

LEGAL AND INSTITUTIONAL FRAMEWORKS GOVERNING THE PROTECTION OF IMMIGRANT MINORS IN NIGERIA

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Abstract

This article examines the legal and institutional frameworks for protecting immigrant minors in Nigeria, focusing on the domestic implementation of international and regional child rights treaties, national legislation, and the operational roles of key institutions. The objective is to identify gaps and challenges in the provision and enforcement of statutory protections for immigrant minors while highlighting potential improvements to institutional synergy and policy coherence. Employing a doctrinal research methodology, findings indicate that Nigeria's frameworks largely align with international standards but are undermined by disparate state-level domestication, weak inter-agency coordination, and resource constraints. Furthermore, implementation challenges, such as insufficient birth registration and lack of specialized judicial mechanisms, perpetuate vulnerabilities among immigrant minors. The study concludes by recommending the harmonization of enforcement processes, strengthened cross-sectoral cooperation, and targeted policy innovation including inclusive documentation, education, and healthcare access to enhance rights-based protection. These recommendations advance Nigeria's prospects for fulfilling its treaty obligations and support sustainable developmental goals related to child welfare.

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1.0 INTRODUCTION

Protection of immigrant children has become one of the primary concerns of international law and also for national development, social equity, and humanitarian protection for vulnerable sectors. In the case of Nigeria, the support for immigrant children's rights is situated within a multi-layered framework that is constantly evolving from international or regional conventions to national legislation and policy guidelines. Key to this are the United Nations Convention on the Rights of the Child (UNCRC), African Charter on Rights and Welfare of the Child (ACRWC), 1951 Refugee Convention, and Nigeria's Child Rights Act, which have far-reaching provisions on prohibition of discrimination, education, health, right to asylum, and protection against abuse.

This paper thoroughly deals with the frameworks within which immigrant minors are protected internationally, regionally, and nationally. These include international frameworks like the UN and ILO that provide general frameworks on children's protection, while bodies in the AU and ECOWAS provide frameworks fitted to the real-life situations of child migration in Africa. Protection of immigrant minors is also committed within the legislative frameworks through engagement with the governmental institutions founded on constitutional and statutory frameworks that aspire to guarantee equality of treatment in the access to rights and remedies regardless of origin or status.

Regardless of this fact, challenges continue to hamper the fulfillment of this right. Inequality in the treatment and implementation of child

protection laws, inclusive of Islamic Sharia law, from state to state within Nigeria, inadequacies in coordination, birth registrations, and resources allocation continue to present national and international standards as ideals and not realities. In addition, structural barriers such as corruption, inconsistencies within the laws, and coordination between institutions continue to impede the administration of justice and its implementation to immigrant children, most especially living on or around Nigeria's borders or areas of conflict.

Despite these ever-present challenges, Nigeria has been experiencing perceptible steps in the right direction in its enhancement of collaborations with international agencies such as UNICEF, UNHCR, and the International Organization for Migration, domestic non-governmental organizations, and well-meaning individuals within society in their work to deliver education, health, and psychological support programs for children. Such collaborations are very critical, considering that the country equally struggles with emerging factors for child migration that include climate change, regional instability, child trafficking, and online child exploitation.

It is within this complex environment that this article examines the dynamic interplay of existing legal documents and institutions concerning protection of immigrant minors in Nigeria. This research adopts a doctrinal methodological approach by reviewing and assessing existing provisions towards identifying lacuna that form the basis for recommending improvement. The paper aims to contribute to existing literature within the field to improve protection and guaranteed rights of immigrant minors in Nigeria through existing institutions.

2.0 DISCUSSION

2.1 Legal Framework

The legal framework for the protection of immigrant minors in Nigeria is anchored in a multi-layered system comprising international, regional, and national laws and conventions. At the international level, Nigeria is a signatory to key treaties like the United Nations Convention on the Rights of the Child and the 1951 Refugee Convention, which confer fundamental rights upon children and refugees alike.² Regionally, instruments such as the African Charter on the Rights and Welfare of the Child and protocols from the African Union and ECOWAS provide further legal backing and policy guidelines relevant to the African context.³ Nationally, Nigerian legislation such as the Child Rights Act, 2003; Refugee Act; and Trafficking in Persons (Prohibition) Enforcement and Administration Act are witnesses to the commitment of the country to align domestic laws with internationally recognized standards.⁴ These laws emphasize, among others, the right to freedom from discrimination, education, health, freedom from trafficking and abuse, and equal treatment before the law, thereby establishing a comprehensive legal framework within which immigrant minors can be protected.⁵ Despite this robust framework, challenges in implementation and enforcement remain, necessitating continuous efforts from institutional actors at all levels to ensure the realization of these rights in practice.

