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MPC - MIGRATION PROFILE

Libya

The Demographic-Economic Framework of Migration
The Legal Framework of Migration
The Socio-Political Framework of Migration

Report written by the
MPC Team
on the basis of CARIM South database and publications

June, 2013

The Demographic-Economic Framework of Migration

The 2011 war in Libya had severe consequences for international migration movements as, since the 1970s, Libya has been an important country of immigration in the framework of international south-south movements: 768,372 migrants fled the country in 2011.

Historically, immigration flows into Libya began in the 1960s just after the discovery of oil and hydrocarbons there. In the following two decades, the rise in oil revenues together with ambitious economic and social programs and the country's lack of sufficient indigenous manpower, continued to attract large numbers of immigrants, particularly those from neighbouring Arab countries, and especially Egypt and Tunisia. Meanwhile, a number of severe droughts and violent conflicts in the Sahel region triggered other refugee and migrant flows to Libya – mostly Nigerien Tuaregs and also Tubu refugees (Bredeloup and Pliez, 2011).

An important change in the national composition of inward flows occurred, however, in the 1990s when Sub-Saharan nationals began to reach Libya in large numbers. Among various push factors,[1] Col. Gaddafi's disappointment in what he believed was a lack of support from other Arab regimes following the 1992 UN embargo, led to the beginning of Libyan Pan Africanism, with its open-door policy towards nationals from the Sub-Saharan region. Finally, during the 2000s, with the desire to reach a balance between an open-door policy welcoming needed migrants from Sub-Saharan countries and Libya's involvement in international discussions on illegal immigration control – a factor in the removal of the international embargo and a consequent return of foreign investments – (Bredeloup and Pliez, 2011), Libya started to cooperate with European countries over irregular migration. After years of an open door policy, in 2007 Libya imposed visas on both Arabs and Africans and adopted normative changes concerning stay and labour, turning an unknown number of immigrants into 'irregulars' overnight[2] (see Fargues, 2009). Large scale expulsions were carried out by the Libyan government in the 2000s, in order to adjust labour migrations to its labour-market needs with the aim too of pleasing Europe. Expulsions passed from 4,000 in 2000 (official figure) to 43,000 in 2003 (EC, 2005), 54,000 in 2004 (EC, 2005), 84,000 in 2005 (according to the European Parliament), 64,330 in 2006 (official figure) and over 5,000 in the first two months of 2007 (ECRE, 2007). Most of the expelled were Sub Saharan Africans (HRW, 2006).

Despite Libya being, first and foremost, a country of immigration, the deterioration of immigrants' conditions in the country has also made it an important country for transit migration and particularly for the many migrants trying to reach Malta and the Italian Isle of Lampedusa.

As to emigration patterns, Libya has never recorded significant outward migration flows. However, during the 2011 unrest, there was an upsurge of Libyan nationals fleeing the country. According, though, to the authorities in neighbouring countries, the great majority are believed to already have returned to Libya (IOM, 2012).

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[1] The most important trigger to emigration for Sub Saharan nationals was the proliferation of conflicts in Western Africa and the Horn of Africa: Liberia, 1989–1996 and 1999–2003; Sierra Leone, 1991-2001; Congo, 1996-7 and again 1998-2003; Ethiopia-Eritrea 1998-2000; Sudan (the so-called Second Sudanese Civil War, 1983-2005; and the conflict in Darfur, 2003-present); Ivory Coast, 2002-onwards; Somalia (Pastore, 2007).

