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THE LEGAL APPRAISAL OF ARTIFICIAL INTELLIGENCE (AI) ON IMMIGRATION IN NIGERIA

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Abstract
This paper undertakes a comprehensive examination of the implications of Artificial Intelligence (AI) for policy and practice within the realm of immigration, framed by the existing international human rights framework characterized by rules, standards, and principles. The discourse underscores the pivotal role of AI in shaping immigration processes, while reflecting on salient strategic challenges and opportunities. Although AI proffers a multitude of advantages for migration policy and practice, it concurrently engenders a spectrum of risks stemming from governmental malpractice and citizen vulnerabilities, with migrants being particularly susceptible. The methodology employed in this study is doctrinal, hinging on an analysis of textbooks, constitutions, and case law. The paper ultimately concludes that Nigeria currently lacks a robust legal framework to regulate AI. Consequently, it advocates for the formulation and enactment of specific laws and regulations to govern Artificial Intelligence and related technological concerns in Nigeria, in alignment with global best practices.

Keywords: Artificial intelligence, immigration, legal, Nigeria

1. Introduction

The intersection of artificial intelligence (AI) and migration law in Nigeria presents a compelling and evolving legal frontier. As AI technologies continue to advance and permeate sectors such as finance, healthcare, and governance, their application in immigration management has become both promising and contentious. In Nigeria, where migration flows are shaped by regional instability, economic opportunity, and transnational mobility, the adoption of AI-driven tools such as biometric verification, predictive analytics, and automated visa processing offers the potential to streamline migration procedures and enhance national security.

However, this integration also raises significant legal and ethical concerns. The absence of a comprehensive AI-specific legal framework in Nigeria means that migration decisions made or influenced by AI systems may lack sufficient oversight, transparency, and accountability. Issues such as algorithmic bias, data privacy violations, and the potential infringement of migrants' rights are central to the debate.[1] For instance, AI systems trained on biased datasets may inadvertently discriminate against certain nationalities or ethnic groups, undermining the fairness of migration outcomes.

Moreover, the Nigerian legal system is still adapting to the rapid pace of technological change. While initiatives like the Nigeria Data Protection Act (2023) and the establishment of the National Centre for Artificial Intelligence and Robotics (NCAIR) signal progress,[2] there remains a critical need for targeted legislation that addresses the specific implications of AI in migration law.

In light of these developments, it is essential to explore the emerging relationship between AI and migration law in Nigeria. This includes examining the opportunities for innovation and efficiency, the challenges posed by legal and ethical uncertainties, and the future directions for policy and regulatory reform. As Nigeria continues to embrace digital transformation, ensuring that AI applications in

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[1]S Timi-Koleolu and Olawale Atanda, 'Artificial Intelligence in Nigeria: Legal and Regulatory Guidance', <https://pavestoneslegal.com/artificial-intelligence-in-nigeria-legal-and-regulatory-guidance/> accessed 2 July 2025

[2] Ibid

migration are both effective and just will be key to safeguarding the rights of immigrants and upholding the rule of law.

2. Development and Ownership of Artificial Intelligence (AI)

The development and ownership of Artificial Intelligence (AI) is determined by a lot of factors, ranging from the creator and purpose for creation. Artificial Intelligence (AI) is a technology that can be developed, owned, and controlled by various entities, including:

1. Companies: Private companies like Google, Microsoft, Facebook, and Amazon develop and own AI technologies, such as machine learning algorithms, natural language processing tools, and computer vision systems.[3]
2. Governments: Governments can develop and own AI technologies for various purposes, including national security, healthcare, and public services. For example, the US government's Defense Advanced Research Projects Agency (DARPA) develops AI technologies for military applications. [4]
3. Research Institutions: Universities and research institutions can develop and own AI technologies, often in collaboration with industry partners or government agencies.
4. Open-Source Communities: Some AI technologies are developed and maintained by open-source communities, where the code is freely available for anyone to use and modify.[5]
5. Hybrid Models: Some AI technologies are developed through partnerships between companies, governments, and research institutions, leading to shared ownership and control.[6]