² Okunade, S. F. *Child Rights and Refugee Protection in Nigeria: Integrating International Law and Domestic Implementation*. (Lagos Publishing 2023).

³ Uzoamaka, N. G. *Regional Child Protection Frameworks in Africa: Legal Instruments and Policy Directives*. (Ibadan: Spectrum African Law Press 2021).

⁴ Adewuyi, A. O. *Regional and National Frameworks for Child and Refugee Protection in Nigeria* (Justice and Human Rights Publications 2022).

⁵ Olagunju, S. A. *Nigerian Legal Frameworks for the Protection of Child and Immigrant Rights*. (Abuja: Emerald Justice Press 2020).

2.1.1 International Legal Framework

The international legal framework for the protection of immigrant minors is built upon several cornerstone treaties and conventions designed to safeguard their rights and welfare globally. They include:

- a. United Nations Convention on the Rights of the Child (UNCRC).⁶
- b. Convention Relating to the Status of Refugees.⁷
- c. Optional Protocols to the UNCRC.⁸
- d. Global Compact on Refugees.⁹
- e. The 1951 Refugee Convention and its 1967 Protocol¹⁰
- f. International Labour Organization (ILO) Conventions.¹¹

A. United Nations Convention on the Rights of the Child (UNCRC)

The United Nations Convention on the Rights of the Child is an international treaty setting out the civil, political, economic, social, health, and cultural rights of all children, defining a child as any individual under eighteen unless a lower age of majority applies

⁶ United Nations, 'Convention on the Rights of the Child' (1989) <<https://www.ohchr.org/sites/default/files/crc.pdf>> accessed 21 August, 2025.

⁷ United Nations. 'Convention Relating to the Status of Refugees' (1951). <<https://www.ohchr.org/sites/default/files/RefugeeConvention.pdf>> accessed 21 August, 2025.

⁸ United Nations, 'Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict' (2000) <<https://www.ohchr.org/Documents/ProfessionalInterest/crc-conflict.pdf>> accessed 21 August, 2025 and United Nations, 'Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography' <<https://www.ohchr.org/Documents/ProfessionalInterest/crc-sale.pdf>> accessed 21 August, 2025.

⁹ United Nations. 'Global Compact on Refugees' <<https://www.un.org/pga/72/wp-content/uploads/sites/51/2018/07/Global-Compact-on-Refugees.pdf>> accessed 21 August, 2025.

¹⁰ United Nations '1951 Convention Relating to the Status of Refugees, Geneva' (28 July 1951) <https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.23_convention%20refugees.pdf> accessed 21 August, 2025.

¹¹ International Labour Organization 'Summary of ILO, OSH Conventions and Recommendations' (1999) <<https://www.asheinstitute.com/wp-content/uploads/2019/07/ILO-CONVENTION.pdf>> accessed 21 August, 2025.

nationally.¹² Adopted on 20 November 1989 and in force since September 2, 1990,¹³ the UNCRC has 196 parties as of August 2025, binding signatories under international law to uphold its principles. Even nations that sign but do not ratify the treaty must refrain from acts contrary to its intent.¹⁴

A central oversight mechanism is the UN Committee on the Rights of the Child, comprised of eighteen independent experts.¹⁵ States parties to the Convention must report and appear periodically before the Committee for continued compliance.¹⁶ The Committee provides a complaint mechanism for individuals and undertakes investigations of allegations of violations, although these procedures are optional and states members can opt out. Annual reports are presented to the UN General Assembly for discussion and action. The United States was involved in the draft and signed the UNCRC in 1995 but has never ratified it due to sentiments against it by conservative groups as undermining parental authority and religious values.

¹² The Campaign for U.S. Ratification of the Convention on the Rights of the Child (ed), 'What is the CRC?' (2018) <<https://web.archive.org/web/20200509140102/https://www.childrightscampaign.org/what-is-the-crc/>> accessed 21 August, 2025.

¹³ United Nations, 'Chapter IV. Human Rights. 11) Convention on the Rights of the Child' in *United Nations Treaty Collection: Depositary – Status of Treaties* (1989) <https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg_no=IV-11&chapter=4&clang=_en> accessed 21 August, 2025.

¹⁴ Ibid.

¹⁵ Kilkelly, U. *The UN Convention on the Rights of the Child: A Study of the Monitoring Committee* (Cambridge University Press 2019).

¹⁶ Office of the High Commissioner for Human Rights (ed), 'Committee on the Rights of the Child: Monitoring children's rights' <<https://ohchr.org/EN/HRBodies/CRC/Pages/CRCIntro.aspx>> accessed 21 August, 2025.