[2] It is worth mentioning as in the "2011-2013 EU/Libya - Strategy Paper" delivered by the European Commission (EC) in the framework of the European Neighborhood Policy (see the document at http://ec.europa.eu/world/enp/documents_en.htm), the EC states 'In recent years, Libya has become a very important destination country for irregular migration, mostly originating from neighboring countries and sub-Saharan countries […] In 2007, however, irregular migration flows through Libya started to increase substantially in an unprecedented manner.' The failure to mention the normative change in 2007 should be a point for debate.
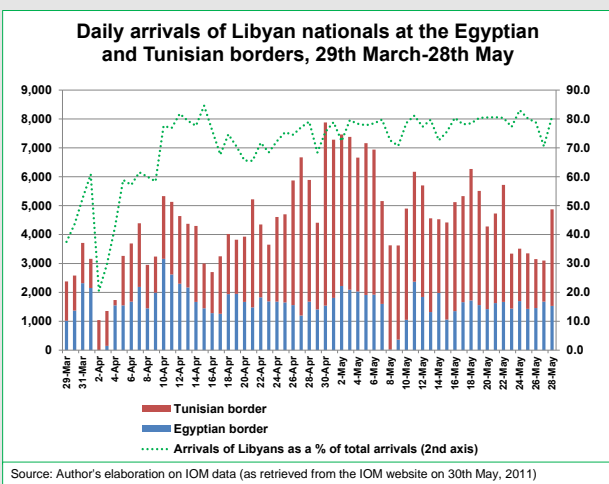
Outward migration	Inward migration

Stock

Until the 2011 crisis, outward migration was not an issue for the Libyan population. The few Libyans abroad were mainly businessmen and students, who tended to emigrate on a temporary basis. Around 2012, according to destination countries' statistics, Libyan emigrants residing abroad stood at 100,565, or 1.6% of the total resident population in Libya.

Libyan emigration stocks by country of residence, most recent data (c. 2012)

Country of residence	Definition (a)	Reference date (Jan 1st)	Source	Number	%
European Union				**66,344**	**66.0**
of which Italy	(A)	2012	Population Register	36,475	36.3
UK	(A)	2012	Annual Population Survey	16,000	15.9
Germany	(B)	2012	Register of foreigners	4,901	4.9
France	(A)	2009	Population Census	1,755	1.7
Southern-Eastern Mediterranean (SEM) countries (b)				**9,824**	**9.8**
of which Egypt	(B)	2006	Population Census	3,720	3.7
Other countries (c)				**24,397**	**24.3**
of which Israel	(A)	2006	Labour Force Survey	17,460	17.4
Canada	(A)	2006	Population Census	3,615	3.6
Main total				**100,565**	**100.0**

(a): Libyan migrants are defined according to the country of birth (A) or country of nationality criterion according to countries of residence.

(b): Depending on data availability, SEM countries include Algeria, Egypt, Jordan, Mauritania, Morocco, Tunisia and Turkey.

(c): "Other countries" include other European countries (Iceland, Liechtenstein, Norway, Switzerland, Belarus, Russia and Ukraine), Canada, Australia, New Zealand, Japan and Israel.

Sources: national statistics (Population Censuses, population registers, registers for foreigners, etc.)

They were mainly found in Italy (36.3%) and the UK (15.9%). Migrants from Libya to Israel (17.4% of the total) deserve a special mention: they are Jewish, Israeli citizens born in Libya, almost all of them (95%) aged 55 and above at the time of the survey. Migrants from Libya have gender parity (men equalled 51.1% of the total). In OECD countries, they were likely to have a medium level of education (62.6%), and to be employed in medium-highly-skilled jobs, particularly as professionals or technicians (18.2%), legislators, senior officials or managers (14.8%) and clerks (14.2%) (year 2006 - OECD.stat)

Flows

Intense movements between the country and neighbouring states were registered during the generalised unrest in 2011: the International Organization of Migration (IOM) estimates around 768,372 foreign-nationals and 422,912 Libyan nationals fled the country during the crisis (as of 8 June, 2011)[3]. At present, most Libyans are, however, believed to have returned to Libya (IOM, 2012).

In any case, a detailed analysis of these movements allows a better understanding of the impact that the 2011 crisis had on Libyans and their families.

Stock

Like immigration policies, official statistics on the number of immigrants in Libya have been continuously manipulated and used by the Libyan government according to its changing (national and international) political and economic interests.

Before the crisis, the most quoted figure was that of 600,000 regular *plus* between 750,000 and 1.2 million irregular foreign workers living in Libya, as provided by official Libyan authorities to the European Commission delegation in 2004 (EC, 2005). As of 28 March 2011, IOM estimated the total number of foreign nationals living in Libya before the crisis at 2.5 million including 1 million Egyptians, 80,000 Pakistanis, 59,000 Sudanese, 63,000 Bangladeshis, 26,000 Filipinos, 10,500 Vietnamese and 'a large population of Sub-Saharan Africans mainly from Niger, Chad, Mali, Nigeria and Ghana' (IOM, 2011a). Apart from the abovementioned and uncertain figures (given without clear foundations), data on migrants fleeing the crisis in Libya – as reported by international agencies allowed to work at the country borders – confirm the importance of Libya as an immigration country. Despite their partial and limited nature,[4] these figures are still today the only source of information on the consequences of the current crisis on immigrants in Libya.

