicial or quasi-judicial body:** Supreme Court
- **Constitutional Court:** No specific constitutional court

Executive bodies involved in asylum access adjudication

Executive bodies serve as the primary authorities for asylum adjudication in Nigeria. Under the auspices of the National Commission for Refugees, Migrants and Internally Displaced Persons (Otherwise known as the NCFRMI),⁷⁰ the executive body consists of two quasi-judicial entities responsible for asylum adjudication, as outlined in the National Commission for Refugees, Migrants and Internally Displaced Persons Act of 2022 (hereinafter, the NCFRMI Act), together with one judicial body established by the Constitution to hear immigration matters generally. However, there are no recorded cases of asylum seekers contesting the decisions made by the quasi-judicial bodies in court.

- i. The Refugee Eligibility Committee.⁷¹
- ii. The Appeals Board.⁷²
- iii. Federal High Court⁷³

As stated above, there are two executive bodies or quasi-judicial bodies within the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) responsible for asylum access adjudication in Nigeria:

- i. The Eligibility Committee

The Eligibility Committee for Refugees operates under the supervision of the Federal Commissioner. It is chaired by the Permanent Secretary of the Ministry of Foreign Affairs or a representative not below the rank of Director. Its membership comprises representatives not below Director level from relevant government agencies such as the Ministries responsible for humanitarian affairs and justice, the Office of the National Security Adviser, the Nigeria Immigration Service, and the National Human Rights Commission. The Committee also includes a representative of UNHCR who acts as an observer and provides technical guidance, including one representative from a relevant humanitarian NGO.⁷⁴

The Committee acts as the main administrative body tasked with the initial assessment of asylum claims in Nigeria. Established within the framework of the NCFRMI, the Committee is responsible for reviewing individual asylum applications and determining if the applicants meet the legal requirements for refugee status, including considering cases for cancellation and revocation of refugee status that may be referred

⁷⁰ Sec 3, NCFRMI Act

⁷¹ Sec 14, NCFRMI Act 2022.

⁷² *Ibid*, Sec 15.

⁷³ Sec 251(1)(i), 1999 Constitution.

⁷⁴ Sec 14, NCFRMI Act

to it by the Federal Commissioner.⁷⁵ These requirements are based on both the NCFRMI Act and international obligations, which include the 1951 Convention Relating to the Status of Refugees, its 1967 Protocol, and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.⁷⁶

In its operational capacity, the Committee is required to assess both oral and documentary evidence and render well-reasoned decisions regarding the necessity of international protection. Although its function is quasi-judicial, it operates within an administrative context, which demands strict compliance with the principles of fairness and impartiality.

ii. The Appeals Appeal Board

The Appeal Board is constituted by the Minister responsible for humanitarian affairs in consultation with the Attorney-General of the Federation. The Board is comprised of a legal officer not below the rank of director as Chairman, two legal officers, one of which must have expertise in international law, human rights, or comparative law, and one reputable individual knowledgeable in refugee matters. Additionally, the UNHCR may be invited to participate in its proceedings and make oral or written submissions on behalf of appellants.⁷⁷

To guarantee procedural safeguards and establish a means for appeal, Nigeria's asylum system incorporates an Appeals Board⁷⁸ responsible for examining negative decisions made by the Eligibility Committee. This Board functions as a second-instance quasi-judicial entity, endowed with the power to independently reevaluate the facts and legal determinations established during the initial review.⁷⁹

The Board may, when they deem necessary, invite an appellant for an oral interview and may allow an appellant to be represented by a legal practitioner, where they desire one.⁸⁰ Its jurisdiction encompasses the assessment of both the substantive and procedural aspects of the refugee status determination. The Board has the authority to affirm, modify, or reverse the decisions rendered by the Eligibility Committee. Notably, the Appeals Board plays a crucial role in ensuring that national asylum procedures are consistent with international due process standards, thereby preventing wrongful or unjust decisions from leading to refoulement or the denial of protection.

International or regional organizations involved in asylum access adjudication

The United Nations High Commissioner for Refugees (UNHCR) is the only international organisation permitted to attend the committee meetings. UNHCR participates in these sessions as an observer and offers technical guidance.⁸¹

C. Legal context and legal system

The legal system in Nigeria is characterised as a hybrid framework that integrates English common law, customary law, and Islamic law.⁸² This system is deeply rooted in the legacy of British colonialism,⁸³ with English common law being formally introduced via the Supreme Court Ordinance of 1876, which led to the administration in Nigeria of the English common law, the doctrines of equity, and the statutes of

⁷⁵ Sec 14(3) *Ibid*

⁷⁶ Sec 1, *Ibid*

⁷⁷ Sec 15, *Ibid*

⁷⁸ Sec 15(1), *Ibid*

⁷⁹ Sec 15(5), *Ibid*

⁸⁰ Sec 15(7), *Ibid*. Note that the legal representative is not provided by the state

⁸¹ Sec 14(1)(d), NCFRMI Act

⁸² Gwangndi, Maryam Ishaku. "The Socio-Legal Context of the Nigerian Legal System and the Shariah Controversy: An Analysis of Its Impact on Some Aspects of Nigerian Womens Rights." *JL Poly & Globalization* 45 (2016) p. 60.; Proelium Law LLP, 'Nigeria Legal Profile.' Available at: <<https://proeliumlaw.com/nigeria-legal-profile/>>

⁸³ See Alkali, Alhaji Umar, U. A. Jimeta, Awwal Ilyas Magashi, and Tijjani Musa Buba. "Nature and sources of Nigerian legal system: An exorcism of a wrong notion." *International Journal of Business, Economics and Law* 5, no. 4 (2014): p1-10.

general application in force in 1876.⁸⁴ This system of law, referred to as the 'Received English Law', continues to have a substantial impact on the development of Nigeria's legal procedures.⁸⁵

The operation of this system, i.e. the common law system, is guided by the doctrine of precedent as known as *stare decisis* (to stand by things decided), which ensures that judicial rulings from higher courts are binding on lower courts and ensures predictability and consistency in the administration of justice.⁸⁶ These binding judicial decisions and principles, also referred to as 'judges made law'⁸⁷ together with statutory law, which is created by the legislature, thereby constituting the foundation of Nigeria's contemporary legal framework.⁸⁸

Additionally, in conjunction with the received English law, Nigeria's legal framework also incorporates indigenous customary laws and Islamic law, which are applicable in personal and family matters.⁸⁹ Customary law is characterised by its unwritten nature and variability among different ethnic groups,⁹⁰ whereas Islamic law is formally implemented in various Northern states through Sharia courts.⁹¹ Nevertheless, the 1999 Constitution (As Amended) serves as the *Grundnorm* (fundamental norm) from which other laws or norms derive their legitimacy.⁹²

Reference to decisions from international or supranational tribunals

The international legal frameworks that quasi-judicial bodies commonly reference when evaluating the legality of asylum barriers are the 1951 Convention Relating to the Status of Refugees; the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa; and the 1948 Universal Declaration of Human Rights (UDHR). There is hardly any reference to the 1966 International Covenant on Civil and Political Rights (ICCPR); the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) in the decisions of the Eligibility Committee or the Appeal Board.

International human rights standards established by supranational courts

Nigeria is a member of several regional and international treaties, such as the 1951 Refugee Convention,⁹³ the 1969 OAU Convention,⁹⁴ the 1984 Convention Against Torture (UNCAT),⁹⁵ the UDHR,⁹⁶ and the ICCPR.⁹⁷ Among these Conventions, the 1951 Convention and the 1969 OAU Convention are frequently cited by the Refugee Eligibility and Appeal Board. The adjudication bodies largely interpret domestic law

⁸⁴ Learn Nigerian Law, 'History of the Nigerian Legal System' Available at <<https://www.learnnigerianlaw.com/learn/legal-system/history>>

⁸⁵ Alkali, Alhaji Umar, U. A. Jimeta, Awwal Ilyas Magashi, and Tijjani Musa Buba. "Nature and sources of Nigerian legal system: An exorcism of a wrong notion." *International Journal of Business, Economics and Law* 5, no. 4 (2014): p1-10 at p.4

⁸⁶ See Thomson Reuters Public Sector Blog 'Doctrine of precedent: status of the judge or status of the court?' 27 April 2016 <<http://publicsectorblog.practicallaw.com/doctrine-of-precedent-status-of-the-judge-or-status-of-the-court/#:~:text=The%20doctrine%20of%20precedent%20is,the%20purposes%20of%20the%20doctrine.>>

⁸⁷ Adeyemi, Babatunde Ajani. "The Nature of the Judicial Process in Anglo-Nigerian Jurisprudence." SSRN Electronic Journal (2016). p.16.

⁸⁸ See Nwabueze, B. O. *The Presidential Constitution of Nigeria*. C. Hurst ; Nwamife Publishers, 1982.

⁸⁹ See Emmanuel, S. Ayooluwa St. "Legal Pluralism: An Examination of Conflicting Standards in Statutory, Customary and Islamic Law Marriage in Nigeria." *Ajayi Crowther University Law Journal* 4, no. 1 (2023); See also Oba A. Islamic Law as Customary Law: The Changing Perspective in Nigeria. *International and Comparative Law Quarterly*. 2002;51(4):817-850

⁹⁰ Nwocha, Matthew Enya. "Customary law, social development and administration of justice in Nigeria." *Beijing L. Rev.* 7 (2016) p. 432.

⁹¹ *Ibid.* p. 436.

⁹² See Sec 1(3), 1999 Constitution (As Amended).

⁹³ Acceded to the Convention on 23 October 1967.

⁹⁴ Ratified the Convention on 23 May 1986.

⁹⁵ Ratified the Convention on 28 June 2001.

⁹⁶ Just a declaration, not a convention. All members of the UN, including Nigeria, is a state party to the UDHR.

⁹⁷ Acceded to the Convention on 29 Jul 1993.

considering these instruments, thereby reaffirming Nigeria's commitments under the principle of non-*refoulement* and the right to seek asylum.

Furthermore, the Refugee Eligibility and Appeal Board are not known to reference foreign case laws. They occasionally refer to international human rights standards, especially those outlined in documents such as the 1951 Refugee Convention, the 1969 OAU Convention, the ICCPR, and the African Charter on Human and Peoples' Rights-when dealing with barriers to asylum.

Nevertheless, the reliance on supranational court rulings, including those from the ECOWAS Court of Justice, the African Court on Human and Peoples' Rights, or the UN Human Rights Committee, is limited and seldom occurs.

D. Laws and norms at the domestic level

Nigeria is a signatory to the 1951 Refugee Convention, its 1967 Protocol, and the 1969 OAU Refugee Convention. These international legal instruments constitute the foundation of Nigeria's legal responsibilities regarding the protection of asylum seekers and refugees.

The NCFRMI Act domesticates the 1951 Convention and its protocol, the 1967 OAU Convention, and other relevant Conventions essential for protecting refugees, asylum seekers, and other individuals who have been forcibly displaced, thereby rendering them enforceable within Nigeria.⁹⁸ In furtherance of Nigeria's obligations, the NCFRMI Act establishes a refugee status determination (RSD), access to rights, and protection mechanisms in accordance with international standards.⁹⁹

In the RSD process, the Eligibility Committee is tasked with the duty to evaluate and process applications for refugee status and make recommendations, including reviewing cases for the cancellation and revocation of refugee status.¹⁰⁰ The Act makes provision to challenge the decision of the Eligibility Committee at the Appeal Board,¹⁰¹ but is silent on the possibility of judicial appeal. However, the Constitution grants the Federal High Court jurisdiction over matters relating to 'citizenship, naturalisation and aliens, deportation of persons who are not citizens of Nigeria, extradition, immigration into and emigration from Nigeria',¹⁰² which includes issues around refugee eligibility.

The only known Nigerian judicial case on refugee eligibility and protection from *refoulement* is the unreported case of *Ayuk Tabe and others v. National Security Adviser and Attorney General of the Federation*.¹⁰³ The matter concerns the extradition of 47 Cameroonian asylum seekers and refugees in 2018,¹⁰⁴ the Federal High Court upheld the principle of non-*refoulement* by declaring their forced return to Cameroon as illegal and unconstitutional. The court confirmed that the extradition contravened Nigeria's obligations under both domestic and international law, which include the 1951 Refugee Convention and the African Charter on Human and Peoples' Rights. By emphasising that non-*refoulement* constitutes a binding customary norm, the court determined that the government acted unlawfully by returning individuals who had sought protection without evaluating the risks of persecution or torture in their country of origin. The ruling mandated the federal government to facilitate the return of the deportees and granted damages for the violations of their rights.¹⁰⁵

⁹⁸ See Sec 1, NCFRMI Act

⁹⁹ Part VI, *Ibid*

¹⁰⁰ Sec 14(3), *Ibid*

¹⁰¹ Sec 15, *Ibid*

¹⁰² 251(1)(i) the Constitution of Nigeria, 1999 (As Amended)

¹⁰³ Suit No. FHC/ABJ/CS/85/2018

¹⁰⁴ FHC/ABJ/CS/ 85/ 2018 and FHC/ABJ/CS/ 147/ 2018

¹⁰⁵ See Halimah Yahaya, 'Court declares Nigeria's deportation of Cameroonian activists illegal' Premium Times. March 2, 2019. <<https://www.premiumtimesng.com/news/headlines/317103-court-declares-nigerias-deportation-of-cameroonian-activists-illegal.html?tztc=1>>

The principle of non-refoulement

i. Recognition in Domestic Law

The principle of non-refoulement is acknowledged and integrated into Nigeria's domestic legal system via the NCFRMI Act.¹⁰⁶ This legislation incorporates the 1951 Refugee Convention, its 1967 Protocol, and the 1969 OAU Refugee Convention, all of which uphold the principle of non-refoulement. In doing so, it creates binding legal responsibilities under Nigerian law that prohibit the return of refugees or asylum seekers to a nation where they might encounter threats to their life, liberty, or physical safety. Furthermore, the Act outlines procedures for determining refugee status, which necessitate an assessment of protection needs in accordance with international standards, thereby implementing the non-refoulement principle within Nigerian law.

While the Constitution does not explicitly reference non-refoulement, it grants the Federal High Court jurisdiction over issues related to deportation, immigration, and the legal status of foreigners, thereby indirectly endorsing the enforcement of this principle.

ii. Recognition by Jurisprudence

The Federal High have affirmed the obligatory nature of the non-refoulement principle. The 2019 ruling by the Federal High Court in *Ayuk Tabe and others v. National Security Adviser and Attorney General of the Federation*,¹⁰⁷ which annulled the extradition of 47 Cameroonian asylum seekers and refugees, marked a significant moment regarding the non-refoulement principle in Nigeria's jurisprudence, especially considering the binding nature of judicial decisions as application of the stare decisis in Nigeria. The Court underscored the non-derogable nature of this principle and the obligation for Nigeria to consistently uphold its commitments under the 1951 Refugee Convention, the African Charter on Human and Peoples' Rights, and customary international law. It was highlighted that non-refoulement is a fundamental and binding norm that requires a thorough assessment of the risk of persecution prior to executing any removal.

The right to asylum

i. Recognition in Domestic Law

There is no specific provision in the Nigerian Constitution that addresses the right to seek asylum. Chapter IV, which provides fundamental rights, is silent on the right to asylum. However, with the enactment of the NCFRMI Act, which incorporates the 1951 Refugee Convention and the 1969 OAU Convention into domestic law,¹⁰⁸ it can be asserted that these conventions have become integral to the legal framework of the Federation of Nigeria, thereby rendering them legally binding and enforceable within Nigeria.

The NCFRMI Act not only renders the 1951 Convention and the OAU Convention applicable and enforceable in Nigeria, but it also explicitly establishes the right to seek asylum and outlines the procedures for granting refugee status. It outlines the rights and obligations of refugees and asylum seekers and establishes a secretariat for refugee matters in the NCFRMI, comprising both the Eligibility Committee and the Appeal Board. Thus, reaffirming Nigeria's commitment to the principle of non-refoulement. Importantly, Sec 17 of the Refugees Act forbids the expulsion or return of individuals to a country where their life or freedom may be at risk.

ii. Recognition by Jurisprudence

Save for the quasi-judicial contribution, the judicial body has not made significant inputs to refugee jurisprudence in Nigeria, albeit limited, contributions to the protection of refugees, highlighted by the landmark case involving the extradition of 47 Cameroonian asylum seekers and refugees i.e., the case of

¹⁰⁶ Sec 17, NCFRMI Act

¹⁰⁷ *Supra*

¹⁰⁸ Sec 1, NCFRMI Act.

Attorney General of the Federation v. Ayuk Tabe & Others (Supra) where the Federal High Court determined that the arrest and forced repatriation of the Cameroonians who were registered with UNHCR was unlawful, unconstitutional, and breached Nigeria's international obligations.

In conclusion, Nigeria recognises the right to asylum through a comprehensive legal and institutional framework, bolstered by domestic legislation, judicial interpretation, but primarily by quasi-judicial bodies. The absence of a provision in the NCFRMI Act permitting asylum seekers to challenge the Appeal Board's decisions in a regular court means that only a few asylum seekers understand that the decisions of administrative bodies can be appealed in a regular court. This issue is exacerbated by the absence of legal aid during the asylum process, except for the minimal assistance provided during the appeal process. Unfortunately, the Appeal Board have been reported to mainly uphold the decisions of the Eligibility Committee.

Sources of international refugee law that are relevant to asylum access adjudication

The determination of asylum eligibility and the protection of refugees in Nigeria is complemented by international law, which includes both customary international law and regional legal frameworks. Central to the international refugee law relevant to the adjudication of asylum access in Nigeria is the 1951 Convention Relating to the Status of Refugees, along with its 1967 Protocol, which together form the cornerstone of the international refugee protection system. At the regional level, in the context of Africa, the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa plays a vital role. This regional instrument expands the definition of a refugee to include individuals escaping generalised violence, situations that severely disrupt public order, or foreign domination, conditions that are frequently observed in the African displacement context.¹⁰⁹ The OAU Convention imposes a proactive obligation on states to accept refugees and grant them asylum, thereby offering a more comprehensive and contextually sensitive framework for refugee protection across the African continent.

For the operation of these international and regional refugee and human rights instruments in Nigeria, it is important to note that Nigeria operates a dualist legal system. This implies that international treaties, even when ratified by Nigeria, do not exert direct influence or application in Nigeria unless they are incorporated into domestic law through local legislation.¹¹⁰ The NCFRMI Act addresses this by domesticating the relevant international and regional refugee legal instruments,¹¹¹ thereby strengthening Nigeria's international refugee and human rights law obligations. Consequently, in making their decisions, the quasi-judicial entities like the Eligibility Committee and Appeal Board, as well as the judicial authority demonstrated in the case of *Ayuk Tabe and others v. National Security Adviser and Attorney General of the Federation (Supra)*, are obligated to adhere to this legislation when rendering their decisions.

Other human rights obligations

Beside the responsibilities set forth by the 1951 Refugee Convention and the 1969 OAU Convention, numerous international and regional human rights instruments are relevant to refugees and asylum seekers in Nigeria. These human rights frameworks not only strengthen the refugee protection system but also significantly contribute to enabling access to asylum and guaranteeing procedural fairness throughout the refugee status determination process.

Prominent among the other broader international and regional human rights instruments that have an indirect impact on the process of asylum adjudication, and frequently cited, is the UDHR. The UDHR, despite lacking legal binding force, affirms the right to seek and enjoy asylum.¹¹² Similar to the UDHR, though legally binding in the African context, the African Charter on Human and Peoples' Rights

¹⁰⁹ Art I(2) of the 1969 OAU Convention

¹¹⁰ Sec 12(1), 1999 Constitution of Nigeria

¹¹¹ See Sec 1(b) of the NCFRMI Act.

¹¹² Art 14, UDHR

(ACHPR) also affirms the right to seek asylum.¹¹³ Other relevant international human rights laws are the ICCPR, to which Nigeria and numerous states are signatories. The ICCPR strengthens procedural safeguards essential for fair asylum processes, including the rights to liberty, due process, and protection from torture and ill-treatment. Similarly, the CAT enshrines an absolute ban on returning individuals to a country where they are likely to endure torture,¹¹⁴ a principle that is often invoked in the determination of refugee status. Beyond treaties, customary international law also plays a crucial role, especially in upholding the principle of non-refoulement, which is now broadly acknowledged as a peremptory norm of general international law (*jus cogens*).¹¹⁵ Furthermore, soft law instruments such as the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status offer compelling interpretative guidance for asylum adjudicators and are frequently referenced by the Eligibility and Appeal Board in Nigeria.

Other obligations stemming from general public law, criminal law, humanitarian law, civil law

In Nigeria, various legal obligations arising from general public law, criminal law, human rights law, administrative law, and constitutional law apply to asylum seekers and significantly influence the adjudication of asylum access. For instance, the 1999 Constitution in Chapter IV guarantees fundamental human rights, including the right to life,¹¹⁶ dignity,¹¹⁷ personal liberty,¹¹⁸ fair hearing,¹¹⁹ and freedom of movement,¹²⁰ all of which extend to all individuals, including those seeking asylum. These constitutional rights are frequently cited in legal proceedings concerning detention or deportation. This is because the provisions of the Constitution are 'binding force on all authorities and persons throughout the Federal Republic of Nigeria',¹²¹ including asylum seekers, as demonstrated in the Ayuk Tabe case, where the court identified breaches of the constitutional rights to liberty and fair hearing.

Furthermore, the Fundamental Rights (Enforcement Procedure) Rules 2009¹²² establish a procedural framework for 'any person', including asylum seekers, to challenge violations of their rights in court. Principles of administrative law also regulate the actions of the agency responsible for refugee management in Nigeria, i.e., NCFRMI. Decisions made by NCFRMI, such as the refusal of refugee status or delays in application processing, are subject to judicial review under Nigerian administrative law and interpretation of relevant sections of the constitution regarding judicial powers and oversight.¹²³ Additionally, despite the criminalisation and penalisation of irregular entry by foreigners into Nigeria, such enforcement must be reconciled with protections under the NCFRMI Act, which prohibits penalising asylum seekers for irregular entry in accordance with international standards.¹²⁴ Therefore, these extensive legal frameworks not only shape the treatment of asylum seekers but also offer pathways for legal recourse and could affect how courts address obstacles to asylum access.

Membership in a regional or other international organization

Nigeria is a member of various regional and international organisations that create legally binding regulations and commitments regarding human rights related to asylum, particularly the AU and the UN system. These associations have profoundly influenced the development, interpretation, and implementation of asylum laws and practices in Nigeria.

¹¹³ Art 12 (3), ACHPR

¹¹⁴ Art. 3, CAT

¹¹⁵ Janis, Mark W. "The nature of jus cogens." *Conn. J. Intl L.* 3 (1987) p. 359

¹¹⁶ Sec 33, 1999 Constitution

¹¹⁷ Sec 34, *Ibid*

¹¹⁸ Sec 35, *Ibid*

¹¹⁹ Sec 36, *Ibid*

¹²⁰ Sec 41, *Ibid*

¹²¹ Sec 1(1), *Ibid*

¹²² Order II (1)

¹²³ See Sec 6(6)(b), 36(1) 1999 Constitution.

¹²⁴ Sec. 17 (3) & 19, NCFRMI Act

Nigeria, being a longstanding member of the African Union and has ratified several vital AU instruments related to refugee protection. The most notable of these is the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. The Convention has been integrated into Nigeria's domestic law firstly via ratification and subsequently through the NCFRMI Act,¹²⁵ which recognises the broader OAU definition of refugees.¹²⁶ The broader definition of the OAU Convention provides thus, *'the term "refugee" shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.'*¹²⁷

The adoption of the OAU Convention's broader or expanded definition to include events seriously disturbing public order among others have enabled Nigeria to offer protection to a significant number of individuals fleeing generalised violence, particularly from Cameroon, the Democratic Republic of the Congo (DRC), and Central Africa Republic (CAR), among others, who may not meet the more stringent criteria specified in the 1951 Convention.¹²⁸

Furthermore, Nigeria is required to comply with the African Charter on Human and Peoples' Rights (ACHPR), which it has not only ratified but has also domesticated into its national legislation. This Charter guarantees a comprehensive spectrum of civil, political, and socio-economic rights that apply to all individuals,¹²⁹ including refugees and asylum seekers. Notably, the ACHPR emphasises the right to seek and obtain asylum,¹³⁰ protection against torture and inhumane treatment.¹³¹ Although the African Court on Human and Peoples' Rights, the African Commission on Human and Peoples' Rights and the ECOWAS Court of Justice have not specifically ruled on refugee cases from Nigeria, their legal precedents significantly contribute to the development of regional legal norms. These norms subsequently affect national practices related to refugee protection and the wider understanding of human rights responsibilities within Nigeria's domestic legal framework.

Nigeria is a member of the UN and a signatory to the 1951 Convention concerning the Status of Refugees and its 1967 Protocol, which together form the cornerstone of the international legal framework governing refugee protection. The adherence of Nigeria to these instruments is complemented by the active and operational presence of the UNHCR, which plays a significant role in ensuring that the refugee status determination process in Nigeria meets at least the minimum standards by providing policy and technical guidance needed for refugee management. Nigeria has ratified other core UN human rights instruments, which include the ICCPR, the ICESCR, the CAT, and the CRC, among others. These instruments ensure rights such as protection from torture, due process, non-discrimination, and access to essential services, which apply to all individuals, including those seeking asylum. These treaty obligations establish the benchmarks for asylum decision-making in Nigeria by underpinning the principles of non-refoulement, procedural fairness, and access to remedies.

Nigeria's membership of the AU and the UN, coupled with its ratification of their fundamental human rights and refugee instruments, establishes a strong normative framework for asylum protection. These binding commitments not only shape Nigeria's internal asylum laws and processes but also serve as a benchmark for assessing the legality and fairness of governmental actions affecting asylum seekers and refugees.

¹²⁵ This complies with Sec 12(1) of the Constitution, which requires foreign treaties to be domesticated in Nigeria before they can be implemented or have the absolute force of law.

¹²⁶ Sec 1(b)(iii), NCFMI Act complies with the OAU Convention's definition of a refugee in the African context.

¹²⁷ Art I(ii), OAU Convention

¹²⁸ See UNHCR Nigeria 'Refugees & Asylum-seekers in Nigeria' 1 March 2025. Available at <<https://data.unhcr.org/en/documents/download/115302>>

¹²⁹ Preamble, Art. 20, 22, ACHPR.

¹³⁰ Art 12(3), *Ibid*

¹³¹ Art 5, *Ibid*

The role of soft law in asylum access adjudication

In Nigeria, soft law such as the UNHCR Handbook, Guidelines on International Protection, and position papers holds a significant yet non-binding influence in the adjudication of asylum claims. These instruments are especially important within the Nigerian context, where the domestic legal framework for refugee protection is still underdeveloped and fragmented, especially concerning the procedure for determining status. Although Nigeria is a signatory to the 1951 Refugee Convention, its 1967 Protocol, and the OAU Refugee Convention, the NCFRMI Act only offers broad institutional mandates, lacking a specific procedural framework. Despite the existence of a standard operating procedure (SOP) for determining refugee status, which was collaboratively developed by UNHCR and NCFRMI, caseworkers are not obligated to adhere to SOP since they have not been endorsed as an official government document for determining refugee status.

Consequently, soft law addresses critical interpretive and procedural deficiencies, guiding administrative discretion and aiding in maintaining alignment with international standards. For instance, the UNHCR *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*,¹³² and its Guidelines¹³³ represents some of the most frequently referenced soft law materials in the context of refugee adjudication. The quasi-judicial bodies responsible for refugee status determination in Nigeria depend on these resources to interpret essential and complex legal concepts.

E. Legal standing

The NCFRMI Act exclusively offers quasi-judicial asylum pathways, with the primary function of these quasi-judicial entities being the assessment of refugee status rather than addressing barriers to obtaining asylum. This situation places asylum seekers in a position where they must find ways to overcome the challenges outside of the asylum system. Asylum seekers who encounter access barriers, including within the procedures themselves, may not be aware of the other options available to them.

i. Administrative Remedies: Appeal Board

As provided by the NCFRMI, individuals whose asylum applications have been rejected by the Eligibility Committee are entitled to contest the decision at the Appeal Board.¹³⁴ This serves as the sole formal recourse for challenging adverse eligibility determinations under the NCFRMI Act. The Act does not offer a judicial remedy; consequently, refugees must identify which constitutional rights have been violated by the asylum barrier to obtain judicial relief. And many asylum seekers do not know that they can indeed get a judicial remedy.

ii. Judicial Review Before the High Court

As mentioned earlier, the NCFRMI Act does not provide for judicial remedy or review of its decision. However, like every other government agency, the decisions of the Eligibility or Appeal Board are subject to judicial review by virtue of Sec 6(6)(b) of the Constitution. Specifically, issues concerning ‘citizenship, naturalisation and aliens, deportation of persons [...] extradition’, including refugee (stretching ‘aliens’ to include asylum seekers) matters generally can be brought before the Federal High Court by virtue of Sec 251(1)(i) of the Constitution. Furthermore, regarding other barriers to seeking asylum which violate an asylum seeker’s fundamental rights, Chap. IV of the Constitution, alone or together with relevant national,

¹³² HCR/1P/4/Eng/REV.2

¹³³ HCR/GIP/02/01; HCR/GIP/02/02; HCR/GIP/03/03; HCR/GIP/03/04; HCR/GIP/03/05; HCR/GIP/04/06; HCR/GIP/06/07; HCR/GIP/12/08; HCR/GIP/12/09; HCR/GIP/13/10/Corr. 1; HCR/GIP/15/11; & HCR/GIP/20/12.

¹³⁴ Sec 15(5), & 16(6) NCFRMI Act.

regional and international refugee instruments, can be invoked to challenge the barrier¹³⁵ or the violator in court, as seen in the Ayuk Tabe case.

As stated earlier, ‘any person’, including asylum seekers, can by virtue of Order II (1) of the *Fundamental Rights (Enforcement Procedure) Rules 2009*, challenge the violation of their rights in court. Nigeria’s legal system offers a range of judicial remedies for everyone, including seeking asylum, especially in cases of arbitrary detention, threats of deportation, or breach of procedural safeguards. Among the most important legal remedies is the *habeas corpus* mechanism, which is established in Sec 35(4)&(5) of the Constitution, which provides the right to personal liberty for every individual and stipulates that anyone who is arrested or detained must be presented before a court of law within 24 to 48 hours, depending upon the court’s availability.

F. The influence of international Courts

Jurisprudence of supranational courts shaping procedural protections or interpretation

There are no indications of the influence of supranational courts’ rulings.

G. Comparative insights

None specifically

Divergences among judicial bodies

None specifically

Divergences between national courts and supranational rulings

None specifically

Broader principles established by international bodies

Nigeria’s national asylum decisions reflect a multifaceted interplay between local legal and administrative frameworks and the overarching principles of international refugee protection, especially those set forth by the UNHCR, the 1951 Refugee Convention, its 1967 Protocol, the 1969 OAU Convention, and various treaty bodies like the Committee Against Torture (CAT). Although there are cases of alignment, there remain some discrepancies owing to institutional weaknesses, lack of judicial precedents, and political or security considerations.

Progress has been made with regard to compliance with international standards, especially the non-refoulement principle. For instance, the NCFRMI Act incorporates the principle of non-refoulement, which explicitly prohibits the return of refugees and asylum seekers to states where they may encounter threats to their life or freedom, thereby echoing the provisions of Art 33(1) of the 1951 Refugee Convention and Article 3 (1) of the CAT. Additionally, Nigeria acknowledges broader grounds for asylum protection outlined in the 1969 OAU Convention, which protects individuals fleeing widespread violence and severe public disorder, demonstrating a regional commitment that extends beyond the more limited scope of the 1951 Refugee Convention.

Notwithstanding these formal alignments, considerable discrepancies continue to exist in practice. A significant shortcoming is the lack of a definitive judicial review or appeals process for the decisions of the quasi-judicial bodies, a deficiency that contrasts with the international procedural standards promoted by UNHCR.¹³⁶ This gap restricts the options available for redress to rejected asylum seekers. Furthermore,

¹³⁵ These barriers could include infractions that prevent an asylum seeker from accessing the asylum procedure. These barriers or infractions include unlawful arrest, deprivation of personal liberty, denial of fair hearing, denial of freedom of movement, and no compliance with due process etc.

¹³⁶ See para 192(vi)(vii), ‘UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees.’ HCR/1P/4/ENG/REV. 4 Feb 2019

although refoulement is legally prohibited, there have been reports of the forcible return of asylum seekers, especially the extradition of the 47 Cameroonian refugees and asylum seekers in 2018, and the deportation of 119 Togolese asylum seekers in 2015.¹³⁷ These deportations raise serious concerns regarding Nigeria's adherence to its obligations under the 1951 Refugee Convention and the CAT.

Best practices or lessons learned from the adjudication of asylum barriers

Nigeria demonstrates a number of commendable practices in the adjudication of asylum claims, particularly in its alignment with international and regional refugee law. As one of the African nations to have incorporated both the 1951 Refugee Convention and its 1967 Protocol, along with the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, Nigeria has embedded essential protection standards into its national legal framework through the NCFRMI Act. Notably, Nigeria fully embraces the expanded refugee definition as outlined in the OAU Convention, thus broadening protection to include individuals fleeing not only individualised persecution but also generalised violence, external aggression, occupation, and situations that severely disrupt public order. This wider perspective has empowered Nigerian decision-makers to provide protection to a significant number of displaced individuals.

