

SOCIAL SCIENCE AND EDUCATION | RESEARCH ARTICLE

# Consular Access and the Protection of Nigerian Illegal Residents and Detainees in Saudi Arabia

Kabiru Ibrahim Danguguwa<sup>1</sup>, Bello Adamu Hotoro<sup>2</sup>, Ogoh Augustine Ogbaji<sup>3</sup>, Abba Bala Ibrahim<sup>4</sup>

<sup>1,2</sup> Department of History and International Studies, Yusuf Maitama Sule University, Kano, Nigeria.

Email: [kidanguguwa@yumsuk.edu.ng](mailto:kidanguguwa@yumsuk.edu.ng)<sup>1</sup>, [bahotoro@yumsuk.edu.ng](mailto:bahotoro@yumsuk.edu.ng)<sup>2</sup>

<sup>3</sup> Department of Political Science, Federal University, Dutsinma, Nigeria. Email: [aogoh@fudutsinma.edu.ng](mailto:aogoh@fudutsinma.edu.ng)

<sup>4</sup> Department of History and International Studies, Federal University, Gashua, Nigeria.

Email: [abbabala.ibrahim@fugashua.edu.ng](mailto:abbabala.ibrahim@fugashua.edu.ng)

## ARTICLE HISTORY

Received: March 15, 2025

Revised: April 18, 2025

Accepted: May 26, 2025

## DOI

<https://doi.org/10.52970/grsse.v5i1.1186>

## ABSTRACT

This study examines the extent of consular access and protection available to Nigerian nationals through the Nigerian Consulate in Saudi Arabia. Nigerians have long been central to the diplomatic relationship between Nigeria and Saudi Arabia. Over the years, various efforts have been made to safeguard the rights and welfare of Nigerians residing in the Kingdom. Since 1982, Nigeria has maintained a consulate in Jeddah, established by the provisions of the Vienna Convention on Consular Relations (1963). This study is based on data collected through interviews with 13 purposively selected participants, including staff of the Nigerian Consulate in Jeddah, irregular (undocumented) residents, and detained Nigerian nationals. The findings reveal that over 80% of Nigerians residing in Saudi Arabia do so without legal documentation, with a smaller portion comprising arrested and/or imprisoned individuals. The study shows that irregular residents face significant challenges in accessing consular services, primarily due to fear of deportation, which discourages them from engaging with the consulate. On the other hand, most arrested individuals were legal residents, typically accused of offenses related to illicit substance trafficking or other violations of Saudi law. While some were found guilty, many convicted Nigerians reported a lack of adequate support and follow-up from consular officials during their imprisonment. In conclusion, both irregular residents and arrested Nigerian nationals are exposed to heightened vulnerability in the absence of adequate and accessible consular protection in the Kingdom of Saudi Arabia.

**Keywords:** Consular Access, Consular Protection, Deportation Fear, Legal Assistance, Human Rights Protection, Diplomatic Relations.

## I. Introduction

This paper analyzes the relationship between consular access and the protection of Nigerian nationals in the Kingdom of Saudi Arabia. It focuses specifically on Nigerians residing in Saudi Arabia without valid residence permits (*iqama*) and those who have been arrested or imprisoned. Consular access, as stipulated in Article 36 of the Vienna Convention on Consular Relations (VCCR), provides communication and contact between consular officials of the sending state and its nationals in need of assistance. Such communication is essential for ensuring the protection of citizens by consular authorities.



However, this process presents increasing challenges for governments and consular officials in the 21st century, notably as international mobility has surged, intensifying concerns over the rights and protection of nationals abroad. For instance, the United Nations World Tourism Organization (UNWTO) reported that the Middle East experienced an 8% increase in tourist and pilgrimage visits in 2019. Although the precise historical timeline of Nigerian migration to Saudi Arabia is unclear (Abdullahi, 2022), it is widely accepted that Nigerians have long played a central role in establishing and maintaining Nigeria–Saudi Arabia relations, dating back to the pre-colonial era. During the colonial period, pilgrimage, migration, and trade were key drivers of Nigerian presence in the region. As an example, in 1919, no fewer than 5,000 Nigerians returned from Saudi Arabia (Palmer, 1919, cited in Oluwatoki, 2016, pp. 50–51), and by 1922, at least 4,000 Nigerian pilgrims were residing there either temporarily or permanently (Oluwatoki, 2016). Furthermore, according to Miran (2015), John Morley—a British colonial officer stationed in Northern Nigeria between 1937 and 1941—encountered a group of Nigerian pilgrims in East Eritrea 1941 en route to Mecca.

Despite the longstanding presence of Nigerians in Saudi Arabia, no official statistics are available from agencies such as the Nigerians in Diaspora Commission (NiDCOM) (Elyon, personal communication, March 17, 2020). Nonetheless, millions of Nigerians travel to the Kingdom for various purposes. In 2012 alone, at least 15,000 Nigerians reportedly resided in Saudi Arabia (Nwogbaga et al., 2017). More recently, in August 2020, the Journalists International Forum for Migration reported that over 138 Nigerian women were in critical conditions in the Kingdom (Group UnCOVERs Nigerians in Critical Situation, 2020).