According to IOM estimates, during the 2011 crisis, 768,372 migrants fled violence in Libya.

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[3] On June 8, 2011, IOM stopped collecting data on Libyan nationals exiting the country.

[4] Even assuming that UNHCR and IOM figures are reliable, they certainly underestimate the total of migrants fleeing Libya since figures were collected at the main border points of transit, where international agencies worked. They thus exclude all migrants who entered neighboring countries from other border points.

At the beginning of the unrest, the majority of these movements occurred on a temporary basis. For example, the main reasons Libyans came to Egypt included medical assistance, trade and 'visiting relatives' (UNHCR, 2011b). Moreover, very few Libyans asked for humanitarian assistance at the transit border areas because, unlike other migrants, they were allowed to enter Egypt and Tunisia without restrictions.

Two major changes occurred mid-April 2011. First, a substantial increase was observed in Libyan families crossing both the Egyptian and the Tunisian borders.

Daily arrivals of Libyan nationals at the Egyptian and Tunisian borders, 29th March-28th May

Source: Author's elaboration on IOM data (as retrieved from the IOM website on 30th May, 2011)

The average daily number of Libyans who crossed the two borders passed in fact from 3,165 individuals in the first 10 days of April reaching 6,019 individuals in the first 10 days of May and decreasing again to 4,296 in the ten-day period 18-28 May. Among them, the vast majority still did not ask for humanitarian assistance, travelling to other cities in Egypt or Tunisia (UNHCR, various reports on 'Humanitarian Situation in Libya and the Neighbouring Countries'), and waiting there for the conflict's resolution.

Second, a major change occurred at the southern Libyan-Tunisian border. In mid-April, numerous Libyans crossed this border, passing through the city of Deheba. Here, for the first time a significant proportion of Libyans asked to remain in border camps and asked for the United Nations High Commissioner for Refugees (UNHCR) assistance. Most were Berbers, from western mountain areas.

Foreign nationals fled from Libya during the 2011 unrest by country of arrival and country of nationality

Country of arrival	Country of nationality	Number	%
Egypt	Egypt	154,634	20.1
	TCNs (*)	88,163	11.5
	Total	**242,797**	**31.6**
Tunisia	Tunisia	136,749	17.8
	TCNs	208,489	27.1
	Total	**345,238**	**44.9**
Algeria	Algeria	1,666	0.2
	TCNs	12,296	1.6
	Total	**13,962**	**1.8**
Niger	Niger	79,015	10.3
	TCNs	5,413	0.7
	Total	**84,428**	**11.0**
Chad	Chad	50,874	6.6
	TCNs	808	0.1
	Total	**51,682**	**6.7**
Sudan	**Total**	**2,800**	**0.4**
Italy	**Total**	**25,935**	**3.4**
Malta	**Total**	**1,530**	**0.2**
Total		**768,372**	**100.0**
of which TCNs		*315,169*	*41.0*
(*) Third Country Nationals			
Source: IOM			

Even if we allow the unrealistic hypothesis that these estimates are correct and that these migrants represent all foreign nationals living in Libya before the crisis, Libya can already be defined as a main country of immigration, close to the largest European receiving states in terms of immigrants' share of the total population, i.e. 12.0%.

Migrants fled mainly to Tunisia (44.9%) and Egypt (31.6%). The Nigerien and Chadian borders have also experienced waves of migrants with respectively 11.0% and 6.7% of the total flows. Algeria would seem to be the neighbouring country least touched by these movements – having received 'only' 13,962 migrants since the beginning of the crisis. However it should be noted that international agencies were only partially allowed to enter Algerian transit border areas.

As to European neighbourhoods, only 27,465 migrants (3.6%) reached the European coasts of Italy and Malta, dampening alarmism among European.