Another significant best practice is has maintained an open-door policy towards refugees and asylum seekers,¹³⁸ which has historically prevented mass refoulement and permitted access to its territory for individuals in need of protection, irrespective of their country of origin. The open-door policy was demonstrated in the situation of Liberian and Sierra Leonean refugees who resided in Nigeria for about a decade as a result of conflict in their home countries. Following the restoration of peace in Liberia and Sierra Leone in 2008, Nigeria announced the cessation of the admission of Liberian and Sierra Leonean refugees and at the same time implemented local integration of those who continued to stay due to certain protection issues, enabled by a multipartite agreement involving Nigeria, Liberia, Sierra Leone, ECOWAS, and UNHCR.¹³⁹

In situations of complex or large-scale displacement, Nigeria has effectively utilised the temporary protection status (TPS), facilitating the admission and basic protection of individuals who may not precisely meet the refugee definition but still require urgent humanitarian assistance. It has also been used for asylum seekers who meet the criteria outlined in both the 1951 Convention and the OAU Convention, particularly in complex situations of politically motivated displacement, as exemplified by the cases of Turkish and Cameroonian refugees in Nigeria. According to UNHCR, 'the Cameroonian population in Nigeria has been under Temporary Protection Status (TPS) since March 2018. Initially valid for two years, the TPS was extended twice in 2020 and 2022. In February 2024, the Eligibility Committee recommended extending the TPS for three years, marking significant progress from the previous two-year duration. The current extension is valid from 1 July 2024 to 30 June 2027. Refugees in the South-South region (Cameroonian refugees) have been granted a three-year Temporary Protection Status (1 July 2024 – 30 June 2027), following the Eligibility Committee's recommendation.'¹⁴⁰

Despite the absence of a thorough legal framework for TPS, within the Nigerian context, the TPS status is discreetly governed by the OAU Convention, which affords individuals holding this status nearly the same rights as other refugees. It remains an essential component of Nigeria's protection strategy, particularly in a politically charged displacement context. In other words, it is Nigeria's approach to

¹³⁷ See 'Nigeria sends Togolese asylum seekers back home'. The Nation September 8, 2015. Available at: <<https://thenationonline.ng/nigeria-sends-togolese-asylum-seekers-back-home/?utm>>

¹³⁸ Nigerian Government, 'Implementation of the Pact - Follow-up on the implementation of the action plans on Niger and Nigeria'. Working Party on External Aspects of Asylum and Migration (EMWP). Council of the European Union. 4 September 2023. 11860/23 ANNEX p.10.

¹³⁹ National Migration Policy 2015 p.45; See also Multipartite Agreement for the Local Integration of Liberian and Sierra Leonean Refugees in Nigeria. June 2007

¹⁴⁰ UNHCR Nigeria, 'Displacement Overview' 1 Dec 2024. <<https://data.unhcr.org/es/documents/download/113399>>

avoiding diplomatic tension with a friendly nation as was done for Turkish refugees of ‘Gülen Movement’ also referred to as ‘Hizmet Hareketi’ or Hizment Movement in 2017.¹⁴¹

Another good practice from the asylum adjudication process in Nigeria is multi-sectoral nature of the Eligibility Committee. This Committee comprises representatives from essential government ministries, such as foreign affairs, justice, humanitarian affairs, and national security, in addition to members from the Nigeria Immigration Service and the National Human Rights Commission. Moreover, it includes a representative from a humanitarian-focused non-governmental organisation and an observer from the UNHCR, thereby ensuring that the decisions regarding refugee status are enriched by a variety of institutional viewpoints and are guided by both human rights and protection standards.¹⁴²

H. Role of expert testimony

The role of expert testimonies in asylum adjudication is unknown due to eligibility decisions not being published. However, it is very well known that UNHCR submissions, especially in ensuring that the quasi-judicial bodies, i.e., Eligibility and Appeal Board, follow certain minimum standards and their offer of technical guidance and provision of country of origin (COI) are very well welcomed and persuade the quasi-judicial bodies in their decisions.

I. Future Directions

Emerging trends or evolving issues in asylum law

Despite the open-door policy of the government towards refugees and asylum seekers, there is an increasing securitisation approach to migration and asylum, especially in the North-East and border areas, where asylum seekers and refugees are frequently perceived through a counterterrorism perspective.

The government’s counter terrorism activities in parts of the country and the rhetoric around national security could result in a heightened risk of refoulement, as well as the arrest or unlawful detention of asylum seekers. Judicial and quasi-judicial institutions may encounter increased pressure to reconcile national security concerns with the protection of refugees, particularly in instances of prolonged or arbitrary detention.

II. IDENTIFICATION OF LEADING DECISIONS

Pushbacks: There is a reported incidence of pushback in the case of *Ayuk Tabe and Others v National Security Adviser and Attorney General of the Federation*.¹⁴³ The case relate to the arrest, detention and forced return to Cameroon of 47 Cameroonian asylum seekers and refugees in 2018. In 2019, the Federal High Court held that their removal was unlawful, unconstitutional and inconsistent with Nigeria’s domestic and international obligations, including the principle of *non-refoulement*. The Court ordered the federal government of Nigeria to facilitate their return to Nigeria and awarded damages. It is the only known Nigerian judicial decision that addresses the legality of a forced return involving asylum seekers or refugees.

Detention: *Ayuk Tabe and Others v National Security Adviser and Attorney General of the Federation (Supra)* is also relevant to detention because the applicants were arrested and detained before their forced return. As stated above, the Federal High Court found arrest, detention and extradition unlawful and contrary to constitutional and international law protections. In an opinion adopted during its 94th session, the United Nations Working Group on Arbitrary Detention found that the arrest and detention of 47 Cameroonian activists and asylum seekers in Abuja, Nigeria, in 2018 amounted to arbitrary detention. The Working Group further recommended their immediate release.¹⁴⁴

¹⁴¹ This information was obtained in an interview with official of the Refugee Commission.

¹⁴² See Sec 14, NCFRMI Act.

¹⁴³ Suit No: FHC/ABJ/CS/85/2018; & FHC/ABJ/CS/147/2018.

¹⁴⁴ HRW, ‘Cameroon Events of 2022’. Available at <<https://www.hrw.org/world-report/2023/country-chapters/cameroon>>

Procedural barriers: No reported judicial decision on procedural barriers. Although there are lots of UNHCR and newspaper reports on substantial delays in registration, documentation, eligibility decisions and appeals, there are no documented cases in which asylum seekers have challenged decisions of the Eligibility Committee or Appeal Board before regular courts.

A. Description of the barriers in the selected decisions

Formality or informality of the barrier

Pushbacks: The Federal High Court did not regard the barrier as one formally established by legislation or judicial process. Instead, it treated the forced return of 47 Cameroonian asylum seekers and refugees as an unlawful executive action implemented outside the safeguards required by domestic and international refugee law. The Court found that the applicants were arrested, detained and returned to Cameroon without an effective assessment of their protection claims or the risks they faced upon return, contrary to Nigeria's obligations under the principle of non-refoulement.

The principal actors involved were the National Security Adviser, the Attorney General of the Federation, the Nigeria Immigration Service, and other security agencies responsible for the applicants' arrest, detention and removal. The proceedings therefore concerned the legality of executive action rather than the validity of any statutory pushback policy.

Detention: The Federal High Court did not consider detention to be a formally established barrier to asylum under Nigerian law. Rather, it found that the detention of the applicants formed part of an unlawful executive operation that culminated in their extradition to Cameroon. The Court held that the applicants had been arrested, detained and removed in breach of Nigeria's constitutional and international obligations.

Administrative obstacles faced by the applicant(s)

Pushbacks: The applicants faced significant administrative obstacles because they were denied effective access to the asylum procedure before their removal from Nigeria. The Federal High Court proceedings indicate that the applicants were arrested, detained and returned to Cameroon without an opportunity to have their claims for international protection assessed. As a result, they were unable to access the refugee status determination process or benefit from the procedural safeguards associated with it. According to a UNHCR staff member, UNHCR was not given access to the applicants before their removal. These failures became central to the Court's finding that the removals violated Nigeria's domestic and international obligations, particularly the principle of *non-refoulement*.

Detention: The applicants faced multiple administrative barriers while in detention. They were detained without being afforded an effective opportunity to pursue asylum, were denied timely access to their lawyer, and UNHCR was unable to meet them before their removal. The government justified the detention on national security grounds, alleging that some of the applicants were associated with the Anglophone separatist movement in Cameroon.

Challenges related to their legal standing or capacity

Pushbacks: The deportees were not allowed to challenge the decision to deport them in court.

Detention: Prior to their arrest, detention and subsequent extradition, the applicants were denied access to any court to contest the Nigerian government's decision to send them back to Cameroon. They were arrested, held without due process, and transferred to Cameroonian authorities without being informed of the reasons for their arrest or given a chance to challenge their removal.

As for substantial legal standing to bring an action in court, the court allowed for a fundamental rights enforcement action to be initiated on behalf of the applicants by a private legal practitioner, claiming

violations of their constitutional and international rights, including the right to a fair hearing and protection against unlawful deportation.

Hearing

Pushbacks: The hearing took place in the applicant's absence, as they had already been extradited to Cameroon prior to the proceedings.

Detention: The applicants, though already returned to Cameroon, the court heard the fundamental rights enforcement application entered on behalf of the applicants. In its judgment, the Federal High Court in Abuja determined that the applicants' rights had been violated, declaring the extradition illegal, unconstitutional, and a breach of Nigeria's obligations under international law, particularly the African Charter on Human and Peoples' Rights. The court awarded damages and mandated the Nigerian government to take steps to ensure their return.

Legal aid

Pushbacks: No opportunity for legal aid was given

Detention: No legal aid provided by the state. The applicants were represented by a private law firm.

Applicant's vulnerability

Pushbacks: Many of them were allegedly fleeing political persecution, including both women and children. Nevertheless, their vulnerability did not deter the authorities.

Detention: The applicants were leaders of separatist movements who were experiencing persecution and the potential for capital punishment in Cameroon. Their precarious situation was central to the court's determination of violations of their rights.

B. Impact of the judicial body's decision

Pushbacks: Extent unknown

Detention: The ruling is a landmark. The Federal High Court determined that the detention and extradition violated both Nigerian and international law. In accordance with the principle of *stare decisis*, lower courts and courts of equal jurisdiction are obligated to adhere to the precedents established in that case for their own rulings until such a decision is overturned by a higher court or a court of equal standing.

C. Consistency with previous jurisprudence

Reasons and extent of these differences

Pushbacks: It was the first of its kind in Nigeria. The practice deviated from Nigeria's open-door policy and commitments under the 1951 Refugee Convention and the OAU Convention. Nevertheless, in light of the lack of litigation or formal examination, there exists no judicial precedent either supporting or opposing the practice.

Detention: The ruling is consistent with previous jurisprudence and rulings regarding arbitrary detention and the right to personal liberty as outlined in Sec 35 of the Constitution.

Divergence establishing binding precedent

Detention: Although not a divergence per se, the case broadened jurisprudence by highlighting Nigeria's international law obligation to refrain from deporting individuals without due process when there exists a risk of persecution.

The decision aligns with or differs from resolutions on similar barriers

Other: Prior to this case, no similar barriers by refugees or asylum seekers have been brought before the court.

Evolutionary or restrictive approach

Detention: The decision demonstrates a more progressive and evolutionary, rights-based judicial approach aimed at protecting asylum seekers from unjust detention and deportation.

PART 3: SOCIO-LEGAL FACTORS

This third part of the Report is divided into four sections: I) Procedures in asylum access adjudication; II) Judicial or quasi-judicial bodies in asylum access adjudication; III) Other actors in asylum access adjudication; IV) Socio-political context.

I. PROCEDURES IN ASYLUM ACCESS ADJUDICATION

A. Access to judicial or quasi-judicial bodies

Pushbacks: Pushbacks are among the barriers least likely to receive effective judicial scrutiny in Nigeria because they frequently occur before asylum seekers can access the refugee status determination procedure or obtain legal representation. Individuals who are summarily removed or denied entry often have no practical opportunity to challenge the legality of the measure before a judicial or quasi-judicial body. Although the Federal High Court has constitutional jurisdiction over immigration, deportation and extradition matters, judicial review usually becomes available only after the removal has occurred or where applicants or their representatives are able to institute proceedings on their behalf. The litigation concerning the 47 Cameroonian asylum seekers and refugees illustrates this point, the Court reviewed the legality of the applicants' arrest, detention and extradition only after the forced return had already taken place. Persons subjected to pushbacks often receive neither access to UNHCR nor legal assistance before removal, making timely judicial intervention particularly difficult.

Detention: A major socio-legal obstacle to obtaining asylum in Nigeria stems from the prevalent practice of detention in situations where the legality of such confinement cannot, in reality, be examined by any judicial or quasi-judicial authority. Although Nigerian law officially offers protections, including constitutional assurances of prompt court appearances and stipulations in the NCFRMI Act that shield asylum seekers from punishment for unauthorised entry, the actual framework of detention, especially in the North-East, functions in a way that is fundamentally insulated from legal scrutiny.

In regions affected by insurgency, such as Borno, Yobe, and Adamawa, displaced persons are often apprehended and held by military and border security forces under counterterrorism operations.¹⁴⁵ These detentions generally occur in military installations, informal holding centers, police stations¹⁴⁶ in sometimes remote and border locations, away from where immigration-related detention can be administratively or judicially monitored. Importantly, many of these facilities operate beyond the jurisdiction of the Nigeria Immigration Service, the NCFRMI, or even the standard criminal justice system. Consequently, the detainees, who are frequently newly arrived asylum seekers lacking documentation, are neither recorded nor processed within any formal system capable of initiating judicial review.

The NCFRMI's Eligibility Committee and Appeal Board lack jurisdiction over decisions related to liberty; their role is limited to status determination.¹⁴⁷ They cannot mandate release but could persuade law enforcement to release those who have applied for or are requesting asylum. Moreover, asylum seekers held by the military face significant barriers in accessing the court, which constitutionally holds jurisdiction over matters of detention, deportation, and immigration.

The absence of legal assistance at the point of detention, coupled with the lack of systematic notification to the NCFRMI and the practical challenge of submitting asylum claims from remote detention facilities, can significantly impede access to protection procedures. In such circumstances, detainees may remain unknown to the authorities responsible for refugee status determination and judicial oversight. The context

¹⁴⁵ See Ayodele Oluwagbemi 'Borno SEMA arrests nine Boko Haram fighters, 100 accomplices among returning refugees' Punch News Paper. 2nd July 2017. Available at <<https://punchng.com/borno-sema-arrests-nine-boko-haram-fighters-100-accomplices-among-returning-refugees/?utm=>

¹⁴⁶ See UNCR, *North-East Nigeria Operational Update: February 2024* (UNHCR, February 2024) <<https://www.unhcr.org/sites/default/files/2024-04/North-East%20Nigeria%20Operational%20Update%20February%202024.pdf>> accessed 23 July 2026.

¹⁴⁷ Sec 14 & 15, NCFRMI Act

of counterterrorism operations further exacerbates this lack of transparency.¹⁴⁸ Where migrants or asylum seekers are apprehended in the context of security or counter-terrorism operations, the Terrorism (Prevention and Prohibition) Act 2022 may provide the legal basis for extended detention. Section 66 authorises the detention of terrorism suspects for up to 60 days pursuant to an *ex parte* court order, with the possibility of renewal. Although the Act requires judicial authorisation for such detention, it does not contain provisions specifically addressing the procedural rights of non-Nigerian asylum seekers intercepted at the border or their access to asylum procedures.¹⁴⁹

Consequently, asylum seekers endure a type of detention that is legally uncertain yet remains insulated from institutional oversight, as no agency claims responsibility for their custodial situation. This culminates in a grey area where liberty is deprived without any formal registration, documentation, and thus without the procedural mechanisms that would enable habeas corpus, administrative review, or constitutional intervention.

Significantly, while the 2019 Federal High Court ruling in *Ayuk Tabe & Others*¹⁵⁰ demonstrated that Nigerian courts are capable of addressing issues related to unlawful detention and refoulement when such cases are presented, this form of judicial scrutiny is rare. This ruling materialised because the UNHCR and civil society organisations succeeded in bringing the matter before the court, a legal avenue that is not accessible to the majority of detainees in the Northeast. For most individuals, detention remains beyond review as they are unable to reach out to legal representatives, do not appear on official arrest records, and are not presented before competent judicial authorities or the NCFRMI. In this scenario, the legality of detention is neither contested nor evaluated; it merely exists outside the scope of judicial examination.

Consequently, the detention of asylum seekers in conflict-affected border regions represents a significant obstacle to obtaining asylum, the legality of which cannot feasibly be evaluated by any judicial or quasi-judicial entity. This situation arises not from an absence of legal standards, but rather from systemic exclusion, such as: the interplay of military oversight, lack of procedural protections, failure to notify refugee authorities, absence of legal assistance, geographical barriers, and the reality that Nigeria's quasi-judicial asylum institutions lack the authority to evaluate arbitrary detention. As a result, these detentions take place in an institutional void, creating a formidable barrier to asylum access that is both profoundly impactful and resistant to legal scrutiny.

Procedural barriers: In Nigeria, numerous procedural obstacles hinder asylum seekers from entering the formal protection system. Since these challenges occur prior to any official decision being made, their legality cannot be evaluated by judicial or quasi-judicial entities. A significant issue is the inability of asylum seekers to file their claims in areas where the NCFRMI lacks a physical presence.

Prolonged delays in deploying personnel, the lack of and/or insufficient mobile registration teams, and inconsistent outreach efforts result in many new arrivals remaining undocumented for extended periods.

Additional challenges arise from administrative inaction, including delays in the issuance of attestation documents, scheduling of RSD interviews, or the convening of the Eligibility Committee. These forms of inaction are not legally recognised as “decisions,” and therefore are not open to appeal or judicial scrutiny. Asylum seekers trapped in this procedural *limbo* are unable to obtain legal assistance, which is only accessible post-registration, further deepening their exclusion.

Lastly, the lack of technological or alternative methods for submitting applications, such as online platforms, email submissions, or acceptance of claims by other agencies, creates practical barriers.

¹⁴⁸ Sec 66, Terrorism (Prevention and Prohibition) Act 2022.

¹⁴⁹ Policy and Legal Advocacy Centre (PLAC), ‘Terrorism Act, Proceeds of Crime Act 2022 Raise Concerns’ (27 May 2022) <<https://placng.org/Legist/terrorism-act-proceeds-of-crime-act-2022-raise-concerns/>> accessed 29 July 2026

¹⁵⁰ *Supra*

Time as a challenge

Pushbacks: Time represents a significant obstacle to judicial review of pushbacks in Nigeria because removals may occur before asylum seekers can access the refugee status determination process, obtain legal representation or bring proceedings before a competent court. Once an individual has been summarily removed, any judicial challenge is necessarily retrospective and cannot prevent the immediate loss of access to asylum.

Detention: Time represents a significant challenge to accessing judicial and quasi-judicial bodies in asylum adjudication, particularly for detained asylum seekers. Delays in Nigeria's asylum and detention systems often reinforce one another, making it more difficult for individuals to have their claims heard and reviewed promptly. As outlined in the detention section of the Report, individuals frequently find themselves in custody for extended durations due to sluggish administrative procedures, lack of documentation, and the extensive discretionary authority wielded by security agencies. These delays impede access to legal counsel, obstruct the timely submission of asylum applications, and complicate efforts to contest detention or deportation orders, despite constitutional assurances mandating that detainees be presented before a court 'within a reasonable time.'¹⁵¹ The National Human Rights Commission (NHRC) has repeatedly noted that many people spend long periods in detention before their cases are heard because of delays and inefficiencies in the system.¹⁵² Similar challenges also affect asylum seekers who are classified as 'prohibited immigrants.'

Temporal challenges are further intensified by structural delays inherent in the asylum adjudication process itself. As indicated in the section addressing procedural barriers, the Eligibility Committee does not convene regularly, and the Appeals Board may meet only once annually or not meet at all. This situation can render it impossible for detained asylum seekers to obtain timely reviews of unfavourable decisions or to appeal cases of wrongful arrest, detention, or *refoulement*. The UNHCR has pointed out that, while over 92% of pending applications have been evaluated by RSD officers,¹⁵³ thousands still await review by the Eligibility Committee, resulting in backlogs that disproportionately affect those in detention who are unable to exercise mobility or seek external support.

These temporal constraints have significant implications for protection. The arrest, detention, and extradition of 47 Cameroonian asylum seekers in 2018, subsequently deemed illegal by the Federal High Court, demonstrates how delays in court access can facilitate *refoulement* prior to the initiation of effective judicial oversight. International organisations, such as the UN Working Group on Arbitrary Detention¹⁵⁴ and UNHCR, have condemned these returns specifically because the individuals were deprived of timely procedural safeguards.

Procedural barriers: Time functions as a significant barrier in the adjudication of asylum access, particularly regarding procedural obstacles, primarily because extended administrative delays hinder an asylum seeker's capacity to enter, navigate, and contest decisions within the protection framework. Procedural hindrances, such as delays in registration, limited NCFRMI field presence, infrequent meetings of the Eligibility Committee, and the almost complete lack of regular Appeal Board sessions, result in prolonged intervals during which asylum seekers do not possess formal status or documentation.

During these phases of administrative uncertainty, individuals are unable to effectively exercise their rights to review or appeal. These delays are aggravated by the centralisation of decision-making in Abuja, necessitating that applicants in border regions endure months of waiting before NCFRMI officers can be dispatched for registration or RSD interviews. The UNHCR's 2025 report, which reveals that over 21,000

¹⁵¹ 1999 Constitution of Nigeria, Sec. 35(4).

¹⁵² Ameh Ochojila, 'National Action Plan: One year after, no reprieve for trapped Nigerians' *The Guardian* 11 Mar 2025. *Op cit.*

¹⁵³ UNHCR Nigeria, 'Refugees & Asylum-seekers in Nigeria' 1 February 2025. p.1

¹⁵⁴ HRW, 'Cameroon Events of 2022'. *Op cit*

individuals are still awaiting registration,¹⁵⁵ highlights how these extended waiting periods systematically obstruct access to adjudicatory processes. In the absence of prompt issuance of asylum attestation documents, individuals remain vulnerable to arrest, detention, and even refoulement, circumstances that render it nearly impossible to file or pursue appeals.

Furthermore, the Eligibility Committee's inability to convene regularly, despite the goal of meeting at least three times each year, results in considerable backlogs. Even after the initial assessment, the Appeal Board typically meets only once a year, which leaves rejected applicants in prolonged uncertainty and, in certain instances, without a viable chance to contest unfavourable decisions within a reasonable period. This situation is especially concerning given Nigeria's dualist legal framework: while judicial review before the Federal High Court is theoretically an option, asylum seekers seldom reach this point due to insufficient legal assistance, lack of awareness, or simply because administrative delays hinder them from ever receiving a decision that can be reviewed.

Consequently, time acts as both a procedural and substantive obstacle. From a procedural standpoint, it hinders the very commencement of adjudication by delaying registration and Refugee Status Determination (RSD) processes. Substantively, it diminishes the efficacy of legal remedies, as delayed access to necessary documentation and decision-making authorities increases the risks of detention, deportation, or disappearance from the system before a review can take place. This is evident in the context of detention.

Costs for legal representation

Pushbacks: The cost and availability of legal representation can hinder access to judicial protection in pushback cases, as individuals who are removed summarily rarely have the chance to seek legal representation prior to their removal. While there is a legal aid system in place, pushback incidents often occur very rapidly, and migrants and asylum seekers subjected to pushbacks may lack the financial resources to promptly contest the decisions made by executive bodies. Legal aid or *pro bono* services may only be accessible after the event has transpired. As a result, financial limitations and the scarcity of specialised legal support may diminish the capacity of asylum seekers to effectively challenge unlawful pushbacks.

Detention: The cost of legal representation and the limited availability of legal aid significantly restrict detained asylum seekers' access to justice in Nigeria. Detention often limits communication, access to documentation, and opportunities to seek legal advice, making it difficult to challenge detention or negative asylum decisions. Since legal assistance is generally available only at the appeal stage and is largely provided by resource-constrained NGOs, many asylum seekers are unable to secure effective representation. These barriers reinforce existing procedural disadvantages and reduce the ability of the asylum system to offer meaningful protection.¹⁵⁶

Procedural barriers: The cost of legal representation compounds the procedural challenges already present in Nigeria's asylum system. Asylum seekers frequently experience lengthy delays in registration, documentation, and refugee status determination, often remaining without formal recognition or valid documentation for extended periods. In this context, the inability to afford legal assistance significantly limits their capacity to challenge administrative decisions or seek judicial and quasi-judicial remedies.

Although legal representation is permitted before the Appeal Board, effective access to such representation remains limited. Most asylum seekers depend on legal assistance provided by NGOs, whose resources and staffing are often insufficient to meet demand. As a result, only a small number of applicants are able to challenge negative decisions or procedural irregularities effectively. Legal costs therefore represent more

¹⁵⁵ UNHCR Nigeria, 'Refugees & Asylum-seekers in Nigeria' 1 February 2025. p.1

¹⁵⁶ See Asylum Capacity Support Group (ACSG), *Nigerias Justice Development & Peace Commission: Provision of Legal Aid on Appeal* (Good Practice, January 2016–ongoing) <<https://acsg-portal.org/tools/nigerias-justice-development-peace-commission-provision-of-legal-aid-on-appeal/>> accessed 14 July 2026.

than a financial burden; they constitute a structural barrier that reinforces existing administrative obstacles and undermines asylum seekers' ability to obtain effective remedies, prevent refoulement, and secure a fair determination of their claims.

Spatial and geographical issues

Pushbacks: Geographic and spatial factors can create significant obstacles for individuals seeking to challenge pushbacks in Nigeria. People who are refused entry, returned at the border, or removed from Nigeria may find it extremely difficult to access legal remedies once they are outside the country. In practice, pursuing a court action or administrative review from abroad requires financial resources, legal assistance, and reliable communication channels, all of which are often beyond the reach of asylum seekers.

Access to protection procedures and legal support is also concentrated in a small number of urban centres, particularly Abuja, where the main refugee status determination bodies operate. Asylum seekers intercepted in border areas or immigration detention facilities may therefore have limited contact with lawyers, civil society organisations, or other actors that could assist them in challenging a pushback decision.

These geographic constraints can make it difficult to bring a case before the Federal High Court or to pursue other available remedies. As a result, individuals who have experienced pushbacks may be left with little realistic opportunity to challenge their removal, seek protection against refoulement, or obtain a review of procedural violations.

Detention: Spatial and geographical factors significantly hinder asylum seekers' access to judicial and quasi-judicial review in Nigeria, especially when detention occurs in remote border areas. Arrests often happen in secluded and militarised regions, such as Borno, Yobe, Adamawa, Cross River, Benue, Taraba, and Akwa Ibom, where detainees are confined in police stations, military installations, or immigration centres that are far removed from courts, NCFRMI offices, and legal support. These sites are frequently challenging or unsafe for lawyers, NGOs, UNHCR, or even NCFRMI officials to access, leading to detainees being effectively isolated from legal remedies.

This geographical exclusion is further worsened by the centralisation of asylum adjudication in Abuja, where both the Eligibility Committee and the Appeal Board convene. Asylum seekers detained hundreds of kilometres away, often in conflict-affected areas, encounter practical difficulties in presenting claims to these bodies. The lack of legal aid infrastructure in most border regions intensifies these issues. In summary, remoteness, insecurity, and institutional centralisation create a structural barrier that undermines access to asylum processes and effective legal protection in Nigeria.

Procedural barriers: Spatial and geographical factors further worsen the effects of procedural obstacles within Nigeria's asylum framework. As mentioned earlier, the concentration of registration and RSD activities in Abuja, alongside the limited availability of NCFRMI field offices, results in significant challenges for asylum seekers located in border areas such as Cross River, Benue, Taraba, and Akwa Ibom when attempting to initiate their claims. The long distances, unsafe transport routes, and lack of local registration capabilities often lead to delays or outright prevention of timely access to the NCFRMI. Individuals may wait months for officials to arrive at their location or be compelled to undertake perilous journeys, risking immigration inspections, arrest, and detention due to a lack of proper documentation.

These geographical limitations interact with pre-existing administrative hurdles, such as insufficient staffing of RSD Officers, irregular meetings of the Eligibility Committee and Appeal Board, and the lack of legally binding timelines. Consequently, asylum seekers living far from Abuja and Lagos are disproportionately subjected to extended periods of legal ambiguity, irregular status, and an increased likelihood of arrest and refoulement before their claims are even acknowledged.

The lack of legal assistance outside of major urban centres further worsens these procedural disparities. In the absence of accessible legal counsel, asylum seekers in isolated regions find it challenging to comprehend or navigate the registration processes, contest delays, or pursue judicial review. As a result,

spatial isolation, institutional centralisation, and procedural inefficiencies together create a structural barrier that significantly hinders fair access to asylum adjudication in Nigeria.

Practices to overcome these challenges

Pushbacks: There is limited evidence to suggest that actors involved in asylum access, whether NGOs or Bar association have adopted practices to overcome challenges to accessing justice in asylum-related case. However, the case of the 47 Cameroonian asylum seekers extradited in 2018 reflects a strategic litigation brought after unlawful removals have occurred, rather than preventive measures capable of stopping pushbacks before they take place. In that case, UNHCR publicly condemned the forced returns,¹⁵⁷ while civil society organisations and academic groups criticised the removals and advocated greater compliance with Nigeria's refugee and human rights obligations.¹⁵⁸ More broadly, legal assistance for asylum seekers is largely provided by NGOs and a limited number of UNHCR-supported legal partners rather than through a comprehensive state legal aid scheme. These measures improve access to justice where proceedings can be commenced, but they do not eliminate the practical difficulty that many pushbacks occur before asylum seekers are able to obtain legal advice or judicial protection.

Detention: Detention continues to represent one of the most significant obstacles to accessing asylum in Nigeria, influenced by security-driven enforcement, gaps in documentation, and extensive administrative discretion.

In response, various formal and informal practices have developed among institutional actors, legal advocates, and the asylum seekers themselves to mitigate the impacts of detention and enhance access to justice. The NCFRMI and UNHCR are the principal institutions involved in securing protection for detained refugees and asylum seekers in Nigeria. Where refugees or asylum seekers are detained because of irregular entry or the absence of documentation, NCFRMI, often in collaboration with UNHCR, may liaise with immigration, police, and other relevant authorities to verify individuals' status, facilitate access to asylum procedures, and seek their release where detention is inconsistent with Nigeria's obligations under domestic and international refugee law.¹⁵⁹

Documentation plays an important protective function within Nigeria's asylum system. Registration and documentation help protect asylum seekers from arbitrary detention, arrest, and refoulement. Because the NCFRMI is responsible for the issuance of asylum-related documentation, delays in registration or document renewal may increase protection risks for asylum seekers, particularly those already in detention.¹⁶⁰ In such situations, UNHCR may provide protection support and engage with relevant authorities to facilitate access to legal status and protection procedures. In addition, UNHCR works with the NCFRMI and other state institutions through training and technical support initiatives aimed at strengthening the recognition of asylum claims and promoting compliance with non-refoulement obligations.¹⁶¹

Although such training cannot entirely counter the prevailing national-security narratives, they serve as a crucial soft-law instrument that gradually disseminates protection norms within the agencies most responsible for making detention decisions. NCFRMI also implements practices aimed at alleviating barriers related to detention, despite its limited resources and high degree of centralisation. Officers are

¹⁵⁷ UNHCR, 'UNHCR condemns forced returns of Cameroon asylum-seekers from Nigeria.' Press Release 2018. Available at <<https://www.unhcr.org/uk/news/news-releases/unhcr-condemns-forced-returns-cameroon-asylum-seekers-nigeria>>

¹⁵⁸ Tunde Fatunde 'Cameroon-Nigeria: Rights groups condemn deportation of academics and others' 23 February 2018.

¹⁵⁹ UNHCR Nigeria, 'Operational Updates' May 2021. Available at: <<https://data.unhcr.org/fr/documents/download/87612>> (accessed 15 July 2021)

¹⁶⁰ UNHCR Nigeria, 'Registration and Documentation. UNHCR Help Nigeria' Available at: <<https://help.unhcr.org/nigeria/services-in-nigeria/registration-and-documentation/>> (accessed 29 July 2026).

¹⁶¹ UNHCR, 'Nigeria: Cameroonian Refugee Situation, 16–30 September 2018' (30 September 2018) pp. 1-2. <<https://data.unhcr.org/en/documents/details/66356>> accessed 29 July 2026.

sometimes assigned to detention facilities to verify asylum claims and initiate the registration process, which allows for the release of individuals categorised as ‘undocumented’ migrants.