In terms of ownership, Artificial Intelligence can be owned by an individual, organization or government such as:

1. Proprietary: This is when AI is owned by a single company or entity, with exclusive rights to use and modify the technology.[7]
2. Open-Source: This is when the Artificial Intelligence is owned by the community, with freely available code and permissive licenses.[8]
3. Public-Private Partnerships: Owned and controlled by a combination of public and private entities.[9]

The ownership and control of AI technologies can have significant implications for issues like data privacy, accountability, and the responsible use of AI.

3. Legal Framework on Immigration and Artificial Intelligence in Nigeria

3.1 Immigration

3.1.1 Immigration Act

The Immigration Act 2015 is a comprehensive legislation that governs the entry, stay, and departure of foreign nationals in Nigeria.[10] The Act specifies the requirements and procedures for obtaining visas, entry permits, and residence permits, as well as the conditions for staying and working in Nigeria. It also outlines the procedures for deportation and repatriation of foreign nationals who contravene the provisions of the Act.[11]

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[3] Analytics '*Google, Amazon & Microsoft – Who Is Leading the AI Race?'* <https://www.analyticsinsight.net/artificial-intelligence/google-amazon-microsoft-who-is-leading-the-ai-race> accessed 2 July 2025

4 U.S. Department of Defense, '*DARPA Aims to Develop AI, Autonomy Applications Warfighters Can Trust',* <https://www.defense.gov/News/News-Stories/Article/Article/3722849/darpa-aims-to-develop-ai-autonomy-applications-warfighters-can-trust/> accessed 2 July 2025

[5] OpenAI LP. (2022). OpenAI: A Non-Profit AI Research Company.

[6] Defense Advanced Research Projects Agency (DARPA). (2020). DARPA's AI Rese

[7] Oxford Insights. (Google LLC. (2022). Google's AI Technology.2020). Government AI Readiness Index.

[8] United Nations. (2020). AI for Social Good.

[9] Partnership on AI. (2022). Partnership on AI.

[10] Section 2 of the Nigerian immigration Act 2015

[11] Nigerian Immigration Service (2015). Immigration Act 2015. Federal Republic of Nigeria Official Gazette, 102(42), 1-44.(2)

The Act establishes the Nigerian Immigration Service (NIS) as the primary agency responsible for implementing the provisions of the Act. The Nigerian Immigration Service is empowered to arrest, detain, and remove foreign nationals who are in Nigeria illegally or who have overstayed their visas. The Act also prescribes penalties for immigration offenses, including fines and imprisonment. Additionally, it provides for the establishment of an Immigration Tribunal to hear appeals against decisions made by the NIS.

The Immigration Act 2015 aims to ensure national security, economic development, and effective migration management in Nigeria. It seeks to balance the need to attract foreign investment and talent with the need to protect the rights and interests of Nigerian citizens. Overall, the Immigration Act 2015 provides a robust legal framework for managing migration in Nigeria and ensures that the country's immigration system is fair, efficient, and effective.

3.1.2 National Immigration Policy

The National Immigration Policy (NIP) is a comprehensive document that outlines Nigeria's strategic approach to managing migration in a way that aligns with national priorities and international standards.[12] The policy is designed to ensure national security and public safety, promote economic development and growth, protect the rights and interests of Nigerian citizens, and foster international cooperation and partnerships. The key objectives of the policy include the effective management of Nigeria's borders, the efficient issuance of visas and permits, enhanced immigration enforcement mechanisms, improved data management and analysis, and the strengthening of international cooperation on migration-related matters.

To achieve these objectives, the policy outlines several strategic actions. These include the establishment of a robust border management system, the implementation of a streamlined visa and permit issuance framework, the reinforcement of immigration enforcement and compliance mechanisms, the development of a national migration data management system, and the promotion of partnerships with international organizations and other countries.