Daily arrivals of Libyans at the Tunisian and Egyptian borders by area of arrival, 8 April-26 April

Source: Author's elaborations on UNHCR's various External Situation Reports
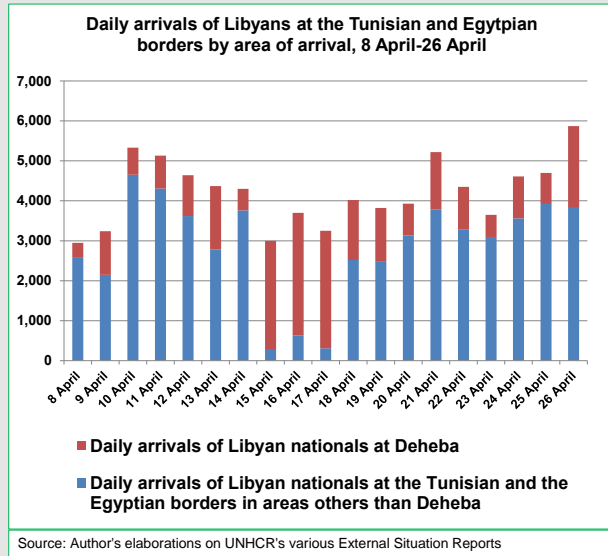
This is confirmed by the fact that the number of Libyan refugees and asylum seekers registered with UNHCR almost doubled in 2011 compared with 2010. Their numbers passed from 2,309 to 4,384.

Libyan refugees and aslyum seekers, 2000-2011

Source: UNHCR
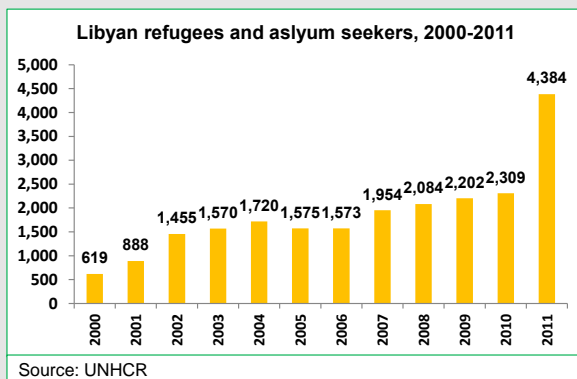
For the first time, in 2011, large numbers of forced Libyan migrants are found in neighbouring countries, especially in Tunisia (23.9%).

A brief note on migration from Egypt and Tunisia to Libya

Egyptians and Tunisians are correctly considered two of the most important foreign communities in Libya. As to the former, according to Egyptian consular statistics, in 2009, there were around 2 million Egyptian nationals living in Libya. The majority of them are estimated to work there irregularly: according to a recent survey on Egyptian youth (see IOM, 2011b), among those who had migrated to Libya in the past, the majority entered it without 'a valid visa' (56.0%) or 'a work contract' (8.0%). As to their profile, Egyptian workers tend be mainly employed in agriculture and teaching (Pliez, 2004) though the aforementioned IOM survey reveals that the great majority of young Egyptians in Libya are likely to experience a dramatic mismatch between their educational and occupational profile (IOM, 2011b). As to Tunisians, according to consular statistics their presence was estimated at 87,200 individuals in 2009. Given the poor diplomatic relations between the two states (between 1966 to 1985, Tunisians' flows to Libya had been characterized by 8 waves of expulsion and 3 waves of open-door policy, (see Bredeloup and Pliez, 2011), Tunisian emigration directed towards Libya has been historically quantitatively significant.

Flows

As to the national composition of migrants fleeing the crisis, this changed rapidly after the beginning of the unrest. At the beginning, Egyptian and Tunisian male migrants represented the majority of these flows. Their governments immediately responded to the crisis by organizing large-scale repatriation programs. As of 22 March 2011, around 140,000 Egyptians and 20,000 Tunisians had made it back safely to their country of origin (IOM, 2011a).

After Egyptians and Tunisians, a second wave of Asian and Sub-Saharan nationals followed. As of 8 March 2011, UNHCR declared that 'the critical gap at present is in long haul flights to Bangladesh and to other countries in Asia and Sub Saharan Africans' (UNHCR, 2011a).