According to a document from the Nigerian Consulate-General in Saudi Arabia, over two million Nigerians live in the Kingdom, of which 80–90% do so illegally, without valid residence or work permits (Consulate Brief, 2022). Many Nigerians choose to remain in the Kingdom after completing religious pilgrimages such as Hajj and Umrah. This group, along with others who commit criminal offenses, often face arrest and imprisonment, frequently without proper access to consular support. While living illegally or serving prison sentences in Saudi Arabia, many Nigerians face numerous challenges that necessitate protection from the Nigerian Consulate. Such protection, however, can only be effectively provided when proper consular access is granted. As Berridge (2015) asserts, regardless of the reasons for being abroad, citizens have the right to seek protection from the consulates of their country of nationality through consular access. In this context, consular access and protection represent a contractual relationship between Nigeria and its nationals residing in Saudi Arabia. Consequently, Nigeria is responsible for protecting its citizens abroad, as mandated by the Vienna Convention on Consular Relations (VCCR).

This study employed Braun and Clarke's six-phase thematic analysis to interpret data collected through semi-structured interviews with 13 participants. The findings reveal that the Nigerian government can only provide adequate protection to its nationals in Saudi Arabia through the Nigerian Consulate-General based in Jeddah. The consulate's operations are governed by the provisions of the VCCR, to which both Nigeria and Saudi Arabia are signatories. However, the study also found that several provisions of the VCCR concerning the protection of Nigerian nationals are not fully implemented or are violated in practice within Saudi Arabia.

### 1.1 State's Consular Protection for Citizens Abroad

Consular institutions were established to promote trade and protect merchants, dating back at least three centuries before the establishment of permanent diplomatic missions. During this early period, consuls were typically selected from among merchants part-time, with their primary role being the protection of fellow traders. These consular activities did not initially extend to representing the broader interests of the state or ordinary citizens abroad (Berridge, 2015).

The protection of ordinary citizens only became recognized as a consular responsibility in the second half of the 20th century. Prior to that, such protection was often exercised on a retaliatory or "tit-for-tat" basis, whereby powerful states intervened in the internal affairs of weaker ones under the pretext of safeguarding their nationals (Borchard, 1915; 1934; Leigh, 1971; Lillich, 1975). This practice was influenced by

what are known as Vattelian principles, which hold that mistreating a foreign national equates to harming their state of origin and, consequently, undermines that state's sovereignty (Borchard, 1934).

Over time, states began formalizing and expanding the responsibilities of consuls to include the protection of all nationals abroad, thereby institutionalizing consular access and services. Consuls thus evolved into official representatives acting in the interest of their sending states. For instance, Britain began asserting complete control over its consuls in the 17th century. Similarly, the United States passed the Rogers Act of 1924, which unified the diplomatic and consular services under the Department of State (Berridge, 2015).

This expansion of consular responsibilities necessitated the development of standardized international regulations. Several early attempts at codifying consular relations were made, such as Bluntschli's draft in 1868, Field's in 1876, Fiore's in 1898, and the Harvard Research Draft in 1932. These efforts culminated in the United Nations Conference on Consular Relations, held from March 4 to April 22, 1963, in Vienna, following the earlier codification of diplomatic relations in 1961. The resulting document, the Vienna Convention on Consular Relations (VCCR), was adopted by 92 participating states and observers from various international organizations. As of 2021, 181 states—including Nigeria and Saudi Arabia—have ratified or acceded to the VCCR (United Nations Treaty Collection [UNTC], 2021).

The Convention outlines a comprehensive legal framework governing consular relations, including the rights and obligations of consular officials. Central to these regulations is consular access, which allows nationals of the sending state to communicate with and receive assistance from their consulate. Quigley, Aceves, and Shank (2010) describe consular access as the foundation upon which the entire VCCR is built. Article 36(1)(a)(b)(c) of the VCCR explicitly guarantees the right of communication between detained individuals and their consular representatives, affirming that consular access is vital both in routine and emergencies.

## 1.2 The Role of Nigeria's Nationals in Nigeria–Saudi Arabia Relations

Historically, interactions between Arabs and Africans were shaped by three main factors: trade, Islamization, and Arabization. Islamization refers to the spread of Islam, both through territorial expansion and religious propagation. At the same time, Arabization involves the diffusion of Arabic culture and language, particularly through using Arabic as a religious and cultural medium. Both processes significantly influenced Northern Nigeria even before the colonial era, primarily through trade and missionary efforts by Arab and North African Berber merchants (Jabo, 2012). Formal diplomatic relations between Nigeria and Saudi Arabia were established in the 1950s during Nigeria's colonial period (Jabo, 2012). Religious pilgrimage was key to these relations, particularly the annual Hajj, which has consistently shaped the dynamics between the two countries. Most policies concerning Nigeria–Saudi Arabia relations have focused on Nigerian pilgrims' welfare.

Due to the concentration of Muslims in Northern Nigeria, the Northern Regional Government established closer ties with Saudi Arabia. For instance, in 1955, the Premier of the Northern Region, Sir Ahmadu Bello (Sardauna of Sokoto), the Emir of Kano, Muhammadu Sanusi I, and other officials traveled to Saudi Arabia to assess the conditions faced by Nigerian pilgrims, particularly concerning accommodation and healthcare (Tangban, 1991). Upon their return, the Northern Regional Government appointed representatives to assist Nigerian pilgrims at Kano Airport with immigration and customs procedures. This initiative led to the Federal Government appointing pilgrim welfare officers, eventually establishing Hajj camps in Jeddah.