When approached by NGOs or UNHCR, NCFRMI headquarters may issue letters confirming that an individual has submitted or intends to submit an asylum claim. These interventions, while inconsistent and heavily reliant on inter-agency coordination, offer one of the few administrative pathways for detained asylum seekers to regain legal protection. With funding from UNHCR, JDPC lawyers submit appeals to the Appeals Board.¹⁶² According to a refugee source, asylum seekers themselves, including NGOs, may contest detention through petitions to the NCFRMI or the National Human Rights Commission.¹⁶³ Human rights NGOs also document detention practices and conditions, relaying evidence to domestic and international oversight bodies. Their monitoring has increased scrutiny of arbitrary arrests and informed advocacy, strategic litigation, and reporting before regional and international human rights mechanisms, even where direct legal remedies remain limited.¹⁶⁴

One interview participant, a Cameroonian refugee, explained that asylum seekers develop a range of coping strategies to mitigate the risk of detention and other barriers they encounter. According to the participant, networks within the Cameroonian refugee community function as informal alert systems, notifying UNHCR or NGOs when individuals are arrested. The participant also described how many asylum seekers retain photocopies or digital copies of their registration documents or UNHCR letters to demonstrate their status during encounters with law enforcement officials. While these strategies emerge in response to systemic shortcomings, they illustrate the resourcefulness of refugee communities and their efforts to compensate for gaps in institutional protection.

There is rarely any judicial engagement regarding access to asylum in Nigeria, save for the Federal High Court’s ruling in *Ayuk Tabe & Others v. National Security Adviser*,¹⁶⁵ which condemned the detention and refoulement of 47 Cameroonian asylum seekers and illustrated the potential of constitutional litigation to address unlawful detention. While strategic litigation in this area is still in its early stages, the case can inspire sporadic rights-based challenges, particularly when deportation or extended detention is imminent.

Implication of the difficulty in accessing justice

Challenges in accessing justice within Nigeria’s asylum adjudication framework have profound structural implications for who can secure protection and for the operational dynamics of adjudicative bodies. Obstacles such as detention, delays in registration and documentation, insufficient legal aid, and the centralisation of NCFRMI procedures significantly restrict the variety of cases that are eligible for review, resulting in a docket that is primarily characterised by procedural backlogs rather than substantive protection claims.

Individuals detained for immigration or security reasons frequently find themselves unable to engage with NCFRMI mechanisms or the court, which explains why, at the moment, only one case has been subjected to judicial examination. In contrast, quasi-judicial entities like the Eligibility Committee and Appeal Board manage the majority of cases but function within limited administrative frameworks, convening infrequently and lacking the authority to address issues of detention or *refoulement*. Consequently, these barriers to access create a disparity between the potential function of courts, which, when engaged, can be significantly protective of rights, and their restricted practical impact due to the absence of cases that come before them. The outcome is a system where legal rights predominantly exist in theory but remain unattainable for numerous applicants, leading to underdeveloped jurisprudence, inadequate accountability

¹⁶² Asylum Capacity Support Group (ACSG), *Nigerias Justice Development & Peace Commission: Provision of Legal Aid on Appeal* (Good Practice, January 2016–ongoing) <<https://acsg-portal.org/tools/nigerias-justice-development-peace-commission-provision-of-legal-aid-on-appeal/>> accessed 14 July 2026.

¹⁶³ According to a refugee source.

¹⁶⁴ See Amnesty International – Nigeria country page 2025 <<https://www.amnesty.org/en/location/africa/west-and-central-africa/nigeria/report-nigeria/>> Accessed 15 July 2026; See also Human Rights Watch, *Everyones in on the Game: Corruption and Human Rights Abuses by the Nigeria Police Force* (Human Rights Watch, 17 August 2010).

¹⁶⁵ *Supra*

for executive detention and removal practices, and a heavy dependence on NGOs and UNHCR to initiate the few corrective actions that take place.

B. Legal aid

Procedural aspects in law and in practice for obtaining legal representation

Pushbacks: In law, Nigeria does not provide a specialised legal aid system for asylum seekers challenging pushbacks or other barriers to accessing asylum. The Legal Aid Council of Nigeria (LACON) primarily provides assistance in criminal matters and certain civil proceedings,¹⁶⁶ and asylum-related claims are not specifically covered. Refugees and asylum seekers who wish to challenge an unlawful refusal of entry, deportation or forced return may institute proceedings before the Federal High Court, particularly through fundamental rights enforcement proceedings, but there is no automatic entitlement to publicly funded legal representation for such cases.

In practice, access to legal representation before a pushback occurs is extremely limited. As stated earlier, because removals are often carried out rapidly, asylum seekers frequently have little or no opportunity to contact a lawyer, UNHCR or the NCFRMI before being returned. Therefore, legal representation generally becomes available only after the removal has taken place.

Where legal assistance is available, it is provided primarily through private lawyers, and NGOs. UNHCR-supported legal partners respond mainly to asylum status appeal cases and not to pushback cases.

Detention: Access to legal representation in Nigeria's asylum system is constrained by gaps in the legal framework, administrative practices, and the practical challenges of managing migration. Although the NCFRMI Act establishes the framework for refugee status determination (RSD), it does not provide asylum seekers with a clear legal right to state-funded legal aid. As a result, access to legal representation depends largely on constitutional protections, administrative review mechanisms, and support from NGOs rather than guaranteed government assistance. This can lead to unequal access to justice, particularly for asylum seekers held in immigration detention.

In practice, asylum seekers during the early stages of RSD, specifically registration and interview, seldom have access to legal counsel. There is no systematic provision of information regarding the availability of legal assistance, nor is there an administrative framework to facilitate contact with legal professionals. The situation sees only slight improvement at the appeal stage. Although the Appeal Board allows for legal representation, the appellants depend on UNHCR-funded Legal Officers,¹⁶⁷ some of whom lack specialised training in refugee law and function under significant resource limitations. Judicial review at the Federal High Court is theoretically an option but is practically unattainable due to a lack of awareness, financial constraints, and the lack of legal aid beyond the Appeal Board stage. Detention often makes these procedural problems even worse. As one refugee participant explained, people who are detained at border crossings or arrested during security operations are frequently placed in detention before they have any contact with the NCFRMI. As a result, they usually have no documents showing that they intend to seek asylum.

Within detention centres, which are often managed by immigration, police, or military authorities, access to legal representation is not guaranteed and frequently depends on whether the detaining institution permits it. This access is often inconsistent. Other barriers, including the lack of interpreters, the remote location of many facilities, and the absence of standard procedures for notifying detainees of their rights, further limit access to protection. As a result, many detainees remain confined for long periods without a genuine opportunity to present an asylum claim or challenge decisions to remove them. These

¹⁶⁶ Sec 8, Legal Aid 2011

¹⁶⁷ Asylum Capacity Support Group (ACSG), *Nigerias Justice Development & Peace Commission: Provision of Legal Aid on Appeal* (Good Practice, January 2016–ongoing)

circumstances significantly increase the risk of *refoulement*, as evidenced by previous instances of mass deportations where individuals could not obtain legal counsel before being deported.¹⁶⁸

In summary, legal representation in asylum proceedings is not well structured, lacks strong institutional coordination, and depends significantly on assistance from NGOs. Detention often creates a major barrier for asylum seekers. It can prevent them from accessing legal support when they need it most, making it harder for them to understand and exercise their rights under the NCFRMI Act.

Availability and circumstance for free legal aid

Pushbacks: In Nigeria, the availability of free legal aid for asylum seekers and other forcibly displaced individuals facing pushbacks, especially at borders or informal entry points, is not systematically ensured. In practice, those who experience pushbacks, characterised as the denial of entry, immediate return, or removal without a personalised evaluation of their protection needs, seldom receive legal assistance at the moment the violation occurs or shortly thereafter.

During the pre-entry and border phases, where pushbacks commonly happen, there exists no formal structure for delivering legal aid. The enforcement of Nigerian border control is primarily the responsibility of the Nigeria Immigration Service (NIS), with support from military and other security agencies in certain regions. These entities are not obliged to provide information regarding the right to seek asylum or to assist in obtaining legal representation. Consequently, individuals who are turned away at borders, often in an informal manner and without documentation, are effectively barred from any legal processes that could initiate access to free legal aid.

According to Nigerian law, state-funded legal aid is typically administered through the LACON, in accordance with the Legal Aid Act of 2011. However, the extent of this assistance is predominantly confined to criminal cases and select civil claims, and it does not specifically include asylum procedures, immigration enforcement actions, or pushbacks. As a result, asylum seekers who are refused entry or summarily returned are unlikely to be eligible for legal aid within this framework, particularly in instances where no formal arrest, detention, or charge has taken place.

Where pushbacks coincide with detention or deportation, the availability of legal aid is severely limited. Although asylum seekers theoretically have the option to contest unlawful detention or *refoulement* through fundamental rights enforcement actions in the Federal High Court,¹⁶⁹ there is no automatic right to free legal representation for such cases. In reality, access to legal assistance in these situations is primarily reliant on NGO involvement, sporadic support from UNHCR-funded legal partners, or private pro bono services, rather than a guaranteed state-provided mechanism.

Importantly, legal aid is not accessible at the first instance within the asylum system, including for those attempting to contest pushbacks via administrative routes. The Refugee Eligibility Committee does not offer legal representation to applicants, and individuals impacted by pushbacks frequently do not progress to the point where their claims are officially recorded. Limited legal support may only be available during the appeal process, through a small number of NGO lawyers backed by UNHCR. Even in such instances, this assistance is discretionary, varies by location, and is often delivered by general legal practitioners who possess limited expertise in international refugee law.

The lack of organised legal aid in pushback scenarios has profound consequences for access to justice. Individuals who experience pushbacks are generally unable to document the violation, commence legal actions, or pursue judicial review of the conduct of border authorities. This situation contributes to the absence of domestic case law regarding pushbacks in Nigeria, despite credible evidence of their occurrence, and perpetuates a cycle of non-accountability.

¹⁶⁸ See 'Nigeria sends Togolese asylum seekers back home'. The Nation September 8, 2015. *Op cit.*

¹⁶⁹ 1999 Constitution, Sec 251(1)(i).

Although Nigeria possesses a structured legal aid system, it fails to function effectively, or at all, concerning pushbacks. The absence of legal support at first instance, coupled with the informal and securitisation of border control, results in pushbacks being largely beyond the scope of legal examination, thereby restricting both individual remedies and the evolution of jurisprudence regarding access to asylum.

Detention: In the context of detention in Nigeria, the availability of free legal aid for asylum seekers and migrants is severely restricted and predominantly non-existent as a legal entitlement. There is no legislative framework that ensures state-funded legal representation for detained asylum seekers specifically. Individuals who are detained for immigration-related issues, including those seeking asylum, are typically classified as irregular migrants and are required to obtain legal representation at their own expense. Although the Legal Aid Council of Nigeria is tasked with providing legal assistance in criminal and certain civil matters,¹⁷⁰ it seldom extends its services to cases involving immigration detention or asylum, especially for non-nationals.

In practice, access to free legal assistance in detention remains highly uncertain. It often depends on *ad hoc* interventions by UNHCR-supported NGOs, civil society organisations, or lawyers providing *pro bono* services. As a result, detainees frequently go without legal advice during the crucial period immediately following arrest.¹⁷¹ Legal aid is more commonly available during the appeal stages of the asylum process or litigation challenging detention than at the initial stages of confinement. Furthermore, the ability of NGO legal officers to reach detainees is inconsistent, differing across locations and often relying on informal cooperation from security authorities.

Therefore, many detained asylum seekers find themselves without legal representation during crucial phases of detention, including decisions regarding continued custody,¹⁷² deportation, or *refoulement*. This absence of legal aid significantly compromises procedural safeguards, restricts access to judicial review, and heightens the risk of prolonged or arbitrary detention, particularly for newly arrived asylum seekers who do not possess documentation verifying their protection status.

Procedural barriers: Currently, there is no state-sponsored legal aid programme specifically designed for the determination of asylum or refugee status, and individuals seeking asylum do not have an automatic right to publicly funded legal representation when submitting claims to the Eligibility Committee. Consequently, many applicants must navigate complex procedures, such as interviews, submissions and presentation of evidence, without the benefit of professional legal support, which heightens the likelihood of poorly articulated claims and unfavourable outcomes.

Although legal assistance is available to some asylum seekers during appeals before the Refugee Appeal Board, such support is largely provided through NGO and UNHCR supported initiatives rather than a dedicated state funded refugee legal aid scheme. The LACON's mandate does not extend to refugee status determination proceedings, and legal representation in appeal proceedings has consequently relied on organisations such as the JDPC. The need for NGO intervention and the deployment of lawyers beyond their normal operational areas indicate that access to legal assistance remains uneven and may be limited by organisational capacity and geographic reach.¹⁷³

These deficiencies in free legal aid aggravate other procedural obstacles, particularly administrative delays and the centralisation of decision-making. In the absence of early legal guidance, asylum seekers find it more challenging to meet procedural obligations, are unable to pursue timely remedies against unlawful

¹⁷⁰ Sec. 8, Legal Aid Act 2011.

¹⁷¹ See Samuel Okon Ekpeowoh and Emmanuel Ekwere Okon, Legal Aid and Access to Justice for Inmates in Nigeria: Challenges and Solutions (2024) 8(10) *International Journal of Research and Innovation in Social Science* 530–542 at p.530.

¹⁷² *Ibid.*

¹⁷³ See Justice, Development and Peace Commission (JDPC), *Provision of Legal Aid on Appeal* (ACSG Portal, January 2016–ongoing) <<https://acsg-portal.org/tools/nigerias-justice-development-peace-commission-provision-of-legal-aid-on-appeal/>> accessed 29 July 2026.

detention or risks of *refoulement*. Thus, the lack of a guaranteed, institutionalised legal aid system significantly undermines procedural fairness and materially limits effective access to asylum in Nigeria.

Barriers to Legal Representation in Asylum Adjudication

Asylum seekers in Nigeria face persistent challenges in securing legal representation during the asylum access adjudication process, primarily due to the lack of a state-funded legal aid system tailored to asylum cases. Initially, before the Refugee Eligibility Committee, legal representation is neither assured nor routinely available, resulting in most applicants having to navigate intricate procedures without professional assistance. This absence of early legal support is especially harmful in situations involving procedural obstacles, such as delays in registration, gaps in documentation, or unlawful detention, where prompt legal intervention could avert escalation or *refoulement*.

Some limited legal assistance becomes accessible at the appeal stage before the Appeal Board, but this support is largely contingent on the NGO funded by UNHCR and remains inconsistent. The coverage is mostly geographically and quantitatively restricted, and legal officers are often general practitioners lacking adequate specialisation in refugee and international protection law. Consequently, the quality and effectiveness of representation fluctuate significantly, diminishing the capacity of asylum seekers to effectively contest unfavourable decisions or procedural irregularities. In practice, this leads to the Appeal Board frequently affirming first-instance decisions.

Disparities are also apparent across various types of barriers and adjudicatory bodies. In instances involving detention or deportation, asylum seekers may theoretically pursue constitutional remedies before regular courts, such as the Federal High Court, where broader legal aid mechanisms and fundamental rights litigation are accessible. However, awareness of these options is minimal, and access is hindered by costs, distance, and legal complexities. Therefore, while judicial bodies theoretically provide stronger procedural safeguards, quasi-judicial bodies, such as the Eligibility Committee and Appeal Board, remain the primary venues for asylum adjudication, where limited and inconsistent legal representation continues to impede effective access to asylum.

The Impact of Legal Aid on Access to Asylum Procedures and Fair Adjudication

Like in any other jurisdiction, the availability, quality, and accessibility of legal aid have profound effects on the adjudication of asylum access in Nigeria, as they influence the fairness, accuracy, and efficiency of decision-making at both quasi-judicial and judicial levels. At first instance, before the Refugee Eligibility Committee, there is no legal right to free legal assistance specifically designed for asylum claims, and the Legal Aid Council of Nigeria does not extend its already limited services to refugee status determination proceedings. This deficiency results in the majority of asylum seekers proceeding without adequate representation when submitting applications or participating in interviews, which heightens the risk of poorly prepared cases, procedural errors, and incorrect negative decisions stemming from misunderstandings regarding eligibility criteria or documentation requirements. Consequently, the lack of mandatory representation in this scenario undermines procedural fairness from the very beginning.

At the appeal stage before the Refugee Appeal Board, the consequences of the availability and quality of legal aid become increasingly apparent. Access to legal assistance at this level is primarily reliant on the efforts of an NGO, i.e., JDPC, which offers free legal services for appeals and has significantly enhanced the quality of submissions while reducing backlogs in areas where it operates.¹⁷⁴ This support enables asylum seekers to effectively articulate their grounds for appeal and can substantially improve outcomes. Nevertheless, since this assistance is driven by nonprofit initiatives and is not universally accessible or formally established, disparities continue to exist regarding who is able to obtain representation and the level of expertise of the lawyers involved.

¹⁷⁴ Asylum Capacity Support Group (ACSG), *Nigerias Justice Development & Peace Commission: Provision of Legal Aid on Appeal* (Good Practice, January 2016–ongoing)

When matters related to asylum overlap with standard judicial review or constitutional remedies within Nigeria's conventional courts, the effects of legal aid take on a different dimension. In theory, applicants may have access to broader legal aid schemes, including those provided by the Legal Aid Council.¹⁷⁵ In practice, however, many refugees and asylum seekers continue to face significant barriers. Limited resources, strict eligibility requirements, and income-based assessments often mean that those in need of legal assistance are unable to obtain it.¹⁷⁶ As a result, the availability of legal aid in these cases frequently falls short of ensuring effective access to justice. The high costs associated with legal representation, a lack of awareness regarding rights, and geographical obstacles further impede asylum seekers from obtaining legal counsel for judicial challenges against administrative decisions or detention. Consequently, even when more robust procedural protections are theoretically accessible through judicial entities, practical obstacles to obtaining competent legal representation can diminish their protective efficacy.

In summary, shortcomings in the provision of legal aid leave many asylum seekers without the support needed to effectively engage with Nigeria's asylum system. In the absence of mandatory legal representation and a comprehensive asylum-specific legal aid framework, procedural errors often remain uncorrected, and access to appeals or judicial review becomes largely dependent on chance rather than entitlement. This not only places asylum seekers at a significant disadvantage but also risks undermining the fairness and reliability of refugee status determination procedures.

C. Lodging the appeal

Procedural Requirements for Registering and Lodging Asylum Appeals

Pushbacks: In Nigeria, there exists no specific, well-defined procedure for filing appeals against pushbacks, as these actions typically take place at borders or informal entry points, outside the established asylum process. Legally, individuals who manage to enter the asylum system post-pushback may contest unfavourable decisions through the Refugee Appeal Board, which was created under the NCFRMI Act, following an initial negative ruling by the Eligibility Committee. Appeals must be submitted in writing within 30 days¹⁷⁷ and are processed through paper-based methods and sent to the NCFRMI secretariat. There is no online system for submitting appeals, which creates significant challenges for those impacted by pushbacks in remote border regions.

However, pushbacks seldom progress to the appeal phase. Individuals who experience pushbacks are frequently denied entry entirely, returned immediately, or detained and deported without being made aware of their right to apply for asylum or to appeal. Consequently, the formal appeal processes outlined in the law are largely unreachable for those affected by pushbacks.

This discrepancy between legal provisions and actual practice is exacerbated by insufficient legal assistance, a dearth of information, and the discretionary conduct of border and security personnel. Although, in theory, judicial remedies before the court are available to contest unlawful removals or *refoulement*, in practice, such legal actions are rare, expensive, and protracted, rendering them ineffective as immediate remedies against pushbacks. As a result, the procedural framework for submitting appeals fails to serve as an effective safeguard against pushbacks in Nigeria.

Detention: In Nigeria, asylum seekers who are detained can challenge the lawfulness of their detention before the regular courts. Under Nigerian law, detainees must be brought before a court within a reasonable time¹⁷⁸ and are entitled to seek remedies such as bail, *habeas corpus*, or the enforcement of their fundamental rights.¹⁷⁹ Through these procedures, they may invoke constitutional guarantees of personal

¹⁷⁵ See Sec. 8, Legal Aid Act 2011.

¹⁷⁶ *Ibid*, Sec 9.

¹⁷⁷ Sec 16(6), NCFRMI Act 2022.

¹⁷⁸ Sec 35(4), Constitution of Nigeria 1999

¹⁷⁹ Sec 46, *Ibid*.

liberty and the right to a fair hearing to contest arbitrary or prolonged detention.¹⁸⁰ It is important to note that there is no specific or streamlined appeal process designed exclusively for detained asylum seekers.

From a procedural standpoint, Nigerian law does not establish explicit, asylum-specific timelines for filing appeals against detention. Although constitutional and criminal procedural standards mandate that detainees must be presented before a court within a ‘reasonable time,’ in reality, asylum seekers in immigration detention frequently encounter delays due to insufficient legal representation, limited access to information, and challenges in communication from detention centres. Furthermore, detained asylum seekers seldom receive formal notifications regarding their right to appeal or the relevant procedures, and the lack of automatic judicial review of immigration detention significantly undermines procedural protections.

A notable gap is present between legal provisions and their implementation. While asylum seekers ought not to face penalties for unauthorised entry and should be entitled to remedies,¹⁸¹ it is common for detention to occur prior to or hinder the submission of appeals. In practice, extended periods of detention, absence of proper documentation, insufficient legal aid, and the merging of asylum seekers with “prohibited immigrants” frequently make appeals futile or merely a facade. Consequently, numerous detained asylum seekers are either deported or continue to be held in detention without ever formally initiating an appeal, which compromises their genuine access to asylum adjudication.

Procedural barriers: In the law, individuals seeking asylum in Nigeria have the option to contest a negative first-instance decision made by the Refugee Eligibility Committee by appealing to the Refugee Appeal Board, which was established under the NCFRMI Act. Appeals must be submitted within a 30-day timeframe from the date of the negative decision. The appeal process is primarily conducted through paper submissions. There is no centralised digital system for filing appeals; instead, submissions are required to be made physically via NCFRMI channels, generally at the headquarters in Abuja or at designated offices.

While representation by a legal practitioner is allowed, it is not guaranteed, and there is no automatic provision for state-funded legal aid at this stage. In practice, legal representation through the NGO is done only through written submissions. Furthermore, numerous procedural obstacles hinder access to the appeal process. A significant number of asylum seekers are not sufficiently informed about their right to appeal, the relevant deadlines, or the necessary documentation, especially those who are registered in remote or border areas. The centralisation of the Appeal Board in Abuja, along with travel expenses, security issues, and the absence of documentation during pending procedures, often renders the timely submission of appeals impractical. Additionally, delays are intensified by the sporadic meetings of the Appeal Board, which may occur only once a year or even less frequently, effectively nullifying formal deadlines.

A critical gap between legal provisions and practical application is found in the effectiveness of the appeal process rather than its mere existence. Although the appeal procedure is documented, the lack of clear, publicly accessible procedural guidelines, the absence of digital filing options, limited legal support, and the prolonged inactivity of the Appeal Board collectively create a procedural barrier. Consequently, many asylum seekers find themselves unable to submit appeals on time or at all, thereby increasing their vulnerability to arrest, detention, or refoulement, despite the nominal presence of appellate protections.

Procedural Requirements for Lodging Appeals and Their Impact on Access to Asylum Adjudication

In Nigeria, the procedural rules governing the submission of asylum appeals have a significant impact on access to quasi-judicial review. In legal terms, the presence of an Appeal Board under the NCFRMI Act indicates a protective measure against incorrect decisions. However, in practice, the process is marred by procedural ambiguity, characterised by imprecise deadlines, a lack of standardised written instructions, and

¹⁸⁰ Sec 36(1), *Ibid*

¹⁸¹ Sec 17(3), NCFRMI Act 2022.

the non-existence of a digital submission of an appeal. Consequently, beyond the applicant's willingness to appeal, the cases that are brought before the Appeal Board are typically those that have the backing of UNHCR-funded NGO legal representatives.

The centralisation of appeal registration in Abuja, along with the irregular convening of the Appeal Board, acts as an informal filter. Thus, procedural obstacles do not function neutrally but rather influence the appeal caseload by favouring specific profiles of applicants and claims. This phenomenon is especially evident in cases that encounter procedural hurdles, such as delays in registration or gaps in documentation, where applicants frequently lack the formal evidence necessary to initiate or maintain a strong appeal. In contrast, cases related to detention and *refoulement* should typically be more accessible to regular courts where constitutional and human rights procedures provide more definitive avenues for engagement via fundamental rights litigation. However, as previously noted, such cases are rarely found in Nigerian courts.

D. Hearing

Hearing Requirements and Practices in Asylum Adjudication

Pushbacks: Under Nigerian legislation, there is no inherent or obligatory hearing before the execution of a pushback. Pushbacks generally occur at land borders, unofficial entry points, or shortly after an individual has entered the country, carried out by immigration officials, police, or security agencies without an individualised assessment or the opportunity for a formal hearing beforehand. In reality, individuals impacted are rarely informed of their right to seek asylum before the quasi-judicial body that oversees asylum matters or to present their pushback case to a judicial authority before their removal. Consequently, pushbacks primarily operate as summary administrative or security actions rather than as decisions that are preceded by due process protections.

In instances where pushbacks are subsequently contested, such as in the case of *Ayuk Tabe* and others, hearings may only occur after the fact, usually before the judicial authority. At the quasi-judicial level (Eligibility Committee or Appeal Board), hearings are not guaranteed and are subject to discretion. The proceedings are predominantly administrative, may involve a panel rather than a single adjudicator, and may include oral interviews with the applicant; however, many cases are resolved solely through file review. Hearings are conducted in camera and are closed to the public. The involvement of the applicant depends on the committee's discretion, which relies on oral testimony that is documented by the Eligibility/RSD Officers.

Judicial hearings that take place before the courts are characterised by their formal, adversarial nature¹⁸² and are conducted in person, overseen by a single presiding judge.¹⁸³ Typically, these hearings are open to the public and focus on the legality of removal, the constitutional rights involved, and adherence to the principle of non-*refoulement*, rather than assessing the factual merits of an asylum application. In both legal and practical terms, pushbacks in Nigeria predominantly bypass the necessity for prior hearings, with any hearings, if they happen at all, occurring only after the implementation of the barrier has already taken place. Although not an asylum case, the case of *Shugaba Darman v Federal Minister of Internal Affairs and Others (1981)*¹⁸⁴ provides a clearer context. In the instance case, the applicant, Shugaba, a Nigerian politician, was arrested and deported to Chad based on a deportation order issued by the Minister of Internal Affairs, before any judicial assessment of his nationality or any substantial chance to contest the claims against him. The court ruled that the deportation infringed upon his constitutional rights, affirming that a Nigerian citizen could not be lawfully expelled from the nation under such conditions. This ruling, which was later

¹⁸² See Benita David-Akoro and Lateef Oyefeso, Conducting Litigation in Nigeria (Sofunde, Osakwe, Ogundipe & Belgore, 25 July 2019) Lexology <<https://www.lexology.com/library/detail.aspx?g=a4c554c0-0670-423c-9e6f-347d836c05a5>> accessed 15 July 2026.

¹⁸³ Sec 253, Constitution of Nigeria 1999

¹⁸⁴ (1981) 2 NCLR 459 & (1982) 3 NCLR

upheld on appeal, illustrates the fundamentally *ex post facto* character of judicial protection in removal cases: the deportation was executed before Shugaba could secure a judicial remedy.

Procedural barriers: As discussed, refugee status determination at first instance by the Refugee Eligibility Committee is largely an administrative process conducted based on documentary evidence. Decisions are primarily based on registration records, written statements, and information obtained during interviews conducted by RSD Officers. Consequently, the Committee's assessment is heavily dependent on the completeness and accuracy of the information contained in the applicant's file, rather than on oral hearings or direct engagement with the applicant. Consequently, decisions at this stage are frequently made without formal hearing in the adjudicatory sense, leading to procedural blurredness and limited involvement from applicants.

At the appellate stage, proceedings before the Refugee Appeal Board are subject to somewhat stronger procedural safeguards, although many of these remain discretionary rather than guaranteed. The Board has the authority to invite appellants to attend an oral hearing and may allow them to be represented by legal counsel.¹⁸⁵ In practice, however, oral hearings are rare; the majority of the cases are resolved solely based on the written record and submissions made by NGO lawyers on behalf of the applicants. According to a government source, when hearings do occur, they are held behind closed doors, are not public, and are overseen by a panel rather than a single decision-maker. Therefore, the participation of appellants is inconsistent and is contingent upon the Board's evaluation of necessity, resource availability, and scheduling limitations.

Judicial hearings conducted by the courts, which can be invoked in instances of excessive delay or the denial of procedural fairness, present considerable differences in both legal framework and practical application. These hearings are characterised by their formal, adversarial nature and are held in person before a single judge, typically in a public setting. Nevertheless, such judicial reviews are infrequently pursued in cases involving procedural obstacles due to the absence of legal assistance, a lack of awareness regarding the possibility of contesting NCFRMI decisions in court, as well as the associated time and financial burdens. In summary, although hearings are recognised in legal terms at both the appellate and judicial levels, the practical existence of procedural barriers results in many asylum seekers undergoing decision-making processes devoid of substantial oral hearings or meaningful participation.

The Conduct of Hearings and Their Impact on Asylum Adjudication

In Nigeria's asylum adjudication, the nature of hearings as stipulated by the National Commission for Refugees, Migrants and Internally Displaced Persons Act (NCFRMI Act) significantly affects access to justice and the principles of fairness in both legal theory and practice.

Although not explicitly mentioned in the Act, the standard operating procedures (SOPs) governing the Eligibility Committee's operations permit it to call an applicant for an interview. Meanwhile, the Act grants the Appeal Board the authority to invite appellants for an oral hearing as it sees fit. However, it does not guarantee that first-instance decisions are reached through an adjudicative hearing that involves complete participation rights. As mentioned in the foregoing part, in reality, numerous first-instance determinations are made based on written records and interview transcripts, often without the presentation of legal arguments during a committee hearing. This practice can result in critical issues of credibility and contextual evidence being insufficiently examined, thereby increasing the likelihood of erroneous conclusions.

Decisions made without substantial hearings tend to rely predominantly on documentary evidence and the discretion of officers, which restricts the applicant's opportunity to engage directly with decision-makers and may compromise the quality and fairness of the outcomes. Moreover, practical challenges may prevent some appellants from attending hearings or engaging effectively, thereby diminishing the protective function of the hearing and potentially discouraging the pursuit of appeals altogether.

¹⁸⁵ Sec 15(7), NCFRMI Act 2022.

At the appellate level, the legal requirement for an oral interview before the Refugee Appeal Board serves as a crucial theoretical safeguard, as it promotes a more in-depth examination of disputed matters and the potential for legal representation. Nevertheless, in reality, practical obstacles, including significant distances to Appeal Board sessions, insufficient financial means, and limited knowledge of procedural rights, may hinder attendance or meaningful involvement. These real-world difficulties imply that certain appellants may be unable to attend hearings or engage effectively, thereby diminishing the protective significance of the hearing and possibly discouraging the pursuit of appeals altogether. In the absence of regular oral hearings, the Board relies on written submissions, which sometimes require clarifications from either the NGO lawyers or the appellant themselves. This undermines the efficacy of the remedy and could lead to wrongful denials.

The overall effect of this procedural ambiguity is that the absence of guaranteed, accessible hearings, along with barriers to participation during appeals, can significantly influence the results of asylum decisions in Nigeria. When access to hearings is limited or difficult, decision-makers might lack adequate information to guide their assessments of credibility and legal interpretations, which increases the likelihood of dismissing valid claims.

E. Deliberation

Law and Practice Relating to Deliberation Procedures in Asylum Adjudication

Pushbacks: In practice, discussions surrounding pushbacks are predominantly administrative and focused on security, frequently placing greater emphasis on immigration control and national security over individual risk evaluations. Despite the legal framework mandating an assessment of non-*refoulement* obligations, panel discussions could sometimes focus on security evaluations with less emphasis on persecution risks. Judicial review by regular courts is rare, as pushback cases seldom advance to court; most individuals affected are deported before they can undergo effective judicial scrutiny.

A notable discrepancy exists between legal standards and practice, particularly highlighted by the absence of individualised, reasoned deliberation. While domestic law and binding case law, especially the *Ayuk Tabe* case (2019 Federal High Court ruling concerning Cameroonian asylum seekers), require a thorough assessment before removal, pushbacks often occur without any recorded deliberative process at all. This discrepancy underscores fundamental shortcomings: limited access to legal avenues, lack of legal representation during the first instance adjudication, and the dominance of executive participants in panel discussions, all of which undermine the quality of discourse and accountability in decision-making concerning pushbacks.

Detention: In Nigeria, judicial review of detention affecting asylum seekers is ordinarily undertaken by individual judicial officers rather than specialised asylum tribunals. Magistrate Courts generally determine the legality of arrests, remand applications and continued detention in criminal proceedings, while constitutional and fundamental rights challenges are heard by a single judge of the High Court pursuant to section 46 of the Constitution and the Fundamental Rights (Enforcement Procedure) Rules 2009. In the context of asylum, however, deliberation is quasi-judicial and occurs through panels rather than individual adjudicators. The Refugee Eligibility Committee and the Appeal Board function as multi-member entities, consisting of senior government officials, legal officers, and representatives from significant agencies, with the UNHCR participating in an observer and advisory role. Decisions are typically made collectively; however, the proceedings are administrative and do not adhere to a strictly adversarial or judicial framework.