As to the former, contacts were gradually made with the origin countries' authorities so that thanks to the repatriation of around 10,000 Vietnamese and more than 30,000 Bangladeshi, the emergency had wound down by the end of March (IOM, 2011c), while Asian nationals' arrivals fell significantly in April.

The most critical situation was instead linked to those migrants who 'make it out of Libya but were unable to return to their countries of origin' (UNHCR, 2011a), mainly Sub Saharan nationals, whose governments were not in the position to help them. Most of these were stranded in overcrowded transit areas in countries bordering Libya.

Sub-Saharans, in particular, were in the most dangerous position being constantly threatened both by Col. Gaddafi's forces and the opposition. At the end of March, Sub Saharan nationals who reached Dirkou reported that several thousand other African migrants were still trapped in Sabha, unable to leave Libya because of a lack of means to travel south towards the border (IOM, 2011d). In the first week of May 2011, IOM was informed that around 4,000 Sub-Saharan Africans stranded in and around Misrata have no assistance or food.

According to IOM data, a total of 62,058 Sub-Saharan migrants were repatriated during the civil war in Libya from neighbouring countries. Among them, 1 out of 2 (50.4%) were repatriated to Chad, 18.3% to Ghana, 16.0% to Mali and 14.4% to Niger.

Repatriations of Sub-Saharan migrants fled from Libya during the 2011 unrest by country of nationality

Country of nationality	Number	%
Chad	31,279	50.4
Ghana	11,327	18.3
Mali	9,955	16.0
Niger	8,964	14.4
Nigeria	533	0.9
Total	**62,058**	**100.0**
Source: IOM		

To conclude, two considerations can be made about the impact of the Libyan crisis on international migration movements. On the one hand, Sub Saharan nationals were without any doubt the people most at risk, both in Libya and at the borders (where repatriation activities led to an *impasse*). On the other hand, the capacity of neighbouring African countries to manage the crisis in terms of the reception of migrants was remarkable.

References: Bredeloup, S. and O. Pliez. 2011. The Libyan Migration Corridor, EU-US Immigration Systems, 2011/03, Migration Policy Centre, European University Institute, San Domenico di Fiesole; European Commission (EC). 2005. Technical Mission to Libya on Illegal Immigration - 27 Nov-6 Dec 2004 – Report. Doc. N. 7753/05; European Council of Refugees and Exiles (ECRE). 2007, ECRAN Special Weekly Update of 19 March 2007; Fargues P. 2009. Work, Refuge, Transit: An Emerging Pattern of Irregular Immigration South and East of the Mediterranean, International Migration Review, Volume 43 Number 3 (Fall 2009); Human Rights Watch (HRW). 2006. Stemming the Flow: Abuses Against Migrants, Asylum Seekers and Refugees, Volume 18, No. 5(E); International Organization of Migration (IOM). 2012. Migrants caught in crisis: The IOM Experience in Libya, Geneva; International Organization of Migration (IOM). 2011a.

Libyan Crisis One Month into IOM's response, 28 March 2011; International Organization of Migration (IOM). 2011b. Egyptian Migration to Libya; International Organization of Migration (IOM). 2011c. IOM Dhaka Situation Report, 6 April, 2011; International Organization of Migration (IOM). 2011d. IOM response to the Libyan crisis, External Situation Report, 22 March 2011; Pastore F. 2007. Libya's Entry into the Migration Great Game. Recent Developments and Critical Issues, background paper for the project "Managing Migration in the Neighbourhood of the EU and the US", carried out by CeSPI with support from the German Marshall Fund of the United States; Pliez, O. 2004. *De l'immigration au transit? La Libye, dans l'espace migratoire euro-africain* in Pliez O. (ed.), *La nouvelle Libye, Sociétés, espaces et géopolitique au lendemain de l'embargo*, Karthala, Paris; United Nations High Commissioner for Refugees (UNHCR). Humanitarian Situation in Libya and the Neighbouring Countries, various updates: 2 March 2011 (2011a); 22 March 2011 (2011b).

The Legal Framework of Migration

The legal framework for foreign nationals saw its most important developments in the 1980s. Law n°6 of 1987 stated the general conditions for foreigners to enter and stay in Libya, but a series of decisions and bilateral conventions demonstrated Qaddafi's Pan-Arab policy with special preferences for Arab nationals.

