

Nigeria: National Identity Number requested for expatriates

25 February 2021

In brief

On 15 December 2020, the Federal Government of Nigeria directed that all phone numbers from Subscriber Identity Modules (SIMs) should be registered with a valid National Identification Number (NIN).

The National Identification Management Commission ('the Commission') confirmed that the NIN registration applied to all Nigerians and legal residents in Nigeria as provided under the National Identification Management Commission Act of 2007 ('the NIMC Act'). The NIMC Act empowers the NIMC to create a national database, harmonise existing ones and register eligible persons.

In line with this, the Nigeria Immigration Service (NIS) has indicated that its database will be harmonised with the NIMC's database. This means that any registrable person (including foreign residents in Nigeria) will not be able to process any immigration documents without NIN.

The new deadline for NIN and SIM integration is April 2021.

In detail

Objectives of the NIN database

Under the NIMC Act, a national identity database is to be created with data on registrable persons. It aims to:

- identify persons using unique features such as biometrics, faces and fingerprints;
- issue a multi-purpose identity card with a unique ID number;
- harmonise existing identity card schemes in Nigeria;
- support law enforcement authorities in ascertaining facts about relevant persons and where adjudged necessary for the public interest; and
- provide a uniform means of identification across the country for inter-agency.

Registrable persons

Under the NIMC Act, registrable persons include Nigerian citizens, permanent residents and foreigners who are legally resident in the country for a period of two years or more.

Persons who are 16 years or older at the time the NIMC Act commenced (i.e. 25 May 2007) are to register within 60 days or as otherwise directed by the NIMC.

Guardians with responsibility for persons below the age of 16 should register their dependents within 60 days of their birth or within periods, not exceeding 180 days as the Commission may specify in a regulation.

Requirements for obtaining a NIN

Under the NIMC Act, every registrable person should present any particulars specified by the Commission. Below are the requirements for expatriates to obtain a NIN:

- International passport;
- Residence permit (CERPAC form/card); and
- Bank Verification Number (BVN).

Process for obtaining a NIN

Individuals can pre-enroll on the NIMC website (i.e. www.nimc.gov.ng) where a barcode slip will be issued before proceeding to an enrolment centre. The applicants and their supporting documents will be verified at the enrolment centre.

Biometrics will be taken before a transaction ID is issued as proof of enrolment. The NIN is issued to the applicant within one to five working days, while the ID card is expected to be issued within 12 months after the issuance of the NIN.

Mandatory use of the NIN

Under the NIMC Act, the NIN is mandatory for certain transactions including passport application and issuance, personal bank accounts opening, insurance policy purchase, transfer or registration of land by any individual, voter registration, tax payments as well as other transactions that have social security implications. The Commission may prescribe more uses via a Federal Government Gazette.

Privacy concerns and third-party involvement

Information to be recorded on the database is specified in the Second Schedule to the Act. It includes personal information such as names, addresses residence status, identification information or personal reference numbers on passports or any immigration document amongst others. Individuals can also submit information considered necessary for the NIMC.

Section 26 of the NIMC Act restricts access to the information without the authorisation of NIMC subject to consent from the individual. Information can only be released without the individual's consent where it is in the interest of national security or for crime prevention.

Likely challenges with NIN-SIM integration

The NIMC Act exempts foreigners who visit the country temporarily (i.e. below two years) from the NIN registration.

However, it is now mandatory to use the NIN for transactions such as obtaining a SIM. Temporary visitors may have to roam their home country lines pending approval of possible alternatives such as over-the-counter temporary SIMs for use by non-registrable persons.

Dependents of expatriates who are 16 years or older are expected to register for NIN if they are legal residents in Nigeria for at least two years. This is regardless of the registration status of their parents or guardian. Penalties for non-compliance may apply to the children and/or parents or guardian. The Act does not provide for waiver of penalty.

Penalties

Unauthorised access, refusal to give information or giving false information are offences which attract penalties ranging from a minimum of three or ten years imprisonment without the option of a fine; or fines of up to NGN10m (i.e. circa USD25,000) in some cases along with imprisonment.

The offences are punishable on the individuals, corporate bodies or relevant officers of the recalcitrant organisations.

Other offences include destruction of the card and engaging in prescribed transactions without a NIN. Offences without specific penalties attract a general penalty of NGN100,000 or imprisonment for no less than six months, or both.

There is no specific penalty for authorised persons who misuse information on the NIN database. This is an important issue requiring urgent consideration by the government to prevent abuse.

The takeaway

Assignees, and their dependents who fall under the category of registrable persons, are advised to take steps to obtain a NIN registration. For expatriates, this would ensure ease of residence permit renewal at any point it is required.

Organisations should encourage and support their employees to obtain their NINs as failure to reflect NIN on mandatory transactions such as tax payments could be considered as a violation of the NIMC Act.

The federal government should consider temporary SIM cards for business travellers who are not registrable under the NIMC Act. Countries like the UAE, Rwanda, UK and the US allow the purchase of flexible OTC SIM bundles for temporary use without registering for a national identity or social security number.

Given the nature of information to be stored on the database, there should be a robust framework to guarantee privacy, data security and guard against identity theft or other fraudulent misuse of the information collected. There should be stiff penalties and prosecution in the Act to forestall misuse by those with authorised access.

Let's talk

For a deeper discussion of how this impacts your business, please contact your Global Mobility Services engagement team or one of the following professionals:

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