Formal dissenting opinions are generally absent from Nigeria's administrative and quasi-judicial asylum determination processes, while courts in Nigeria may issue dissenting judgments where more than one decision-maker is involved.¹⁸⁶ The decisions by the Eligibility Committee and the Appeal Board are

¹⁸⁶ Sec 294, Constitution of Nigeria 1999

presented as unified outcomes, without revealing any internal disagreements or the individual reasoning of panel members.

A significant gap nevertheless exists between the legal framework and practice in relation to the detention of asylum seekers. While the Constitution, the Administration of Criminal Justice Act 2015, and Nigeria's international obligations require detention to be lawful, necessary, proportionate, and subject to judicial oversight, asylum seekers are frequently processed through ordinary criminal or national security frameworks without a systematic assessment of their protection needs or access to asylum procedures. Consequently, judicial deliberations on detention often focus on the legality of arrest, remand, or continued detention rather than on whether detention is compatible with refugee protection principles, including the prohibition of refoulement.

Procedural barriers: In Nigeria, the process of deliberation regarding access to asylum is predominantly conducted by quasi-judicial, panel-based entities instead of individual decision-makers. Initially, asylum claims are evaluated by the EC, which is a multi-member panel primarily made up of senior representatives from executive agencies such as ministries, immigration, security services, and human rights institutions, with the UNHCR participating solely as an observer. Decisions are made collectively; however, the process is largely administrative and closed. Deliberations are not open to the public, reasoning is often succinct, and there is no established practice of publishing formal dissenting opinions. The AB is responsible for examining appeals, and it is composed of a panel of legal officers and experts who reassess both the factual and legal dimensions, yet this process is conducted in private, with decisions that are not accessible to the public.

From the perspective of procedural barriers, the structure and institutional placement of these panels represent a significant obstacle. Both the Eligibility Committee and the Appeal Board are situated within the NCFRMI, an executive agency, which obscures the distinction between administration and adjudication. The substantial involvement of security and immigration personnel in the composition of the panels may skew deliberations towards considerations of migration control and national security, especially in cases involving irregular entry or perceived security threats.¹⁸⁷ Furthermore, panels convene irregularly due to financial limitations and logistical issues, resulting in frequent postponements of deliberation rather than a continuous process, which leads to extended periods of legal uncertainty for asylum seekers.

A significant gap exists between the legal framework and its implementation. According to a government official interviewed for this study, although the NCFRMI Act envisages structured decision-making through regular meetings of the Refugee Eligibility Committee and the Refugee Appeal Board, these bodies often do not convene as regularly as anticipated. While the Standard Operating Procedures (SOPs) for refugee status determination provide indicative timelines, there are no binding statutory deadlines for the issuance of decisions, and no obligation to provide detailed reasons for outcomes. As a result, delays and uncertainty in decision-making have become a practical obstacle to accessing asylum. Applicants may remain for extended periods without a clear outcome, increasing their vulnerability to detention, arrest, or even refoulement while their claims remain unresolved.

Deliberation Procedures and Their Impact on Asylum Adjudication

In Nigeria, the implementation of panel-based deliberation in the adjudication of asylum access via the Refugee Eligibility Committee and the Appeal Board presents a complex array of implications for decision-making. Legally, multi-member panels are designed to improve fairness, expertise, and consistency by integrating administrative, legal, and humanitarian viewpoints, in accordance with international standards for refugee status determination. Nevertheless, in practice, the composition of these panels, predominantly influenced by executive and security-related personnel, with the UNHCR assigned an observer status, tends to divert deliberation from an independent, protection-focused evaluation towards considerations

¹⁸⁷ See Sec 14, NCFRMI Act 2022.

of administrative efficiency and national security. This structural arrangement diminishes the protective role that panel deliberation is theoretically intended to fulfil in the context of asylum adjudication.

In contrast to single-judge or entirely judicial frameworks, Nigeria's panel system functions with restricted procedural safeguards. There is no obligation for the publication of decisions, comprehensive reasoning, or dissenting opinions, which diminishes transparency and complicates the scrutiny of how deliberation impacts outcomes. In practice, panel sittings are not regularly due to financial and logistical challenges, resulting in extensive delays rather than prompt, collective decision-making. Consequently, the potential benefits of panel deliberation, such as the correction of errors and the promotion of balanced reasoning, are significantly compromised, and panel decision-making evolves into a mechanism of procedural delay rather than a means of substantive protection.

The disparity between legal frameworks and their practical application has significant consequences for asylum seekers' ability to obtain protection. Although panel deliberations are intended to serve as an internal safeguard against arbitrary decision-making, the lack of enforceable timelines, a rationale for decision and standards, and restricted options for judicial review result in negative or delayed outcomes seldom being rectified. Unlike judicial systems that engage a single judge, where personal accountability and well-reasoned decisions can enhance the protection of rights, Nigeria's panel-based, executive-driven deliberation frequently aggravates procedural obstacles by extending periods of uncertainty and subjecting asylum seekers to risks of detention, arrest, or *refoulement* during prolonged deliberative phases.

F. Review of decisions

Law and Practice in Judicial and Quasi-Judicial Review

Pushbacks: In law, decisions concerning removals, non-admission at borders, or forced returns without a risk assessment can be contested before the court, which holds constitutional authority over immigration, deportation, and matters concerning aliens. Typically, judicial review is sought through proceedings aimed at enforcing fundamental rights or through remedies available under administrative law, rather than through a specific asylum appeal process.¹⁸⁸ There is no distinct statutory deadline specifically designed for claims related to pushbacks; instead, general procedural timelines are applicable, which often necessitate timely filing. Legal representation is not guaranteed, and there is no specialised legal aid programme for asylum seekers contesting pushbacks, which may result in access to review being largely contingent upon support from NGOs or private lawyers, which could be inconsistent and limited.

In practice, and as discussed earlier, pushbacks seldom undergo judicial or quasi-judicial scrutiny. Many of these actions take place at border locations or shortly after individuals are apprehended by immigration or security personnel, prior to their registration by the NCFRMI or their recognition as asylum seekers. This absence of documentation, coupled with the rapidity of removals, significantly hampers the practical ability to file a challenge. Although quasi-judicial entities such as the Eligibility Committee and Appeal Board are in place, their responsibilities are mainly associated with determining refugee status, rather than conducting *ex ante* or immediate reviews of pushback practices, thereby creating a protection gap at the access stage.

Consequently, a significant disparity exists between the legal framework and actual practice. While Nigerian law acknowledges the principle of non-*refoulement* and offers judicial pathways to contest unlawful removals, pushbacks are frequently executed as measures for security or immigration control, characterised by limited procedural protections and the absence of an automatic suspensive effect. Consequently, judicial examination tends to be *ex post* and exceptional, as demonstrated by the cases involving Cameroonians, rather than being systematic. This discrepancy undermines accountability and permits pushbacks to continue largely beyond effective review mechanisms.

Detention: In Nigeria, the legality of detention may be scrutinised through the ordinary court system. While detainees may first appear before Magistrate Courts in connection with criminal proceedings or

¹⁸⁸ See *Shugaba Darman v Federal Minister of Internal Affairs and Others* (1981) 2 NCLR 459 & (1982) 3 NCLR

remand orders,¹⁸⁹ challenges to the lawfulness of detention and constitutional claims are generally pursued before the State High Courts or the Federal High Court through *habeas corpus* and fundamental rights enforcement procedures.¹⁹⁰ Detainees have the right to contest the legality of their detention based on the 1999 Constitution and the Administration of Criminal Justice Act 2015, which includes the possibility of applying for bail or initiating fundamental rights enforcement proceedings.¹⁹¹

In theory, detainees are required to be presented before a court within a reasonable timeframe, and they are allowed legal representation; however, there are no specific procedural deadlines related to asylum that govern the review of immigration-related detentions, nor is there a specialised fast-track remedy designed to address the protection needs of asylum seekers. In practice, the ability to access judicial review in cases of detention is significantly limited. Numerous asylum seekers are unaware of their rights to contest their detention, encounter language and financial obstacles, or are detained in isolated border regions where access to legal counsel and courts is restricted. Legal aid is infrequent and primarily provided on an *ad hoc* basis, with most of the support for asylum seekers coming from NGOs or interventions backed by UNHCR, rather than through a government-funded programme.¹⁹² Consequently, extended or arbitrary detention frequently remains unchallenged, and judicial oversight typically occurs only in rare or prominent cases.¹⁹³

A notable disparity exists between Nigeria's legal framework and its implementation. Although constitutional guarantees, judicial decisions and international obligations uphold principles such as *non-refoulement* and recognise detention as an exceptional measure, enforcement agencies frequently invoke the broad national security and immigration powers contained in the *Terrorism (Prevention and Prohibition) Act 2022*,¹⁹⁴ the Immigration Regulations 2017¹⁹⁵ and the statutory mandates of security agencies to justify detention, often without prompt or effective judicial scrutiny. In practice, courts rarely examine whether the detention of asylum seekers is necessary, proportionate, or justified in duration. Even where judicial remedies are available, they are generally retrospective rather than preventive in nature. Consequently, detention continues to operate as a standard instrument of migration control and security governance, with judicial review functioning more as a post-factum corrective measure than as a robust safeguard against arbitrariness.

Procedural barriers: Judicial and quasi-judicial examination of procedural obstacles related to asylum in Nigeria is mainly conducted through internal mechanisms established within the NCFRMI framework, particularly the Refugee Eligibility Committee and the Appeals Board. The NCFRMI Act allows for an administrative appeal against unfavourable first-instance rulings. While legal representation is permitted at this stage, it is not guaranteed and largely relies on limited legal assistance provided by UNHCR-supported NGOs.

Access to regular courts is legally feasible through constitutional and administrative law channels, especially before the Federal High Court. Nonetheless, this option is neither explicitly defined in the asylum framework nor frequently used by asylum seekers, primarily due to a lack of awareness, financial constraints, and the absence of organised legal aid at the initial stage.

In practice, procedural obstacles considerably undermine the efficacy of review mechanisms. Administrative appeals frequently experience delays as the Appeals Board convenes infrequently, sometimes only once a year or less, and there are no enforceable deadlines to mitigate prolonged legal

¹⁸⁹ Sec 293 - 299, & 306 – 308, Administration of Criminal Justice Act 2015

¹⁹⁰ Order II, rule 1, & Order IV, rule 5 Fundamental Rights (Enforcement Procedure) Rules 2009

¹⁹¹ Sec 158, Administration of Criminal Justice Act 2015

¹⁹² See Asylum Capacity Support Group (ACSG), *Nigerias Justice Development & Peace Commission: Provision of Legal Aid on Appeal* (Good Practice, January 2016–ongoing)

¹⁹³ Firdausi Kabir, 'The Role of Legal Aid in Protecting Vulnerable Populations in Nigeria: A Public Law and Human Rights Perspective,' *Nnamdi Azikiwe University Journal of Law and Clinical Legal Education* 3, no. 1 (2026). pp. 119-120

¹⁹⁴ See Sec 74, 76-79, *Terrorism (Prevention and Prohibition) Act 2022*

¹⁹⁵ Sec. 34, Immigration Regulations 2017

uncertainty. Although the Board has the authority to review both the factual and procedural aspects of refugee status determinations, it is reported to uphold the decisions of the Refugee Eligibility Committee in many cases, raising questions about the effectiveness of internal oversight. Furthermore, the absence of binding procedural regulations, beyond non-mandatory SOPs, limits predictability and consistency in the review process, particularly in instances involving delayed registration, insufficient documentation, or procedural errors.

A significant gap exists between the legal framework and its implementation. Although Nigerian law and constitutional principles permit judicial review of administrative decisions, including those relating to asylum, a range of procedural and structural barriers substantially limit access to the courts. In practice, asylum seekers rarely challenge procedural irregularities through judicial proceedings, even where prolonged delays, administrative inaction, or other deficiencies might ordinarily justify judicial intervention under general principles of administrative law. This disconnect reflects a combination of institutional uncertainty, limited access to legal assistance, and the highly centralised nature of asylum decision-making. As a result, the right to seek review often exists more in theory than in practice, offering only limited protection against procedural barriers within the asylum system.

The Impact of Judicial and Quasi-Judicial Review Mechanisms on Asylum Adjudication

The influence of judicial and quasi-judicial review mechanisms on asylum adjudication remains limited and uneven. At the quasi-judicial level, the Refugee Eligibility Committee and the Appeals Board function primarily within an administrative context, characterised by an apparent lack of independence and the absence of a binding doctrine of precedent. Consequently, their rulings fail to create a coherent or cumulative body of jurisprudence that can systematically tackle procedural obstacles such as delays, insufficient documentation, or failures in ensuring a fair hearing. The irregular meetings of the Appeals Board, coupled with the lack of enforceable timelines, further diminish their corrective role, allowing administrative bottlenecks to remain largely unaddressed.

As for the judiciary, the influence of higher courts on the adjudication of asylum access could be formally significant, given their historical role in criminal and civil matters. Nevertheless, their practical impact on asylum adjudication in Nigeria remains quite limited. Nigerian courts operate within a common law framework governed by the principle of *stare decisis*, which dictates that authoritative decisions of higher courts should inform the actions of lower courts and administrative entities. The Federal High Court ruling in *Ayuk Tabe and Others v. National Security Adviser and Attorney General of the Federation*¹⁹⁶ upheld constitutional protections and the principle of non-*refoulement*; however, its jurisprudential impact is predominantly restricted to cases involving *refoulement* and unlawful extradition, rather than addressing routine procedural shortcomings in asylum processing. It is crucial to know that although quasi-judicial bodies strive to adhere to international legal standards as advised by UNHCR observers, they do not uniformly or systematically apply constitutional or judicial precedents.

There is a weak vertical interaction between courts and quasi-judicial bodies in adjudicating asylum access. Without ongoing judicial oversight, administrative officials possess extensive discretion, frequently favouring efficiency, security, or institutional convenience at the expense of procedural fairness. The absence of regular judicial scrutiny regarding delays, non-registration, or flawed procedures results in the normalisation of systemic barriers rather than their legal argument. In summary, although Nigeria's legal framework has the normative potential to influence asylum access jurisprudence through guidance from higher courts, the practical underutilisation of judicial review considerably restricts its transformative impact on procedural obstacles and asylum access.

¹⁹⁶ FHC/ABJ/CS/85/2018

G. Procedures in decentralized states

Regional Differences in Asylum Adjudication Procedures

Pushbacks: Nigeria is a federal state where responsibilities are shared between the federal government and the individual states;¹⁹⁷ nevertheless, the procedures concerning pushbacks do not officially differ by region. Issues related to immigration control, border management, admission, expulsion, and asylum are solely under the jurisdiction of the federal government.¹⁹⁸ Therefore, the legal framework governing pushbacks is consistent nationwide, based on federal laws and executive powers, particularly the Immigration Act, the NCFRMI Act, and Nigeria's international commitments regarding non-*refoulement*.

In practice, however, the execution of pushbacks shows considerable variation across different regions due to the *de facto* decentralisation of security and border enforcement in Nigeria. Border states and areas experiencing insecurity, especially in the Northeastern states of Borno, Adamawa, Yobe, and Taraba, and along the Southern borders of Cross River and Akwa Ibom states, demonstrate more stringent and securitised approaches. In these regions, local branches of the Nigeria Immigration Service (NIS), police, and military possess significant operational discretion, resulting in informal entry refusals, summary removals, or forced returns without conducting individualised risk assessments. This regional disparity is influenced by local security conditions, concerns regarding insurgency, and limited access to NCFRMI or UNHCR resources, rather than by officially distinct procedures.

Consequently, while Nigeria does not implement divergent procedural regulations regarding pushbacks, the access to asylum and protection against *refoulement* is inconsistent in practice. Asylum seekers arriving in high-security or remote border states face a greater risk of pushbacks and summary returns compared to those entering through urban or more administratively accessible regions. This discrepancy between centralised legal authority and decentralised enforcement practices undermines procedural protections and complicates judicial or quasi-judicial oversight, as many pushbacks take place informally and outside established asylum processes.

Detention: Detention practices impacting asylum seekers do not exhibit formal regulation or territorial differentiation across various states. The responsibility for immigration control, including the arrest and detention of migrants and asylum seekers, is primarily under federal jurisdiction, executed mainly by the Nigeria Immigration Service, the police, and the military. Consequently, the legal framework governing detention, established by the Immigration Act 2015 and the Immigration Regulations 2017, remains consistent throughout the nation, regardless of state or local authority.

In practice, however, similar to pushbacks, the methods of detention vary significantly across different territories, shaped by factors such as security conditions, administrative resources, and the presence of federal institutions. In the Northeast and part of the South, where there is an influx of refugees, detention is often justified on security grounds, frequently involving military facilities or collaborative security operations, while in other states, detentions are generally conducted in immigration holding centres or police stations.

These territorial discrepancies arise not from devolved legal authority but from varying enforcement practices and the reach of institutions. Limited access to NCFRMI offices, delays in the registration process, and poor coordination among federal agencies at the state level heighten the risk of prolonged or arbitrary detention in specific areas. Therefore, although Nigeria is constitutionally decentralised, the detention of asylum seekers remains legally centralised yet operationally inconsistent, leading to significant consequences for access to protection based on geographical location.

Procedural barriers: Despite Nigeria's status as a federal state, the asylum procedures are predominantly centralised, leading to considerable procedural obstacles and access for asylum seekers. The refugee status determination process is regulated by federal legislation and is primarily managed by the National

¹⁹⁷ Sec 2(2), Constitution of Nigeria 1999.

¹⁹⁸ Second Schedule, part 1, *Ibid*

Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI). Although Nigeria comprises 36 states, the state governments lack independent authority over asylum processes, and the procedural regulations do not officially differ by region.

In practice, however, the federal system results in inconsistent access to procedures across various states, especially between border regions and Abuja, where critical decision-making is centralised. A significant procedural challenge is the geographical centralisation of registration and adjudication responsibilities. While the NCFRMI operates some regional and field offices, eligibility determinations are concentrated at the headquarters in Abuja, and the Eligibility Committee and Appeal Board convene infrequently. Asylum seekers located in border and conflict-affected states encounter extensive delays in registration, interviews, and decision-making due to the limited presence of NCFRMI, staffing deficiencies, and logistical challenges. This geographical inequality does not indicate differing legal standards but rather highlights the unequal procedural access resulting from decentralisation that lacks adequate administrative capacity at the sub-national level.

These procedural obstacles have tangible implications for protection. The delays and lack of documentation during the waiting period for registration or decisions place asylum seekers in specific states at an increased risk of arrest, detention, and *refoulement* by security agencies that enforce immigration and security regulations. Therefore, within Nigeria's federal framework, these procedural barriers do not arise from differing state-level asylum policies, but rather from the interplay between centralised federal procedures and inconsistent territorial application, leading to a *de facto* disparity in access to asylum based on geographical location.

Regional Variations in Asylum Procedures and Their Implications

Even within a federal system such as Nigeria, where asylum law and refugee status determination procedures are formally governed by a single national framework, significant differences emerge in practice across regions. As discussed earlier, the NCFRMI Act and the refugee status determination system apply uniformly throughout the country, and there are no separate state-level asylum regimes or legally distinct procedural rules. Nevertheless, in practice, the procedural experiences differ among states due to varying administrative capabilities, the distribution of offices, and the geographical locations of arrival and registration sites. For instance, asylum seekers in border states such as Adamawa, Cross River, Akwa Ibom and Benue face slower registration processes, less frequent RSD interviews, and prolonged waiting periods to get interviewed and prepared for the eligibility committees to determine their cases, in contrast to those situated near major processing hubs like Abuja or Lagos, primarily because NCFRMI's operational resources and presence are concentrated in the latter. This results in *de facto* regional disparities in procedural access, despite the existence of uniform federal legislation.

These regional procedural discrepancies carry substantial implications for protection outcomes. In instances where processing is delayed or inaccessible, asylum seekers find themselves in a state of legal uncertainty without proper documentation, which heightens their vulnerability to detention and *refoulement*, restricts their access to essential services and legal assistance, and obstructs effective appeals within the required statutory timeframes. The backlog of applicants awaiting registration or RSD processing in various states throughout Nigeria exemplifies how such procedural inconsistencies can reinforce inequality in access to protection and rights.

H. Influence of procedures in practice and the role of courts

Divergences Between Law and Practice in Asylum Adjudication

A substantial gap exists between the legal standards governing pushbacks and their implementation in practice. While the NCFRMI Act and the country's international obligations require that individuals be allowed to seek asylum and that no person be returned to a place where they face a risk of persecution or other serious harm, practices at borders and during security operations have been reported to fall short of these requirements. Consequently, procedural safeguards such as individual assessment, access to asylum

procedures, and protection against *refoulement* may be weakened or bypassed, creating significant barriers to effective access to protection.

In practice, pushbacks are commonly implemented outside the formal asylum framework. Those affected are frequently returned or removed without the registration of an asylum application, a written decision, access to the Refugee Eligibility Committee, or any form of hearing. They are rarely informed of their right to seek asylum or to challenge removal decisions. Therefore, individuals who may need international protection are excluded from the adjudicatory process at its earliest stage, leaving little opportunity for their claims to be examined and increasing the risk of *refoulement*. Judicial and quasi-judicial entities have a limited capacity to provide corrective measures since pushbacks rarely undergo formal review processes.

Although procedural options are theoretically available, such as judicial review in the court,¹⁹⁹ these avenues are practically compromised by the lack of legal representation, the brief intervals between apprehension and removal, and the absence of documentation supporting an asylum claim. Asylum seekers who experience pushbacks are often categorised as ‘irregular migrants,’ which redirects their cases into the realm of immigration enforcement rather than protection-focused adjudication. This disconnection hinders courts from evaluating the legality of pushbacks in real time and contributes to the lack of jurisprudence that directly addresses these issues. The practical outcome is that the procedures in place considerably limit access to asylum adjudication and diminish the role of the judiciary. Although there is limited judicial engagement with pushbacks and unlawful removals, the courts possess the authority to review administrative actions for compliance with constitutional protections and the principle of non-*refoulement*. In practice, however, judicial intervention tends to be reactive rather than preventive, occurring only after removal or deportation has already been attempted or carried out, as in *Ayuk Tabe’s* case.²⁰⁰

In summary, the gap between formal legal safeguards and actual practice suggests that pushbacks operate as a largely pre-judicial barrier to asylum. By preventing individuals from entering the asylum procedure in the first place, they significantly limit opportunities for judicial scrutiny and reinforce the broad discretion exercised by executive authorities in matters of border control.

The Role of Judicial and Quasi-Judicial Jurisprudence in Shaping Asylum Rights and Procedural Protections

In Nigeria, the jurisprudence surrounding pushbacks has had a limited yet symbolically significant impact on the development of procedural protections, primarily through constitutional litigation rather than through a comprehensive body of asylum case law. Domestic courts, particularly the Federal High Court, have examined executive actions related to summary removals through the framework of constitutional rights such as fair hearing, liberty, and dignity and the principle of non-*refoulement*, rather than categorising them as isolated ‘pushback’ practices. The decisive *Ayuk Tabe’s* case illustrates this perspective: although it was not explicitly labelled as a pushback case, the Court determined that the arrest, detention, and forced return of Cameroonian asylum seekers without individual evaluations infringed upon constitutional protections and Nigeria’s commitments under the Refugee Convention and the African Charter.

At the quasi-judicial level, the Refugee Eligibility Committee and the Appeal Board have integrated international refugee standards, especially non-*refoulement*, into their deliberations; however, their impact on the practical application of pushbacks remains minimal. These entities do not possess effective oversight over border officials and security agencies, who frequently carry out summary refusals of entry or removals without referring to asylum procedures. The lack of clear statutory appeal mechanisms against non-admission or informal removals, coupled with insufficient legal assistance at borders, results in jurisprudence that seldom evolves directly concerning pushbacks, thereby creating a disconnect between formal procedural protections and the realities of enforcement.

¹⁹⁹ Sec 158, Administration of Criminal Justice Act 2015; See also *Shugaba Darman v Federal Minister of Internal Affairs and Others* (1981) 2 NCLR 459 & (1982) 3 NCLR

²⁰⁰ FHC/ABJ/CS/85/2018

Supranational influence primarily operates in an indirect manner. Although Nigerian courts and quasi-judicial entities rarely reference rulings from the *African Court on Human and Peoples' Rights*, the ECOWAS Court, or UN treaty bodies, their legal decisions embody principles established at these higher levels, most notably the absolute principle of non-*refoulement* and the necessity for effective remedies. In practice, these supranational standards have yet to be effectively implemented as systematic procedural safeguards against pushbacks at borders, resulting in enforcement that is inconsistent and predominantly reactive rather than proactive.

The Influence of Supranational Jurisprudence on Procedural Protections in Asylum Adjudication

Supranational jurisprudence has had an indirect and normatively significant influence on the procedural protections against pushbacks in Nigeria, mainly through regional African human rights institutions rather than courts. Although Nigeria has not been the focus of numerous asylum-specific decisions by supranational courts, the legal precedents established by the African Commission on Human and Peoples' Rights (ACHPR) and the African Court on Human and Peoples' Rights, in combination with international refugee law, have influenced the understanding of non-*refoulement* and due process protections relevant to pushback actions. These entities have consistently asserted that collective expulsions, removals executed without individual evaluations, and the denial of access to legal remedies contravene Articles 7 and 12 of the African Charter, thereby reinforcing essential procedural standards such as individual assessments and the right to an effective remedy before removal. These criteria form a component of the normative framework that Nigerian authorities and courts are expected to operate within, given Nigeria's adoption of the African Charter.

In practice, these supranational standards have been more significantly evident in the reasoning of domestic courts than in the decisions made by administrative bodies regarding asylum. The ruling of the Federal High Court in the case of *Ayuk Tabe* underscores an alignment with the supranational principles set forth at both the African and UN levels, especially the prohibition against *refoulement* without an initial risk assessment. Although the Court did not directly reference supranational case law, its rationale aligns with ACHPR jurisprudence by asserting that removals carried out without access to procedures, legal protections, or judicial scrutiny are unlawful. This has strengthened procedural expectations against pushbacks, including the necessity for prior evaluations and the provision for judicial review.

II. JUDICIAL BODIES IN ACCESS TO ASYLUM

A. Institutional configuration

- *First instance judicial or quasi-judicial body/bodies:*

At first instance, responsibility for refugee status determination in Nigeria rests primarily with the Refugee Eligibility Committee, a quasi-judicial administrative body established under the NCFRMI Act. Although the Committee is neither a court nor a tribunal in the conventional sense, it performs adjudicatory functions by examining asylum claims and making initial decisions on refugee status. The Committee operates within the institutional framework of the NCFRMI,²⁰¹ which is under the Federal Government's Ministry of Humanitarian Affairs,²⁰² rather than within the judiciary or the Ministry of Justice. Consequently, asylum adjudication at first instance is conducted through an administrative rather than a judicial process, with the Refugee Eligibility Committee serving as the principal decision-making body.

The Eligibility Committee is led by a senior civil servant, typically the Permanent Secretary of the Ministry of Foreign Affairs or an appointed representative, and comprises representatives from essential executive bodies, including the Ministry of Justice, the Office of the National Security Adviser, the Nigeria

²⁰¹ Sec 14, NCFRMI Act 2022.

²⁰² See Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development, *Strategic Roadmap 2021–2025: Mapping Out a Life of Dignity for All* (Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development 2022) p.6.

Immigration Service, and the National Human Rights Commission, with the UNHCR participating in an observer and advisory role.²⁰³ This composition reflects an executive-led, inter-agency governance model that integrates protection, security, and administrative viewpoints. While the Committee is authorised to review evidence and render binding decisions regarding refugee status, it operates within an administrative hierarchy and lacks the institutional independence typically characteristic of courts.

In practical terms, the quasi-judicial nature of the Eligibility Committee carries considerable consequences for access to asylum. While it aims to serve as an accessible first-instance forum, its integration within the executive branch, along with centralised decision-making and irregular meeting schedules, undermines procedural protections and restricts effective oversight. For those seeking asylum, this means that first-instance adjudication occurs outside the conventional judicial framework, resulting in limited access to legal representation, thereby emphasising the administrative character of the asylum access adjudication process at first instance adjudication.

- *Second instance judicial or quasi-judicial body/ bodies:*

In the second instance, the adjudication of asylum access in Nigeria is conducted by the Refugee Appeal Board, a quasi-judicial entity established under the NCFRMI Act of 2022. This Appeal Board is not a court or a judicial body; rather, it functions as an administrative adjudicatory body situated within the executive branch. It is constituted by the Minister responsible for humanitarian affairs, in consultation with the Attorney-General of the Federation, and operates institutionally under the NCFRMI, which is part of the federal executive framework rather than the judiciary.²⁰⁴

The Board is tasked with reviewing unfavourable decisions made by the Refugee Eligibility Committee and possesses the power to re-evaluate both facts and legal conclusions. Its membership, primarily consisting of senior legal officials from government ministries and agencies, reflects its quasi-judicial character, merging administrative oversight with adjudicatory responsibilities. Although the Board may summon appellants for oral hearings and permit legal representation,²⁰⁵ its procedures are predominantly discretionary and administratively governed, lacking the formal judicial procedural regulations. Despite the Appeal Board functioning as the highest specialised asylum adjudicatory body in practice, its placement within the executive branch raises concerns about independence and effective oversight, particularly in cases related to pushbacks or removal decisions. The NCFRMI Act does not explicitly allow for further judicial appeal, indicating that access to regular courts at this juncture relies on constitutional and administrative law remedies instead of a clearly defined appellate process.

- *Third instance judicial or quasi-judicial body/ bodies:*

There is an absence of a specialised tribunal for third-instance asylum cases. When asylum-related issues reach this level, they will be addressed within the standard judicial framework, primarily by the Federal High Court,²⁰⁶ through the Court of Appeal and ultimately the Supreme Court of Nigeria. These institutions are fully judicial courts established under the 1999 Constitution and do not specialise in asylum or migration issues. So far, as per the case of *Ayuk Tabe*, their engagement is indirect, typically through an appeal based on constitutional, administrative, or fundamental rights concerns related to deportation, detention, or *refoulement*, rather than through a direct examination of refugee status determinations made by quasi-judicial entities.

The Court of Appeal holds appellate jurisdiction over the decisions made by the Federal High Court,²⁰⁷ which possesses original jurisdiction concerning immigration, extradition, and deportation issues involving non-citizens.²⁰⁸ The Supreme Court acts as the ultimate appellate authority, hearing appeals from the Court

²⁰³ Sec 14, NCFRMI Act 2022.

²⁰⁴ *Ibid*, Sec 15.

²⁰⁵ *Ibid*

²⁰⁶ Sec 251(1)(i), 1999 Constitution.

²⁰⁷ *Ibid*, Sec 240

²⁰⁸ *Ibid*, Sec 251(1)(i)

of Appeal.²⁰⁹ Both courts operate independently and are governed by the judiciary, rather than by executive bodies such as the Ministry of Humanitarian Affairs or the NCFRMI. Consequently, their function is supervisory and constitutional, emphasising legality, due process, and adherence to both domestic and international obligations, rather than engaging in fact-finding related to asylum claims.

As discussed in other parts, in practice, cases to these third-instance bodies for asylum-related matters in Nigeria is exceedingly uncommon. Structural obstacles, including the lack of a clear statutory right to judicial appeal from the Appeal Board, limited availability of legal aid, and insufficient awareness, result in most asylum disputes concluding at the quasi-judicial level. Therefore, while the third-instance courts possess significant constitutional authority to influence the jurisprudence surrounding asylum access, their impact remains largely dormant rather than systematic.

Power/competences of the judicial bodies responsible for asylum access adjudication

- First instance judicial or quasi-judicial body/ bodies:

At first instance, the Refugee Eligibility Committee, possesses the authority to evaluate cases based on their merits, which includes the examination of facts, credibility, and the application of the refugee definition as stipulated by both domestic and international law. Although its decisions are administrative in nature, they are binding within the executive framework unless a formal appeal is lodged. The Committee is not empowered to assess the legality of broader policy initiatives, such as pushbacks, in a general context; its jurisdiction is confined to individual case determinations. In instances where protection is refused, the Eligibility Committee issues a negative ruling but lacks the power to independently mandate removals.

- Second instance judicial or quasi-judicial body/ bodies:

The Refugee Appeal Board possesses the authority to perform a comprehensive assessment of both merits and points of law, which includes the reassessment of evidence and the evaluation of procedural fairness. The Board has the discretion to uphold, overturn, or amend the decisions made by the Eligibility Committee and may also summon appellants for oral hearings. Its rulings are obligatory for the executive, including the NCFRMI, and there is no legal requirement to return cases to the Eligibility Committee after the Appeal Board has made its determination. Nevertheless, the Act does not address the possibility of further appeals to the courts, which effectively restricts systematic judicial scrutiny of the Board's decisions.

- Third instance judicial or quasi-judicial body/ bodies:

At the third instance, conventional courts, mainly the Federal High Court, with potential appeals to the Court of Appeal and the Supreme Court, exercise their jurisdiction through judicial review rather than a merits appeal. These courts evaluate points of law, constitutionality, procedural fairness, and adherence to international obligations, including the principle of *non-refoulement*. They possess the authority to annul unlawful actions, declare removals as illegal, grant remedies, and issue binding directives against the government, as illustrated in the case of Ayuk Tabe's case. The rulings of the courts are entirely binding on the executive branch.