In 1956, a temporary Nigerian Pilgrims' Mission was established in Jeddah under Marafa Danbaba. A year later, Sheikh Abubakar Gumi succeeded him. The strength of Nigeria–Saudi relations during the colonial period was such that when Saudi Arabia severed diplomatic ties with Britain in 1956, the Pakistani mission temporarily handled Nigerian pilgrims' affairs. Records also indicate that Nigerian migration to Saudi Arabia, including undocumented pilgrims, began pre-colonial times (Jabo, 2012; Abdullahi, 2022). After Nigeria's

independence in 1960, Nigerians in Saudi Arabia played a significant role in bilateral relations. By 1962, the Nigerian government had assumed greater responsibility for Hajj administration, including the appointment of Nuhu Bamalli as Resident Minister for Pilgrim Affairs. Reforms such as discouraging overland travel and replacing travel certificates with Pilgrim Passports were introduced to improve security and accountability. The passport system also included coverage for food, repatriation, and stipends. Air pilgrims, for instance, were required to present a return ticket (Kano–Jeddah–Kano) costing 95 pounds sterling to qualify for a Pilgrim Passport (Jabo, 2012).

Subsequent policy developments included the establishment of Pilgrims Welfare Boards in both Northern and Western Nigeria. These boards licensed travel agencies and ensured that pilgrims' accommodation and transportation needs were adequately met. In 1975 the Nigerian National Pilgrims Welfare Board was created and later evolved into the Nigerian Pilgrims Commission in 1989. The Directorate of Pilgrims Affairs was established in 1991 and later became the National Hajj Commission of Nigeria (NAHCON). NAHCON regulates all aspects of Hajj and Umrah operations in Nigeria, including licensing operators and ensuring compliance (Imam et al., 2017). Recognizing Nigerian nationals' growing presence and importance in Saudi Arabia, the Nigerian Pilgrims Mission in Jeddah was upgraded in 1982 to the Nigerian Consulate-General. Meanwhile, the Vienna Convention on Diplomatic Relations established the Embassy of Nigeria in Riyadh, the Kingdom's capital. In addition to pilgrimage, other pull factors attracting Nigerians to Saudi Arabia include education and participation in international Qur'anic recitation competitions (Musabaqah). From 2007 to 2019, Nigerian participants earned top rankings, securing first place in 2013 and 2019, and second place in several other years.

Educational exchanges between the two countries date back to the 1960s. Various Saudi-based organizations—including the Organization of Islamic Cooperation (OIC), the World Assembly of Muslim Youth (WAMY), and the Muslim World League (WML/Rabita)—have offered scholarships to Nigerian students in religious and secular disciplines. Scholarships have also been awarded by the Islamic Development Bank (IsDB), Islamic University of Madinah, King Fahd University of Petroleum and Minerals (KFUPM), and King Abdullah University of Science and Technology (KAUST). By 1982, more than 400 Nigerian students were enrolled in Saudi institutions (Jabo, 2012, p. 183), and in 2020 alone, 424 Nigerians received scholarships from the Saudi government (Adepegba, 2020).

These educational initiatives have produced numerous Islamic scholars and academics, explaining the significant concentration of Nigerian students in the Kingdom. Some graduates remain in Saudi Arabia as skilled workers, while others who received their education elsewhere are employed as teachers and researchers in Saudi secondary and tertiary institutions. In addition to these professionals, many Nigerians are employed by companies and other organizations across the Kingdom.

## II. Literature Review

The protection of nationals beyond state borders has been a common practice among sovereign states since the Peace of Westphalia in 1648. This practice emerged alongside the development of the modern state system (Borchard, 1915). Despite its historical significance and long-standing relevance, protecting nationals abroad initially lacked a solid theoretical foundation and was primarily driven by a "tit-for-tat" approach (Borchard, 1915; Borchard, 1934; Leigh, 1971; Lillich, 1975). Scholars from various disciplines have explored the relationship between states and their nationals abroad, each emphasizing different legal and practical frameworks for protection. A key focus of this scholarship is identifying who qualifies for protection and the appropriate mechanisms through which such protection should be provided.

Early international law scholars laid the groundwork for this discourse by defining the concept of national protection primarily as diplomatic protection—efforts by a sending state to ensure the safety and rights of its citizens in foreign territories. According to this view, the existence of a legal relationship between the sending state and its nationals abroad justifies and enables such protection (Borchard, 1915;

1934; Leigh, 1971; Lillich, 1975; Vermeer-Künzli, 2007; Hooge, 2010; Marques, 2020). This approach assumes that all bona fide citizens residing abroad are entitled to protection from their home state. However, definitions of citizenship vary from state to state and are typically outlined in each country's constitution.