The Convention itself enshrines essential principles such as non-discrimination,¹⁷ the primacy of the child's best interests,¹⁸ protection from violence and exploitation,¹⁹ guaranteed access to education²⁰ and healthcare,²¹ preservation of family unity,²² and specific safeguards for unaccompanied minors.²³ These provisions collectively ensure that immigrant children including refugees, asylum seekers, and irregular migrants are entitled to the same rights and protections as national children.²⁴

In summary, the UNCRC sets a comprehensive standard for child protection, but in Nigeria, implementation requires more effective enforcement, judicial awareness, and international collaboration to address trafficking and displacement. Strengthening legal frameworks and institutional accountability is critical to fulfilling treaty obligations and securing rights for all immigrant children.

¹⁷ United Nations, *Article 2 of the Convention on the Rights of the Child* (Office of the United Nations High Commissioner for Human Rights, 1989).

¹⁸ United Nations, *Article 3 of the Convention on the Rights of the Child* (Office of the United Nations High Commissioner for Human Rights, 1989).

¹⁹ United Nations, *Article 19, 32 - 36 of the Convention on the Rights of the Child* (Office of the United Nations High Commissioner for Human Rights, 1989).

²⁰ United Nations, *Article 28 of the Convention on the Rights of the Child* (Office of the United Nations High Commissioner for Human Rights, 1989).

²¹ United Nations, *Article 24 of the Convention on the Rights of the Child* (Office of the United Nations High Commissioner for Human Rights, 1989).

²² United Nations, *Article 9 and 10 of the Convention on the Rights of the Child* (Office of the United Nations High Commissioner for Human Rights, 1989).

²³ United Nations, *Article 20 and 22 of the Convention on the Rights of the Child* (Office of the United Nations High Commissioner for Human Rights, 1989).

²⁴ UN Committee on the Rights of the Child, *General Comment No. 6: Treatment of Unaccompanied and Separated Children Outside their Country of Origin*, CRC/GC/2005/6 (2005)

<<https://www.refworld.org/legal/general/crc/2005/en/38046>> accessed 3 September 2025.

B. Convention Relating to the Status of Refugees (1951)

Together with its 1967 Protocol, the 1951 Refugee Convention represents the major legal arrangement that has defined the status of refugees, the responsibilities of states, and basic rights, including especially the principle of non-refoulement under Article 33. It was initially restricted to the protection of Europeans who suffered due to World War II but later gained universal application. It binds states to protect those who have a well-founded fear of persecution based on their race, religion, nationality, membership of a particular social group, or political opinion. The Protocol removed the Convention's temporal and geographical limitations, expanding protection to all refugees.²⁵

Key rights for refugees, including minors, involve access to education (Article 22), employment (Article 17), and suitable residence (Article 26). The United States incorporated these standards via the 1980 Refugee Act, with added protections for minors through guardianship (Flores Settlement Agreement) and anti-trafficking legislation. The United Kingdom implements the Convention through the Immigration and Asylum Act (1999) and Nationality and Borders Act (2022), offering legal guardianship and psychosocial support for child refugees, though criticism persists regarding housing in temporary settings.

Nigeria ratified both the Convention and Protocol, entrusting refugee affairs with the National Commission for Refugees, Migrants, and Internally Displaced Persons (NCFRMI). Practical limitations endure due to an absence of comprehensive domestic legislation and

²⁵ 'Consolidated Version of the Treaty on the Functioning of the European Union', *Official Journal of the European Union* (2012) <https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_2&format=PDF> accessed 21 August, 2025.

operational challenges, including insufficient specialized protection for unaccompanied minors.²⁶

C. Optional Protocols to the UNCRC (2000)

In this sense, the Optional Protocols to the UNCRC on the sale of children, child prostitution, child pornography, and the involvement of children in armed conflict add to the protection afforded the most vulnerable children, who happen to be immigrants and refugees. These protocols, which have been ratified by Nigeria and other peer states, demand comprehensive legal, educational, and institutional interventions and criminalize these forms of exploitation.²⁷

Nigeria's Child Rights Act and Trafficking in Persons (Prohibition) Enforcement and Administration Act serve as domestic vehicles for these international obligations, but enforcement and access to services remain constrained by regional disparities and resource limitations.

D. Global Compact on Refugees (2018)

The 2018 Global Compact on Refugees provides guiding principles, responsibility-sharing, and international cooperation in refugee protection.²⁸ While non-binding, it lays down standards for humane treatment of refugee minors, including special procedural safeguards

²⁶ National Commission for Refugees, 'Migrants and Internally Displaced Persons (NCFRMI)', *Annual Report on Child Protection* (2021) <<https://ncfrmi.gov.ng>> accessed 8 September 2025.

²⁷ Network Against Child Trafficking, Abuse, and Labour (NACTAL), 'Nigeria's Anti-Trafficking Efforts' (2022) <<https://www.nactal.org>> accessed 8 September 2025.