Implications of the available types of remedies on asylum access adjudication

- First instance judicial or quasi-judicial body/ bodies:

In first-instance adjudication, the Eligibility Committee evaluates asylum claims on their merits. This involves a thorough assessment of facts and refugee criteria, followed by the issuance of written decisions that provide reasons for any refusals.²¹⁰ Although the Committee has the authority to grant or deny refugee status based on its assessment, its decisions are reviewed internally by the Refugee Appeal Board rather than through a direct appeal to the courts on the merits. Consequently, the initial determinations are

²⁰⁹ Sec 233, *Ibid*

²¹⁰ Sec 16(5), NCFRMI Act

significantly influenced by internal executive procedures and the expertise of the Committee. Furthermore, the availability of internal legal aid is quite limited, often necessitating reliance on non-governmental organisations, such as the Justice, Development and Peace Commission (JDPC), to support appellants. This reliance ultimately shapes the practical access to remedies and affects the likelihood of effectively challenging substantive errors at this stage.

- *Second instance judicial or quasi-judicial body/ bodies:*

The Refugee Appeal Board serves as the main recourse for unfavourable eligibility determinations, providing a comprehensive appeal based on both factual and legal considerations within the executive asylum framework. Appeals are required to be submitted within 30 days²¹¹ of notice, and appellants are permitted to have representation,²¹² including from NGOs that offer legal aid, with the Board's ruling being obligatory for the executive. Its authority to reassess merits and permit representation aids in balancing the power dynamics between asylum seekers and the executive, thereby improving procedural protections compared to the first instance alone. Nevertheless, due to the lack of guaranteed legal aid for status determination by the state and the Board's independence being contingent upon executive appointments, the level of scrutiny may fluctuate and could rely on external assistance for appellants.

- *Third instance judicial or quasi-judicial body/ bodies:*

At the third instance, regular courts offer judicial review remedies that are restricted to legality, procedural fairness, and adherence to constitutional standards.²¹³ These courts do not engage in reassessing the merits of cases; however, they possess the authority to annul unlawful decisions and send matters back for reconsideration in accordance with appropriate legal criteria. Therefore, judicial review functions as a mechanism to check executive authority, ensuring that administrative decisions uphold due process and human rights obligations. Nevertheless, since this review is remedial and supervisory rather than focused on merits, its influence on substantive asylum outcomes is somewhat limited, and access may be hindered by procedural obstacles and associated costs. This limitation of remedies influences the distribution of power by reinforcing executive discretion at the initial and intermediate levels while providing courts with a more restricted oversight role that does not supplant merits evaluation but guarantees the legal conformity of processes.

In summary, the Nigerian asylum system provides for both administrative and judicial avenues of review, but the effectiveness of these safeguards remains uneven. Decisions on the merits of asylum claims are primarily made within executive institutions, while judicial oversight is indirect and often difficult to access. Although the Refugee Appeal Board offers an additional layer of procedural protection, its capacity to provide effective remedies is affected by resource limitations, procedural uncertainty, and reliance on legal assistance. As a result, the extent to which review mechanisms can correct errors and protect asylum seekers from procedural barriers depends largely on how effectively these safeguards operate in practice rather than on their formal existence alone.

B. Independence

Legal Basis for Independence

Nigeria's regular courts enjoy formal constitutional independence. Judicial power is vested in the courts, with guarantees to hearing before a court or tribunal constituted to secure independence and impartiality.²¹⁴ The National Judicial Council (NJC) also has constitutional responsibilities concerning judicial appointments, discipline, administration and funding.²¹⁵

²¹¹ Sec 16(6), NCFRMI Act 2022.

²¹² Sec 15(7), *Ibid*

²¹³ Sec 6(6)(b), Constitution of Nigeria 1999

²¹⁴ Sec 36(1), Constitution of Nigeria 1999

²¹⁵ Sec 6, 36(1), 153(1), & Third Schedule, Part I, para 21, *Ibid*.

The position is weaker for asylum-specific bodies. Under the NCFRMI Act 2022, first-instance decisions are considered by the Eligibility Committee and appeals by the Refugee Appeal Board. However, neither body is independent of the NCFRMI, which itself is an agency of the government. The Eligibility Committee is ‘under the supervision’ of the Federal Commissioner, while the Appeal Board is constituted by the responsible Minister in consultation with the Attorney-General.²¹⁶ Their independence is therefore mainly functional rather than institutionally guaranteed.

Autonomy of the managing authority of the judicial or bodies in the field of access to asylum

The courts are administered through their respective heads of court and the NJC, subject to constitutional safeguards. Court managers may allocate cases and manage registries, but they do not direct judges on the outcome of individual proceedings.

By contrast, the asylum bodies remain closely connected to the executive. The Eligibility Committee consists mainly of senior representatives of government ministries and agencies, and the Commission serves as its secretariat. The Commission also provides the secretariat for the Appeal Board, which meets at the instance of the Minister or Federal Commissioner.²¹⁷ This arrangement allows administrative coordination but provides limited separation between adjudication and the authority responsible for refugee policy.

Financial independence

The Constitution provides a stronger financial basis for the judiciary. Funds standing to the credit of the judiciary are payable to the NJC for distribution, and the NJC is responsible for controlling and disbursing judicial funds. Nevertheless, academic studies identify continuing differences between constitutional financial autonomy and its practical implementation, particularly because judicial budgets still depend substantially on governmental appropriation and release.²¹⁸

For the quasi-judicial bodies, there is no clear statutory guarantee of financial independence. The Eligibility Committee and Appeal Board have no separate budgets. They operate through the NCFRMI, whose funds consist principally of federal appropriations, intervention funds, ecological funds and donor contributions.²¹⁹ In the absence of designated or protected funding, as well as independent budgetary authority, both the Eligibility Committee and the Refugee Appeal Board rely on the financial allocations provided to NCFRMI and the overseeing ministry. This arrangement indicates that financial oversight is retained by the executive branch and legislative appropriators, which may restrict the availability of consistent resources for asylum adjudication activities and influence operational uniformity, particularly during periods of high demand. The National Assembly and fiscal entities, such as the Revenue Mobilisation Allocation and Fiscal Commission, conduct budgetary oversight as part of the larger public expenditure framework; however, this does not confer independent financial control on these bodies.²²⁰

Independence concerning human resource decisions

As stated above, Judicial appointments, promotion and discipline involve the NJC, which provides some insulation from direct executive control, although the President or governor retains a formal role in

²¹⁶ Sec 14(1) & 15(1)-(2), NCFRMI Act 2021

²¹⁷ Sec 14(2)-(4) & 15(4), (5) (8), *Ibid*

²¹⁸ Sec 84 & 162(9), Constitution of Nigeria 1999; See Theresa U Akpoghome, Judicial Financial Independence and its Effectiveness in Nigeria in Conrad M Bosire (ed), *Judicial Financial Independence in Africa: A Study of Eleven Sub-Saharan Countries* (Kabarak University Press 2024) 199-225.

²¹⁹ Sec 30-35, NCFRMI Act

²²⁰ See Christopher Ochanja Ngara and Habila Kawo Dasat, ‘The Role of the National Assembly in Budget Process in Nigeria’ (2020) 1(1) *NILDS Journal of Democratic Studies* 1–17; See Federal Government of Nigeria and Development Partners, *Nigeria: Public Expenditure and Financial Accountability (PEFA) Performance Assessment Report, Baseline Report* (December 2019, PEFA Secretariat) <<https://www.pefa.org/sites/default/files/2021-03/NG-Dec19-PFMPR-Public.pdf>> accessed 22 July 2026.

appointments. Security of tenure and constitutionally regulated removal provide additional protection to judges.²²¹

The position of asylum adjudicators is less protected. Eligibility Committee members are serving representatives of ministries and agencies rather than independently appointed, permanent adjudicators. The Appeal Board is constituted by the Minister and comprises government legal officers and a person knowledgeable in refugee matters. The Act does not establish fixed terms, transparent selection criteria, independent evaluation procedures or special protection against removal or transfer for these adjudicators.²²² Their continued participation may therefore depend upon their civil service positions.

Internal independence

Individual judges are legally required to decide cases according to the Constitution, legislation and evidence. Heads of court may exercise administrative supervision, but cannot lawfully dictate the substance of judgments.

There is less clear internal independence within the asylum system. The Eligibility Committee makes recommendations rather than final grants of status, and it operates under the Federal Commissioner's supervision. It may also perform functions assigned by the Federal Commissioner or Minister. Although the Appeal Board can reconsider refusals and must hear the appellant, its sittings and referrals remain closely connected to the Minister and Federal Commissioner.²²³ Guidelines and UNHCR technical support may improve consistency, but cannot replace or remove the impact of executive influence on certain decisions. Overall, the asylum bodies are administratively independent, but their institutional, managerial and financial dependence on the executive leaves them less independent than the regular courts.

Implications of various aspects of independence

The limited formal independence of the Eligibility Committee and the Refugee Appeal Board, both situated within the executive branch, renders these entities structurally vulnerable to executive priorities, which include migration control and security imperatives. Because members are appointed via political channels, their operational agendas may mirror broader governmental policies instead of being strictly focused on adjudicative considerations. This situation may diminish the probability that these bodies will reverse executive decisions, particularly when refusals or obstacles to accessing asylum coincide with governmental enforcement objectives.

In practice, a lack of strong autonomy among adjudicators results in systemic deference to the approach the executive decides, thereby compromising procedural fairness and the rule of law in asylum-related decisions. Furthermore, it diminishes the motivation for thorough, fact-based merits reviews, as adjudicators might internally adjust their decisions to align with anticipated policy outcomes rather than adhering to independent legal standards.

Because the quasi-judicial entities are not insulated from executive influence, the remedies accessible to asylum seekers become less effective in rectifying errors or preventing violations of rights. For example, an Appeal Board reliant on executive scheduling and resources may postpone or restrict hearings, thereby reducing the practical availability of remedies. Likewise, the lack of statutory safeguards that ensure legal aid or representation at these levels makes asylum seekers inadequately prepared to effectively contest unfavourable decisions.

²²¹ Sec 231, 238, 250, 256, 271, 292, & Third Schedule, Part I, para 21, Constitution of Nigeria 1999; See Olabisi D Akinkugbe, The Politics of Regulating and Disciplining Judges in Nigeria in Richard Devlin and Sheila Wildeman (eds), *Disciplining Judges: Contemporary Challenges and Controversies* (Edward Elgar 2021) 254-277.

²²² Sec 14(2) & 15(2), NCFRMI Act 2021.

²²³ Sec 14(1), 14(3), 15(4)-(8) & 16(3)-(7), *Ibid*

Independence of the whole judicial system

Nigeria's conventional courts or judiciary function under the constitutional guarantee of independence and security of tenure aimed at maintaining the rule of law in all areas. Judges are afforded protection against arbitrary dismissal and are governed by professional standards and oversight from the NJC,²²⁴ which plays a crucial role in shielding decision-making from executive interference. Thus, when cases from administrative panels are brought before the judiciary, usually through judicial review, courts have a more robust structural basis to examine executive actions and annul unlawful impediments. An example is the *Ayuk Tabe's* case. This general independence of the judiciary in Nigeria surpasses the independence of executive-based asylum adjudicators; therefore, asylum seekers who manage to access judicial review can be sure of greater procedural safeguards.

However, in practice, asylum-related matters seldom reach the judiciary due to procedural hurdles, a lack of awareness, and limited resources, indicating that the strong independence of the court system does not necessarily translate into effective oversight in Nigeria. The *de jure* independence of the courts offers the potential for thorough review; however, the *de facto* asylum adjudication framework remains entrenched within executive structures that provide weaker safeguards. This disparity between the formal judicial independence and the practical autonomy of asylum adjudicators sometimes leads to unfavourable outcomes for asylum seekers, with inadequate checks on executive decisions that limit access to protection.

The limited independence of quasi-judicial asylum institutions in Nigeria, can arguably diminish the efficacy of available remedies and restricts the ability to challenge executive decisions that hinder asylum processes. Although the wider judiciary provides more robust protective measures, the limited number of asylum cases being litigated at that level results in minimal practical effect. Enhancing independence by implementing statutory guarantees for tenure, ensuring procedural autonomy, and providing adequate financial resources would enhance both substantive and procedural fairness in the adjudication of asylum access.

C. Centralization/decentralization

Structure of Judicial or Quasi-Judicial Bodies

- *First instance judicial or quasi-judicial body/ bodies:*

The Eligibility Committee functions as a centralised entity. It is formed under the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) and carries out central refugee status determinations,²²⁵ usually in Abuja, instead of through various regional panels.

- *Second instance judicial or quasi-judicial body/ bodies:*

The Refugee Appeal Board is also centralised. It operates at the national level, lacking any statutory provisions for regional or local branches, which means that all appeals are handled by a single national board.²²⁶

- *Third instance judicial or quasi-judicial body/ bodies:*

The judicial system is decentralised in its overall framework but not specifically concerning asylum issues. The Federal High Court has divisions in several states across the country,²²⁷ and judicial reviews related to asylum can be initiated in the division that has jurisdiction over the location of the decision or the residence of the claimant. The Court of Appeal also has several divisions throughout Nigeria.²²⁸ The Supreme Court convenes solely in Abuja.

²²⁴ See Sec153, 158, 231-296 & Part I of the Third Schedule, Constitution of Nigeria 1999.

²²⁵ Sec 14, NCFRMI Act.

²²⁶ Sec 14, *Ibid*.

²²⁷ See Federal High Court of Nigeria, *Judicial Divisions* <https://fhc.gov.ng/judicial-divisions/> accessed 22 July 2026.

²²⁸ See Court of Appeal of Nigeria, *Divisions* <https://www.courtsofappeal.gov.ng/divisions> accessed 22 July 2026.

Implications of Centralization/Decentralization for Asylum Adjudication

Nigeria's Eligibility Committee and Refugee Appeal Board operate as centralised national bodies, primarily based in Abuja, and have no regional or local branches. Although, according to a government official, the Eligibility Committee may convene meetings in different parts of the country, when necessary, this does not alter its institutional character as a single centralised national body. This concentration of resources means that asylum seekers across Nigeria, many of whom reside in border regions or remote areas, often have to travel long distances to register their claims and attend refugee status determination interviews. The resulting financial, logistical, and time burdens can create significant obstacles to accessing the asylum procedure. For individuals with limited financial means, the centralised system may reduce their ability to participate effectively in the adjudication process and to comply with applicable procedural requirements and deadlines.

Geographical location and the centralisation of the NCFRMI, to some extent, constitute barriers to access and impede the effective exercise of rights, with travel burdens occasionally leading to missed registration or interview appointments. Centralisation significantly affects how legal aid resources are allocated. According to a government official, organisations such as the Justice, Development and Peace Commission (JDPC) periodically deploy lawyers to locations such as Lagos State and other locations to assist appellants appearing before the Refugee Appeal Board. These outreach efforts help to mitigate, but do not eliminate, the access challenges arising from the centralised organisation of Nigeria's asylum system.

By contrast, the regular courts are characterised by institutional decentralisation, featuring numerous divisions across various states. This structure can improve access to judicial review remedies for asylum seekers contesting administrative decisions, as they are able to file in courts that are nearer to their residence. The existing centralised framework for asylum adjudication in Nigeria heightens access issues for vulnerable groups, especially in remote regions, by imposing travel and financial burdens, restricting meaningful engagement in the process, and complicating the ability of legal advisors to offer effective assistance.

Regional Variation

- First instance judicial or quasi-judicial body/ bodies:

Nigeria's federal system does not result in regional differences in the adjudication of first-instance asylum cases. The Refugee Eligibility Committee functions as a standardised, centrally organised quasi-judicial entity under the NCFRMI. Its framework, responsibilities, and processes are consistent across the country, lacking any state or regional eligibility committees.

- Second instance judicial or quasi-judicial body/ bodies:

The Refugee Appeal Board is also centralised and consistent throughout the federation. There are no regional or state-level appeal entities, and the composition, authority, and procedures of the Board remain unchanged across states. Appeals originating from any part of Nigeria are managed by the same national organisation.

- Third instance judicial or quasi-judicial body/ bodies:

The judiciary is geographically decentralised in its institutions, yet it maintains a uniform structure and legal framework. The courts, especially the (Federal) High Court and the Court of Appeal, have several divisions across various states, enabling local filing of cases, including asylum-related judicial reviews, where necessary or if approached. Nevertheless, judges consistently apply the same constitutional and statutory framework throughout the country; there is no divergence in asylum-related jurisdiction or standards among the states. The Supreme Court, on the other hand, is centralised in Abuja.

Implications of Regional Variations in Judicial or Quasi-Judicial Structures for Asylum Adjudication

Despite Nigeria being a federation where states share political power with the central government, the process of asylum adjudication under the NCFRMI remains centralised at the federal level. As discussed in the foregoing part, the Eligibility Committee and Refugee Appeal Board function as national entities with a consistent structure and procedures throughout the federation, lacking any separate decision-making units at the state level for determining refugee status. All asylum applications and appeals are channelled through these singular national bodies instead of being allocated to regional panels.

Therefore, the advantages of political decentralisation, such as local responsiveness and customised procedural access, are not evident in the asylum adjudication framework. Refugees and asylum seekers are thus required to navigate a centralised administrative process, regardless of their location within Nigeria. The centralised nature of this structure has significant implications for accessing asylum. In federal systems where judicial or administrative bodies are decentralised, local units can enhance accessibility and resource allocation; however, such variation is lacking in Nigeria's asylum adjudication process. This situation effectively reproduces some of the disadvantages typically associated with centralised adjudication systems, particularly for applicants who are situated in remote or resource-constrained regions.

By contrast, Nigeria's judicial framework is characterised by decentralisation, featuring divisions of the Federal High Court and Court of Appeal across various states. This arrangement enhances geographical access to judicial review; if utilised appropriately, it can allow asylum seekers to challenge the legality of decisions closer to their places of residence. In summary, the centralised nature of Nigeria's refugee determination system within a federal framework restricts regional responsiveness, exacerbates geographical barriers to access, and consolidates substantive decision-making power at the federal level. Although judicial review at the federal level is geographically widespread.

D. Specialization

Institutional specialization on asylum

First instance judicial or quasi-judicial body/ bodies:

The Refugee Eligibility Committee is partially specialised. It serves as a quasi-judicial entity established specifically to evaluate claims for refugee status in accordance with the NCFRMI Act. Its responsibilities are limited to reviewing applications based on the definition of a refugee and relevant protection standards, necessitating a certain level of specialisation in asylum issues. However, it does not function as a specialised tribunal in the sense of possessing a distinct statutory framework separate from the NCFRMI structure, and its members do not engage in a recognised specialised judicial pathway like a refugee appeals court or tribunal found in certain jurisdictions. Neither specialised training requirements nor case allocation procedures are prescribed by legislation. Therefore, the Committee's level of specialisation depends largely on the expertise and experience of its members rather than on a formally institutionalised framework.

- Second instance judicial or quasi-judicial body/ bodies:

The Refugee Appeal Board is likewise a partially specialised body. It serves as a distinct appeal panel for asylum adjudication within the NCFRMI framework. It evaluates first-instance eligibility decisions concerning both factual and legal aspects, thereby assuming a quasi-specialised role centred on asylum. However, similar to the Eligibility Committee, it does not function as a fully autonomous or officially recognised specialised tribunal that possesses statutory assurances of independent judicial training, specialised panels, or dedicated docket management for asylum-related cases. Its specialisation is derived functionally from its mandate rather than from a more extensive structural separation or a professional asylum track.

- *Third instance judicial or quasi-judicial body/ bodies:*

At the third instance, i.e., the courts, they are not specialised in asylum matters. However, appeals related to asylum may take place within regular courts such as the Federal High Court, Court of Appeal, and Supreme Court. These institutions are generalist courts that possess jurisdiction over a broad spectrum of constitutional, administrative, and civil issues. There is no distinct division for refugees or a specific asylum docket; judges address asylum cases in conjunction with other legal matters and do not convene on specialised asylum benches. Although individual judges may cultivate expertise through their involvement with protection cases, the judicial system lacks formal specialisation in asylum adjudication, requisite training, or panels focused on asylum issues.

Specialized training in asylum

There exists a degree of access to specialised training concerning asylum adjudication in Nigeria; however, this access is restricted, lacking a systematic or mandatory approach, and is frequently provided through external partners instead of formal state institutions.

Specialised refugee status training via NCFRMI: The NCFRMI Digital Academy provides a specific Refugee Status Determination (RSD) training program designed to improve comprehension of the legal and procedural framework that governs asylum, which includes international standards such as the 1951 Convention, eligibility criteria, credibility assessment, and procedural fairness. This programme is aimed at officers, humanitarian actors, and stakeholders within the NCFRMI framework to strengthen institutional capacity in asylum adjudication, although it is not clarified whether participation is mandatory for members of the Eligibility Committee or Appeal Board.²²⁹

Training initiatives supported by UNHCR: UNHCR has engaged in capacity-building activities in Nigeria, primarily emphasising broader skills related to protection and access to justice, including asylum adjudication.²³⁰ For instance, it has facilitated training sessions for Eligibility Officers (Caseworkers), Eligibility and Appeal board members, including facilitating the participation of Nigerian judges and judicial officials in International Association of Refugee and Migration Judges (IARMJ) trainings and workshops,²³¹ which can indirectly facilitate access to justice for asylum seekers and other displaced individuals.

External training on human rights and protection: The National Human Rights Commission (NHRC), often in collaboration with UNHCR, provides training for personnel on human-rights-based methodologies for data collection and documentation concerning internally displaced persons (IDPs), asylum seekers, and refugees. This initiative can enhance the understanding of protection issues among local stakeholders, although it does not specifically address adjudication practices.²³²

In general, asylum adjudicators and related professionals have access to training relevant to asylum law and protection principles. However, this training is mainly facilitated through initiatives by NCFRMI and UNHCR, rather than through structured, mandatory programmes integrated into legal or administrative frameworks. There is a lack of clear evidence indicating that specialised training for members of the Eligibility Committee or Appeal Board is obligatory, nor is it consistently offered regularly. The availability

²²⁹ See NCFRMI Academy website. <<https://ncfrmiacademy.com/>> Accessed 04/07/2026

²³⁰ See UNHCR), 'UNHCR Trains Judges and Magistrates in Alternative Dispute Resolution' (26 July 2024) <<https://www.unhcr.org/ng/publications/unhcr-trains-judges-and-magistrates-alternative-dispute-resolution>> accessed 22 July 2026.

²³¹ See International Association of Refugee and Migration Judges (IARMJ) Africa Chapter, *IARMJ Africa Chapter Conference Final Agenda* (Arusha, Tanzania, 2022) <https://www.iarmj.org/images/Arusha_2022/IARMJ_Africa_Chapter_2022_Conference_Final_Agenda.pdf> accessed 21 July 2026.

²³² UNHCR), *Niger Factsheet: January–June 2025* (UNHCR, 2025) p.2 <<https://www.unhcr.org/sites/default/files/2025-10/factsheet%20-%20unhcr%20-%20niger%20-%20january-june%202025%20pdf.pdf>> accessed 22 July 2026.

of training seems to rely on project-based initiatives and support from external actors, rather than on formal state-mandated capacity building specifically aimed at asylum adjudication.

Variations in Specialisation and Expertise

The specialisation among adjudicators and professionals involved in asylum access adjudication in Nigeria is marked by inconsistency and is largely functional rather than institutionalised. At the administrative level, specialisation exists mainly because certain entities are assigned to address refugee matters; however, this is not consistently supported by mandatory training, established career paths, or formal accreditation in asylum law. As a result, expertise often depends on personal experiences, external training, or collaborations with international organisations rather than being embedded within institutional structures.

In the first and second instances, members of the Eligibility Committee and Refugee Appeal Board have some specialisation due to the requirement of the task, as they exclusively focus on refugee status determinations and appeals. Their continuous engagement with asylum claims fosters practical expertise, especially when training from UNHCR or the NCFRMI Academy on refugee law, credibility assessment, and procedural standards has been provided. Nevertheless, reports suggest that such training is project-based, non-mandatory, and not systematically repeated, leading to significant variations in specialisation levels among adjudicators over time.²³³

At the judicial level, specialisation is quite limited. Judges are generalists, addressing asylum-related judicial reviews alongside a broad spectrum of constitutional, commercial, and administrative issues. There are no dedicated asylum benches, court divisions, or docketing systems, nor is there any indication of obligatory asylum-specific judicial training. There are no opportunities for judges to acquire expertise through repeated exposure, especially as cases involving asylum decisions, asylum detention or *refoulement* rarely go to regular courts for hearing.

In summary, the framework for adjudicating asylum access in Nigeria reveals a partial and fragmented specialisation, exhibiting its strongest form at the quasi-judicial level while being least within the judiciary. The absence of mandatory training, specialised career paths, or institutionalised expertise in asylum matters undermines the consistent evaluation of the obstacles to accessing asylum and increases dependence on external organisations. This uneven specialisation results in discrepancies in decision quality and continues to impose structural disadvantages on asylum seekers lacking access to informed legal support.

Discrepancies between the specialization provided on paper and the actual specialization

- First instance judicial or quasi-judicial body/ bodies:

On paper, the Refugee Eligibility Committee serves as a specialised quasi-judicial entity tasked solely with conducting Refugee Status Determination in accordance with the NCFRMI Act. This statutory role implies a significant level of institutional expertise in asylum law and procedures. However, in practice, evidence suggests a disparity between the committee's mandate and its actual expertise. Members of the committee are appointed through executive means and are not legally required to have prior knowledge in asylum or refugee law.

Training related to asylum standards is neither mandatory nor uniform, often relying on periodic initiatives from the UNHCR or NCFRMI Academy, which leads to considerable variation in specialisation among members over time. Consequently, this results in a focus on functional rather than professional specialisation, where the quality of decisions is closely tied to individual experiences rather than the design of the institution.

- Second instance judicial or quasi-judicial body/ bodies:

In principle, the members of the Appeal Board have a considerable level of expertise related to asylum cases and a strong ability to review decisions made at first instance. However, in practice, the presence of

²³³ See NCFRMI Academy website. <<https://ncfrmiacademy.com/>> Accessed 4 July 2026

similar inconsistencies is observed at this level. Members of the Appeal Board do not constitute a permanent, professionalised judiciary devoted to asylum cases and may convene on an irregular basis. There is no legal obligation for members to possess asylum-specific qualifications or to engage in ongoing training, nor is there any evidence of specialised panels or internal regulations aimed at ensuring consistency.

Consequently, the Board's specialisation frequently relies on external legal aid contributions and technical input from UNHCR, rather than on internal expertise, thereby diminishing its ability to systematically rectify errors made at the first instance.

- *Third instance judicial or quasi-judicial body/bodies:*

Nigeria's regular courts lack specialisation in asylum matters, as these cases fall under general constitutional or administrative jurisdiction. As previously mentioned, while the courts operate with a generalist framework, judges may develop a *de facto* expertise through repeated exposure to cases related to asylum decisions, detention, deportation, and non-*refoulement*. However, this type of specialisation is informal, inconsistent, and could vary from one judge to another, rather than being derived from designated asylum divisions, specialised dockets, or institutional policies.

The Implications of The (Lack Of) Specialization for Asylum Access Adjudication

At first instance, the partial and uneven specialisation of the Eligibility Committee and Refugee Appeal Board significantly impacts the quality of decisions made. Although these entities are ostensibly focused on asylum matters, the lack of obligatory, ongoing training and professional asylum expertise results in an inconsistent application of refugee law standards. This inconsistency is particularly evident in areas such as credibility assessments, the interpretation of grounds for persecution, and the evaluation of information from countries of origin.

Sources from UNHCR and various NGOs consistently highlight that the outcomes of cases may heavily rely on the specific composition of decision-making panels and the quality of submissions from legal representatives, rather than on a stable foundation of institutional expertise. Such variability undermines predictability and legal certainty for asylum seekers, potentially leading to incorrect refusals that create additional barriers to accessing asylum, particularly in complex cases. The impact of limited specialisation on barriers to asylum is particularly evident when procedural exclusions are at play, such as inadequate documentation or the expedited processing of claims. Adjudicators who lack a strong background in asylum law may place undue emphasis on formal shortcomings rather than adhering to protection-focused principles, such as the benefit of the doubt or the non-penalisation of irregular entry.

By contrast, barriers associated with detention or deportation are generally subjected to more thorough examination during the judicial review process, where generalist judges apply constitutional and human rights law, areas in which they have relatively greater expertise. This leads to a fragmented system in which substantive aspects of refugee law suffer more significantly from a lack of specialisation compared to broader legal issues. At the level of regular courts, the absence of asylum specialisation restricts the extent of engagement with norms specific to refugees. While courts enjoy significant constitutional independence, considering the substantial lack of specialisation, judges would generally consider asylum cases from the perspective of administrative or fundamental rights law instead of treating refugee law as a separate discipline. Therefore, judicial examination would emphasise procedural legality over substantive protection, which may result in unaddressed systemic errors in asylum decision-making.

The absence of institutionalised specialisation within Nigeria's asylum adjudication framework diminishes both quality and consistency, leading to an increased dependence on external entities, particularly UNHCR and NGOs, to provide legal expertise that should ideally be integrated within the adjudicative bodies themselves. This fragmentation disproportionately impacts asylum seekers with complex or procedurally vulnerable claims and undermines the system's ability to systematically identify and eliminate barriers to accessing asylum. Enhancing specialisation through compulsory training, professionalised adjudicator

roles, and asylum-focused procedural guidance would likely improve accuracy, consistency, and fairness throughout all phases of asylum access adjudication.

E. Human resources

Profile of the group of adjudicators

- First instance judicial or quasi-judicial body/ bodies:

Professional characteristics: The Eligibility Committee consists of appointed individuals who function as a quasi-judicial panel dedicated to determining refugee status. Typically, the members are administrative officials or professionals assigned to the NCFRMI, rather than judges from the judiciary. This group may include legal officers, administrators, or those with expertise in migration or humanitarian protection; however, there is no legal obligation for all members to possess specialisation in asylum law. The governing framework, the NCFRMI Act, stipulates their appointment but does not delineate specific professional qualifications such as mandatory legal credentials or a requisite number of years in judicial roles.

Socio-demographic characteristics: Public records do not consistently document demographic details such as gender distribution or age among committee members. The committees comprise a diverse assembly of civil servants and professionals, with involvement from both women and men, contingent upon appointment cycles and project-specific expert participation. Given that appointments are administrative in nature, the socio-demographic profiles mirror the overall composition of the civil service rather than adhering to specific gender or diversity quotas.

Number of adjudicators: The legislation does not establish a definitive number of members for the Eligibility Committee; instead, the committee assembles panels from a larger pool as required. In practice, panels typically consist of 3 to 5 members. Fluctuations in operational capacity imply that the number of active adjudicators may vary over time.

- Second instance judicial or quasi-judicial body/ bodies:

Professional characteristics: Like the Eligibility Committee, the Refugee Appeal Board is made up of appointed individuals, usually appointed from government agencies. Typically, these members are civil servants possessing administrative or legal expertise, although they are not necessarily professional judges unless a specific member holds distinct qualifications. The leadership or membership of the Board may feature lawyers; however, there is no stipulation that mandates all members to be trained judges.²³⁴

Socio-demographic characteristics: Centralised publication of specific demographic information is lacking. The composition of the Board is shaped by appointments from the federal executive and often mirrors the wider civil service demographic. Gender representation can fluctuate with each appointment cycle.

Number of adjudicators: The number of members on the Appeal Board is not established by statute but is drawn from a national roster that is convened as necessary. Typically, panels are composed of 3 to 5 members during appeal hearings.

- Third instance judicial or quasi-judicial body/ bodies:

Professional characteristics: At this level, cases related to asylum are adjudicated by professional judges who are part of the judiciary. As discussed in the foregoing parts, at the (Federal) High Court level, Judges in this court are experienced legal professionals appointed through constitutional means, possessing a wealth of legal expertise. At the Court of Appeal and Supreme Court levels, Judges serving at these levels are among the most senior legal authorities in Nigeria, with decades of experience in legal and judicial practice. Judicial review concerning asylum issues is conducted in conjunction with other constitutional, administrative, and civil matters; there are no separate adjudicators who are not judges at this level.

²³⁴ See Sec 15, NCFRMI Act 2022.

Socio-demographic characteristics: Historically, the Nigerian judiciary has been predominantly male, although recent progressive appointments have led to an increase in female representation.²³⁵ While specific data regarding gender balance for judges with asylum expertise is not provided the National of Bureau of statistics' report on gender in the judiciary,²³⁶ perhaps due to the negligible number of asylum cases that go to regular courts, statistics from the judiciary indicate a gradual diversification generally within senior positions.

