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Nigeria – New Rules on Extension of Stay and Visa Extension Fees

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On 14 September 2015, Nigeria's Federal Ministry of Interior (FMI) issued announcements in various national dailies, on new guidelines for the control and monitoring of nonresident expatriates who are not covered by the Combined Expatriate Residence Permit & Alien Card (CERPAC) regime. With effect from 22 September 2015, any holder of an entry visa would only be allowed to stay for an aggregate period of 56 days in a year, where an extension request has not been made. However, citizens of the Economic Community of West African States (ECOWAS) are exempted.

The new rules comprise part of the e-Pass project, which is expected to enhance the capacity of the NIS in its development of a more effective and efficient mechanism for monitoring the movement of visitors to Nigeria.

Why This Matters

Organizations that have foreign workers coming into Nigeria now have to make provision to make payments for extensions of stay in respect of their so-called nonresident visitors[1]. Organizations will need to be more vigilant about the duration of stay of their expatriate employees and should consider, without delay, putting in place appropriate control measures to monitor the duration of stay of such employees so that they can make the proper applications for extensions of stay in a timely manner and avoid incurring penalties of100 percent of the related fee.

Summary of Key Points / Implications

Provisions for Extension, Fees, and Sanctions for Violations – The new rules provide for extension of stay, the relevant fees, and stipulated sanctions for violations as illustrated in the table below:

PERIOD OF STAY	***EXTENSION FEES***	***PENALTY***
57 - 90 days	$200 or the Naira Equivalent	$400
91 - 180 days	$1,000 or the Naira equivalent	$2,000
181 - 365 days	$2,000 or the Naira equivalent	$4,000

KPMG Note

The implication of the new rules is that organizations are now required to make appropriate provisions for the statutory visa extension fees as and when required for their non-ECOWAS visitors. Also, the introduction of these fees may limit expatriate mobility to Nigeria for nonresident expatriates due to cost implications for the visa extension.

Limitation on Period of Stay – Based on the new rules, any period of stay in Nigeria by non-ECOWAS nationals beyond 56 days aggregate in a year and where payment has not been made for an extension, is an 'overstay' for which appropriate sanctions would be imposed.

Data Capturing Exercise – A data capturing exercise would commence from 22 September 2015. Every holder of a Nigerian visitor's visa arriving Nigeria or already present would have his/her data captured. According to the FMI, the purpose is to create a unique identity and secure travel records for nonresident expatriates in Nigeria.

KPMG Note

There are certain aspects of the new guidelines which the Ministry should clarify. The notification made by the FMI does not clearly identify the locations for processing extension requests for expatriates requiring extension. It also does not specify where the data capturing exercise would take place for expatriates already present in the country.

In addition, there is no clarity with respect to the one-year period for calculating the aggregate number of days for which an expatriate has stayed in Nigeria: Is the one-year period 'a calendar year' or 'any 12-month period'?

It is hoped that the Ministry would provide clarification with respect to these 'grey' areas as soon as possible in order to foster successful implementation of the new system.

Footnote:

1 Prior to now, only American and South African nationals were required to pay a fee for the extension of the visitor's pass, in order to continue their stay in Nigeria.

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