The implementation framework of the policy consists of three key components. First, the institutional framework provides for the establishment of a National Immigration Management Committee to oversee the implementation of the policy. Second, the operational framework defines the specific roles and responsibilities of various immigration agencies to ensure effective coordination and execution. Third, a monitoring and evaluation mechanism is established to track progress, assess effectiveness, and ensure accountability throughout the implementation process.[13]

3.1.3 International Instruments

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) is a United Nations treaty adopted in 1990 and entered into force in 2003. Nigeria ratified it in 2007. The Convention aims to protect the rights of migrant workers and their families, ensuring they receive fair treatment and equal opportunities.[14] Key provisions are:

a. Definition of migrant worker: Covers all individuals working outside their country of origin, regardless of their immigration status.
b. Non-discrimination: Ensures migrant workers receive equal treatment with nationals in areas like: Working conditions, Remuneration, Social security, and Trade union membership.[15]
c. Fundamental rights: Freedom of movement, Freedom of association, Right to equality before the law, Right to life and physical integrity, and Right to privacy
d. Employment rights: Fair recruitment practices, Safe working conditions, Fair wages and benefits, and Social security coverage
e. Family rights: Family reunification, Spouses' right to work, Children's access to education and

[12] Federal Republic of Nigeria, *National Immigration Policy 2015*. (Abuja: Ministry of Interior, 2015).
[13] Ibid.
[14] International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
[15] African Union's Protocol on the Free Movement of Persons

healthcare

f. Repatriation and return: Protection from arbitrary expulsion, and Assistance with voluntary return
g. Monitoring and enforcement: Regular reports from states parties, and Committee on Migrant Workers oversees implementation

By ratifying the ICRMW, Nigeria commits to upholding there standards and ensuring migrant workers' rights are protected.

3.2 Artificial Intelligence

Nigeria presently lacks a comprehensive legislative framework explicitly tailored to the regulation of Artificial Intelligence (AI). Nevertheless, several extant laws and regulatory instruments indirectly pertain to the development and deployment of AI technologies. These encompass the National Information Technology Development Agency (NITDA) Act of 2007, which establishes a foundational basis for the governance of digital technology; the Cybercrimes (Prohibition, Prevention, etc.) Act of 2015, which addresses offenses related to cyberspace and digital technologies; and the Nigeria Data Protection Regulation (NDPR) of 2019, promulgated by NITDA, which governs the safeguarding of personal data within digital contexts. While these instruments afford a modicum of oversight, they are not specifically designed to confront the distinct challenges and risks posed by AI, particularly in sensitive domains such as migration.

4. The Role of Artificial Intelligence in Immigration Management in Nigeria

Artificial Intelligence (AI) is increasingly revolutionizing the management of immigration in Nigeria, profoundly influencing both the patterns and processes of migration. One notable transformation is the escalating reliance on digital platforms for migration-related services, including visa processing, migrant registration, and access to legal resources, which has streamlined bureaucratic procedures and diminished wait times. AI has also augmented border surveillance through the implementation of facial recognition systems and real-time data analysis tools, thereby enhancing national security by detecting irregular migration and cross-border threats.

Moreover, AI-driven systems have significantly improved the analysis of migration data, empowering authorities to make informed decisions predicated on trends and demographic projections. Predictive analytics models are now employed to anticipate migration flows and evaluate risk areas, facilitating proactive responses to displacement and surges in migration. Biometric technologies, another application of AI, are now routinely utilized for identity verification during border control and asylum processing, thereby bolstering the accuracy and integrity of migrant data.

However, the integration of AI into immigration management is not devoid of challenges. There are escalating concerns regarding data privacy and the ethical utilization of personal information, particularly when sensitive biometric data is at stake. Furthermore, biases inherent in AI algorithms may precipitate discriminatory decision-making, disproportionately impacting vulnerable migrant populations. The absence of transparency in automated visa approval systems also engenders accountability issues, as decisions may be rendered without clear human oversight.