Number of adjudicators: Each court comprises multiple judges who preside over divisions across the nation:

- Federal High Court: Multiple judges are assigned to various state divisions and can typically hear a case with at least one judge.²³⁷
- Court of Appeal: Appeals are typically heard by panels consisting of three justices.²³⁸
- Supreme Court: Final appeals are heard by panels of five or more justices.²³⁹

Selection and appointment

- *First instance judicial or quasi-judicial body/ bodies:*

Adjudicators serving on the Refugee Eligibility Committee are appointed through administrative means as stipulated by the NCFRMI Act. No process for appointment is constitutional or judicial; rather, Members are appointed by the executive. Appointments frequently originate from within relevant government departments, and there is no legal obligation for specific professional qualifications in asylum law. The Commission, along with relevant executive instruments, determines the tenure, term limits, and conditions of service, rather than these being governed by independent judicial oversight. The process is led by the executive, indicating that adjudicators serve at the discretion of the appointing authority and may be replaced or rotated based on administrative decisions.

- *Second instance judicial or quasi-judicial body/ bodies:*

The process of appointing individuals to the Refugee Appeal Board adheres to a comparable framework. Members of the Board are appointed by the Federal Government, typically through the Secretary to the Government of the Federation, often in collaboration with the Attorney-General and the leadership of the NCFRMI.

Board members are sourced from professionals possessing relevant expertise, such as law, human rights, and public administration, although legal credentials or specialised knowledge in asylum matters are not mandated by law. The appointments are administrative in nature, lacking a legislative confirmation procedure or tenure safeguards akin to those found in the judiciary.

- *Third instance judicial or quasi-judicial body/ bodies:*

In the context of the judiciary, High Judges are appointed by the State Government on the recommendations made by the National Judicial Council (NJC), with their appointments subsequently confirmed by the State's House of Assembly.²⁴⁰ While for Federal High Court Judges, they are appointed by the President of Nigeria, based on the recommendations made by the NJC, with their appointments subsequently confirmed by the Senate.²⁴¹ Similarly, judges of the Court of Appeal²⁴² and the Supreme

²³⁵ National Bureau of Statistics, *Statistical Report on Women and Men in Nigeria 2022* (National Bureau of Statistics, April 2024) pp 67-69.

²³⁶ See *Ibid*

²³⁷ Sec 253, Constitution of Nigeria 1999

²³⁸ Sec 239, *Ibid*

²³⁹ Sec 234, *Ibid*

²⁴⁰ Sec 271, Constitution of Nigeria 1999.

²⁴¹ Sec 250, *Ibid*

²⁴² Sec 238, *Ibid*

Court undergo a comparable appointment procedure. They are nominated by the President following NJC recommendations, and their appointments are also subject to Senate confirmation.²⁴³

Judges benefit from constitutional protections regarding their tenure, which can only be terminated through a rigorous process that necessitates evidence of misconduct or incapacity. This structured process is designed to uphold judicial independence and maintain a clear separation from the executive branch, thereby differentiating it from the appointment methods utilised by quasi-judicial asylum institutions.

Clerks, or experts supporting the adjudication function

- First instance judicial or quasi-judicial body/ bodies:

The Eligibility Committee is composed of representatives from various government ministries, immigration and security agencies, an expert from a non-governmental organisation, and an observer from the UNHCR. According to the law, the Commission serves as the Secretariat for the Committee, indicating that administrative support, such as clerical and secretarial functions, is supplied by NCFRMI staff.

Nevertheless, the statute does not outline the presence of dedicated adjudication clerks, legal assistants, or subject-matter experts who are formally assigned to decision panels, nor does it detail their appointment, qualifications, or specific responsibilities. The existing documentation primarily addresses the composition of the committee rather than the roles of staff in the adjudication process.

- Second instance judicial or quasi-judicial body/ bodies:

The Appeal Board is likewise assisted by NCFRMI, which serves as its secretariat, indicating that regular administrative tasks, such as scheduling, record-keeping, and notifications, are managed by personnel from the Commission. The composition of the Board is established by law, consisting of three legal officers and one expert in refugee matters, and the proceedings may involve the UNHCR representative providing oral or written submissions.²⁴⁴ The Act does not provide for formal clerks, legal researchers, interpreters, or any other support staff for adjudication associated with the Board as a separate entity, nor does it specify the procedures for appointing such support personnel.

- Third instance judicial or quasi-judicial body/ bodies:

Under the Nigerian asylum system, there is no distinct third-instance asylum tribunal. Final administrative appeals are conducted before the Refugee Appeals Board, and if applicants are unsuccessful, they may pursue judicial review in the regular courts, based on constitutional or administrative law grounds. The courts are equipped with their own registrars and clerks as part of the judicial framework; however, these personnel are general court staff and do not hold asylum-specific support roles. Furthermore, there is no established group of asylum experts formally associated with the courts to assist in the adjudication of RSD cases.

Interpretation service

The NCFRMI Act does not make a provision for interpretation services for the quasi-judicial asylum bodies. In practice, interpretation is available where necessary because asylum seekers in Nigeria originate from a wide range of countries, including Cameroon, Sudan and the Central African Republic, and many do not speak English. According to UNHCR, refugee status determination interviews are conducted with interpretation where required to enable applicants to present their claims effectively.²⁴⁵

Therefore, in the absence of a formal legislation permit the use and funding of interpretation service in the asylum system in Nigeria, it can be concluded that iinterpretation is provided on a practical basis when needed.

²⁴³ Sec 231, *Ibid*

²⁴⁴ Sec 15, NCFRMI Act 2021.

²⁴⁵ UNHCR, Asylum and Refugee Status (UNHCR Nigeria) < <https://help.unhcr.org/nigeria/asylum-and-refugee-status/> >

Quality and availability of human resources

Constraints in human resources and capacity: Nigeria's refugee protection system continues to manage a substantial volume of applications. As of July 2026, more than 2,300 asylum claims remained under processing, while approximately 13,700 individuals were awaiting registration.²⁴⁶ These figures reflect that the influx of new arrivals continues to surpass the capacity of NCFRMI staff to register and process them. Reports indicate that delays of several weeks or even months in registration are associated with staffing constraints and logistical difficulties.

Gaps in specialisation and expertise: While Nigeria has trained refugee status determination and Eligibility Officers stationed in various field offices, publicly accessible information does not clearly outline the number of adjudicators, their expertise in asylum law, or the systematic professional development opportunities available for RSD. According to an official from NCFRMI, due to the centralisation of eligibility decisions in Abuja and the fact that many urban refugees enter and reside in Lagos, it can be concluded that the technical capacity for RSD is concentrated in Abuja and Lagos, leaving field offices without sufficient personnel experienced in RSD, which hindered processing times and escalated costs for applicants.

High caseload in relation to available resources: As stated above, the figures from UNHCR Nigeria²⁴⁷ shows a considerable administrative demand placed on the system. Although ongoing efforts have been made to strengthen registration and case processing procedures, the scale of the caseload highlights the importance of continued investment in institutional capacity to ensure timely and effective RSD. While support from UNHCR is intended to strengthen national RSD capacity, there is a lack of publicly documented data regarding formal adjudicator staffing levels, the frequency of training, and specialised interpretation assistance. The NCFRMI notes that staffing arrangements are influenced by periodic civil service rotations and transfers.

Implications of human resources in judicial bodies responsible for asylum access

i. Shortages of Human Resources and Procedural Impact

Implications of backlogs and delays: Nigeria's refugee protection framework, administered by the NCFRMI, operates within a complex environment characterised by the need to assist refugees, asylum seekers, IDPs, returnees, and other persons of concern. The scope of these responsibilities, places considerable demands on institutional capacity. A considerable number of asylum seekers remain unregistered or are in a state of waiting for processing due to the insufficient number of Commission staff and their uneven distribution across various states.²⁴⁸ This situation results in extended waiting periods for registration, individual interviews, and final decisions. Consequently, these delays place asylum seekers at risk of detention and obstruct their access to necessary protection. The existence of a backlog comprising tens of thousands of unregistered asylum seekers, coupled with the limited capacity of NCFRMI, suggests a direct link between the scarcity of human resources and the procedural delays encountered in the adjudication process.

Absence of documented interpreter capacity: Current sources lack comprehensive evidence regarding the availability and professional standards of interpreters utilised during status determination interviews or appeals. Although interpretation services are reportedly provided as required, there is no publicly accessible data detailing the quantity, training, certification, or specialisation of interpreters engaged by NCFRMI. This deficiency in formalised interpreter resources may compromise effective communication during hearings and adversely impact the credibility assessments of claims, particularly in complex cases.

²⁴⁶ See UNHCR, *Refugees & Asylum-seekers in Nigeria: 1 July 2026* (UNHCR, 1 July 2026).

²⁴⁷ UNHCR, *Refugees & Asylum-seekers in Nigeria: 1 July 2026* (UNHCR, 1 July 2026).

²⁴⁸ *Ibid*

ii. Selection, Specialisation, and Professional Background

Absence of clear selection and specialisation frameworks: The appointment of members of the Eligibility Committee and Refugee Appeal Board is governed by administrative procedures outlined in the NCFRMI Act. However, public documentation fails to specify the criteria for their appointment, the necessary professional background, or the standards for specialisation. There is no available evidence indicating that adjudicators are selected based on substantial expertise in refugee law or adjudication methodologies. This deficiency in documented specialisation pathways has significant implications for decision-making: adjudicators lacking targeted expertise may apply inconsistent standards, interpret protection grounds in varying ways, and be more prone to procedural mistakes.

While little public information is available regarding the professional training of refugee status determination officials in Nigeria, international experience shows that asylum adjudication is a highly specialised function. UNHCR and other international actors have consistently emphasised the importance of targeted training in refugee law, credibility assessment, interviewing techniques, and COI analysis. Strengthening specialised training and professional development would align with internationally recognised standards and help promote high-quality and consistent adjudication.

iii. Overall Implications for Adjudication Quality

Adverse procedural outcomes: The interplay of limited human resources, unclear training or specialisation protocols, and unrecorded interpreter capabilities has tangible repercussions for asylum access in Nigeria. They could lead to prolonged processing times, and backlogs hinder timely access to protection; possible miscommunication or misunderstanding during hearings compromises fair adjudication; inconsistent decision-making may arise from adjudicators who lack specialised knowledge in refugee law.

iv. Gaps in Available Research

There is a lack of comprehensive data in both publicly accessible and academic resources regarding the actual number of adjudicators, interpreters, support personnel, and their qualifications within Nigeria's asylum adjudication bodies. No empirical research has established a direct correlation between the characteristics of adjudicators, such as gender and legal background, and their decision-making patterns in Nigeria. According to an NCFRMI official, while interpretation services are mentioned in procedural guidelines, there is no regulation concerning professional standards or quality control measures.

While detailed information on institutional practices remains limited, the effects of existing human resource constraints are apparent. Challenges such as staffing shortages, unclear appointment procedures, and limited opportunities for specialisation can contribute to delays in decision-making, communication difficulties, and variations in the quality of adjudication. Addressing these issues through more transparent appointment processes, targeted specialist training, and access to qualified professional interpreters would not only strengthen procedural efficiency but also enhance the consistency and fairness of decision-making. Such measures align with internationally recognised good practices in refugee status determination and administrative justice.

Implications of Adjudicators' Characteristics and Appointment Systems for Asylum Adjudication

There is a significant lack of Nigeria-specific research examining how the characteristics of adjudicators, such as gender and background, or the systems used for their appointment, affect the adjudication of asylum access. The existing literature only outlines the formal structure of the Eligibility Committee and Appeal Board, failing to examine the selection criteria, term limits, training requirements, or measures ensuring independence and specialisation. Furthermore, there is an absence of empirical evidence regarding how these elements impact outcomes. Given that the appointment process is predominantly administrative and lacks transparency, the potential consequences are indirect. Insufficient specialisation, restricted independence, and uneven expertise may lead to inconsistent decision-making and inadequate procedural guarantees, especially during the initial stages.

Although there is limited scholarship examining refugee status determination bodies in Nigeria specifically, comparative research on asylum adjudication suggests that decision-maker characteristics, including professional background, experience, and, in some contexts, gender, may influence credibility assessments and protection outcomes. Studies have identified substantial variations in asylum decisions attributable to differences between adjudicators rather than solely to the facts of individual claims. The literature further indicates that structured appointment processes, specialised training, and institutional safeguards can improve consistency, accountability, and procedural fairness in refugee status determination.²⁴⁹ However, in the context of Nigeria, there is insufficient evidence demonstrating that these dynamics are at play, leaving the impact of adjudicator characteristics on asylum access adjudication poorly documented and ambiguous.

F. Tools supporting adjudication

Key organizational tools supporting asylum adjudication

- First instance judicial or quasi-judicial body/ bodies:

Internal procedures and case management: The Eligibility Committee functions according to the written RSD procedures established by NCFRMI, which direct the processes of case intake, interviews, assessments, and the documentation of decisions. These internal guidelines are instrumental in organising workflows and ensuring uniformity in the handling of claims.

Information exchange and technical support: Collaborative agreements with UNHCR facilitate access to COI, legal standards, training resources, and technical advice regarding international protection norms. UNHCR consistently supplies thematic updates, and COI briefs that adjudicators utilise to enhance credibility and risk evaluations.

Collaboration with external actors: The Committee collaborates with civil society organisations and legal aid partners, such as the JDPC, which aid in outreach, case preparation, and documentation support for asylum seekers at the appeal stage, thereby enhancing the quality of submissions and fostering informed adjudication.

Data systems: Case files and records are preserved within NCFRMI's administrative framework; although it does not constitute a formally interoperable digital platform, it serves as a central repository for asylum decisions and accompanying documentation.

- Second instance judicial or quasi-judicial body/ bodies:

Appeal procedures and case tools: The Refugee Appeal Board utilises the procedural instruments provided by NCFRMI for handling appeals, which comprise filing guidelines, timelines, and processes for evidence collation. These tools serve to standardise the processing of appeals.

Information sharing with first instance: A formal exchange of case files and decisions from the first instance occurs between the Eligibility Committee and the Appeal Board, which ensures the continuity of information and mitigates the risk of duplicative fact-finding.

External support frameworks: Like the Eligibility Committee, the Board gains advantages from UNHCR's technical briefings, resources on Country-of-Origin Information (COI), and guidance regarding protection principles, all of which contribute to a supplementary knowledge base for adjudicators.

Linkages with civil society and legal aid partners: Civil society organisations and legal aid providers support appellants by facilitating access to legal assistance, preparing submissions, and collecting evidence. Although their involvement is generally indirect, these actors contribute to the quality of information

²⁴⁹ Jaya Ramji-Nogales, Andrew I. Schoenholtz & Philip G. Schrag, *Refugee Roulette: Disparities in Asylum Adjudication*, 60 *Stanford Law Review* 295 (2007). pp. 319-349; UNHCR, *Beyond Proof: Credibility Assessment in EU Asylum Systems* (May 2013) pp. 75-77; See Jane Herlihy, Kate Gleeson, Stuart Turner, What Assumptions about Human Behaviour Underlie Asylum Judgments?, *International Journal of Refugee Law*, Volume 22, Issue 3, October 2010

available during the appeals process and may strengthen access to procedural justice for asylum seekers and refugees.

- *Third instance judicial or quasi-judicial body/ bodies:*

Judicial case management tools: Nigerian courts increasingly utilise the Nigeria Case Management System (NCMS) and associated electronic filing platforms to organise case files, manage court records, track proceedings, and schedule hearings.²⁵⁰ These systems operate alongside procedural rules,²⁵¹ including provisions for electronic filing and case management, thereby facilitating the efficient administration of judicial review and other administrative law proceedings.

Legal research and precedent databases: Judges and clerks depend on judicial libraries and online legal databases to obtain access to statutes, case law, and scholarly analyses. This access enhances adjudication by supplying relevant precedent and legal interpretation tools pertinent to issues surrounding asylum access.

Collaborative networks: The judiciary collaborates with judicial training institutes, such as the Nigerian Institute of Advanced Legal Studies, to provide ongoing education on topics related to human rights and administrative law.²⁵² While these forums are not specifically focused on asylum, they serve as platforms for the exchange of information regarding the protection of rights and the maintenance of procedural fairness.

Information sharing in litigation: During judicial review, as it does with other government agencies, the courts can obtain official records from the NCFRMI and submissions from involved parties. The formal process of filing and affidavit exchange guarantees that courts have access to the administrative record, which serves as a vital organisational tool for lawful oversight.

Functioning, role, and implementation of IT tools

- *First instance judicial or quasi-judicial body/ bodies:* According to a UNHCR staff member, the NCFRMI uses the UNHCR's Profile Global Registration System (proGres) for electronic registration and identity management of refugees and asylum seekers. While the NCFRMI independently issues documentation for refugees and asylum seekers without relying on proGres, it occasionally utilises proGres for this purpose. These systems enhance first-instance adjudication by facilitating identification, file retrieval, and minimising duplicate records.
- *Second instance judicial or quasi-judicial body/ bodies:* There is no separate system for the Appeal Board. The NCFRMI act as secretariate for both the Eligibility Committee and the Appeal Board, and same tool i.e., proGres data management system is used.
- *Third instance judicial or quasi-judicial body/ bodies:* Nigerian courts are increasingly relying on digital tools to support case administration. The National Judicial Council has introduced the Nigeria Case Management System (NCMS) and its Electronic Filing (e-Filing) Platform, which enables online filing of court processes, electronic payment, digital document management, case tracking and electronic communication in participating superior courts,²⁵³ which could be very help in asylum adjudication.

As there has been only one known asylum litigation case in Nigeria, the extent to which asylum-related litigation benefits from these tools cannot be properly addressed.

²⁵⁰ National Judicial Council of Nigeria. *Nigeria Case Management System (NCMS)*. <<https://ncms.courts.gov.ng/>> Accessed 23 July 2026

²⁵¹ Federal High Court (Civil Procedure) Rules 2019

²⁵² National Judicial Institute. *National Judicial Institute, Nigeria*. <<https://nji.gov.ng/>> Accessed 23 July 2026.

²⁵³ National Judicial Council, *National Court Management System (NCMS) E-Filing Portal* <<https://efiling.courts.gov.ng/#/home>> accessed 1 April 2026.

G. Management

Judicial bodies' managers and middle managers

- First instance judicial or quasi-judicial body/ bodies:

At the managerial level, the Refugee Eligibility Committee is chaired by the Permanent Secretary of the Federal Ministry responsible for Foreign Affairs, or a representative not below the rank of Director.²⁵⁴ The Chairperson presides over the Committee's meetings and hearings and is responsible for its overall administration. Key responsibilities include convening Committee meetings and refugee status determination hearings, allocating cases and responsibilities among Committee members, ensuring that proceedings comply with the applicable legal and procedural framework, and overseeing the timely preparation, recording, and communication of reasoned decisions in accordance with the statutory requirements.

According to a government source, there is a Secretary/Administrative Coordinator, a senior administrative officer within NCFRMI, supporting the Eligibility Committee, his role could be considered as a managerial or middle manager role considering he manages the documentation and reports of the committees. His functions include coordinate scheduling of interviews and committee sittings; managing the flow of case files to and from committee members; support and ensure communication with applicants and legal representatives.

RSD Officers/Caseworkers are administrative staff assigned to support the Eligibility Committee. Their functions include preparing case files, documentation, and evidence for committee review; maintaining records and archives for ongoing and concluded RSD cases; facilitating basic IT support for document access and exchange.

- Second instance judicial or quasi-judicial body/ bodies:

At the manager level, there is the Chairperson of the Refugee Appeal Board is a senior appointed individual, not below the rank of a director, designated to oversee appeal proceedings; typically possessing a background in administrative decision-making or legal matters, appointed by the Federal Government.²⁵⁵ The functions of the chairperson include presiding over appeal hearings; assigning members to panels; ensuring a quorum; overseeing substantive review of first instance decisions; ensuring the Appeal Board's procedural rules are adhered to; and ensuring decisions are documented accurately.

Same Secretariat/Coordinator who serves the Eligibility Committee, serves the Appeal Board. Like at the first instance, he is tasked with supporting the Appeal Board. The functions of the secretary or coordinator are to coordinate appeal filings, schedules, and deadlines; interface with stakeholders for documentation submissions; and prepare and distribute hearing notices to parties and board members. Again, same RSD Officers/Caseworkers who prepare cases at the first instance provided administrative support to the appeals workflow.

- Third instance judicial or quasi-judicial body/ bodies:

Judicial management in Nigeria is characterised by a structured and formal administrative framework in which managerial responsibilities are allocated according to judicial rank, legal mandates, and institutional protocols. Key managerial actors include Chief Magistrates, Court Presidents, and Chief Judges, who exercise oversight over court administration, case management, judicial assignments, and the overall performance of the courts under their jurisdiction.²⁵⁶

At the Federal High Court, the Chief Judge provides overall leadership for the Court across all its divisions. The Chief Judge is responsible for the administration of the Court, including the assignment and

²⁵⁴ Sec 14, NCFRMI Act 2022.

²⁵⁵ Sec 15, NCFRMI Act 2022.

²⁵⁶ See Sec 248, 253, 265, 274 Constitution of Nigeria 1999

distribution of cases, oversight of judicial administration, and matters relating to judicial discipline.²⁵⁷ At the Court of Appeal, the President of the Court of Appeal heads the Court, constitutes and assigns judicial panels, and exercises administrative oversight over its divisions.²⁵⁸ At the Supreme Court, the Chief Justice of Nigeria serves as the head of the Nigerian judiciary, overseeing the administration of the Supreme Court, assigning cases and judicial panels, and exercising overall responsibility for judicial administration and judicial conduct throughout the judiciary.²⁵⁹

The tasks across all levels include administering court operations, including case flow management, docket control, and the assignment of judicial officers to cases; ensuring that judicial procedures comply with constitutional mandates and procedural laws; supervising judicial support personnel and enforcing standards of judicial ethics. At all levels of court, the Registrars are middle managers, who are professional court administrators and manages the work of the last level of court administrators such as the Clerks of Court. The clerks, under the supervision of Registrars, managing filings, maintaining records, issuing court orders, coordinating scheduling, notifying parties of hearings, and distributing judgments.

Direct or indirect influence on asylum access adjudication

- First instance judicial or quasi-judicial body/ bodies:

The first-instance, there is no evidence that managers or senior officials directly interfere with the substantive assessment of individual asylum claims, they may exercise indirect influence over asylum adjudication through the management of institutional processes.

The Federal Commissioner of the NCFRMI oversees the administrative framework within which the Eligibility Committee operates, while the Committee itself is chaired by a senior official from the Ministry of Foreign Affairs and composed of representatives from key government institutions.²⁶⁰ Consequently, management decisions concerning the scheduling of Eligibility Committee meetings, allocation of financial and human resources, deployment of Refugee Status Determination (RSD) Officers, and coordination among participating agencies have a direct impact on the speed and effectiveness of asylum adjudication.

As discussed in the preceding sections, what impacts decisions are delays in asylum processing resulting from infrequent sittings of the Refugee Eligibility Committee, shortages of trained personnel, inadequate funding, and the centralisation of decision-making in Abuja. These institutional and administrative challenges have a substantial impact on applicants' ability to obtain timely decisions. However, there is no indication that they influence the substantive outcome of individual asylum claims. According to an official, there is neither a formal assessment of adjudicators, nor are they rewarded, or promoted based on either the content or volume of their refugee status determinations. Instead, their career advancement appears to follow the standard civil service framework applicable to officials within the relevant ministries and government agencies..

- Second instance judicial or quasi-judicial body/ bodies:

The Appeal Board similarly operates within the institutional framework of the NCFRMI and is constituted by the Minister of Humanitarian Affairs in consultation with the Attorney-General of the Federation.²⁶¹ As with the Eligibility Committee, there is no evidence of managerial involvement in directing the merits of appeal decisions.

Management nevertheless exerts an important indirect influence through administrative oversight. The frequency with which the Appeal Board is convened, the availability of administrative support, budgetary allocations, and coordination of Board members largely determine how quickly appeals are heard. As discussed in Part 1, the Appeal Board may meet only once annually or, in some instances, once every two

²⁵⁷ Sec 249-254 *Ibid*

²⁵⁸ Sec 237-248, *Ibid*

²⁵⁹ Sec 230-236, *Ibid*

²⁶⁰ Sec 14, NCFRMI Act 2022.

²⁶¹ Sec 15, *Ibid*

years, resulting in substantial delays for applicants seeking review of negative decisions. These delays are attributable primarily to administrative and institutional management rather than judicial discretion.

There is also no indication that members of the Appeal Board are assessed against performance indicators linked to asylum outcomes or that managerial authorities influence their legal reasoning. Their appointment and service are determined by the statutory framework established under the NCFRMI Act, while their primary responsibility remains the independent review of first-instance decisions.

- *Third instance judicial or quasi-judicial body/ bodies:*

Nigeria does not have a specialised third-instance asylum tribunal. Should asylum-related matters proceed to the Federal High Court, and subsequently to the Court of Appeal or, exceptionally, the Supreme Court, judicial management follows the ordinary administration of the Nigerian judiciary.

Court administrators and heads of courts may indirectly influence asylum litigation through case assignment, scheduling, docket management, and overall allocation of judicial resources.²⁶² However, judicial independence is constitutionally protected,²⁶³ and there is no evidence that court management will influence the substantive determination of asylum-related disputes or evaluates judges based on the content of their decisions. Career progression, judicial appointments, promotion, and discipline are governed principally by the constitutional framework and the National Judicial Council (NJC).²⁶⁴ Overall, managerial influence at the judicial level is therefore procedural and administrative rather than substantive. Delays in litigation may result from broader challenges affecting the Nigerian justice system, including congested court dockets, limited judicial resources, and administrative inefficiencies, but there is no evidence that managers directly shape judicial outcomes in asylum cases.

Professional performance measures

- *First instance judicial or quasi-judicial body/ bodies:*

According to a government official, there are no legally prescribed professional performance indicators specifically designed to evaluate the performance of members of the Refugee Eligibility Committee in relation to asylum adjudication. Neither the NCFRMI Act nor the available Standard Operating Procedures for Refugee Status Determination establish measurable benchmarks such as targets for the number of decisions, quality assurance reviews, reversal rates, or timeliness of individual adjudicators. Committee members primarily perform asylum adjudication as an additional responsibility alongside their substantive positions within their respective ministries and agencies, rather than as full-time asylum adjudicators.

Although formal individual performance measures are absent, the asylum system is subject to indirect institutional expectations. The NCFRMI, supported technically by UNHCR, seeks to complete refugee status determination within approximately 90 days and aims to convene the Eligibility Committee several times each year. However, as discussed, these objectives are frequently not achieved because of funding constraints, limited numbers of trained RSD Officers, scheduling difficulties among Committee members drawn from different institutions, and broader administrative capacity limitations. Consequently, performance is influenced more by institutional resource constraints than by individual accountability mechanisms.

The absence of formal performance indicators has both advantages and disadvantages for asylum adjudication. On the one hand, the lack of productivity-based targets reduces the risk that Committee members will prioritise the rapid disposal of cases over a thorough examination of the facts and applicable law. This may support more careful and individualised decision-making, particularly in complex protection

²⁶² See Hon Justice Comfort Chinyere Ani, *Case Management: Tracking and Managing Cases to Disposition* (National Judicial Institute, 2025) <https://nji.gov.ng/assets/publication/Session-8-CASE-MANAGEMENT-TRACKING-AND-MANAGING-CASES-TO-DISPOSITION.pdf> accessed 21 July 2026

²⁶³ Sec 17(2)(e), Constitution of Nigeria 1999

²⁶⁴ Sec153, 158, 231-296 & Part I of the Third Schedule, *Ibid*.

claims that require detailed credibility assessments and analysis of country-of-origin information. On the other hand, the absence of structured performance monitoring and accountability mechanisms can contribute to inefficiency, inconsistency, and delays in the processing of asylum applications.

As noted in UNHCR reports, many applications remain pending even after interviews have been completed because Refugee Eligibility Committee meetings are not convened regularly.²⁶⁵ Consequently, asylum seekers may face prolonged periods of legal uncertainty while awaiting a final determination. Such delays can also increase their vulnerability to arrest or detention due to the absence of recognised documentation, thereby undermining effective access to international protection in practice.²⁶⁶

- *Second instance judicial or quasi-judicial body/ bodies:*

Similarly, no evidence suggests the existence of formal professional performance measures governing members of the Refugee Appeal Board. The NCFRMI Act establishes the composition, jurisdiction, and powers of the Appeal Board but does not prescribe performance standards relating to the quality, consistency, or timeliness of appellate decisions, nor does it provide for regular evaluation of Board members based on adjudicative outcomes.

In practice, the Appeal Board appears to face many of the same institutional constraints affecting the Eligibility Committee. The Board sits infrequently, reportedly sometimes only once annually or even less frequently, largely because of financial, administrative, and logistical limitations rather than individual performance. Consequently, the effectiveness of appellate review depends more on institutional capacity than on measurable professional performance.

The absence of formal performance assessment has both positive and negative implications. From an independence perspective, Board members are less likely to experience pressure to dispose of appeals rapidly or achieve predetermined productivity targets that could compromise careful legal scrutiny. However, the absence of structured quality assurance, peer review, or case management indicators also reduces opportunities to identify inconsistent jurisprudence, improve institutional learning, or promote greater uniformity in refugee status determination. Furthermore, lengthy delays in determining appeals diminish the effectiveness of appellate protection and prolong uncertainty for unsuccessful asylum applicants awaiting final decisions.

- *Third instance judicial or quasi-judicial body/ bodies:*

Nigeria does not have a specialised third-instance asylum tribunal. Where asylum-related matters reach the judicial system, particularly through judicial review before the Federal High Court, judges are subject to the general performance and ethical framework applicable to all judicial officers rather than asylum-specific performance measures.

As discussed in the foregoing part, judicial officers are constitutionally protected through guarantees of judicial independence and are regulated by the NJC, which oversees judicial discipline, appointments, and ethical standards. Because asylum cases constitute are rarely in the cause list of the courts, judges generally do not develop institutional expertise in refugee law.

H. Caseload and delays

Caseload of judicial bodies responsible for asylum access adjudication

- *First instance judicial or quasi-judicial body/ bodies:*

The Refugee Eligibility Committee bears the largest asylum adjudication caseload, as it is the primary body responsible for determining all refugee status applications at first instance. Although Nigeria hosts a

²⁶⁵ UNHCR, *UNHCR Nigeria Refugees & Asylum-Seekers – 1 February 2025* (1 February 2025), available at: [UNHCR Nigeria Refugees & Asylum-Seekers](https://reporting.unhcr.org/files/2023-06/WA-%20Nigeria.pdf) (accessed 21 July 2026).

²⁶⁶ See UNHCR Nigeria, *Annual Results Report 2022 Nigeria* at 12, available at <https://reporting.unhcr.org/files/2023-06/WA-%20Nigeria.pdf> [last accessed 18 August 2025].

relatively small refugee and asylum seeker population, the Committee continues to face a substantial workload because all asylum applications are centralised within a single national determination system coordinated by the NCFRMI. In recent years, the majority of new applications have originated from Cameroonian asylum seekers fleeing the Anglophone conflict, alongside smaller numbers from other neighbouring countries.

The principal challenge is not the absolute number of applications but rather the limited institutional capacity available to process them. According to a government official, RSD Officers are few, and the Eligibility Committee itself convenes only periodically because its members are senior officials drawn from several ministries and government agencies who perform refugee adjudication in addition to their regular official duties. Administrative processes, funding constraints, scheduling difficulties, and staff turnover further reduce the Committee's ability to process cases promptly.

Although the NCFRMI, with technical support from UNHCR, seeks to finalise refugee status determinations within approximately 90 days, this objective is rarely achieved in practice. According to UNHCR, 13,722 individuals are awaiting registration as of 1 July 2026,²⁶⁷ demonstrating that delays affect both registration and final adjudication stages. These delays have significant implications for asylum access. Applicants often remain without final documentation for prolonged periods, increasing their vulnerability to arrest, detention, and difficulties accessing employment, education, healthcare, and other essential services.²⁶⁸ The backlog also undermines the effectiveness of refugee protection by prolonging uncertainty for applicants who may wait months or, in some cases, several years before receiving a final first-instance decision.

- *Second instance judicial or quasi-judicial body/ bodies:*

The Refugee Appeal Board handles a significantly smaller caseload than the Refugee Eligibility Committee, as its jurisdiction is limited to appeals against negative first-instance decisions. Despite this relatively low volume of cases, the Board experiences delays that are disproportionate to its caseload.

The principal reason is institutional rather than substantive. Like the Eligibility Committee, members of the Appeal Board are appointed from outside the permanent asylum administration and perform appellate functions alongside their regular professional responsibilities. Financial constraints, administrative coordination challenges, and the need to convene members from different institutions mean that the Board sits infrequently. Discussions with officials indicate that, in practice, the Appeal Board may meet only once annually or, in some years, even less frequently.

As a result, unsuccessful asylum applicants frequently experience lengthy delays before their appeals are heard and determined. Although the number of appeals is relatively small, prolonged waiting periods reduce the effectiveness of appellate review as an important procedural safeguard. Delayed appeals also extend the period during which applicants remain in legal uncertainty and may continue to face practical difficulties arising from their unresolved immigration status.

- *Third instance judicial or quasi-judicial body/ bodies:*

There are no known cases of judicial review of refugee status decisions in Nigeria, largely because most asylum disputes are resolved within the administrative framework established by the NCFRMI Act, and relatively few asylum seekers possess the financial resources, legal representation, or awareness necessary to institute court proceedings.