²⁸ Rebecca Root, 'Can the Global Refugee Forum Deliver What the UN Compact Is Missing?' (17 December 2019) <<https://www.devex.com/news/can-the-global-refugee-forum-deliver-what-the-un-compact-is-missing-96243>> accessed 21 August, 2025.

and access to education.²⁹ In Nigeria, policies such as the National Policy on Internally Displaced Persons reflect some of the Compact's principles but are plagued by poor implementation in areas related to the protection of unaccompanied children and the facilitation of such children's integration into national educational systems.

Comparative regional analysis also suggests that Nigeria faces more serious institutional limitations than peer states and lags behind in mental health support, family unity, and in the principle of non-refoulement. This calls for systemic strengthening and capacity-building to meet international commitments.³⁰

E. The 1951 Refugee Convention and its 1967 Protocol (Application in Nigeria)

Nigeria, troubled by continuing conflict and instability, is a source and destination for refugee flows, and minors constitute a significant affected population.³¹ While the 1951 Convention and the 1967 Protocol have been ratified, they are not yet fully reflected in Nigerian law and practice for minors. The best interests of the child, nonrefoulement, and safeguards against wrongful deportation remain inconsistently applied, often leaving many immigrant minors at risk of exploitation and without due recourse or access to education and family reunification.³²

²⁹ United Nations, 'Global Compact on Refugees' (2018) <<https://www.unhcr.org>> accessed 8 September 2025.

³⁰ UNICEF Nigeria, 'Refugee Education Initiatives' (2022) <<https://www.unicef.org/nigeria>> accessed 8 September 2025.

³¹ UNHCR, 'The 1951 Refugee Convention and 1967 Protocol' (2021) <<https://www.unhcr.org/1951-refugee-convention.html>> accessed 8 September 2025.

³² Amnesty International, Nigeria: 'We Dried Our Tears – Addressing the Toll on Children of the Conflict in Nigeria's Northeast' (2022) <<https://www.amnesty.org/en/documents/afr44/5412/2022/en/>> accessed 8 September 2025.

These efforts by UNHCR and NGOs support legal aid and humanitarian services, while systemic and legislative reforms are needed to bridge the gaps in providing durable solutions for displaced and trafficked children.³³

F. International Labour Organization (ILO) Conventions (1999)

ILO Conventions No. 182 and No. 138 address the worst forms of child labor and set minimum ages for employment, imposing binding obligations to eradicate slavery, trafficking, and exploitative work. These international standards underpin the legal and programmatic protections for immigrant minors in Nigeria, where trafficking and cross-border child labor persist amidst weak enforcement and limited institutional capacity.

While Nigeria's statutory frameworks do engage with ILO principles, actual protection for migrant and trafficked children is weakened by inadequate border controls, patchy law enforcement, and a shortage of dedicated resources. Community interventions and international collaborations have achieved some successes, but much stronger efforts would be required to eradicate the exploitation of migrant minors.³⁴

2.1.2 Regional Legal Framework

The regional legal framework for the protection of immigrant minors in Nigeria is principally guided by African instruments and protocols that complement international norms while addressing specific regional realities. They include

³⁴ Amnesty International, Nigeria: 'We Dried Our Tears – Addressing the Toll on Children of the Conflict in Nigeria's Northeast' (2022) <<https://www.amnesty.org/en/documents/afr44/5412/2022/en/>> accessed 8 September 2025.

- a. The African Charter on the Rights and Welfare of the Child (ACRWC).³⁵
- b. African Union Policy Framework for the Protection of Vulnerable Children.³⁶
- c. African Union Continental Framework for the Free Movement of Persons.³⁷
- d. ECOWAS Policy for the Protection of Children.³⁸

A. African Charter on the Rights and Welfare of the Child (ACRWC):

Entered into force in 1999,³⁹ it affirms the rights of all children, including migrants, through the African Committee of Experts. Nigeria ratified and domesticated the ACRWC via the Child Rights Act,⁴⁰ criminalizing trafficking and guaranteeing education for immigrant children, though implementation is inconsistent across states.

³⁵ Organization of African Unity (OAU) 'African Charter on the Rights and Welfare of the Child' (adopted 11 July 1990, entered into force 29 November 1999) <https://au.int/sites/default/files/treaties/36804-treaty-african_charter_on_rights_welfare_of_the_child.pdf> accessed 8 September 2025.

³⁶ African Union, 'Social Policy Framework for Africa' (2008) <https://au.int/sites/default/files/documents/30218-doc-social_policy_framework_for_africa_-_final_-_18_nov_2008.pdf> accessed 8 September 2025.

³⁷ African Union 'Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment' (adopted 29 January 2018) <https://au.int/sites/default/files/treaties/36403-treaty-protocol_on_free_movement_of_persons_in_africa_e.pdf> accessed 8 September 2025.