When Libya swapped Pan-Arabism for Pan-Africanism in response to more explicit support from the OAU[5] against the international embargo, the diplomatic switch was introduced into law. Regulations were adapted to the official declarations calling for African manpower and advertising the end of visa requirements for Sub-Saharan Africans, as was foreseen in the objectives of CENSAD[6], created in Tripoli in 1998. From 2001, African manpower, claimed to be temporary and with low qualifications, was given access to the private and public sectors of agriculture, building and cleaning.

Important legal changes characterised 2004, when Decision n°1 related to the conditions of employing foreign manpower introduced a new distinction between nationals from countries with which Libya has concluded bilateral agreements and nationals from other countries. The former were given priority over the latter. Libya gave up a (pro)regional approach for a bilateral and case-by-case policy, but diplomacy has remained crucial in the creation and implementation of the law.

When Libya began to be perceived as a transit zone for migrants and consequently as a priority for the European Union's migration policy, it brought in a more rational and repressive law. From 2004, the vocabulary turned back to the 1970s, a vocabulary which distinguishes between Libyan and foreign nationals. In 2007, a visa requirement returned for all nationalities, except for the Maghreb nationalities. Also an ultimatum was set for regularising the employment of foreign nationals, who also lost free access to health and education public services.

The multiplication of decisions regarding aliens, added to the absence of implementation, explains the legal insecurity and the risk of arbitrary treatment which weigh so heavily on migrants. Informality and easy access to the territory and work are matched by an absence of legal protection for immigrants, who may be arrested, expelled and locked up with relative ease.

Several bilateral agreements have been made with EU Member States, particularly Italy, in order to combat irregular migration. In 2008, a "Friendship Pact" was signed between Italy and Libya, whereby Libya agreed to collaborate with Italy on the return of boats intercepted on international waters (or so-called 'pushed-backs'). Although the Transitional National Council, the ruling entity after the overthrow of Qaddafi, reaffirmed the Pact in December 2011, in February 2012 the European Court of Human Rights pronounced in the Hirsi case that the pact between Italy and Libya was unacceptable. The agreement, therefore, was suspended. Even so, in April 2012 Italy-Libya migration cooperation was reinforced with an agreement on training programs, the detention of migrants, and voluntary return programs.

One of the top priorities for the new Libyan government is increasing border security in order to combat irregular migration, trafficking in arms and drugs, and organized crime. Throughout 2012, Libya increased cooperation with European countries to secure borders, and in December 2012, Libya made agreements with Algeria, Niger, Chad, and Sudan to secure borders and setup joint border forces.

Like its neighbours, Libya is still without any national asylum procedure. UNHCR has been tolerated since 1991 and offers humanitarian aid to a few thousands of people under its informal mandate, with status certificates that are not always recognised by the official authorities. In April 2009, a plan for elaborating a national asylum system was launched. Following on from this agreement, UNHCR got the right to visit migrant detention camps to identify possible refugees.

Although Libya has yet to draft a permanent constitution since the revolution, it is notable to mention that the interim constitution, promulgated by the Transitional National Council in August 2011, prohibits the extradition of political refugees

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[5] Organisation of African Unity, replaced by the African Union (AU) in 2002.

[6] The Community of Sahel-Saharan States.

Legal Framework	Outward migration	Inward migration
General Legal References	• 2011 Draft Constitutional Charter for the Transition Stage[7] • 2010 Law n°19 related to the combating of irregular migration • 2007 Decree n. 6 of 2007 regarding norms and rules for recruitment and employment of non-national manpower • 2007 Decree n. 98 of 2007 regarding norms and rules organizing work and residency of non-national manpower • 2005 Decree n° 125 of 2005 amending the implementation of Law n° 6 of 1987 on admission and residency of foreigners • 1954 Law on Libyan Citizenship, amended in 1980 and 1984	
Entry and Exit	Suppression of exit visas for nationals in 1991.	To enter, foreign nationals must present passport and a Libyan invitation or, if not, 500 dinars. Border posts are specified (Ras Jdir from Tunisia, Salloum from Egypt). Access by land from Niger, Chad, Sudan and Algeria is reserved to nationals from these states, unless special authorisation is given. Exit visas are needed for foreign residents.
Irregular Migration	**Facilitation of irregular exit** from the territory penalised with prison penalty and fine. (Law n°02 of 2004, Law n°19 of 2010).	**Irregular entry or stay** punished with prison penalty and fine of at least 1,000 dinars for preceding deportation. **Facilitation of irregular entry** penalised with prison penalty and fine. (Law n°02 of 2004, Law n°19 of 2010). The labour contract of an alien in an irregular situation is considered null.