Notably, these early legal scholars often overlooked the role of consular institutions and the Vienna Convention on Consular Relations (VCCR), which provides the legal framework for states' actions in protecting their nationals abroad. The reliance on tit-for-tat principles historically enabled stronger states to intervene in the affairs of weaker ones under the pretext of protecting their citizens. In contrast, another group of scholars emphasizes consular institutions' historical role and evolution. They argue that consular offices existed for at least three centuries before the emergence of permanent diplomatic missions and were primarily established to safeguard the interests of nationals abroad (Luke & Quigley, 2008; Quigley et al., 2010; Berridge & Lloyd, 2012; Okano-Heijmans, 2013; Berridge, 2015; Bjola & Kornprobst, 2018). The nationals initially appointed these consular officials without formal ties to their home governments. However, the growing importance of standardized, legally recognized practices for protecting nationals led to concerted international efforts to codify consular relations.

This culminated in adopting the Vienna Convention on Consular Relations (VCCR) on April 2, 1963, which marked a significant shift. The VCCR empowered states to engage formally through consular institutions to protect their citizens abroad by granting them consular access and delineating the rights and obligations of consular officials. With the ratification of the VCCR, states could now act within their framework to protect their nationals in a legally recognized and standardized manner. More recently, a third group of scholars—"Duty of Care" scholars—argues that in the 21st century, the relationship between states and their nationals abroad has evolved into caregiver and care recipient. These scholars emphasize that states now have greater obligations to their citizens abroad than ever before and that these responsibilities are primarily exercised through consular institutions by the VCCR (Leira & Neumann, 2011; Okano-Heijmans & Caesar-Gordon, 2016; Leira, 2018; Græger & Lindgren, 2018; Tsinovoi & Adler-Nissen, 2018; Leira & Græger, 2020). This perspective is supported by empirical studies highlighting various state-led initiatives aimed at safeguarding nationals overseas, particularly within the European context (Wouters et al., 2013; Lindstrom, 2009; Lafleur & Vintila, 2020; Heindlmaier, 2020; Mandin, 2020; Vankova, 2020; Winland, 2020; Konstantinidou, 2020; Janská & Janurová, 2020; Careja, 2020; Saar, 2020). Taken together, the literature underscores the central role of states in protecting their nationals abroad. From early legal theorists to contemporary duty-of-care advocates, the consensus is that sending states utilize available resources by prevailing legal norms to protect their citizens beyond their borders. The codification of consular practices through the VCCR in 1963 significantly reshaped how such protection is operationalized. However, the extent to which nationals residing abroad illegally, detained or imprisoned, are entitled to consular access and protection remains underexplored in the existing literature. This gap is significant, as their irregular status does not nullify their legal ties to their home state. In other words, the VCCR of 1963 affirms that even undocumented or incarcerated nationals should retain the right to consular protection and assistance.

### III. Research Method

This research employed a combination of both primary and secondary data sources. For the primary data, interviews were conducted with 13 purposively selected participants (See Table 1). The selection comprised Nigerians residing illegally in Saudi Arabia, individuals who had previously been arrested or imprisoned, personnel from the Nigerian Immigration Service (NIS), and a few staff members of the Nigerian Consulate-General in Jeddah. Specifically, the participants included six individuals from the category of undocumented residents, two former detainees, two officers from the NIS, and three individuals—both current and former staff—of the Nigerian Consulate-General (see Appendix for detailed demographic information of the participants). Before the interviews, an interview protocol was developed and shared with the participants for review and familiarization. The data collected from the interviews were analyzed using Braun and Clarke's (2006) six-phase thematic analysis framework. In addition to the primary data, secondary

data was utilized. These included books and scholarly journal articles on consular relations and the duty of care, the Vienna Convention on Consular Relations (VCCR) of 1963, and relevant governmental and intergovernmental publications. These secondary sources supported the thematic interpretation of the primary data by providing context and reinforcing key emerging themes.

**Table 1. Demographic Information of the Participants**

Participant's S/N	Status	Sex	Date of the Interview	Duration of the Interview
Participant 1	Former Local Staff of the consulate	Male	10 <sup>th</sup> January, 2024	1 hour 30 minutes and 14 seconds.
Participant 2	Consular Assistant in the consulate	Male	16 <sup>th</sup> January, 2024	45 minutes and 10 seconds
Participant 3	An illegal resident in Saudi Arabia	Female	17 <sup>th</sup> January, 2024	1 hour 46 seconds
Participant 4	An illegal resident in Saudi Arabia	Female	1 <sup>st</sup> February, 2024	58 minutes and 13 seconds
Participant 5	Former inmate in Saudi Arabia	Female	5 <sup>th</sup> February, 2024	47 minutes and 19 seconds
Participant 6	Former inmate in Saudi Arabia	Male	8 <sup>th</sup> February, 2024	50 minutes and 51 seconds
Participant 7	An illegal resident in Saudi Arabia	Male	17 <sup>th</sup> February, 2024	43 minutes and 3 seconds
Participant 8	An illegal resident in Saudi Arabia	Male	18 <sup>th</sup> February, 2024	50 minutes and 59 seconds
Participant 9	Former Immigration Attaché in the consulate	Male	2 <sup>nd</sup> March, 2024	1 hour and 30 minutes
Participant 10	Former Immigration Attaché in the consulate	Male	17 <sup>th</sup> March, 2024	52 minutes
Participant 11	An illegal resident in Saudi Arabia	Male	22 <sup>nd</sup> March, 2024	30 minutes and 15 seconds
Participant 12	An illegal resident in Saudi Arabia	Female	23 <sup>rd</sup> March	20 minutes and 12 seconds
Participant 13	Former Consul General in Saudi Arabia	Male	2 <sup>nd</sup> April, 2024	29 minutes and 14 seconds