³⁸ Economic Community of West African States (ECOWAS) 'ECOWAS Child Policy and Strategic Plan of Action' (adopted December 2008) <<https://faolex.fao.org/docs/pdf/eco210949.pdf>> accessed 8 September 2025.

³⁹ Gose, M. *The African Charter on the Rights and Welfare of the Child: A Legal Analysis*. (Community Law Centre, University of the Western Cape, 2002). pp. 1–7.

⁴⁰ National Human Rights Commission (Nigeria), 'Implementation of the Child Rights Act in Nigeria' (2021) <<https://www.nhrc.gov.ng>> accessed 8 September 2025.

The Charter defines a “child” as any human being below the age of 18, explicitly recognizing the distinctive and privileged status of children within African societies, and acknowledging their particular need for protection and care.⁴¹ The ACRWC guarantees children’s rights to freedom of expression, association, assembly, thought, religion, and conscience.⁴² It also enshrines protections against economic exploitation, hazardous labour, abuse, harmful cultural practices, sexual exploitation, trafficking, and other violations that could compromise a child’s development or dignity.⁴³

Nigeria subsequently domesticated the ACRWC through the Child Rights Act (2003), extending its protections to all children, notably refugees and migrants.⁴⁴ Key provisions include equal rights for immigrant minors,⁴⁵ criminalization of child trafficking,⁴⁶ and the inclusion of refugee children in public education though practical challenges in enrolment persist.⁴⁷

Nonetheless, implementation remains inconsistent, as only 25 of Nigeria’s 36 states have enacted the Child Rights Act.⁴⁸ Similarly, Tanzania domesticated the Charter through its Law of the Child Act (2009).⁴⁹

⁴¹ African Charter on the Rights and Welfare of the Child, Article 2.

⁴² African Charter on the Rights and Welfare of the Child, Articles 7, 8, and 9.

⁴³ African Charter on the Rights and Welfare of the Child, Articles 15 and 16.

⁴⁴ National Human Rights Commission (Nigeria), ‘Implementation of the Child Rights Act in Nigeria’ (2021) <<https://www.nhrc.gov.ng>> accessed 8 September 2025.

⁴⁵ African Charter on the Rights and Welfare of the Child, Article 3.

⁴⁶ African Charter on the Rights and Welfare of the Child, Article 29.

⁴⁷ Ibid., Article 11.

⁴⁸ Ibid. no. 47.

⁴⁹ Ibid. no. 47.

B. African Union Policy Framework for the Protection of Vulnerable Children:

The current framework identifies high-risk groups including migrant minors, providing countries like Nigeria with guidelines that integrate protection measures within national agencies and policy initiatives.⁵⁰

Nigeria has incorporated aspects of this framework through the development of national policies on trafficking and the institution of the National Commission for Refugees, Migrants, and Internally Displaced Persons.⁵¹

C. African Union Continental Framework for the Free Movement of Persons:

This protocol was instituted in 2018 and furthers mobility by insisting on child-sensitive border management.⁵² Nigeria has made tangible progress toward aligning with this framework. Through its National Migration Policy (2015), the country has instituted dedicated provisions for migrant children. Additionally, Nigeria's cooperation with organizations like the IOM and UNHCR has resulted in more child-sensitive approaches to border management.⁵³ The ECOWAS free movement protocols further extend regional protections to minors, helping to ensure that their rights are not overlooked in cross-border contexts.⁵⁴

⁵⁰ Kaime, T. 'The African Union Policy Framework for the Protection of Vulnerable Children' *African Charter on the Rights and Welfare of the Child: A Socio-Legal Perspective* (2009) pp 92–94).

⁵¹ *ibid.* no. 53. pp. 97–99.

⁵² Adeola, R., & Van Eerd, M. *Migration and the Law in Africa: A Continental Approach* (Pretoria University Law Press, 2020) pp. 201–204.

⁵³ International Organization for Migration Nigeria, 'Border Management Initiatives' (2023) <<https://www.iom.int>> accessed 8 September 2025.

⁵⁴ National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI), 'ECOWAS Protocols Implementation' (2022) <<https://ncfrmi.gov.ng>> accessed 8 September 2025.