Agreements regarding irregular migration

➢ **Bilateral agreements:** Libya-Italy agreement (2000) including cooperation against irregular migration, (2003) readmission agreement; and (2007) the two countries signed an agreement to conduct joint patrolling of maritime borders in order to reduce irregular migration; Italy-Algeria (2006) agreement on combating clandestine immigration; repatriation agreements with Niger, Chad and Egypt; Libya-France Framework Agreement of a Global Partnership (2007) including active cooperation to combat illegal immigration, border cooperation and migration management, and work towards the establishment of readmission; Joint Mali-Libya security committee for repatriation (2008); Libya-Italy Memorandum of Understanding (2012) on migration cooperation (agreement on training programs, the detention of migrants, and voluntary return programs); agreements with Algeria, Niger, Chad, and Sudan to secure borders and setup joint border forces (2012).

➢ **International Agreements: Palermo Protocols**: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and Protocol against the Smuggling of Migrants by Land, Sea and Air (both signed in 2001, ratified in 2004).

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[7] Cline Center for Democracy (2011). *Draft Constitutional Charter for the Transition Stage.* Retrieved from http://portal.clinecenter.illinois.edu/REPOSITORYCACHE/114/w1R3bTIKElG95H3MH5nvrSxchm9QLb8T6EK87R ZQ9pfnC4py47DaBn9jLA742lFN3d70VnOYueW7t67gWXEs3XiVJJxM8n18U9Wi8vAoO7_24166.pdf

Rights and Settlement		**Five-year stay visa** issued to persons residing regularly in the country for ten years; to students registered in a Libyan institution; to foreign nationals on an economic or State basis; to family members of foreign residents; to non-Libyan spouses and children of Libyan citizens.
		Arab nationals' rights and duties defined by a series of decisions, including decision n°456 of 1988 and law n°10 of 1989. Subsequent and progressive disappearance of their privileges.
		Access to Employment: Ordinances n°238 and 260 of 1989 on employment conditions of foreign workers: labour visa as long as there is a labour contract and a health card; employment has to be approved by the Central Bureau of Employment; national and Arab preference. Possibility of regularizing labour visa after the entry (Ordinance n°125 of 2005).
		Decision n°403 of 2001 on the employment of African manpower. List of non-qualified professions. Medical care and accommodation charged to the employer.
		Decree n°6 of 2007 listing professions open to foreigners, especially in the oil industry and the health sector. Suppression of commerce. Employment is allowed in highly qualified (consulting, expertise) or non-qualified professions (building, catering, agriculture). Decision 98 of 2007: for nationals from states linked to Libya by a bilateral agreement, migrants can stay for three months while job searching (red card).
		70% cap on foreign manpower in the private and public sectors (GPC Letter to the Labour Ministry in March 2007).
		Labour Code Reform in 2010 extending its scope to domestic and agriculture workers.
		Family reunification: recognised for spouses, children, non married adult daughters, parents, minor brothers and sisters, provided the foreign resident provides for their needs and host them.
		Access to public services: Yes. Theoretically paying since Ordinance n°98 of 2007.