#### IV. Results and Discussion

Based on the literature reviewed, it is evident that the protection of nationals abroad constitutes a core responsibility of the State. This responsibility reflects a contractual relationship between a State and its citizens beyond its borders. States establish and maintain consular relations with other countries to fulfill this obligation. According to Article 2(3) of the Vienna Convention on Consular Relations (VCCR), such relations may exist even between States that do not have formal diplomatic ties. Hence, consular offices serve as the primary channels through which a sending State (the country of origin) extends protection to its nationals residing in a receiving State (the host country).

The VCCR distinguishes between States that are signatories and those that are parties to the Convention. Being a party implies a legal obligation to adhere to the provisions of the VCCR, provided that such provisions do not conflict with the State's domestic laws and regulations. Both Nigeria and Saudi Arabia are parties to the VCCR. However, it is important to note that establishing and maintaining consular relations must be accompanied by the deployment of competent and committed personnel, referred to as consular

staff or consular officials, who must operate by the Convention's provisions to guarantee consular access and protection for their nationals abroad.

Data derived from the thematic analysis reveals the presence of Nigerians living illegally, as well as those who have been arrested or imprisoned in the Kingdom of Saudi Arabia. Participants 1, 2, and 13 noted that many Nigerians reside in Saudi Arabia without valid residency permits (*iqamah*). This observation aligns with internal data from the Nigerian Consulate, indicating many undocumented Nigerians in the Kingdom (Consulate Brief, Personal Communication, March 2022). Many of these individuals avoid engaging with the Consulate, making it difficult for consular officials to help or protect them. Most of the undocumented residents interviewed confirmed this, revealing that only a small number of Nigerians with valid *iqamas* actively seek services from the Consulate. Some illegal residents even perceive the Consulate and its officials as collaborators with Saudi authorities, allegedly assisting in the identification, arrest, and eventual deportation of undocumented Nigerians. As a result, many avoid learning the location of the Nigerian Consulate-General altogether, preferring to remain in cities such as Mecca and Medina and avoiding travel to Jeddah, where the Consulate is based, out of fear of apprehension and deportation.

Those residing in Jeddah tend to live in areas with high concentrations of foreign nationals, particularly other Africans, to avoid detection and arrest (Participants 3, 4, 7, and 8). According to Abdullahi (2022), neighborhoods such as Hindawiyya, Barb Sharif, and Karantina in Jeddah host large communities of undocumented Nigerians. Thematic analysis of responses from Participants 7 and 11 further revealed that these areas provide a relatively safe space for engaging in informal economic activities, such as tailoring and petty trading, with minimal interference from Saudi authorities.

Given the significant number of undocumented Nigerian residents living in the Kingdom of Saudi Arabia, consular officials must ensure consular access and protection by the Vienna Convention on Consular Relations (VCCR). However, interview data revealed a lack of adequate understanding of the VCCR's provisions among some staff members of the Nigerian Consulate-General in Jeddah. For instance, Participant 1, a local staff member at the consulate, admitted being unaware of specific VCCR provisions related to the protection of vulnerable groups, such as minors, especially those among the undocumented and incarcerated population. Similarly, Participant 2, who has served as a consular assistant for over 20 years, appeared to conflate or misunderstand the consular assistance and protection concept as it applies to undocumented and detained Nigerians in the Kingdom. These accounts indicate a notable knowledge gap among consular staff regarding applying the VCCR.

Despite this, both participants shared that they frequently handled matters involving undocumented residents and incarcerated Nigerians. Their roles often facilitated cordial relationships between the consulate and affected individuals. For example, undocumented residents reportedly felt comfortable confiding in the local staff during informal interactions. Moreover, the local staff and the consular assistant were more frequently involved in prison visits than other consular personnel. However, these actions were carried out without direct reference to or guidance from the VCCR, raising concerns about procedural compliance and legal awareness. Historically, Nigerians have traveled to and resided in Saudi Arabia since the pre-colonial period. Today, two broad categories of Nigerians are at risk of arrest and imprisonment in the Kingdom. The first category includes those with valid visas or residency permits, who are typically detained when suspected of committing offenses such as drug trafficking or the possession of banned substances, including kola nuts. This was reported by Participants 1, 2, 9, 10, and 13.

The second category consists of undocumented residents, including individuals who overstayed their visas or were born and raised in Saudi Arabia without official documentation. Participants 5 and 6, who fall into the first category, recounted being arrested while possessing valid visas. They had traveled to Saudi Arabia to perform the Umrah pilgrimage but were detained in their hotel rooms upon arrival, allegedly in connection with drug trafficking. According to their testimonies, the illicit substances were traced back to their boarding passes and luggage tags—items they claim were tampered with by staff at Mallam Aminu Kano International Airport (MAKIA) in Kano, Nigeria. Notably, both individuals reported receiving no consular support during their months-long detention in the Kingdom.