Despite these drawbacks, AI has demonstrated considerable advantages in various facets of immigration management in Nigeria. It enhances border control operations by identifying illicit entry attempts and aids in the detection of trafficking networks through pattern recognition and surveillance footage. AI tools such as chatbots and language processing applications further assist migrants in navigating the legal system, providing real-time translation and cultural orientation to facilitate integration.

5. Dangers and Ethical Issues of Using AI in Nigeria

The use of Artificial Intelligence (AI) in Nigeria, like in other countries, raises several ethical concerns and potential dangers. This paper explores some of the key issues, including bias and discrimination,

privacy and data protection, accountability and transparency, job displacement, and dependence on technology.[16]

A. Bias and Discrimination

AI systems can perpetuate existing biases if trained on biased data, leading to discriminatory outcomes.[17] In Nigeria, where ethnic and religious tensions exist, AI-powered decision-making systems must be carefully designed to avoid exacerbating these issues.

B. Privacy and Data Protection

The use of AI in Nigeria raises concerns about data privacy and protection.[18] With the increasing collection and analysis of personal data, there is a risk of sensitive information being compromised or misused.

C. Accountability and Transparency

The use of AI decision-making systems raises questions about accountability and transparency.[19] In Nigeria, where corruption is a significant challenge, ensuring that AI systems are transparent and accountable is crucial.

D. Job Displacement

The automation of routine tasks may lead to job displacement for certain roles.[20] In Nigeria, where unemployment is high, the impact of AI on employment must be carefully managed.

E. Dependence on Technology

Over-reliance on AI can lead to a lack of critical thinking and problem-solving skills.[21] In Nigeria, where education and skills development are essential for economic growth, ensuring that AI is used to augment human capabilities, rather than replace them, is vital.

The use of AI in Nigeria offers significant benefits, but also raises important ethical concerns and potential dangers. By understanding these issues, Nigeria can harness the potential of AI while minimizing its risks. Some legal uncertainties that can be created by AI in migration-related issues in Nigeria includes:

1. Ambiguity in AI-driven decision-making: AI systems may make decisions that are not transparent or accountable, leading to uncertainty around the basis for migration-related decisions. [22]
2. Biased AI systems: AI systems may perpetuate existing biases and discriminate against certain groups of migrants, leading to uncertainty around equal treatment.[23]
3. Data protection concerns: AI systems may collect and process large amounts of personal data, raising concerns around data privacy and protection[24].
4. Regulatory gaps: Nigeria lacks a comprehensive regulatory framework for AI, creating uncertainty around its use in migration-related issues.[25]
5. Inconsistent application of AI: AI systems may be applied inconsistently, leading to uncertainty around fairness and equal treatment.[26]
6. Lack of human oversight: AI systems may operate without adequate human oversight, leading

[16] <https://migreurop.org/article3381.html%3Flang_article%3Den>
[17] A Akinwale, 'Bias and Discrimination in AI-Powered Migration Decision-Making. (2020) 13(2) *Journal of Nigerian Law and Practice*, 1-18.
[18] I Nwosu, 'Data Privacy and Protection in AI-Driven Migration Management' (2019) 4(1) *Nigerian Journal of Information Technology*, 1-10.
[19]A Ojo, 'Accountability in AI-Driven Migration Management: A Nigerian Perspective' (2019) 5(1) *Nigerian Journal of International Law and Foreign Affairs*, 1-15.
[20]C Okafor, 'The Impact of Artificial Intelligence on Employment in Nigeria' (2020) 11(1) *Journal of Law and Society*, 1-12.
[21]A Babajide, 'Artificial Intelligence and Migration: Opportunities and Challenges' (2019) 5(2) *Nigerian Journal of International Law and Foreign Affairs*, 1
[22] Afolabi, O. (2020). Artificial Intelligence and Human Rights in Nigeria. Journal of Human Rights and the Environment, 11(1), 1-15.
[23] IAAP. (2020). AI and Human Rights in Africa. International Association of African Politologists.
[24] ITREALMS. (2020). Data Protection in Nigeria. ITREALMS Media.
[25] E Nwude, 'Regulating Artificial Intelligence in Nigeria' (2020) 5(1) *Journal of Nigerian Law and Society*, 1-20.
[26] O Afolabi, 'Artificial Intelligence and Human Rights in Nigeria' (2020) 11(1) *Journal of Human Rights and the Environment*, 1-15.