The limited number of reported asylum-related judgments indicates that judicial intervention generally occurs only in exceptional circumstances involving constitutional rights, unlawful detention, deportation,

²⁶⁷ UNHCR, Refugees & Asylum-seekers in Nigeria: 1 July 2026 (UNHCR, 1 July 2026) <<https://data.unhcr.org/en/documents/download/123270>> accessed 19 July 2026.

²⁶⁸ See UNHCR Nigeria, *Annual Results Report 2022 Nigeria* at 12, available at <https://reporting.unhcr.org/files/2023-06/WA-%20Nigeria.pdf> [last accessed 18 August 2025].

or refoulement. The Federal High Court's 2019 judgment concerning the unlawful arrest, detention, and extradition of the 47 Cameroonian asylum seekers and refugees remains one of the most prominent examples.²⁶⁹

The Federal High Court handles an extensive range of constitutional, administrative, commercial, taxation, maritime, immigration, and human rights matters. Asylum cases will normally compete with numerous other categories of litigation for judicial time. Although constitutional applications involving liberty or unlawful detention may receive expedited consideration in appropriate circumstances, there are no dedicated asylum procedures or specialised asylum judges capable of ensuring consistently rapid judicial review.

Implications of caseload on asylum access adjudication

Nigeria's asylum adjudication system reveals that the principal challenge to effective asylum access is not an exceptionally high volume of asylum claims but the limited institutional capacity available to process them. Although Nigeria receives a comparatively small number of asylum applications, all claims are channelled through a highly centralised refugee status determination system coordinated by the NCFRMI. The limited number of trained RSD Officers, irregular sittings of the Refugee Eligibility Committee and the Appeal Board, and dependence on committee members who perform asylum adjudication alongside their substantive governmental responsibilities create significant bottlenecks. Therefore, the available human resources are insufficient to manage the existing workload efficiently, resulting in substantial case backlogs and prolonged adjudication.

UNHCR reports a persistent backlog of asylum applications, many of which have already been assessed by Refugee Status Determination (RSD) Officers but remain undecided due to the irregular convening of the Refugee Eligibility Committee.²⁷⁰ These delays have important implications for the quality of asylum adjudication and access to justice. Prolonged waiting periods leave asylum seekers in legal uncertainty, often without documentation confirming their status, thereby increasing their vulnerability to arrest, detention, and other protection risks. At the same time, overstretched personnel and limited institutional resources reduce opportunities for thorough case preparation, continuous training, consistent jurisprudence, and timely appellate review. While there is no evidence that decision-makers deliberately compromise the quality or fairness of their decisions, prolonged backlogs and scarce human resources inevitably place pressure on the overall efficiency of the asylum system and undermine the prompt delivery of protection guaranteed under both domestic and international refugee law.

Nevertheless, the comparatively modest number of asylum applications in Nigeria may reduce some of the pressures commonly associated with high-volume asylum systems. In contrast to jurisdictions where decision-makers are often required to meet strict productivity targets, there is no evidence that Nigerian asylum adjudicators are assessed based on numerical outputs. As a result, concerns about rushed or superficial decision-making are less pronounced. Instead, the primary systemic problem appears to be the prolonged delays that characterise the refugee status determination process.

Delays and backlogs characterizing judicial bodies responsible for asylum access adjudication

- First instance judicial or quasi-judicial body/ bodies:

The Refugee Eligibility Committee experiences the most significant delays and backlogs within Nigeria's asylum adjudication system. As stated earlier, the commission's aims to conclude refugee status determination within approximately 90 days is rarely achieved in practice.²⁷¹ Delays arise at multiple stages of the process, including registration, scheduling of RSD interviews, and, most importantly, the committee's consideration of completed case files. By early 2025, UNHCR reported that approximately 25,226 asylum applications had been received, with 92% already assessed by RSD Officers but were still

²⁶⁹ See *Ayuk Tabe and others v. National Security Adviser and Attorney General of the Federation*. Suit No. FHC/ABJ/CS/85/2018

²⁷⁰ UNHCR, *Refugees & Asylum-seekers in Nigeria: 1 February 2025* p.1.

²⁷¹ UNHCR, *Refugees & Asylum-seekers in Nigeria: 1 July 2026*

awaiting Eligibility Committee review because no Committee sittings had taken place as of February 2025.²⁷² Furthermore, a 2026 UNHCR report highlights that 13,722 individuals remained pending registration as of July 2026.²⁷³

- *Second instance judicial or quasi-judicial body/ bodies:*

The Refugee Appeal Board also experiences considerable delays, although its overall caseload is much smaller than that of the Eligibility Committee. Appeals cannot be determined promptly because the Board convenes infrequently, sometimes only once each year or even less frequently, depending on the availability of funding and the coordination of its members. Since Board members simultaneously perform other governmental responsibilities, asylum appeals are often delayed for extended periods despite their relatively limited number. These delays reduce the effectiveness of the appeal mechanism as an important procedural safeguard and prolong uncertainty for unsuccessful applicants awaiting a final administrative decision. The absence of statutory deadlines for determining appeals further contributes to these backlogs.

- *Third instance judicial or quasi-judicial body/ bodies:*

No publicly available evidence of asylum-specific cases (backlogs) before the Federal High Court. However, where asylum-related litigation does arise, it may be subject to the systemic delays affecting civil and administrative litigation in Nigeria, including congested court dockets, repeated adjournments, and the competing demands of constitutional, commercial and administrative cases.²⁷⁴ Although there are no specialised asylum courts in Nigeria, a few Nigerian judges have been appointed to participate in the International Association of Refugee and Migration Law judges events (IARMJ).²⁷⁵ Although the courts possess constitutional jurisdiction to exercise judicial oversight over asylum decisions²⁷⁶ and unlawful detention, asylum-related disputes rarely come before the regular courts. Moreover, when such cases are litigated, the effectiveness of judicial remedies may be undermined by systemic delays in civil proceedings, rather than by any significant asylum caseload.

Implications of backlog and delays in asylum access adjudication

Backlog and delay have for a long time affected the effectiveness of Nigeria's asylum procedure, although recent reforms have significantly improved processing times. The ordinary procedure envisages a first-instance decision within about three to six months, while appeals are expected to be decided within one to six months.²⁷⁷ For applicants, extended periods of uncertainty can hinder the acquisition of documentation and the effective enjoyment of protection. While asylum-seeker certificates are renewable and serve as proof of lawful presence, applicants may find themselves economically vulnerable during the waiting period. According to UNHCR, asylum seekers are not permitted to work and often rely on informal employment. Delays can also complicate the assessment of claims, as documents may be lost, witnesses may become unavailable, and recollections of traumatic events may fade. On the other hand, a reasonable, yet not excessive, timeframe may enable applicants and their legal representatives to gather medical records, identity documents, and other evidence that was not accessible at the time the claim was initially submitted.²⁷⁸

²⁷² UNHCR Nigeria, 'Refugees & Asylum-seekers in Nigeria' 1 February 2025. p.1. Bracket mine.

²⁷³ UNHCR, Refugees & Asylum-seekers in Nigeria: 1 July 2026

²⁷⁴ See National Judicial Institute, *Case Management and Tracking* (National Judicial Institute) pp.1-2 <<https://nji.gov.ng/assets/publication/CASE-MANAGEMENT-AND-TRACKING-PAPER-FOR-NJI.pdf>> accessed 21 July 2026.

²⁷⁵ See International Association of Refugee and Migration Judges (IARMJ) Africa Chapter, *IARMJ Africa Chapter Conference Final Agenda* (Arusha, Tanzania, 2022) <https://www.iarmj.org/images/Arusha_2022/IARMJ_Africa_Chapter_2022_Conference_Final_Agenda.pdf> accessed 21 July 2026.

²⁷⁶ Sec 251(1)(i) Constitution of Nigeria 1999

²⁷⁷ UNHCR, Asylum and Refugee Status (UNHCR Nigeria) *Op cit*.

²⁷⁸ *Ibid*

Experience from the JDPC, the main NGO that provides legal aid to asylum seekers, indicates that delay could increase workload of lawyers and organisations providing legal aid. It also indicates that timely legal assistance helped resolve long-pending appeals and reduced the number of abandoned claims by ensuring that applicants presented relevant evidence at an early stage.²⁷⁹ Backlog also places pressure on RSD officers, Eligibility Committee and Appeal Board members.

The position improved significantly in 2025. UNHCR reported that Nigeria reduced its legacy RSD backlog by more than 90% through simplified procedures, better case prioritisation and digital case management. The average time from registration to a first-instance decision reportedly fell to about 87 days.²⁸⁰ These developments allow decision-makers to concentrate on new and complex claims and improve oversight, but safeguards remain necessary to ensure that faster processing does not come at the expense of individual interviews, legal advice and careful assessment.

I. Influence of judicial or quasi-judicial bodies on access to asylum

The impact of asylum access case law on legislation in Nigeria has been relatively limited. Unlike jurisdictions with extensive asylum litigation, Nigeria has produced very little body of reported judicial decisions concerning asylum access, meaning that legislative reform has largely been driven by executive policy, international obligations, and institutional developments rather than judicial precedent. The enactment of the NCFRMI Act, 2022, which repealed the *National Commission for Refugees Act*,²⁸¹ was not the direct consequence of judicial decisions but rather reflected Nigeria's efforts to modernise its refugee protection framework²⁸² and align domestic law more closely with its international law obligations, and to domesticate relevant human rights instruments. Nevertheless, judicial decisions, particularly the 2019 Federal High Court judgment declaring the arrest, detention, and extradition of 47 Cameroonian asylum seekers and refugees unlawful, have reinforced the importance of constitutional guarantees, the principle of non-*refoulement*, and procedural fairness. Although these decisions have not yet resulted in significant legislative amendments, they provide persuasive authority that may influence future legislative and policy reforms relating to refugee protection and executive accountability.

Although case law has had little direct impact on asylum legislation, it has played a more significant role in shaping asylum policy. For example, the litigation arising from the unlawful extradition of 47 Cameroonian asylum seekers and refugees exposed significant deficiencies in coordination among immigration, security, and refugee protection authorities. Together with ongoing engagement by UNHCR and other international actors, this case highlights the need for greater adherence to international protection standards and reinforced the importance of observing asylum procedures before removal or extradition measures are carried out. Nevertheless, the broader impact of judicial interventions on policy reform remains limited, as structural challenges, including centralised decision-making, resource constraints, and administrative delays, continue to impede meaningful change.

Judicial decisions, combined with advocacy by UNHCR and civil society, have had a modest but identifiable influence on executive practice. Following the litigation concerning the unlawful extradition of the Cameroonian asylum seekers, greater emphasis has been placed on training immigration officers, security agencies, and officials of the NCFRMI on international refugee law, refugee status determination, and the principle of non-*refoulement*, said a government official. UNHCR has expanded capacity-building programmes for the Nigeria Immigration Service, the NCFRMI, and other relevant agencies to improve the identification and referral of asylum seekers and to reduce the risk of unlawful detention or removal. While these measures have contributed to improved institutional awareness and greater respect for asylum

²⁷⁹ Asylum Capacity Support Group (ACSG), *Nigeria's Justice Development & Peace Commission: Provision of Legal Aid on Appeal* *Op cit.*

²⁸⁰ UNHCR, *Annual Results Report 2025: Nigeria* (UNHCR, May 2026) p. 4, 5, & 10.

²⁸¹ CAP N2I, *Laws of Federation of Nigeria*, 2004

²⁸² See the Explanatory Memo of the NCFRMI Act 2022.

procedures in comparison with earlier periods, they have not eliminated the principal barriers identified in this report.

J. Judicialization of politics

There is no evidence to suggest sustained institutional conflict between the executive branch and the judiciary concerning access to asylum in Nigeria. Unlike jurisdictions where asylum has become a politically contentious issue, refugee protection in Nigeria has generated relatively limited litigation and has not resulted in frequent public disagreements between government officials and the courts. The most notable exception arose from the arrest, detention, and extradition of 47 Cameroonian asylum seekers and refugees in 2018. In 2019, the Federal High Court declared the government's actions unconstitutional, unlawful, and inconsistent with Nigeria's international obligations, ordering the return of the affected individuals and awarding damages. Despite the significance of the judgment, there is little evidence of sustained public criticism of the judiciary by the executive or of an enduring institutional confrontation. Instead, the case highlighted the judiciary's role in reviewing executive compliance with constitutional guarantees and the principle of non-refoulement rather than initiating a broader constitutional conflict over asylum policy.

There is no evidence that recent legislative reforms have either significantly expanded or restricted the jurisdiction of judicial bodies responsible for asylum access adjudication. Instead, the enactment of the NCFRMI Act, 2022 strengthened and formalised Nigeria's quasi-judicial asylum system by establishing the Refugee Eligibility Committee and the Refugee Appeal Board with clearly defined statutory functions. The constitutional jurisdiction of the court over immigration,²⁸³ deportation, extradition, and related matters remain unchanged. Therefore, legislative developments have focused primarily on institutional modernisation and procedural clarification rather than altering the balance of authority between the executive and the judiciary. There is also no evidence that migration and asylum have been treated differently from other administrative fields in this respect.

Judicial influence on asylum policy in Nigeria has generally been indirect and reactive rather than proactive. Given the relatively small number of asylum-related cases reaching the courts, judges have had limited opportunities to shape refugee policy through jurisprudence. Nevertheless, decisions such as the Federal High Court judgment concerning the unlawful extradition of the Cameroonian asylum seekers have reinforced the importance of constitutional due process, procedural fairness, and compliance with international refugee law. Similarly, the Refugee Eligibility Committee and the Appeal Board contribute to policy implementation through their interpretation and application of refugee law, although they primarily perform administrative adjudicatory functions rather than actively developing policy. In practice, policy development in the asylum sector continues to be driven predominantly by the executive branch, supported by technical guidance from UNHCR and Nigeria's international obligations.

The practical influence of judicial and quasi-judicial bodies on asylum policy remains limited because of the relatively low volume of asylum litigation and the predominance of administrative decision-making. Most asylum claims are resolved within the administrative framework established under the NCFRMI Act, with only exceptional cases proceeding to judicial review before the Federal High Court. Therefore, courts have had relatively few opportunities to develop a substantial body of refugee jurisprudence capable of systematically influencing executive policy. The quasi-judicial bodies exercise greater day-to-day influence by determining individual asylum claims and interpreting the refugee definition, but their impact is constrained by administrative backlogs, limited institutional capacity, and the centralised structure of Nigeria's asylum system. Compared with other areas of constitutional or administrative law in Nigeria, migration and asylum therefore exhibit a relatively low degree of judicialisation.

²⁸³ Sec 251(1)(i) Constitution of Nigeria 1999.

III. OTHER ACTORS IN ASYLUM ACCESS ADJUDICATION

A. Bodies of the executive branch in asylum access adjudication

Involvement, efforts, and interests that executive bodies display

Other executive bodies represented on the Refugee Eligibility Committee and Appeal Board, including the Federal Ministry of Humanitarian Affairs, Federal Ministry of Justice, Ministry of Foreign Affairs, Office of the National Security Adviser (ONSA), National Human Rights Commission (NHRC), Nigerian Immigration Service and relevant humanitarian agencies, contribute legal, diplomatic, security, or human rights expertise²⁸⁴ but are not institutions primarily specialised in asylum adjudication. Their participation reflects the multidisciplinary nature of refugee protection while also requiring coordination among institutions with differing institutional mandates and priorities.

Executive bodies play a central role throughout Nigeria's asylum adjudication system because asylum determination is primarily administrative rather than judicial. The NCFRMI is actively involved at every stage of the refugee status determination process, including registration, interviews, case preparation, presentation of files before the Refugee Eligibility Committee, and implementation of final decisions. The Nigeria Immigration Service and security agencies become particularly involved where asylum seekers are intercepted at borders, detained for immigration reasons, or become subject to removal proceedings. Their level of involvement therefore depends largely on the nature of the case. Matters involving border entry, national security, identity verification, or allegations of irregular migration generally require greater participation from immigration and security authorities than routine refugee status determinations. Existing sources suggest that differences across the national territory are driven less by legal variations than by operational realities. Border states receiving significant numbers of Cameroonian asylum seekers, particularly in eastern Nigeria, require closer cooperation among the NCFRMI, the Nigeria Immigration Service, state authorities, and UNHCR than areas experiencing relatively few asylum applications.

Role of executive bodies and their implications in asylum access adjudication

Executive bodies have substantial influence over asylum access adjudication because they are responsible for collecting, presenting, and assessing much of the evidence upon which refugee status decisions are based. RSD Officers conduct interviews, gather documentary evidence, prepare country-of-origin information, and submit case assessments for consideration by the Refugee Eligibility Committee. Immigration authorities may also provide information concerning an applicant's entry into Nigeria, identity, travel history, or immigration status, while security agencies contribute information where national security considerations arise. Their active participation is therefore essential to informed decision-making and the effective operation of the asylum system.

However, this prominent executive role also means that the quality, timeliness, and fairness of asylum adjudication depend heavily on the institutional capacity and professionalism of these bodies. Delays in registration, incomplete investigations, shortages of trained personnel, or weak inter-agency coordination may slow proceedings and affect the completeness of the evidentiary record available to decision-makers. Nevertheless, the multidisciplinary composition of the Refugee Eligibility Committee, the participation of the National Human Rights Commission, and UNHCR's observer and technical advisory role provide important safeguards that help balance executive influence, promote compliance with international refugee law, and strengthen the fairness and credibility of asylum adjudication.

B. International or regional organizations

Involvement, efforts, and interests that international and regional organizations display

The principal international organisation involved in asylum access adjudication in Nigeria is the UNHCR, which is highly specialised in refugee protection, asylum, statelessness, and broader forced displacement.

²⁸⁴ Sec 14-15 NCFRMI Act 2022.

UNHCR operates in Nigeria under its international protection mandate and works closely with the NCFRMI to support refugee status determination, refugee registration, protection monitoring, capacity building, and policy development.²⁸⁵ It possesses extensive expertise in international refugee law, country-of-origin information, RSD procedures, and protection standards, while drawing on financial and technical resources from the wider UN system and international donors. UNHCR maintains offices across Nigeria, particularly in areas hosting refugee populations, including the south-eastern border states receiving Cameroonian refugees.

Other international organisations, particularly the International Organisation for Migration (IOM), contribute primarily to migration management, humanitarian assistance, border management, and voluntary return programmes rather than refugee status adjudication itself.²⁸⁶ Regional organisations, including the Economic Community of West African States (ECOWAS) and the African Union (AU), influence Nigeria's asylum framework mainly through regional legal instruments, particularly the 1969 OAU Refugee Convention and regional free movement arrangements, rather than through direct participation in individual asylum adjudication.

Extent of their involvement

According to a government source, among international organisations, UNHCR plays by far the most significant role in Nigeria's asylum adjudication system. Its extensive involvement reflects both its international protection mandate under the 1951 Refugee Convention and the institutional capacity constraints facing Nigeria's asylum system. UNHCR provides technical assistance throughout the refugee status determination process, including developing standard operating procedures, training RSD Officers, supporting refugee registration, providing country-of-origin information, monitoring compliance with international refugee law, participating as an observer during Eligibility Committee and Appeal Board proceedings, and assisting with case management and protection interventions.

It also supports documentation, refugee reception, and capacity-building for the Nigeria Immigration Service, security agencies, judicial actors, and the NCFRMI. The intensity of UNHCR's engagement varies geographically, with greater operational involvement in border regions and refugee-hosting communities affected by the influx of Cameroonian refugees than in parts of the country where asylum applications are relatively limited. By contrast, organisations such as IOM concentrate on broader migration governance, humanitarian assistance, and border management rather than refugee status determination, while ECOWAS and the African Union primarily influence asylum through normative regional frameworks rather than operational adjudication.

Role of international or regional organizations and their implications

International organisations make substantial contributions to the quality, consistency, and fairness of asylum adjudication in Nigeria despite not possessing decision-making authority. UNHCR's participation as an observer in the Refugee Eligibility Committee and Refugee Appeal Board enables it to provide technical advice on the interpretation and application of international refugee law, including the refugee definitions contained in the 1951 Refugee Convention and the 1969 OAU Refugee Convention. It also contributes specialised expertise through country-of-origin information, credibility assessment guidance, legal opinions, protection monitoring, and continuous training of adjudicators and government officials.

These functions promote greater consistency in decision-making and strengthen compliance with international protection standards. Furthermore, UNHCR frequently assists in identifying asylum seekers at risk of *refoulement*, facilitates referrals from immigration and security agencies, and supports evidence gathering where applicants face difficulties substantiating their claims. Although its recommendations are not legally binding and final decisions remain the responsibility of the Nigerian authorities, UNHCR's sustained technical, operational, and advisory role significantly enhances the effectiveness and credibility

²⁸⁵ UNHCR), 'About UNHCR in Nigeria' <<https://help.unhcr.org/nigeria/about-unhcr-in-nigeria/>> accessed 22 July 2026.

²⁸⁶ IOM) Nigeria, 'Migration Management' <<https://nigeria.iom.int/migration-management>> accessed 22 July 2026.

of Nigeria's asylum adjudication system. At the same time, the extent of UNHCR's involvement also illustrates the continued dependence of the national asylum system on international technical and financial support, particularly in addressing resource shortages, institutional backlogs, and capacity limitations.

C. NGOs and bar associations

NGOs and bar associations involved in asylum access adjudication

NGOs and bar associations play a supportive, rather than decision-making, role in access to asylum and refugee protection in Nigeria. Unlike UNHCR, which serves an advisory function within the refugee status determination (RSD) process, these actors do not possess formal authority to adjudicate asylum claims or determine refugee status. Instead, they contribute by providing legal representation, pursuing strategic litigation, promoting human rights advocacy, gathering and documenting evidence, offering counselling and other support services to refugees and asylum seekers, monitoring detention conditions and potential *refoulement* practices, and strengthening the capacity of both asylum seekers and relevant government institutions through training and awareness-raising initiatives.²⁸⁷ Some of such NGOs and human rights organisations are discussed below.

The National Human Rights Commission (NHRC) is Nigeria's independent statutory human rights institution. Although its mandate extends beyond asylum and refugee protection, it plays an important role by monitoring places of detention, investigating human rights complaints, issuing reports and recommendations, and participating in the Refugee Eligibility Committee pursuant to the NCFRMI Act.²⁸⁸

The Nigerian Bar Association (NBA), the professional association of legal practitioners in Nigeria, is not specifically dedicated to asylum or refugee law. Nevertheless, some of its members provide *pro bono* legal representation to asylum seekers and refugees and engage in strategic human rights litigation concerning migrants and displaced persons.²⁸⁹

Finally, the NCFRMI Act provides for the participation of one representative of a humanitarian NGO as a member of the Refugee Eligibility Committee.²⁹⁰ This representative, drawn from civil society organisations with expertise in humanitarian assistance and refugee protection, introduces a limited degree of civil society participation into first-instance asylum adjudication. Although this representative contributes to the Committee's deliberations, the overall decision-making authority remains vested in the Committee as constituted under the Act.

Involvement, efforts, and interests that NGOs and bar associations

The involvement of NGOs in asylum access adjudication is moderate but significant, particularly because of the limited institutional capacity of the Nigerian asylum system and the absence of comprehensive state-funded legal aid. Their activities focus primarily on facilitating access to justice rather than making asylum decisions themselves. UNHCR-funded local NGOs provide most of the available legal assistance for asylum seekers, especially at the appeal stage before the Refugee Appeal Board, while also offering legal counselling, documentation support and referrals.

The relatively modest level of NGO involvement is explained by several factors. First, Nigeria has a comparatively small asylum caseload when compared with many major refugee-hosting states. Secondly, asylum adjudication remains highly centralised within the NCFRMI, limiting opportunities for direct civil society participation. Thirdly, many refugee protection activities depend heavily on donor funding, particularly from UNHCR, which constrains both geographical coverage and staffing. Finally, asylum law

²⁸⁷ See UNHCR, *Our partners* (UNHCR Nigeria Help Site) <<https://help.unhcr.org/nigeria/services-in-nigeria/our-partners/>> accessed 21 July 2026.

²⁸⁸ See *Ibid*; see National Human Rights Commission, *NHRC Mandate* <https://www.nhrc.gov.ng/about/nhrc-mandate.html> accessed 21 July 2026.

²⁸⁹ See Latham & Watkins LLP, *Pro Bono Practices and Opportunities in Nigeria* (Global Pro Bono Survey, Pro Bono Institute, September 2015) <https://www.lw.com/admin/upload/SiteAttachments/pro-bono-in-nigeria.pdf> accessed 21 July 2026.

²⁹⁰ Sec 14 NCFRMI Act 2022.

remains a highly specialised field, and many legal practitioners working through NGO programmes are general practitioners who possess limited expertise in international refugee law, thereby affecting the quality and consistency of legal representation.

NGO activities also vary geographically. Their presence is strongest in refugee-hosting states such as Cross River, Benue, Taraba, Akwa Ibom and parts of the North-East where refugee populations are concentrated. In these locations they assist asylum seekers with registration, documentation, legal counselling, detention monitoring and referral to competent authorities. In areas where refugee populations are smaller or security conditions restrict humanitarian access, NGO involvement is correspondingly more limited.

Role of NGOs and bar associations and their implications

Although NGOs and bar associations do not exercise adjudicatory authority, they perform several functions that significantly influence asylum access adjudication. Most importantly, they facilitate access to justice by providing legal advice, preparing appeals, assisting asylum seekers in presenting evidence, and explaining applicable refugee law and procedures. Through strategic litigation and human rights advocacy, NGOs have also challenged unlawful detention, deportation and refoulement practices before Nigerian courts, most notably following the arrest, detention and extradition of the 47 Cameroonian asylum seekers and refugees in 2018. Such litigation has contributed to strengthening judicial oversight of executive action and reinforcing Nigeria's obligations under the principle of non-refoulement.

NGOs also contribute to evidence collection by documenting detention conditions, arbitrary arrests, procedural delays and protection risks experienced by asylum seekers. These reports frequently inform advocacy efforts, UNHCR interventions and broader policy discussions concerning refugee protection. In addition, humanitarian organisations regularly participate in capacity-building activities organised jointly with UNHCR and the NCFRMI, thereby improving institutional understanding of refugee law among government officials responsible for refugee status determination.

Their influence on rule interpretation is primarily indirect. NGOs do not determine refugee status nor formally interpret refugee law within the adjudication process. Instead, they rely upon international refugee law, UNHCR guidelines, domestic legislation and judicial precedent when preparing legal arguments and representing asylum seekers before the Refugee Appeal Board or domestic courts.

Organized or formal involvement of civil society, apart from NGOs

Civil society participates in Nigeria's asylum system in both formal and informal ways. Most notably, the NCFRMI Act formally provides for one representative of a humanitarian non-governmental organisation to serve as a member of the Refugee Eligibility Committee alongside representatives from relevant government ministries, the National Human Rights Commission and UNHCR.²⁹¹ This constitutes the principal form of institutionalised civil society participation within asylum adjudication.

Beyond this formal role, broader civil society involvement occurs through refugee rights advocacy, legal aid provision, detention monitoring, public awareness campaigns, academic engagement and cooperation with UNHCR and government agencies in training and capacity-building programmes.²⁹² Universities, faith-based organisations, refugee-serving charities and professional legal networks also contribute through research, policy dialogue and public advocacy, although they do not participate directly in refugee status determination or asylum decision-making.

Overall, civil society in Nigeria functions primarily as a complementary actor that strengthens procedural fairness, access to legal assistance and accountability within the asylum system, while formal decision-

²⁹¹ Sec 14, NCFRMI Act 2022.

²⁹² UNHCR, *Monthly Protection Report for Nigeria: Abuja, Lagos, Ijebu Ode & Kano, July 2021* | Issue #5 (UNHCR, July 2021) pp.1-2 <<https://data.unhcr.org/es/documents/download/88079>> (accessed 19 July 2026); See NHCR, *Nigeria: Weekly Update, April 2016* (UNHCR, April 2016) 1-2 (Vulnerability Screening Round II; Protection Assessments and Site Visits), available at: https://www.ecoi.net/en/file/local/1037522/1930_1462881829_unhcrweeklyupdateapril2016.pdf (accessed 19 July 2026).

making authority remains vested in the NCFRMI, the Refugee Eligibility Committee, the Refugee Appeal Board and, where judicial review is pursued, the Nigerian courts.

D. Supranational courts

Supranational courts have had only a limited and largely indirect influence on national judicial approaches to asylum barriers in Nigeria. Unlike many European jurisdictions, where domestic courts routinely rely on the jurisprudence of the European Court of Human Rights (ECtHR) or the Court of Justice of the European Union (CJEU), Nigerian courts have not developed a comparable practice of explicitly citing or applying supranational asylum jurisprudence in cases concerning detention, procedural barriers, or *non-refoulement*. This is partly attributable to the relatively small volume of asylum litigation reaching the domestic courts, as refugee status determination is principally conducted by the Refugee Eligibility Committee and the Refugee Appeal Board within the NCFRMI, with no known case proceeding to judicial review.

Nevertheless, supranational and international jurisprudence constitute an important normative influence through the broader interpretation of Nigeria's international refugee and human rights obligations. The clearest example concerns the detention, extradition and subsequent judicial challenge involving the Cameroonian asylum seekers' leaders and refugees in 2018. Before the Nigerian courts delivered judgment, the United Nations Working Group on Arbitrary Detention (WGAD)²⁹³ concluded that the detention of the Cameroonian asylum seekers was arbitrary and called for their immediate release. UNHCR also publicly condemned their forced return as contrary to the principle of *non-refoulement*.²⁹⁴ Although the Federal High Court did not expressly rely on the Working Group's opinion, it subsequently held that the arrest and extradition were unconstitutional and inconsistent with Nigeria's international obligations, ordering the government to facilitate the return of the affected individuals and awarding damages. This illustrates an indirect interaction between international protection mechanisms and domestic judicial reasoning, even though the court relied primarily on Nigerian constitutional and statutory law together with Nigeria's international treaty obligations rather than on supranational judicial precedent.

E. Other actors

There are other actors involved in asylum adjudication, although they do not possess formal adjudicatory authority; several other actors influence asylum access adjudication in Nigeria through their interactions with asylum seekers, government institutions, and the broader asylum process. For instance, the NIS plays a particularly significant role. As the principal agency responsible for border management and immigration enforcement, the NIS is often the first government institution to encounter asylum seekers entering Nigeria.

Immigration officers identify individuals expressing an intention to seek asylum, refer them to the NCFRMI, verify immigration status,²⁹⁵ and participate as members of the Refugee Eligibility Committee. However, the report also reveals that the NIS's enforcement mandate sometimes creates tension with refugee protection obligations. Asylum seekers who have not yet been registered or lack documentation may be treated as irregular migrants, exposing them to arrest, detention, or deportation before their protection needs are assessed. Consequently, the NIS simultaneously functions as a gatekeeper facilitating

²⁹³ UN Working Group on Arbitrary Detention (WGAD), *Opinions adopted by the Working Group on Arbitrary Detention at its ninety-fourth session, 29 August–2 September 2022: Opinion No 59/2022 concerning Julius AyukTabe, Wilfred Fombang Tassang, Ngala Nfor Nfor, Blaise Sevidzem Berinyuy, Elias Ebai Eyambe, Fidelis Ndeb-Che, Egbe Ntui Ogork, Cornelius Njikimbi Kwanga, Henry Tata Kimeng and Cheb Augustine Awasum (Cameroon and Nigeria)*, UN Doc A/HRC/WGAD/2022/59 (6 October 2022) paras 1–94, available at: <https://digitallibrary.un.org/record/4006255> (accessed 19 July 2026).

²⁹⁴ UNHCR, *UNHCR Condemns Forced Returns of Cameroon Asylum-Seekers from Nigeria* (1 February 2018), available at: <https://www.unhcr.org/news/press-releases/unhcr-condemns-forced-returns-cameroon-asylum-seekers-nigeria> (accessed 19 July 2026).

²⁹⁵ UNHCR Nigeria, *Asylum and Refugee Status* (UNHCR, 2026), available at: <https://help.unhcr.org/nigeria/asylum-and-refugee-status/> (accessed 19 July 2026).

access to asylum and as an enforcement authority whose practices may unintentionally create barriers to access.

The Office of the National Security Adviser (ONSA) also plays an indirect but important role. ONSA is represented on the Refugee Eligibility Committee and provides security assessments during refugee status determination,²⁹⁶ particularly where applications raise concerns relating to terrorism, national security, or public order. Given Nigeria's prolonged security challenges, especially in the North-East following the Boko Haram insurgency, security considerations frequently influence administrative decision-making. While these assessments are intended to safeguard national security, they may also contribute to increased scrutiny of asylum seekers from conflict-affected border regions and reinforce practices such as detention or delayed adjudication.

The Federal Ministries of Humanitarian Affairs, Justice, and Foreign Affairs likewise contribute to asylum adjudication through their statutory representation on the Refugee Eligibility Committee.²⁹⁷ Their involvement ensures that humanitarian considerations, legal advice, and Nigeria's international obligations are incorporated into refugee status determination. However, because these institutions remain part of the executive branch, asylum adjudication retains a predominantly administrative rather than judicial character.