Conversely, several consular officials in this study argued that attempts were made to protect the victims, particularly after the cases gained public attention. For example, in the case of Participant 5—a student of Northwest University, Kano—the incident became widely known following a peaceful protest organized by students in Kano State, Nigeria. Similarly, some Nigerians holding valid *Iqamah* (residence permits) were also arrested, primarily in connection with illicit activities. Nonetheless, arrests among the second category—undocumented residents—were found to be more common in the Kingdom of Saudi Arabia. Foreign nationals, including Nigerians without valid legal status, are routinely subject to arrest for illegal residency. All participants in this category admitted that they often hid from both Saudi authorities and consular officials to avoid detection. The data further revealed that most undocumented Nigerians residing outside Jeddah had no information about the location or functions of the Nigerian Consulate-General. Consequently, when arrested, primarily for immigration violations, many Nigerians in this category were deported. In cases involving criminal offenses, imprisonment often preceded deportation. Alarmingly, some participants disclosed instances of arbitrary arrest and mistreatment by Saudi authorities. For instance, Participant 11 recounted a case in which a Nigerian detainee died in police custody despite having committed no offense, as confirmed by an autopsy report. While Saudi authorities have the mandate to arrest, prosecute, and imprison individuals in both categories, it remains the responsibility of the Nigerian consulate to offer protection under the Vienna Convention on Consular Relations (VCCR). This responsibility must go beyond the mere (re)issuance of passports and travel documents. Article 31 of the VCCR provides consulates with inviolabilities similar to those granted to embassies. In addition, Articles 41 to 44 outline the privileges and immunities granted to consular officials to facilitate the execution of their duties. Importantly, Article 36(1)(a, b, c) affirms that consular officers can communicate with nationals, visit them in detention, and arrange their legal representation.

Scholars such as Okano-Heijmans (2011) argue that protection for nationals arrested or detained can be ensured through access to consular officials, who hold the legal authority to engage with and assist their citizens. However, thematic analysis of interview data indicates that many Nigerians—both documented and undocumented—faced arrests and detention in Saudi Arabia without receiving adequate protection from the Nigerian consulate.

Nigerians in both categories require consular access in two key areas. First, consular services delivered within the consulate include issuing passports, record-keeping, burial permits, and marriage certificates. Second, consular services must be delivered outside the consulate, especially in situations involving arrest, imprisonment, illness, or death. Undocumented Nigerians largely avoided contact with the consulate regarding services provided at the consulate, as reflected in the data. This avoidance hindered the consulate's ability to perform essential notarial and civil registration functions. Vital records—such as those obtained through passport issuance, marriage certificates, or burial permits—were thus not maintained for many Nigerians living in the Kingdom. Many undocumented participants admitted they lacked even basic information about the existence or functions of the consulate. For services outside the consulate, the data shows that undocumented Nigerians remain especially vulnerable. They require protection from illness, abuse, harassment, unpaid entitlements, and detention. One participant recounted the case of a young Nigerian woman who, after falling ill and being denied access to healthcare due to her undocumented status, was eventually abandoned by her sponsor (*kafili*) by the roadside (Participant 11). Participant 3 added that some Nigerian domestic workers faced sexual harassment from male members of their host households. Similarly, Participant 4 narrated how a driver working for her sponsor attempted to sexually assault her and physically assaulted her when she resisted.

Participant 8 similarly shared his experience of being denied payment by his sponsor for services rendered. He explained that in such situations, common among Nigerians in the Kingdom, victims often reported to Nigerian Community Associations, known as *Jaliyat*, rather than the consulate. These cases were typically not addressed by consular officials. Many participants, most of whom were victims themselves, stated that they eventually stopped reporting such incidents after realizing that the consulate offered little or no support. In cases of arrest, the data similarly indicated limited protection from the Nigerian consulate.

For instance, Participants 5 and 6, who were arrested in Saudi Arabia, revealed that they received no assistance or contact from consular officials during their detention. They also encountered other Nigerian inmates who similarly had not been visited or supported by the consulate.

Contrastingly, consular officials interviewed as part of this study maintained that the consulate does assign staff to visit Nigerians in Saudi prisons. Participant 2, a consular assistant, confirmed that the Nigerian Ministry of Foreign Affairs occasionally sends delegations to Saudi Arabia to visit imprisoned citizens. This contradiction in accounts suggests a discrepancy between the official procedures and the experience of detained Nigerians. Participant 8 emphasized that only a limited number of staff members handled issues related to Nigerians in the Kingdom. Given the high number of undocumented residents and detainees, several participants (including Participants 11 and 13) argued that a larger number of consular personnel should be assigned to ensure adequate protection. Ultimately, all participants agreed that there is a lack of proper protection for both categories of Nigerians: undocumented residents and those who have been arrested or imprisoned. Many of these individuals believed that consular officials were obligated to provide protection, especially considering the perceived disparity in treatment between Nigerians and nationals of other countries residing in Saudi Arabia. While protection should be rendered within the bounds of international law and the domestic laws of Saudi Arabia, participants also emphasized the need for greater transparency and cooperation from Saudi authorities. Both consulate staff and Nigerian Immigration officers deployed as attachés expressed concern that Saudi authorities often violate the Vienna Convention on Consular Relations (VCCR) provisions, particularly by obstructing consular access.