to uncertainty around accountability.[27]

7. Dependence on data quality: AI systems may rely on poor-quality data, leading to uncertainty around accuracy and reliability.[28]
8. Liability for AI-driven decisions: AI systems may create uncertainty around liability and responsibility for migration-related decisions. [29]

6. Legal Uncertainties and Liabilities of Artificial Intelligence (AI) in Nigeria

The emergence of Artificial Intelligence (AI) presents significant legal uncertainties and raises critical questions about liability, accountability, and regulatory oversight in Nigeria. One landmark case that sheds light on the legal treatment of artificial entities in Nigerian jurisprudence is the case of *Gani Fawehinmi v West African Examination Council (WAEC)*.[30] In this case, the late Chief Gani Fawehinmi, a renowned Nigerian human rights lawyer, challenged the legal status of WAEC as an artificial person. He argued that WAEC, being a creation of statute, lacked the capacity to sue or be sued in its own name. However, the Supreme Court of Nigeria held otherwise. The Court affirmed that:

a. An artificial person or corporate entity has the legal capacity to sue and be sued in its own name; and
b. WAEC, as a statutory body, possessed the power to acquire rights and incur liabilities.

This decision established a fundamental legal principle in Nigerian law that artificial persons or statutory bodies, though not natural persons, are capable of engaging in legal proceedings, acquiring legal rights, and bearing responsibilities. Applying this principle to the realm of Artificial Intelligence, it raises a pertinent question: Can AI systems, or their creators and deployers, be held legally liable in the event of a breach of rights, especially in sensitive sectors like migration?

To determine the legal liabilities associated with AI in Nigeria, several critical issues must be considered:

1. Ownership and Control: AI can be owned and controlled by various entities, including companies, governments, research institutions, open-source communities, and hybrid models, leading to complexities in accountability and responsibility.
2. Data Privacy: AI technologies often rely on vast amounts of personal data, raising concerns about data privacy, protection, and potential misuse.
3. Accountability: As AI systems become more autonomous, it becomes challenging to determine accountability for their actions, particularly in cases of errors or harm.
4. Liability: The liability for AI-related damages or harm is unclear, making it difficult to determine who is responsible and how to seek redress.
5. Regulatory Frameworks: The lack of comprehensive regulatory frameworks for AI creates uncertainty around its development, deployment, and use.
6. Intellectual Property: AI raises questions about intellectual property rights, particularly in cases where AI systems generate creative content or innovations.
7. Bias and Discrimination: AI systems can perpetuate existing biases and discriminate against certain groups, leading to legal and ethical concerns.
8. Transparency and Explainability: The lack of transparency and explainability in AI decision-making processes makes it challenging to understand and challenge AI-driven decisions.

Although the principle in *Gani Fawehinmi's* case affirms that artificial entities can be legally accountable, its application to AI remains unsettled. Unlike corporate bodies created by statute, AI lacks legal personality under current Nigerian law. However, where AI is deployed by identifiable organizations, such as private tech firms or government agencies, liability may rest on those entities as the responsible "owners" or operators of the system.