Legal aid providers and *pro bono* lawyers constitute another important group of actors. Although Nigeria does not provide comprehensive state-funded legal aid for first-instance asylum applications, UNHCR-supported legal officers and volunteer legal practitioners assist asylum seekers, particularly during appeals before the Refugee Appeal Board and in judicial review proceedings. Their involvement improves access to legal remedies but remains constrained by limited funding and the relatively small number of practitioners with specialist knowledge of international refugee law.

Finally, interpreters also play a practical role during refugee status determination interviews. They facilitate communication between asylum seekers and decision-makers, particularly for applicants who do not speak English. The quality and availability of interpretation can significantly affect credibility assessments, the accuracy of evidence presented, and ultimately the fairness of asylum adjudication. Overall, these actors perform complementary rather than adjudicatory functions.

IV. THE SOCIO-POLITICAL CONTEXT

A. Migratory routes and entry points

Nigeria is a country of origin, destination, and transit for mixed migration flows in West and Central Africa.²⁹⁸ Migration towards Nigeria has been shaped principally by forced displacement arising from armed conflicts and political instability in neighbouring countries, particularly Cameroon,²⁹⁹ as well as movements from Chad, Niger, and, to some extent, the Central African Republic.³⁰⁰ The largest refugee influx has resulted from the Anglophone crisis in Cameroon, which escalated from 2017 onwards and led to the arrival of tens of thousands of refugees, primarily into the south-eastern border states of Cross River, Benue, Taraba, and Akwa Ibom.³⁰¹ Nigeria also receives smaller numbers of asylum seekers from countries including Niger, the Syrian Arab Republic and the Central African Republic and other African

²⁹⁶ Sec 14, NCFRMI Act 2022.

²⁹⁷ *Ibid*

²⁹⁸ Samuel Okunade, 'Nigeria Aims to Capitalize on Regional Integration amid Evolving Emigration Patterns' (8 April 2026) *Migration Information Source* (Migration Policy Institute) <https://www.migrationpolicy.org/article/nigeria-profile-immigration-emigration> accessed 19 July 2026.

²⁹⁹ See UNHCR, *Nigeria Country Operational Plan 2024* (UNHCR, 2024) 3–6 (Operational Context), 14–18 (Protection and Asylum), available at: <https://www.unhcr.org/sites/default/files/2025-06/Nigeria%20ARR%202024.pdf>

³⁰⁰ Kaamil Ahmed, 'I Love My Country but Nobody Is Safe': The Plight of Cameroon's Exiles, Trapped in Nigeria' *The Guardian* (19 April 2025) <https://www.theguardian.com/world/2025/apr/19/cameroon-exiles-nigeria-trapped-refugees> accessed 19 July 2026

³⁰¹ UNHCR, *UNHCR Nigeria Refugees & Asylum-Seekers – 1 February 2025* (1 February 2025), available at: [UNHCR Nigeria Refugees & Asylum-Seekers](https://www.unhcr.org/nigeria/refugees-and-asylum-seekers) (accessed 19 July 2026).

states.³⁰² At the same time, Nigeria remains an important transit country for migrants travelling through the West African corridor towards North Africa and Europe under the ECOWAS free movement regime.³⁰³ While mixed migration movements have long been a feature of Nigeria's regional mobility landscape, refugee movements into the country have generally remained modest compared with several neighbouring refugee-hosting States. In recent years, however, the dominant pattern of forced displacement into Nigeria has been the sustained arrival of Cameroonian refugees following the escalation of the Anglophone crisis from 2017 onwards.

Main migration routes towards the country since 2010

Since 2010, forced migration into Nigeria occurs predominantly through land routes from neighbouring West and Central African States. The principal refugee flow originates from Cameroon's North-West and South-West regions,³⁰⁴ where the Anglophone conflict has displaced large numbers of persons into Cross River, Benue, Taraba and Akwa Ibom States through both formal and informal border crossings. Additionally, smaller refugee movements also originate from Niger and Chad.³⁰⁵ Government sources further indicate that some asylum seekers enter Nigeria through regular international travel routes, although such arrivals constitute a relatively small proportion of overall refugee movements. Although regional mobility is facilitated by the *ECOWAS Protocol on Free Movement of Persons*,³⁰⁶ individuals seeking international protection remain subject to Nigeria's refugee status determination procedures administered by the NCFRMI.

Main entry points in the country since 2010

As discussed above, most asylum seekers and refugees enter Nigeria through land borders, particularly from neighbouring countries affected by conflict and instability. Nigeria's land borders are extensive and include numerous informal crossing points in addition to official border posts. Border management is carried out primarily by the Nigeria Immigration Service, customs authorities and other security agencies, with additional security deployments in areas affected by insecurity. Upon arrival, asylum seekers may be referred to the NCFRMI and UNHCR for registration and protection screening before entering the refugee status determination process. A smaller number of asylum seekers also arrive through regular international travel routes, including Nigeria's major international airports in Lagos and Abuja. By contrast, maritime arrivals appear to play a very limited role in the country's asylum system. Overall, access to asylum procedures in Nigeria is shaped primarily by land-based cross-border movements from neighbouring states rather than by air or sea arrivals.

Implications that migratory routes towards the country have on how judicial institutions

Nigeria's predominantly land-based refugee movements have influenced asylum adjudication primarily through questions concerning border access, detention, and compliance with the principle of *non-refoulement*. The proximity of refugee-producing regions in Cameroon means that many asylum seekers cross through informal border crossings rather than designated immigration posts. Consequently, asylum adjudicators generally place greater emphasis on the substance of an applicant's protection needs than on

³⁰² UNHCR, *Rights Mapping and Analysis Platform (RiMAP): Nigeria* (UNHCR, 2026) Country Context, Population Figures and Asylum sections, available at: <https://rimap.unhcr.org/countries/nigeria> (accessed 19 July 2026).

³⁰³ IOM, *Enabling a Better Understanding of Migration Flows (and its Root-Causes) from Nigeria towards Europe* (Displacement Tracking Matrix, 2019) available at: <https://dtm.iom.int/reports/enabling-better-understanding-migration-flows-and-its-root-causes-nigeria-towards-europe> (accessed 19 July 2026); Aderanti Adepoju, *Migration in West Africa: A Paper Prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration* (Human Resources Development Centre, September 2005) p.2; See IOM, *Migration in Nigeria: A Country Profile 2009* (IOM 2009) p.95. Available at: <https://publications.iom.int/books/migration-nigeria-country-profile-2009> (accessed 19 July 2026).

³⁰⁴ See IOM, *West and Central Africa – A Region on the Move: Mobility Trends in West and Central Africa (January–December 2021)* (IOM Regional Office for West and Central Africa 2022) p.11, available at: https://reliefweb.int/attachments/47520fd0-c7f1-3dca-9a0d-600149394ea9/A%20REGION%20ON%20THE%20MOVE_2021_v2.1_0.pdf (accessed 19 July 2026).

³⁰⁵ See UNHCR, *UNHCR Nigeria Refugees & Asylum-seekers – 1 February 2025* (1 February 2025) <<https://data.unhcr.org/en/documents/details/114781>> accessed 19 July 2026

³⁰⁶ Protocol A/P.1/5/79

the legality of entry, reflecting Article 31 of the 1951 Refugee Convention and the broader refugee definition contained in the 1969 OAU Refugee Convention. The most significant judicial intervention concerned the unlawful arrest, detention, and extradition of 47 Cameroonian asylum seekers and refugees, in which the Federal High Court reaffirmed Nigeria's constitutional obligations and the prohibition of refoulement. According to a government source, the relatively few reported judicial decisions address border access, meaning that questions concerning access to asylum continue to be resolved primarily through administrative procedures implemented by the NCFRMI with technical support from UNHCR rather than through extensive judicial interpretation.

Implications of country entry points on what happens in judicial institutions

By virtue of the NCFRMI Act, the place of entry has limited legal significance for determining jurisdiction within Nigeria. Regardless of where an asylum seeker enters the country, applications are processed under a single national legal framework through the Refugee Eligibility Committee and, where necessary, the Refugee Appeal Board. Nevertheless, entry points have important practical implications. According to an official, border states hosting the majority of Cameroonian refugees place greater operational demands on the NCFRMI, UNHCR, the Nigeria Immigration Service, and local authorities, creating pressures relating to registration, documentation, reception, and referral of asylum seekers. Variations in institutional capacity between border locations may therefore influence the speed with which asylum seekers are identified and registered, although they do not alter the applicable legal standards or the bodies responsible for adjudication. Judicial involvement remains exceptional, arising principally where allegations of unlawful detention, deportation, or refoulement occur rather than from the geographical location of entry itself.

B. Composition and spatial distribution of forced migration population

Nigeria hosts a relatively modest but diverse refugee and asylum-seeking population compared to many other refugee-hosting countries in Africa. According to UNHCR statistics, as of 1 July 2026, Nigeria hosted approximately 140,362 refugees and asylum seekers, comprising 124,298 recognised refugees; 2,342 asylum seekers whose refugee status determination remained pending; and 13,722 awaiting registrations.³⁰⁷ The refugee population has increased steadily since 2017 following the outbreak of the Anglophone crisis in Cameroon.

The refugee and asylum-seeking population are predominantly composed of Cameroonian nationals, particularly those fleeing the Anglophone crisis in the North-West and South-West regions of Cameroon. Smaller numbers originate from countries including the Central African Republic, Chad, Nigeria, Syria, and Sudan, among others.³⁰⁸ Women and children constitute a significant proportion of the population, with many asylum seekers arriving as family units.³⁰⁹ The refugee population also includes unaccompanied and separated children and other persons with specific protection needs, including survivors of gender-based violence, elderly persons, and persons with disabilities.³¹⁰

Implications on what occurs in judicial institutions

The relatively modest size of Nigeria's refugee population means that the asylum system has not experienced the type of large-scale judicial pressures observed in jurisdictions facing mass refugee arrivals.³¹¹ Nevertheless, the asylum system experiences significant administrative pressure because

³⁰⁷ UNHCR, *Refugees & Asylum-seekers in Nigeria: 1 July 2026* (UNHCR, 1 July 2026) <<https://data.unhcr.org/en/documents/download/123270>> accessed 19 July 2026.

³⁰⁸ UNHCR, *UNHCR Nigeria Refugees & Asylum-seekers – 1 February 2025* (1 February 2025) <<https://data.unhcr.org/en/documents/details/114781>> accessed 19 July 2026.

³⁰⁹ UNHCR, *Refugees & Asylum-seekers in Nigeria: 1 July 2026* (UNHCR, 1 July 2026).

³¹⁰ UNHCR, *Annual Results Report 2025: Nigeria* (UNHCR 2026) <https://www.unhcr.org/us/sites/en-us/files/2026-06/unhcr-annual-results-report-2025-nigeria_2.pdf> accessed 19 July 2026.

³¹¹ See NHCR, *Nigeria | Rights Mapping and Analysis Platform (RiMAP)* <<https://rimap.unhcr.org/countries/nigeria>> accessed 19 July 2026.

institutional capacity has not expanded proportionately with the increase in asylum applications following the Cameroonian refugee influx beginning in 2017.³¹²

As discussed in Part I of this report, the principal consequence has been the emergence of substantial backlogs in refugee status determination rather than increased litigation before domestic courts.³¹³ Although the NCFRMI aims to complete refugee status determination within three to six months,³¹⁴ delays frequently extend for several months or years because of limited numbers of trained RSD officers, irregular sittings of the Refugee Eligibility Committee and Appeal Board, centralised decision-making in Abuja, and funding constraints. UNHCR reported that by early 2025, over 92% of pending applications had been assessed but were awaiting Eligibility Committee consideration, while more than 21,000 individuals remained pending registration, illustrating that the principal challenge lies in institutional processing capacity rather than judicial caseload.³¹⁵

Consequently, access-to-asylum disputes are managed largely within the administrative framework established by the NCFRMI and associated quasi-judicial bodies rather than through frequent court intervention. Where delays occur, asylum seekers may remain undocumented for extended periods, thereby increasing the risk of detention, removal, or other enforcement measures before their applications for international protection have been determined.

Implications of the composition of the forced migration population

The composition of Nigeria's refugee population has influenced asylum adjudication in several respects. The predominance of Cameroonian asylum seekers has resulted in considerable institutional reliance on country-of-origin information relating to the Anglophone conflict and has shaped many refugee status determinations. This compositing, moreover, has necessitated the drafting of a protection strategy tailored for the Cameroon situation.³¹⁶ The Cameroonian influx also contributed to the increased administrative pressures experienced by the NCFRMI since 2017, necessitating additional registration exercises, capacity-building initiatives and UNHCR operational support.³¹⁷

The significant presence of women, children and other persons with specific protection needs has increased the importance of applying international protection standards during refugee registration and protection activities. While the NCFRMI Act 2022 does not establish separate refugee status determination procedures for vulnerable applicants, UNHCR and its partners place particular emphasis on child protection, vulnerability screening, legal assistance, and responses to sexual and gender-based violence.³¹⁸ Furthermore, the relatively limited diversity of countries of origin allows decision-makers to develop greater familiarity with the principal refugee-producing situations, particularly the conflict in Cameroon.

Other Displaced Persons

Several categories of forcibly displaced persons in Nigeria are neither asylum seekers nor recognised refugees. The largest group consists of internally displaced persons (IDPs) displaced by armed conflict,

³¹² Karen Hargrave, *Public Narratives and Attitudes towards Refugees and Other Migrants: Nigeria Country Profile* (ODI Country Study, October 2021)

³¹³ See NHCR, *Nigeria | Rights Mapping and Analysis Platform (RiMAP)* Op cit.

³¹⁴ UNHCR, *Asylum and Refugee Status* (UNHCR Nigeria Help Site) <https://help.unhcr.org/nigeria/asylum-and-refugee-status/> accessed 19 July 2026.

³¹⁵ UNHCR, *Refugees & Asylum-seekers in Nigeria: 1 February 2025* (Operational Data Portal, February 2025) p.1 <<https://data.unhcr.org/en/documents/details/114781>> accessed 19 July 2026.

³¹⁶ UNHCR, *Protection Strategy for Cameroonian Refugees in Nigeria 2018–2019* (UNHCR 2018). <<https://data.unhcr.org/es/documents/download/68381>> accessed 19 July 2026

³¹⁷ See UNHCR, *Thousands of Cameroonians Seek Refuge in Nigeria* (Briefing Note, 31 October 2017) <<https://www.unhcr.org/news/briefing-notes/thousands-cameroonians-seek-refuge-nigeria>> accessed 19 July 2026; UNHCR, *Cameroonian Refugee Situation, Nigeria: 16–30 September 2018* (Emergency Update, 16 October 2018) <https://data.unhcr.org/en/documents/details/66356> accessed 19 July 2026.

³¹⁸ UNHCR, 'Protection' (UNHCR Nigeria) <<https://www.unhcr.org/ng/what-we-do/protection>> accessed 19 July 2026

insurgency, communal violence and natural disasters, particularly in the North-East.³¹⁹ Although IDPs do not fall within Nigeria's asylum system because they have not crossed an international border, many experience similar challenges relating to documentation, access to humanitarian assistance and protection.³²⁰

Nigeria also hosts undocumented migrants, persons awaiting registration as asylum seekers, and individuals who have expressed an intention to seek asylum but have not yet completed formal registration with the NCFRMI.³²¹ As discussed in Part I, these individuals are particularly vulnerable to the barriers identified in this report, including arbitrary arrest, immigration detention, administrative delays and, in some instances, refoulement because they lack documentary evidence demonstrating their intention to seek international protection.

Spatial Distribution within the Country

The distribution of refugees and asylum seekers across Nigeria is uneven. Most refugees are concentrated in states bordering Cameroon, particularly Cross River, Taraba, Benue and Akwa Ibom, reflecting the large number of Cameroonians who have fled the Anglophone conflict.³²² Smaller refugee populations are found in Abuja, Lagos and other urban centres.³²³ By contrast, internal displacement is concentrated mainly in the North-East, especially in Borno, Adamawa and Yobe States, where continuing insecurity and armed conflict have displaced large numbers of people.³²⁴

Despite the geographical spread of refugee populations, asylum administration remains highly centralised. Although the NCFRMI operates regional and field offices, refugee status determination is ultimately coordinated through its headquarters in Abuja. In practice, access to registration and protection services varies considerably across the country. Refugees and asylum seekers in border areas often face greater difficulties accessing registration procedures and other refugee-related services, particularly in locations where the institutional presence of the NCFRMI is limited. As a result, access to asylum procedures can depend significantly on an individual's location and proximity to the institutions responsible for refugee protection.

Implications of Spatial Distribution for Asylum Access Adjudication

The geographical location of asylum seekers has important practical consequences for access to asylum procedures in Nigeria. Most refugees and asylum seekers are concentrated in border states such as Cross River, Benue, Taraba and Akwa Ibom, while key decisions on refugee status are centralised within the NCFRMI in Abuja. As a result, asylum seekers in remote areas often face difficulties accessing registration, documentation and refugee status determination procedures. Limited institutional presence, transportation challenges and security constraints in some border regions can further delay access to the asylum process. Where registration and documentation are delayed, asylum seekers may be exposed to immigration enforcement measures before their protection claims are fully assessed.

Geography also affects access to legal and humanitarian support. Refugees and asylum seekers in remote border areas generally have fewer opportunities to obtain legal assistance and other forms of support than

³¹⁹ See IOM Nigeria, *Displacement Tracking Matrix (DTM)* <<https://dtm.iom.int/nigeria>> Accessed 19 July 2026

³²⁰ See NHCR, *Nigeria: Bi-Monthly NE Protection Monitoring Report, March–April 2020* (UNHCR 2020) <<https://data.unhcr.org/en/documents/download/76587>> accessed 19 July 2026

³²¹ See UNHCR, *Refugees & Asylum-seekers in Nigeria: 1 July 2026* (UNHCR, 1 July 2026) <<https://data.unhcr.org/en/documents/download/123270>> accessed 19 July 2026.

³²² UNHCR, 'Cameroonian Asylum-Seekers' (UNHCR Nigeria) <<https://www.unhcr.org/ng/who-we-help/cameroonian-asylum-seekers>> accessed 19 July 2026.

³²³ See UNHCR, *Nigeria: Urban Refugees & Asylum Seekers Dashboard (30 June 2024)* (ReliefWeb, 30 June 2024) <<https://reliefweb.int/report/nigeria/nigeria-urban-refugees-asylum-seekers-dashboard-30-june-2024>> accessed 19 July 2026.

³²⁴ See UNHCR, *UNHCR Nigeria Forcibly Displaced Populations Dashboard (1 February 2026)* (ReliefWeb, 1 February 2026) <<https://reliefweb.int/report/nigeria/unhcr-nigeria-forcibly-displaced-populations-dashboard-1-february-2026>> accessed 19 July 2026

those living in major urban centres. Insecurity in parts of the North-East and other border regions may further restrict the ability of government agencies, humanitarian organisations and UNHCR personnel to conduct registration, protection monitoring and refugee status determination activities.

Consequently, the significance of geography lies less in producing different legal approaches across regions than in shaping access to the institutions responsible for refugee status determination. Spatial inequalities therefore contribute to many of the procedural barriers discussed in Part I, particularly delays in registration, documentation and access to protection procedures.

C. Political and public debate in the country

Relevance of the topic in political debate

Access to asylum has generally occupied a limited place in Nigeria's political debate and has rarely featured as a prominent electoral issue or a distinct component of political party manifestos. Unlike several European jurisdictions, asylum policy is not a politically polarising subject in Nigeria. Instead, political discussions concerning forced migration are largely framed within broader debates on national security, border management, irregular migration, counterterrorism and humanitarian response.³²⁵

Since the escalation of Boko Haram-related violence and other security challenges, migration management has become increasingly linked to national security objectives. As a result, government attention has focused primarily on border control, immigration enforcement and the prevention of irregular migration. This has had indirect consequences for asylum seekers, particularly those entering Nigeria through irregular routes, who may encounter immigration enforcement authorities before their protection claims are examined. Although security considerations have influenced the broader environment in which asylum decisions are made, there is little evidence that asylum itself has been a major subject of political or electoral debates.³²⁶ Rather, the obstacles identified in Part I, such as delays in refugee status determination, limited legal assistance and procedural inefficiencies, are more closely associated with institutional capacity constraints, administrative centralisation and resource limitations than with deliberate political efforts to restrict access to asylum.

Relevance of the topic in public debate

Public discussion of asylum in Nigeria remains relatively limited. Refugee issues tend to attract attention primarily during major humanitarian or security-related events, rather than through sustained debate about asylum policy or refugee status determination. Notable examples include the arrival of large numbers of Cameroonian refugees following the Anglophone crisis and the 2018 detention and transfer of 47 Cameroonian asylum seekers and refugees, both of which generated significant scrutiny from civil society organisations, international bodies and the media. The latter incident prompted criticism of Nigeria's compliance with the principle of non-*refoulement* and its international refugee protection obligations. Outside such high-profile incidents, public discourse generally focuses on broader concerns relating to security, displacement, humanitarian assistance and migration management. Although international organisations and civil society actors have periodically highlighted issues such as detention practices, procedural delays and access to protection, these matters have attracted relatively limited and short-lived public attention.

Relevance of the topic in public opinion

As mentioned earlier, available evidence suggests that Nigeria does not exhibit the same degree of polarisation regarding refugees and asylum seekers found in some major refugee-receiving jurisdictions. There is little empirical survey data specifically measuring Nigerian public attitudes toward asylum seekers

³²⁵ See Ogonna, Confidence Nwachinemere, Nsemba Edward Lenshie, and Chikodiri Nwangwu. "Border governance, migration securitisation, and security challenges in Nigeria." *Society* 60, no. 3 (2023): 297-309.

³²⁶ See Karen Hargrave, *Public Narratives and Attitudes Towards Refugees and Other Migrants: Nigeria Country Profile* (Overseas Development Institute 2021).

or barriers to asylum. Public opinion appears to be shaped more by concerns regarding national security, economic conditions and pressure on public services than by opposition to refugee protection itself.³²⁷

Nigeria has historically maintained a relatively open tradition of hosting refugees from neighbouring countries,³²⁸ particularly from Cameroon, Chad, Niger and the Central African Republic, Sudan and the Democratic Republic of Congo.³²⁹ Public attitudes towards refugees have generally remained sympathetic in humanitarian contexts, especially where refugees share linguistic, ethnic or cultural ties with host communities along border regions. At the same time, growing insecurity associated with terrorism, banditry and cross-border criminality has strengthened public support for stricter border controls and immigration enforcement. These security concerns may indirectly reduce public tolerance for irregular migration, even where individuals are seeking international protection.

However, public opinion in Nigeria does not appear to be sharply divided on refugee issues. Instead, attitudes towards refugees and asylum seekers reflect a balance between humanitarian solidarity and concerns about security, irregular migration, and economic pressures. While security concerns have become increasingly prominent in public discourse, there is little evidence of organised anti-refugee political movements or sustained campaigns seeking to restrict access to asylum comparable to those observed in parts of Europe.³³⁰

Implications that political debate and public opinion have on what occurs in judicial bodies

The relatively limited political and public attention given to asylum has important implications for asylum adjudication in Nigeria. Because asylum has not become a highly politicised issue, courts and quasi-judicial bodies have generally not been subject to sustained political or media pressure to adopt either restrictive or expansive interpretations of refugee law. Instead, decisions concerning asylum claims have been shaped largely by institutional capacity, administrative practices, and the manner in which refugee law is implemented by executive authorities, rather than by public opinion or partisan political debates.

Nonetheless, asylum adjudication in Nigeria cannot be entirely separated from broader security considerations. Since the rise of insurgency, terrorism and cross-border criminality, migration governance has increasingly been framed through a national security lens.³³¹ This has influenced the conduct of executive agencies involved in asylum decision-making, particularly the Nigeria Immigration Service and the Office of the National Security Adviser, and has contributed to greater scrutiny of asylum seekers entering through conflict-affected border areas. The detention and extradition of 47 Cameroonian asylum seekers and refugees demonstrates how security imperatives may conflict with refugee protection obligations. In that case, judicial intervention was necessary to reaffirm constitutional guarantees and Nigeria's obligation to respect the principle of non-*refoulement*.

The limited political and public attention given to asylum has also meant that legislative and policy attention has been limited in addressing structural weaknesses in the asylum system. As a result, challenges such as administrative delays, centralised decision-making and inadequate legal assistance have largely persisted. Consequently, the main obstacles to effective asylum adjudication stem from institutional and resource constraints rather than political pressure or ideologically driven reforms. As discussed in Part I, the barriers to asylum access are therefore primarily administrative and structural in nature.

³²⁷ Karen Hargrave, *Public Narratives and Attitudes Towards Refugees and Other Migrants: Nigeria Country Profile* (Overseas Development Institute 2021) pp. 17-19.

³²⁸ Nigerian Government, 'Implementation of the Pact - Follow-up on the implementation of the action plans on Niger and Nigeria'. Working Party on External Aspects of Asylum and Migration (EMWP). Council of the European Union. 4 September 2023. 11860/23 ANNEX p.10.

³²⁹ United Nations High Commissioner for Refugees (UNHCR), *Nigeria Annual Results Report 2024* (UNHCR 2025) [Nigeria Annual Results Report 2024](#) accessed 16 July 2026, p.5.

³³⁰ See European Union Agency for Asylum (EUAA), *COI Report – Nigeria: Country Focus* (November 2025), Publications Office of the European Union, Luxembourg, 3 November 2025, pp. 17-18

³³¹ See Ogonna, Confidence *et al*, *Supra*; See also UNHCR, *Regional Protection Strategic Framework: Responding to the Protection Crisis in the Lake Chad Basin, January 2017–December 2018*.

D. Corruption

Corruption and access to asylum

There is no evidence to indicate that corruption constitutes a systematic or defining barrier to accessing asylum in Nigeria. Unlike in some jurisdictions where bribery or unofficial payments significantly influence refugee registration or asylum decision-making, there is little documented evidence that asylum seekers in Nigeria routinely encounter corruption during refugee status determination or appeals.

Nevertheless, corruption may arise indirectly within the broader migration governance framework. General corruption affecting border management, immigration enforcement and the criminal justice system has the potential to affect asylum seekers, particularly those entering the country through irregular routes or lacking documentation. Asylum seekers may therefore become exposed to the broader governance challenges affecting immigration administration, including arbitrary enforcement practices, prolonged detention and bureaucratic inefficiencies. However, available evidence does not demonstrate that such practices specifically target asylum seekers or systematically influence refugee status determination.

As discussed in Part I, the principal barriers to asylum access in Nigeria are administrative delays, centralised decision-making, limited institutional capacity, inadequate funding, and security-related migration controls. Available evidence indicates that prolonged delays in refugee status determination are primarily associated with irregular sittings of the Refugee Eligibility Committee and Refugee Appeal Board, shortages of trained Refugee Status Determination officers, funding constraints, and the limited operational reach of the NCFRMI. Accordingly, while lengthy administrative inaction, weak inter-agency coordination, and delayed processing may undermine effective access to international protection, these shortcomings are more accurately characterised as manifestations of institutional inefficiency and capacity constraints than as documented instances of corruption within the asylum adjudication process.

Furthermore, there are no sources specifically examining corruption in asylum access adjudication in Nigeria. Neither UNHCR reports, available academic literature, nor reports by major international organisations identify corruption as a principal obstacle within Nigeria's refugee status determination system. Instead, what has been reported by both asylum seekers and officials relates to other structural challenges, including insufficient institutional and financial resources; shortages of trained refugee status determination officers; centralised asylum administration; irregular sittings of the Refugee Eligibility Committee and Appeal Board; inadequate legal assistance; security-related restrictions; and lengthy administrative delays.

Similarly, international reports concerning governance in Nigeria generally discuss corruption within public administration and immigration governance more broadly, but they do not identify systematic corruption within refugee status determination or asylum adjudication.³³²

Corruption and asylum access adjudication

Government officials interviewed stated that there is no available evidence that suggests corruption among judges, members of the Refugee Eligibility Committee, the Refugee Appeal Board, or other actors directly influences asylum decision-making. There are no documented cases demonstrating that refugee status has been granted or refused because of bribery, political patronage or other corrupt practices. Instead, decision-making within Nigeria's asylum system appears to be influenced primarily by institutional and administrative constraints. The irregular convening of the Refugee Eligibility Committee and Appeal Board, together with shortages of trained personnel, creates substantial backlogs, but these delays are attributable to structural capacity limitations rather than evidence of corrupt conduct.

³³² See European Union Agency for Asylum (EUAA), *COI Report – Nigeria: Country Focus (November 2025)*, Publications Office of the European Union, Luxembourg, 3 November 2025 pp. 17-18

Although corruption is widely reported within certain sectors of Nigeria's public administration and justice system,³³³ there is insufficient evidence to suggest that it constitutes a principal obstacle to access to asylum or refugee status determination. Rather, the available literature identifies institutional capacity constraints, administrative inefficiency, the centralised structure of asylum governance, funding shortages, and the increasing securitisation of migration as the primary factors affecting access to international protection. Accordingly, the legality and outcomes of asylum adjudication appear to be influenced more by these structural and systemic challenges than by corrupt practices.

E. Other socio-political factors

Several broader socio-political factors, operating outside the judicial and quasi-judicial system, significantly influence asylum access adjudication in Nigeria. These factors do not directly determine refugee status but shape the institutional environment within which asylum decisions are made. The most significant factor is the securitisation of migration arising from Nigeria's prolonged security challenges. Since the escalation of the Boko Haram insurgency in 2013, together with increasing banditry, cross-border criminality and regional instability, migration governance has become closely linked with national security policy. Consequently, immigration enforcement agencies frequently approach irregular migration through a security lens, particularly in border regions.³³⁴ As demonstrated throughout Part I of this report, this securitised approach contributes to increased screening, arrests, detention and heightened scrutiny of undocumented migrants, including individuals who may be seeking international protection. Security considerations therefore shape the operational environment within which refugee status determination occurs, even though refugee protection remains governed by domestic and international refugee law.

A second important factor is institutional capacity. Nigeria's asylum system operates with limited financial, human and technical resources. The NCFRMI remains highly centralised, with relatively few trained refugee status determination officers and limited operational presence in many border areas. Funding constraints frequently delay registration exercises, Refugee Eligibility Committee sittings and Appeal Board hearings. These institutional limitations have contributed more significantly to barriers to asylum than any deliberate policy of restricting access to international protection.³³⁵ Regional displacement dynamics also shape asylum adjudication. Nigeria's asylum system has been particularly affected by conflicts in neighbouring countries, especially the Anglophone crisis in Cameroon, which substantially increased refugee arrivals from 2017 onwards.³³⁶ Although Nigeria has not experienced refugee inflows on the scale of some neighbouring countries, fluctuations in regional displacement periodically increase administrative workloads and place additional pressure on registration, documentation and refugee status determination procedures.

Another relevant factor is the dependence on international humanitarian assistance. The Nigerian asylum system relies considerably on technical, financial and operational support provided by UNHCR and its implementing partners. Capacity-building programmes, legal assistance, registration support and protection monitoring are all substantially supported by international organisations. Therefore, the effectiveness of asylum adjudication is influenced not only by domestic institutional capacity but also by the availability of external humanitarian funding and technical cooperation.

Nigeria's federal administrative structure also affects practical access to asylum procedures. Although refugee status determination is legally centralised at the federal level, asylum seekers are dispersed across border states and urban centres. Variations in the presence of NCFRMI field offices, transportation infrastructure, security conditions and humanitarian services create unequal practical access to registration

³³³ See Transparency International, *Nigeria: Country Profile* (Anti-Corruption Knowledge Hub) <<https://knowledgehub.transparency.org/country/nigeria>> accessed 16 July 2026.

³³⁴ See Ogbonna, Confidence Nwachinemere, Nsemba Edward Lenshie, and Chikodiri Nwangwu. "Border governance, migration securitisation, and security challenges in Nigeria." *Society* 60, no. 3 (2023): 297-309.

³³⁵ See Ibeh, Nwokedi Castro, and Jane Chinelo Ebubedike. "Issues and Challenges in the Protection of the Rights of Refugees and IDPs in Nigeria." *AJLHR* 8 (2024) p.84.

³³⁶ See UNHCR, *Nigeria: Update on the Cameroon Arrivals*, Issue No. 2 (7 December 2017).

and legal assistance across different regions of the country.³³⁷ These geographical disparities contribute to many of the procedural barriers identified in Part I.

Finally, the limited institutional development of asylum law as a specialised field constitutes an important contextual factor. Nigeria has a relatively small asylum caseload and comparatively little asylum litigation. As a result, specialist expertise among legal practitioners, adjudicators and judges remains limited, while judicial precedent concerning refugee law is relatively underdeveloped. This increases reliance on administrative practice, UNHCR technical guidance and capacity-building initiatives when interpreting refugee law and conducting refugee status determination.

Overall, these socio-political factors indicate that the principal influences on asylum access adjudication in Nigeria are structural rather than ideological. Security concerns, institutional capacity constraints, regional displacement dynamics, dependence on international support, administrative centralisation, and limited specialisation collectively shape the functioning of the asylum system. Together, they explain why the barriers identified in this report arise primarily from institutional limitations and migration governance practices rather than from explicit political opposition to refugee protection.

³³⁷ UNHCR Nigeria, 'Annual Results Report 2022 Nigeria' p.12. Available at: <<https://reporting.unhcr.org/files/2023-06/WA-%20Nigeria.pdf>>