A major structural issue identified was the lack of personnel assigned to the consulate, a significant barrier to delivering effective consular services. Additionally, participants noted the absence of awareness campaigns or sensitization efforts targeting Nigerians living in or traveling to Saudi Arabia. This lack of information severely limits access to consular protection, especially for detained people. Several participants (Participants 1, 10, and 13) recommended that the Nigerian government produce and distribute informational pamphlets in local languages to address this gap. These materials should outline the steps for accessing consular services and be provided to all Nigerians traveling to Saudi Arabia.

## V. Conclusion

A contractual relationship exists between Nigeria and its citizens residing in Saudi Arabia. This relationship underscores the obligation of the Nigerian state to protect its nationals abroad, based on the principle of a social contract between the state and its citizens. According to the duty of care model, all institutions—including states—have moral and legal responsibilities to ensure the safety and well-being of individuals. This protection should cover physical and emotional harm, whether on official premises or elsewhere, so long as the individuals are engaged in activities related to the institution (Fulcher, 2005; Leira, 2018; Græger & Leira, 2020). In domestic or everyday contexts, the concept of "care" is typically employed, whereas in international and exceptional circumstances, "protection" is more appropriate (Græger & Leira, 2020). Accordingly, Nigerians living illegally or those who have been arrested in Saudi Arabia remain citizens of Nigeria and are thus entitled to consular protection from their home country. Therefore, Nigeria must fulfill its protective responsibilities. Simultaneously, the host country—Saudi Arabia—is obligated to facilitate the provision of consular protection for Nigerian nationals, by international law. While Nigerians are not the only foreign nationals residing in the Kingdom, their legal status and rights, particularly as defined under the Vienna Convention on Consular Relations (VCCR), must be respected by both states. It is important to highlight that, unlike countries that are merely signatories to the Convention, Nigeria and Saudi Arabia are full parties to the VCCR. This distinction imposes binding obligations upon them to adhere to its provisions. Despite arguments that the VCCR is "the most neglected provision of the International Law family" (Specter, 2013, p. 643), its legal force remains intact. As such, both Nigeria and Saudi Arabia are legally bound to uphold the rights and responsibilities it sets forth, especially regarding consular access and protection for nationals abroad.

## References

- Abdullahi, F. (2022). "Kano to Jeddah phenomenon," a multi-generational history of pilgrimage, migration, and commerce between Kano and Saudi Arabia, 1927-2017. (Doctoral dissertation, Umaru Musa Yar'adua University, Katsina).
- Adepegba, A. (2020, November, 17). Saudi Arabia offers scholarships to 424 Nigerian students. *Punch: Nigeria*. Retrieved March 14, from <https://punchng.com/saudi-offers-scholarship-to-424-nigerian-students/>
- Berridge, G. R. (2015). *Diplomacy: Theory and practice*. Springer.
- Berridge, G., & Lloyd, L. (2012). *The Palgrave Macmillan dictionary of diplomacy*. Springer.
- Bjola, C., & Kornprobst, M. (2018). *Understanding international diplomacy: Theory, practice and ethics*. Routledge.
- Borchard, E. M. (1915). *The diplomatic protection of citizens is broad, as is the law of international claims—* the Banks Law Publishing Company.
- Borchard, E. M. (1934). The protection of citizens abroad and the change of original nationality. *The Yale Law Journal*, 43(3), 359-392.
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative research in psychology*, 3(2), 77–101.
- Careja, R. (2020). Diaspora policies, consular services, and social protection for Danish citizens abroad. In J. M. Lafleur & D. Vintila (Eds.), *Migration and social protection in Europe and beyond: Comparing consular services and diaspora policies (Volume 1)* (pp. 143–160). Springer, Cham.
- Group uncovers Nigerians in a critical situation in Saudi Arabia. (August 10, 2020). *Independent*. Retrieved December 15, from <https://independent.ng/group-uncovers-nigerians-in-critical-situation-in-saudi-arabia/>
- Hooge, N. T. (2010). Responsibility to Protect (R2P) as a duty to protect? Reassessing the traditional doctrine of diplomatic protection in light of modern developments in international law. University of Toronto (Canada).
- Jabo, S. M. (2012). National interest and inter-state relations in the developing world: examining Nigeria-Saudi Arabia relations. (Doctoral dissertation, Usmanu Danfodiyo University, Sokoto).
- Janská, E. & Janurová, K. (2020). Diaspora policies, consular services, and social protection for Czech citizens abroad. In J. M. Lafleur & D. Vintila (Eds.), *Migration and social protection in Europe and beyond: Comparing consular services and diaspora policies (Volume 1)* (pp. 123-142). Springer, Cham
- Konstantinidou, A. (2020). Diaspora policies, consular services, and social protection for Cypriot citizens abroad. In J. M. Lafleur & D. Vintila (Eds.), *Migration and social protection in Europe and beyond: Comparing consular services and diaspora policies (Volume 1)* (pp. 107-122). Springer, Cham.
- Lafleur, J. M, & Vintila, D. (Eds.). (2020). *Migration and social protection in Europe and beyond: Comparing consular services and diaspora policies (Volume 2)*. Springer, Cham.
- Leigh, G. I. (1971). Nationality and diplomatic protection. *International & Comparative Law Quarterly*, 20(3), 453–475.
- Leira, H. & Græger, N. (2020). Introduction: The duty of care in international relations. In H. Leira & N. Græger (Eds.), *The duty of care in international relations: Protecting citizens beyond the border* (pp. 1-17). Routledge.
- Leira, H. (2008). Caring and carers: Diplomatic personnel and the duty of care. *The Hague Journal of Diplomacy*, 13, 147-166
- Leira, H., & Neumann, I. B. (2011). The many past lives of the consul. In J. Melissen & A. M. Fernández (Eds.), *Consular Affairs and Diplomacy* (pp. 223-246). Brill Nijhoff
- Lillich, R. B. (1975). The diplomatic protection of nationals abroad: an elementary principle of international law under attack. *American Society of International Law* 69(2), 359-365.