D. ECOWAS Policy for the Protection of Children:

Structured around strategic objectives, it targets the prevention of trafficking, non-discriminatory education and healthcare, and harmonized laws-explicitly mentioning migrant and displaced minors. The ECOWAS Policy for the Protection of Children (2006) does not follow a strict "article" numbering system like a treaty or convention, but it is structured around objectives, principles, and strategic actions without explicit article references. Several of these components are directly relevant to immigrant minors.⁵⁵ For example, Strategic Objective 3.2 addresses the prevention of cross-border trafficking and the protection of victims, specifically migrant children.⁵⁶ Strategic Objective 5 calls upon ECOWAS member states to harmonize child protection laws, with a special focus on children affected by migration.⁵⁷ Strategic Objective 2 ensures non-discriminatory access to education and healthcare for all children, migrants included.⁵⁸ Strategic Objective 3.4 obliges states to provide guardianship, family tracing, and alternatives to detention for displaced or migrant minors.⁵⁹ The policy also implicitly covers asylum-seeking children, even if not explicitly named. Finally, Strategic Objective 6 emphasizes the monitoring of violations against children, extending these protections to migrant minors as well.⁶⁰

⁵⁵ Kaime, T. 'The ECOWAS Policy for the Protection of Children: Objectives, Principles and Strategic Actions' *The African Charter on the Rights and Welfare of the Child: A Socio-Legal Perspective* (2009) pp. 102–104.

⁵⁶ ECOWAS Policy for the Protection of Children (2006), Objective 3.2.

⁵⁷ Ibid. Objective 5.

⁵⁸ Ibid. Objective 2.

⁵⁹ Ibid. Objective 3.4.

⁶⁰ Ibid. Objective 6

2.1.3 National Legal Framework

Nigeria's legal landscape for protecting immigrant minors isn't just some vague promise; it's built on a solid foundation of statutory laws and constitutional provisions. At the centre of this framework, specific legal instruments and constitutional mandates come together to secure children's rights and welfare, ensuring that even non-citizen minors are not left out of these protections. The national approach, in theory at least, aims to uphold both the spirit and the letter of safeguarding vulnerable children. Central to Nigeria's framework are:

- a. Constitution of the Federal Republic of Nigeria, 1999 as amended.⁶¹
- b. Child Rights Act.⁶²
- c. National Policy on Protection & Assistance to Trafficked Persons.⁶³
- d. Trafficking in Persons (Prohibition) Enforcement and Administration Act.⁶⁴
- e. Nigerian Immigration Act.⁶⁵

⁶¹ Federal Republic of Nigeria 'Constitution of the Federal Republic of Nigeria, 1999 (as amended)' <<https://nigeriarights.gov.ng/files/constitution.pdf>> accessed 8 September 2025.

⁶² Federal Republic of Nigeria 'Child Rights Act', (Act No. 26 of 2003) <<https://features.hrw.org/features/african-union/files/Nigeria%20-%20Child%20Rights%20Act%20No.%2026%20of%202003.pdf>> accessed 8 September 2025.

⁶³ Federal Government of Nigeria 'National Policy on Protection and Assistance to Trafficked Persons, Abuja' (2008) <<https://www.refworld.org/en/download/102066>> accessed 8 September 2025.

⁶⁴ Federal Republic of Nigeria, 'Trafficking in Persons (Prohibition) Enforcement and Administration Act' (2015) <<https://naptip.gov.ng/wp-content/uploads/2021/11/NAPTIP-Re-enactment-Act-1-GAZETTE-10001-1.pdf>> accessed 8 September 2025.

⁶⁵ Federal Republic of Nigeria, 'Nigerian Immigration Act' (2015) <<https://www.placng.org/lawsofnigeria/laws/I1.pdf>> accessed 8 September 2025.

f. National Migration Policy.⁶⁶

A. Constitution of the Federal Republic of Nigeria (1999, as amended):

Guarantees the right to life, freedom from abuse, non-discrimination based on origin or status, and state provision for children and young persons.

B. Child Rights Act (2003)

Domesticates the UNCRC, defining a child as anyone under 18 years of age regardless of citizenship. It prohibits discrimination, trafficking, forced Labor, and arbitrary deportation but is yet to be adopted in all states, which seriously compromises consistent protection.

C. National Policy on Protection & Assistance to Trafficked Persons (2008)

Provides for identification of victims, rescue, reintegration, and ensures provisional safeguards and legal assistance for trafficked minors, focusing on the best interest of the child.

D. Trafficking in Persons (Prohibition) Enforcement and Administration Act (2015):

It criminalises trafficking and exploitation irrespective of nationality; provides shelter to rescued minors and ensures non-refoulement, with severe penalties against offenders.

⁶⁶ Federal Republic of Nigeria, 'National Migration Policy, Abuja' (2015) <https://nelex.gov.ng/documents/National_Migration_Policy_Nigeria_2015.pdf> accessed 8 September 2025.

E. Nigerian Immigration Act (2015):

Regulates entry and residence procedures, criminalizes smuggling, and sets standards of documentation for minors, although with limited explicit protective measures.

F. National Migration Policy (2015):

While non-binding, it identifies unaccompanied migrant minors as a vulnerable group and encourages training, data collection, and inter-agency coordination in order to provide protection.

