



Working Arrangement
establishing operational cooperation
between
the European Agency for the Management of Operational
Cooperation at the External Borders of the Member States
of the European Union (Frontex)
and
the Nigerian Immigration Service

Having regard to the Frontex Regulation¹, and in particular Article 14 thereof,

Referring to the decision of the Management Board of Frontex of 26 May 2010 to negotiate a Working Arrangement with the authorities of the Federal Republic of Nigeria competent in matters covered by the objectives and tasks of Frontex in accordance with the Frontex Regulation,

Based on the desired ambition of Frontex and competent authorities of the Federal Republic of Nigeria to promote the development of broad cooperation,

Taking into account that, as a member of the African, Caribbean, Pacific Group of States, the Federal Republic of Nigeria is participating in the dialog with the European Union on migration within the framework of Article 13 of the Cotonou Agreement,

Frontex and the Nigeria Immigration Service, the latter for the purpose of this Working Arrangement representing all other competent authorities and agencies within the Federal Republic of Nigeria involved in the matters related to the objectives and tasks of Frontex, including in particular the Nigeria Police Force and the National Agency for the Prevention of Trafficking in Persons (NAPTIP),

¹ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p. 1), as last amended.

Agree on establishing operational cooperation based on the following principles, objectives, organisation and content of such cooperation:

1. PRINCIPLES

1.1 Frontex and the above mentioned authorities of the Federal Republic of Nigeria emphasise that the intended cooperation shall be developed gradually. The aim is to work towards a sustainable partnership.

1.2 In the implementation of the intended cooperation, Frontex and the competent authorities of the Federal Republic of Nigeria afford full respect for human rights.

2. OBJECTIVES

2.1 To counter illegal/irregular migration and related cross-border crime by means of border control as well as strengthen security at the borders between EU Member States² and the Federal Republic of Nigeria.

2.2 To develop good relations and mutual trust among competent authorities of the EU Member States and the Federal Republic of Nigeria involved in the border security management activities.

2.3 The cooperation should facilitate measures taken by Frontex and by the competent Nigerian authorities involved in border security management activities in their efforts to fulfil their objectives and tasks.

3. ORGANISATION

3.1 Frontex and the Nigerian Immigration Service intend to establish and maintain structured dialog on the implementation of the present Working Arrangement with the participation of other competent authorities and agencies where appropriate.

3.2 Frontex and the competent authorities of the Federal Republic of Nigeria are to designate Contact Points for the implementation of this Working Arrangement, one acting as the overall national contact point for general communication matters together with additional specialist contact points for the specific areas of cooperation described under section 4 below.

² The term "EU Member States" includes also the Schengen Associated Countries.

3.3 When necessary, expert working groups may be established with a view of considering specific issues and elaborating corresponding recommendations.

4. CONTENTS

4.1 Within the meaning of Article 4 of the Frontex Regulation, Frontex and the competent authorities of the Federal Republic of Nigeria intend to exchange information in accordance with their respective legislation. Restrictions to the exchange of information are to be justified by legal or operational reasons only.

4.2 In respect of the possible exchange of classified information or intelligence, a separate security agreement or protocol on the requirements and procedures to be adopted by Frontex and the competent authorities of Nigeria shall be concluded where necessary.

4.3 The Nigerian Immigration Service appoints a specific national contact in the field of risk analysis to maintain direct contact with and participate in relevant meetings of the Frontex Risk Analysis Unit.

4.4 Frontex may provide the competent authorities of the Federal Republic of Nigeria with relevant analytical products. The access to Frontex tailored Risk Analyses or other Risk Analyses information is to be decided on a case-by-case basis by the Executive Director of Frontex.

4.5 Cooperation may be taken forward related to the development of capacity building activities aimed at enhancing and supporting integrated border management, particularly in the field of training as well as activities in the field of research and development related to the border management which should be decided upon on a case-by-case basis by the Executive Director of Frontex.

4.6 Frontex may invite representatives of the competent authorities of the Federal Republic of Nigeria to participate in certain Frontex coordinated Joint Operations as observers on a case-by-case basis by the Executive Director of Frontex.

4.7 Frontex coordinated Joint Operations at borders between EU Member States and Nigeria should be conducted in close cooperation and with participation of the competent authorities of Nigeria with only such restrictions that are justified due to legal or operational reasons.

4.8 The competent authorities of Nigeria may second national Border Police Officers to Focal Point Offices (FPOs) located at the external borders of the Member States of the EU on the basis of a proposal by Frontex and upon agreement or invitation of the hosting Member State.

4.9 Frontex and the competent Nigerian authorities continue to develop cooperation in the field of Frontex coordinated joint return operations as well as promote the active participation of the Nigerian authorities in Frontex coordinated joint return operations on a case-by-case basis by the Executive Director of Frontex and upon agreement of the organising EU Member States.

4.10 The Nigerian authorities may be invited to participate in pilot projects launched by Frontex on a case-by-case basis by the Executive Director of Frontex.

4.11 Frontex and the competent Nigerian authorities aim to promote improvement of the operational interoperability between the competent authorities of the EU Member States and the Federal Republic of Nigeria involved in border security management activities.

5. FINANCIAL ASPECTS

The participation of the competent Nigerian authorities in Frontex coordinated activities may be financed by Frontex under the general terms and conditions applied by Frontex together with further specific detailed terms and conditions which shall be agreed separately in the form of a financing framework agreement.

6. LEGAL STATUS

The present Working Arrangement shall not be considered as an international treaty. Practical implementation of its contents shall not be regarded as fulfilment of international obligations by European Union and its Institutions and the Federal Republic of Nigeria.

7. COMING INTO EFFECT, AMENDMENTS AND TERMINATION

7.1 The present Working Arrangement shall come into effect on the day following its signature.

7.2 Frontex and the Nigerian Immigration Service may amend the present Working Arrangement based on their mutual consent.

7.3 The present Working Arrangement shall continue to be in effect unless terminated upon written notification of 90 days minimum notice either by Frontex or the Nigerian Immigration Service.

Done in Warsaw on 19TH day of JANUARY 2012 in two original copies in English.

For the European Agency for the
Management of Operational
Cooperation at the External Borders of
the Member States of the European Union



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For the Nigerian Immigration Service



Rose Uzoma
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