- Lindström, M. (2009). EU consular cooperation in crises. In S. Olsson (Ed.), *Crisis management in the European Union: Cooperation in the face of emergencies* (pp. 109–126). Springer Science & Business Media.
- Mandin, J. (2020). Diaspora policies, consular services, and social protection for Belgian citizens abroad. In J. M. Lafleur & D. Vintila (Eds.), *Migration and social protection in Europe and beyond: Comparing consular services and diaspora policies* (Volume 1) (pp. 53–68). Springer, Cham.
- Marques, R. R. C. (2021). The Right to access consular assistance and protection and its relevance to the architecture of a safe, orderly, and regular migration. *Interventions*, 23(2), 313–325. <https://doi.org/10.1080/1369801X.2020.1854104>
- Miran, J. (2015). 'Stealing the way' to Mecca: West African pilgrims and illicit Red Sea passages, 1920s– 50s. *The Journal of African History*, 56(3), 389–408.
- Nwogbaga, D. M. E., Abah, E., Chinyere, N., & Nwuzor, C. (2017). Citizen diplomacy and diaspora patriotism : A case for Nigeria's national development. *Middle-East Journal of Scientific Research*, 25(6), 1240–1254. <https://doi.org/10.5829/idosi.mejsr.2017.1240.1254>.
- Okano-Heijmans, M. (2013). Consular Affairs. In A. F. Cooper, J. Heine & R. Thakur (Eds.), *The Oxford Handbook of Modern Diplomacy*. Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780199588862.013.0027>
- Okano-Heijmans, M. (2013). Consular Affairs. In A. F. Cooper, J. Heine & R. Thakur (Eds.), *The Oxford Handbook of Modern Diplomacy*. Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780199588862.013.0027>
- Oluwatoki, J. A. (2016). Hajj and the evolution of Nigeria-Saudi Arabia relations. In A. Durutoye (Ed.), *Contemporary issues in Nigeria's external relations* (pp. 47–68). LAP LAMBERT Academic Publishing.
- Quigley, J., Aceves, W. J., & Shank, S. A. (2010). *The law of consular access*. Routledge.
- Saar, M. (2020). Diaspora Policies, consular services, and social protection for Estonian citizens abroad. In J. M. Lafleur & D. Vintila (Eds.), *Migration and social protection in Europe and beyond: Comparing consular services and diaspora policies* (Volume 1) (pp. 161–16). Springer, Cham.
- Spector, R. G. (2013). The Vienna Convention on Consular Relations: The Most Neglected Provision of International Family Law. *Transnational Law & Contemporary Problems*, 22, 643.
- Tangban, O. E. (1991). The Hajj and the Nigerian economy 1960-1981. *Journal of Religion in Africa*, 241-255.
- Tsinovoi, A., & Adler-Nissen, R. (2018). Inversion of the duty of care: Diplomacy and protecting citizens abroad, from pastoral care to neoliberal governmentality. *The Hague Journal of Diplomacy*, 13(2), 211-232.
- United Nations. (1961). Vienna convention on diplomatic relations. Author.
- United Nations. (1963). Vienna convention on consular relations. Author.
- UNTC (2021). United Nations treaty collection. Retrieved January 15, from [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=III-6&chapter=3](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=III-6&chapter=3).
- UNWTO (2020). 2020: Worst year in tourism history with 1 billion fewer international Arrivals. Retrieved January 15, from <https://www.unwto.org/news/2020-worst-year-in-tourism-history-with-1-billion-fewer->
- Vankova, Z. (2020). Diaspora policies, consular services, and social protection for Bulgarian citizens abroad. In J. M. Lafleur & D. Vintila (Eds.), *Migration and social protection in Europe and beyond: Comparing consular services and diaspora policies* (Volume 1) (pp. 69–90). Springer, Cham.
- Vermeer-Künzli, A. M. H. (2007). *Protecting individuals using diplomatic protection: Diplomatic protection as a human rights instrument*. Leiden University.
- Winland, D. (2020). Diaspora policies, consular services, and social protection for Croatian citizens abroad. In J. M. Lafleur & D. Vintila (Eds.), *Migration and social protection in Europe and beyond: Comparing consular services and diaspora policies* (Volume 1) (pp. 91–106). Springer, Cham.
- Wouters, J., Duquet, S., & Meuwissen, K. (2013). The European Union and consular law. *SSRN Electronic Journal*, 107. <https://doi.org/10.2139/ssrn.2286207>