

# International Mobility and Security Risks

KPMG in Nigeria | June 2021



## Introduction

The dynamics around international mobility have drastically changed because of several factors such as globalization, advancement in technology and the COVID-19 pandemic. Employers are now under greater scrutiny from tax and immigration authorities to safeguard the health, safety, and security of their personnel. Generally, the perceived risk to safety and security with respect to international mobility is on the increase. This has not been helped by the high incidence of kidnappings, violent attacks and protests in some countries, especially in Africa. A significant number of business travelers have changed their travel plans due to security risks.

The reality of these risks serves as a reminder that international mobility, when poorly managed, may put assignees in harm's way.

In this publication, we will examine some key matters in relation to international mobility and security risks. We will also provide some recommendations to manage the threats posed by these risks.

## Key Matters for Consideration

### • Duty of Care Concept

“Duty of Care” refers to an employer’s responsibilities that goes beyond the organization’s basic obligation to its employees. It involves the legal requirements of an employer to safeguard the safety, health, and security of the assignees.

Employers with business operations across different jurisdictions may face moral and legal duty of care obligations that differ from the laws in their home country. These employers are required to address the wide variety of medical and security risks that can impact their assignees and business operations in multiple locations.

For example, in Nigeria, employers are required to accept Immigration Responsibility on behalf of their expatriate employees and may be held accountable if the employees are found to have violated any of the immigration rules.

Employers are required to carry out research on proposed work locations and assess the security risks peculiar to such before facilitating the relocation of assignees, as they may become easy targets for crime e.g. kidnapping and terrorism, especially in locations with high volatility levels. Such threats to assignees and their dependants, if not properly addressed, may impact performance and lead to talent attrition.

### • Travel Ban arising from COVID-19 pandemic

To a large extent, the COVID-19 pandemic continues to restrict cross-border migration. International travel restrictions may remain in place for a while with vaccination still at a low level and as the virus continues to spread and mutate across various climes of the world.

This has also resulted in the introduction and implementation of new travel policies across various jurisdictions and has made migration more complicated. Many countries have continued to regularly review their travel policies and introduce travel bans on migration from countries labelled as high-risk areas due to the high incidence of COVID-19 cases.

These frequent changes to travel policies and rules impact the ability of companies to effectively relocate assignees and meet urgent business needs.

### • Control of illegal migration

All over the world, measures are being implemented to address the security risk posed by illegal migration. In the European Union (EU), many irregular migrants originally enter the EU legally on short stay visas but remain in the EU for economic reasons after their visas have expired. To address this, the EU has developed an integrated border management strategy, which aims to maintain high levels of security by using information technology (such as the Visa Information System) and biometric features (e.g. fingerprints) for identification. The EU Commission also continues to take strong action by ensuring that each country controls its portion of EU’s external borders.

In Nigeria, President Muhammadu Buhari, GCFR, on Tuesday, 4 February 2020, officially launched the new Nigeria Visa Policy 2020 (NVP 2020) as the new guidelines for entry and exit of migrants. According to the President, the NVP 2020 is expected to address, among other matters, current immigration-related challenges such as illegal migration and expand opportunities regarding bilateral and multilateral relations with other countries.

The Nigeria Immigration Service (NIS) has also launched the Border Management Information System, also known as MIDAS, at several international airports in the country. The Comptroller General of Immigration Services, Mr. Muhammad Babandede, has noted that MIDAS is designed to help the Nigerian Government to better understand mobility patterns through its statistical information and ensure that those crossing Nigerian borders do not pose threats to national and international security.

MIDAS may enable various states of the Federation to effectively monitor those entering and exiting their territory by land, air and sea while providing a sound statistical basis for migration policy-related planning.

However, these measures are not expected to significantly impact international mobility as expatriates on international assignments would normally explore the legally accepted routes to secure visas to facilitate their assignments in their new work locations.

#### • **Data Privacy and Cyber Security Challenges**

The General Data Protection Regulation (GDPR) requires businesses to protect the personal data and privacy of European Union (EU) citizens for transactions that occur within EU member states. The relocation of assignees often requires circulation of personal data to various jurisdictions and this may lead to increased compliance risks.

Some of the security risks associated with the transfer of personal data include data tampering, data theft and data loss. Understanding these risks would enable employers to put in place appropriate measures to safeguard the personal and confidential data of their employees.

### **Managing Security Risks on International Mobility**

#### • **Monitoring of Travel Risk Map**

Businesses must continuously track and monitor the travel risk map issued by the International SOS and Control Risks. The map, which is digital and interactive, provides information on risk ratings for countries on key security and medical issues. This will enable companies to have a better understanding of the potential risks that any of the assignees may face in those jurisdictions. It is also important that companies include their travel risk program in their overall business sustainability plan.



#### • **Engage Professionals to Effectively Manage International Mobility Security and Health Risks**

It is highly imperative that employers of labour, especially those with a globally mobile workforce, be better equipped to manage the risks faced by their mobile workforce. Human Resource and International Mobility Managers may not be directly responsible for all compliance and risk management issues for assignees, but they are in a unique position to provide strategic inputs to the business operations. Hence, employers may consider engaging Human Resource experts with experience in managing security risks in relation to International Mobility, or third-party experts, to implement an international mobility security system that will help them to successfully navigate the complexities of the security risks faced by a globally mobile workforce.

A well-designed international mobility security system would provide assignees with appropriate medical and security pre-deployment training and continuous intelligence in the destination country. It would ensure that the required talent be adequately prepared to work at different jurisdictions with the knowledge and resources adapted to their host country.

The process would also provide protocols for reviewing the risks and compliance issues assignees could potentially face in the host destinations and ensure that they be fully prepared for assignments. e.g. cultural training program could be provided, not just to enable them to understand the host culture, but also to increase awareness of potential issues.

#### • **Staying Ahead of Data Privacy Challenges**

Employers have a responsibility to their employees to protect their personal and confidential data. They must put in place a system that ensures that data privacy and security be at the forefront of their operations.

All employees, especially those who manage data of international mobile employees, should also be made to undergo a robust privacy and security training to prevent them from falling prey to phishing or vishing attacks. Adequate information and guidance will help ensure employees better understand how they should safely share information in line with the implemented data privacy policy.

### **Conclusion**

More than ever, employers of labour are faced with dynamic challenges in managing security issues, health considerations, and other types of risks facing their mobile workforce. Investing in 'duty of care' should be considered as an incentive to encourage the relocation of expatriates to jurisdictions where talent are in dire need. This will not only help to improve and sustain business operations but also help to promote skills transfer to local employees. It is, therefore, important, that every company with mobile workforce conduct a current state assessment by benchmarking their existing security protocols with leading practices. The findings from this gap analysis will greatly help in designing an effective mobility risk management plan for the expatriate employees.

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