3.1 Institutional Framework

Nigeria's institutional frameworks operate at three intersecting levels:

3.1.1 International Institutional Framework

1. UNICEF (1946): Advocates for Child Protection, Education, Health, and Emergency Relief. In Nigeria, UNICEF's advocacy and programs reach border regions and displacement camps to provide access to services and documentation that are critical for stateless or undocumented minors.
2. United Nations High Commissioner for Refugees (UNHCR, 1950): Promotes asylum procedures, best interest determinations, legal protection, and family reunification of immigrant minors. It coordinates child-friendly spaces and trauma support, although it tends to struggle under the combined weight of uncoordinated national policies and limited resources.
3. International Organization for Migration-1951: Concentrates on counter-trafficking, voluntary return, and reintegration, with health programs targeting migrant children. Programs include shelter, psychosocial support, and data-driven tracking of displaced minors, although capacity and funding gaps remain.

3.1.2 Regional Institutional Framework

1. African Union, 2002 (AU): sets strategic migration guidelines and child protection mandates through Agenda 2063, the ACRWC, and Migration Policy Framework for Africa. The paper continues to note Nigeria's regional leadership, while implementation at national levels is confronted by capacity and legal harmonization barriers.
2. ECOWAS, 1975: Enforces free movement protocols, supplementary child protection objectives, and humanitarian policies. Nigeria is part of the regional monitoring and cross-border rescue initiatives, but full domestication into national law is yet incomplete.
3. Intergovernmental Authority on Development, IGAD, 1986: It is not a member, yet Nigeria is affected by policy frameworks guiding child-sensitive migration and cooperative anti-trafficking measures. Though collaboration is limited, lessons from IGAD intervention are relevant for Nigerian policy formation.
4. African Committee of Experts on the Rights and Welfare of the Child (ACERWC, 2001): Monitors compliance, reviews national reports, and advocates alternatives to detention and access to essential services for migrant minors.

3.1.3 National Institutional Framework

1. National Human Rights Commission (NHRC, 1995): Statutory body vested with the duty of protection of the rights and monitoring violations relating to immigrant minors, though faced by gaps in enforcement and resource limits.
2. National Agency for the Prohibition of Trafficking in Persons [NAPTIP, 2003]: The main anti-trafficking body that carries out rescue, prosecution, and rehabilitation, in collaboration with

international partners. Cross-border problems and unreported cases still occur.

3. Nigerian Immigration Service - NIS, 1963: Controls entry, fights smuggling and trafficking, and takes part in the rescue of victims. Enhanced screening and referral mechanisms with child-sensitive practices are still suggested.
4. National Council on Child Rights (NCCR, 2003): It charts policies, ensures coordination in their implementation, and mobilizes stakeholders at all levels for actions that promote the welfare of children in general and protection of immigrant children specifically.
5. National Commission for Refugees, Migrants, and Internally Displaced Persons (NCFRMI, 1989): Coordinating humanitarian responses and reintegration, promoting policy reforms, and conducting training; however, progress has been slowed by resource and implementation inconsistencies.

4.1 Challenges in the Protection of Immigrant Minors in Nigeria

In spite of the robust framework of international, regional, and national instruments, myriad challenges impede effective protection of the immigrant minors in Nigeria. These include:

1. Inconsistent Legal Adoption and Enforcement: Gaps remain in the domestication and uniform adoption of key statutes like the Child Rights Act, resulting in unequal protection across states. In addition, border control and weak law enforcement have continued to facilitate trafficking, forced labour, and exploitation of migrant children.
2. Limited Access to Justice and Social Services: Many immigrant minors lack access to education, health care, documents, and judicial remedies, which puts them in the unfortunate position of being stateless, detained, or subjected to summary

deportation. Language barriers, absence of legal aid, and lack of specialized courts worsen their situation.

3. **Institutional Capacity Constraints:** Resource shortages, a lack of training for agencies, overlapping mandates, and pervasive corruption reduce the effectiveness of institutions such as the NHRC, NAPTIP, and NIS. Coordination across sectors and with international partners remains insufficient.
4. **Humanitarian and Security Crises:** Large flows of unaccompanied and separated child migrants have resulted from armed conflict, insurgency, and environmental shocks. This strains institutional response and integration capacity, which is already limited. Often, adequate child-friendly services are lacking in the temporary camp settings.
5. **Cultural and Social Barriers:** Discrimination, xenophobia, harmful cultural practices, and poor awareness hinder the protection of immigrant minors, especially in places other than major urban centers or where civil society is particularly weak.

5/ SUMMARY OF FINDINGS

Analysis shows that though Nigeria is anchored on a robust body of international and regional legal instruments, including the UNCRC, the 1951 Refugee Convention, the ACRWC, and respective policy frameworks from ECOWAS and the African Union, challenges in the domestic translation of these standards pose an obstacle to full protection for immigrant minors. Collectively taken, these instruments impose principles such as non-discrimination, non-refoulement, and guaranteed access to basic necessities like education and healthcare, thus setting a comprehensive normative framework for the rights of all children within Nigerian territory, irrespective of their citizenship or migration status.