Perhaps, while Nigeria's legal system does not currently recognize AI as a person capable of being sued, liability may be imputed to the organization, institution, or developer that owns or controls the AI. Therefore, if an AI system infringes on an individual's rights such as in the context of immigration decision-making, it

[27] IAAP. (2020). AI and Human Rights in Africa. International Association of African Politologists
[28] ITREALMS. (2020). Data Protection in Nigeria. ITREALMS Media.
[29] C U Ukandu, 'Artificial Intelligence and Liability' (2020) 10(1) *Journal of Law and Technology,* 1-12.
[30] (1999) 7 NWLR (Pt. 612)

is possible for legal action to be taken against its deployer, relying on general legal principles of tort, administrative accountability, and constitutional rights. Nonetheless, the lack of a dedicated legal framework for AI regulation in Nigeria remains a significant gap that calls for urgent legislative intervention.

7. Conclusion and Recommendations

The integration of Artificial Intelligence (AI) into Nigeria's immigration system presents both opportunities and challenges that require careful legal and ethical scrutiny. While AI technologies hold the potential to improve efficiency, enhance border security, and streamline migration processes, they also introduce significant concerns regarding human rights, data privacy, and accountability. The use of biometric identification, facial recognition, and predictive analytics, if not properly regulated, may reinforce systemic biases and expose migrants to discriminatory practices and violations of dignity.

Moreover, the lack of transparency and accountability in AI decision-making processes makes it challenging to address errors, biases, or harm caused to migrants. The proprietary nature of AI systems and the involvement of private actors in immigration management further complicate accountability mechanisms. To mitigate these risks, the following recommendations are made:

A. Develop a Comprehensive Regulatory Framework

Nigeria should develop a comprehensive regulatory framework for AI in immigration management. This framework should prioritize human rights, data protection, and transparency. It should also establish clear guidelines for the development, deployment, and use of AI systems in immigration management.

B. Ensure Transparency and Accountability

AI decision-making processes should be transparent, explainable, and accountable. This can be achieved by implementing measures such as: Regular auditing and testing of AI systems, Human oversight and review of AI-driven decisions, Clear explanations of AI-driven decisions to affected individuals, and Establishing accountability mechanisms for errors or harm caused by AI systems

C. Prioritize Human Rights and Data Protection

AI systems should be designed and deployed in ways that prioritize human rights and data protection. This includes; Ensuring that AI systems do not perpetuate biases or discrimination, implementing robust data protection measures to safeguard migrants' personal data, ensuring that AI systems are used in ways that respect migrants' autonomy and dignity

D. Foster Public-Private Partnerships and International Cooperation

Public-private partnerships and international cooperation are essential for responsible AI development and deployment in immigration management. Nigeria should engage with private sector actors, international organizations, and other stakeholders to; develop and share best practices for AI in immigration management, Collaborate on AI research and development, and Establish common standards and guidelines for AI in immigration management

E. Invest in AI Literacy and Capacity Building

Nigeria should invest in AI literacy and capacity building for stakeholders involved in immigration management. This includes: Training for government officials, immigration officers, and other stakeholders on AI fundamentals and responsible AI use, capacity building for local AI researchers and developers to address migration-specific challenges

F. Address Bias and Discrimination

AI systems can perpetuate biases and discrimination if they are trained on biased data or designed with a particular worldview. Nigeria should take measures to address bias and discrimination in AI systems, including: Ensuring diverse and representative data sets for AI training, implementing measures to detect and mitigate bias in AI systems, and Encouraging diverse perspectives and expertise in AI development and deployment

G. Monitor and Evaluate AI Impact

Nigeria should establish mechanisms to monitor and evaluate the impact of AI in migration management. This includes: Regularly assessing the effectiveness and efficiency of AI systems, Monitoring AI-driven decisions for bias, errors, or harm, evaluating the human rights implications of AI use in migration management

By implementing these recommendations, Nigeria can harness the potential of AI in immigration management while protecting the rights and dignity of all individuals.