However, the ratification and domestication of important treaties are incomplete and fragmented across Nigeria's states, leading to wide differences in the realization of the rights and entitlements of immigrant minors. The partial enactments of legislation such as the Child Rights Act mean there is a serious deficiency in the operational machinery within significant areas for uniformity in child protection, especially among unaccompanied, trafficked, and stateless children. Consequently, many minors experience exclusion from schools, social protection mechanisms, legal aid, and fundamental social services.

However, institutional frameworks face their own set of challenges. While agencies like NAPTIP, NHRC, NIS, and NCFRMI have specific mandates and direct responsibilities, their work is affected by overlapping jurisdictional conflicts, lack of resource allocation, inadequate training of staff, and weak coordination across agencies. The eventual effect is that there are gaps in enforcement, delayed or inappropriate interventions, and poor monitoring in general, but most particularly in areas along borders and those suffering from acute humanitarian crises.

Despite these regimes and interventions, immigrant minors in Nigeria are still very much exposed to significant risks of trafficking, forced labour, sexual exploitation, arbitrary detention, and summary deportation. Access to documentation and age verification is irregular, while essential services relating to psychosocial support and family reunification are for the most part dependent on international humanitarian agencies rather than being undergirded by comprehensive and reliable state mechanisms. New vulnerabilities have emerged from an evolving landscape of migration-driven conflict, environmental displacement, poverty, and digital exploitation-that the static policy and legal tools have so far been unable to cope with.

These have included civil society, non-governmental organizations, and international partnerships that have played important roles in filling protection gaps, providing legal assistance, education, direct humanitarian assistance, and advocating for systemic reforms. Their work often supplements but cannot replace strong proactive state action. Ultimately, the findings of this study confirm the pressing need for Nigeria to turn its various international and regional commitments and declarations into harmonized, consistently applied domestic law and policy. Beyond legislative alignment and institutional strengthening, effective resource mobilization, sustained political will, and strategic collaboration among governmental, intergovernmental, and non-governmental actors at all levels of intervention will be needed if meaningful and lasting protection of immigrant minors is to be achieved.

6.1 CONCLUSION

The protection of the rights of immigrant minors in Nigeria is complex and dynamic, with legal, policy, and institutional dimensions. International and regional treaties, if well implemented, provide a clear framework for protecting the rights and best interests of migrant children. However, systemic flaws, which include incomplete legal domestication and poor institutional enforcement, coupled with capacity weaknesses, have constantly eroded these protections.

Sustained progress will require not only legal and policy alignment but also strengthened institutional capacity, improved coordination among national and transnational actors, and meaningful investment in child-sensitive justice and social services. Birth registration and documentation must be incorporated with local integration, along with full anti-trafficking, protection, and rehabilitation responses. Ultimately, safeguarding the dignity, rights, and best interests of all immigrant minors in Nigeria calls for a consensus among the

government, civil society, regional partners, and the international community, irrespective of origin or status.

7.1 RECOMMENDATION

A multi-faceted approach is important for advancing the protection of immigrant minors in Nigeria:

1. **Full Domestication and Enforcement:** The Child Rights Act and other instruments need urgent ratification and implementation in all states. Judicial actors and law enforcement should be regularly and specially trained on procedures sensitive to children and issues of migration.
2. **Strengthen Institutional Capacity and Coordination:** Increase funding and technical support to key agencies, develop interoperable referral systems, and strengthen cross-sector and cross-border collaboration. Approaches should be informed by data and supported with review mechanisms.
3. **Improve Access to Rights and Services:** Streamline documentation and age assessment procedures to ensure school registration, access to health services, and justice, irrespective of migration status; develop noncustodial options for detention, guarantee the provision of psychosocial support, and assure specialized shelters for children.
4. **Combat Trafficking and Exploitation:** Intensify anti-trafficking operations, strengthen border monitoring, and scale up public awareness and community vigilance. Sharpen the penalties for the perpetrators, while increasing witness and victim protections.
5. **Integrating and Empowering Communities:** Enhancing local integration programs in vocational training, language support, and culturally sensitive outreach for host communities. Ensure that birth registration and documentation of all children of migrant origin become a priority.

6. Partnerships at International and Regional Levels: Use technical and financial inputs from UN agencies, IOM, AU, and ECOWAS to put national practice in line with the best global standards. Improve border-level monitoring, shadow reporting, and knowledge sharing.
7. Advance Research and Policy Innovation: Encourage academic and policy research into emerging risks-such as climate-driven child migration or digital exploitation-and adapt legal and policy definitions accordingly. Develop tailored responses for new vulnerabilities.

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