Labour	➢ **Bilateral Agreements**: agreements on agriculture manpower (1971) and circulation of persons and establishment (1988) with Niger; convention of establishment with Tunisia (1973); labour agreement with Morocco (1983); convention in the field of work and the use of human resources with Algeria (1987); labour agreement with Jordan (1998); convention for cooperation in the field of employment with Ukraine (2004); Libya-Yemen agreement (2013) to form a joint committee to develop procedures for the exchange of labour; among others.	
	➢ **International Agreements**: 1990 Convention on the Protection of all Migrant Workers and Members of their Family; 29 ILO conventions ratified.[8]	
Citizenship	**Dual citizenship** theoretically needs authorization.	Law n°17 of 1954 on Libyan nationality: *jus sanguinis* by male descent. Libyan mothers transmit their nationality only in cases of an unknown or stateless father. Their child can be naturalized when of age if a 3-year residence in Libya is demonstrated. Till then, no free access to public services. No *Jus soli.* A foreign woman married to a Libyan man can get Libyan citizenship if she renounces her original nationality. Naturalisation, generally allowed after a ten-year-residence, possible for Arab descendants after a five-year residence or even without previous residence for scientists useful for the country.
		Law n°18 of 1980 on Arab nationality: extending Arab nationals' privileges in acceding citizenship. Citizenship often offered as a political gesture towards Tuaregs or Chadians.
International Protection		**Right of asylum** guaranteed by virtue of the law. The **extradition of political refugees** shall be prohibited (Article 10, Interim Constitution).
		No formal agreement between Libya and UNHCR, yet UNHCR tolerated since 1991.
		In April 2009, agreement with UNHCR, the Libyan NGO IOPCR (International Organization for Peace, Care and Relief), CIR (Italian Council for Refugees) and ICMPD (International Centre for Migration Policy Development) with the objective of creating a national asylum policy.
		International agreements regarding international protection: 1969 OAU Convention governing specific aspects of refugees in Africa; and the Protocol for the Treatment of Palestinians in Arab States (with reservation: Palestinians considered as other Arab citizens residing in Libya).

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[8] Including conventions C111 concerning Discrimination in Respect of Employment and Occupation and C118 Equality of Treatment of Nationals and Non-Nationals in Social Security, but excluding conventions C97 concerning Migration for Employment, and C143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers.

The Socio-Political Framework of Migration

The socio-political framework of migration to and through Libya raises various and complex issues in relation to Libyan migration policy and the control of the southern borders of the EU in the face of irregular migration. Moreover, Libyan out-migration is disregarded here because it represents a marginal phenomenon whose socio-political consequences are very limited.

The evolution of Libyan migration policy depends, to a certain extent, on the need of workforce for an economy boosted by gigantic oil and gas wealth. During Qaddafi's reign, hosting, or expelling, foreign workers was been one of the key instruments of Libyan foreign policy since the 1970s, in order to influence diplomatic relationships with Arab neighbours, then sub-Saharan neighbours, then later on, European neighbours. In other words, the Libyan migration policy, driven by multiple, and sometime contradictory interests and logics, was characterized by its versatility and by a large gap between strongly ideological political discourses, and the reality of migration to and through Libya.

In the meantime, migration flows from the Sub Sahara to Libya were increasing significant: Malians and Nigeriens first, then Western and Central Africans afterwards (Senegalese, Ghanaians, Nigerians, etc.). This movement, along with the end of the Tuareg rebellions in Niger (1995) and Mali (1996), contributed to the augmentation of trans-Saharan migration and circulation, in other words the development of the trans-Saharan migration system. Again, in 1995, the Libyan regime expelled foreign nationals on a massive scale, mainly because of the economic consequences of the international embargo, targeting in particular Palestinians and Mauritanians under the pretext of the normalization of the diplomatic ties between Israel and their countries in the framework of the peace process.

In the second half of the 1990s, while the international community imposed a severe embargo on Libya, Muammar Gaddafi choose pan-Africanism as the new spearhead of his foreign policy. The CENSAD (Community of Sahelian-Saharan States) was created with the aim of suppressing all obstacles to African unity and, in particular, authorized the free circulation of persons. However, the venue and the stay of the migrants in Libya have remained largely informal and subject to the arbitrary decisions of the Libyan police.

The year 2000 marked a new turn in Libya's migration policy with the signature of an agreement with Italy to fight terrorism, drug trafficking and irregular migration, at a time when the relations between Libya and the international community was normalizing. This agreement responded to the interests of both the Libyan and the Italian government. In Italy, the centre-left government of Massimo d'Alema faced strong political and media pressure because of the arrival of increasing number of irregular migrants on the coast of Sicily. Then in Libya, inconstancy in migration policy and the presence of large numbers of foreign workers contributed to the deterioration of relations between the migrants and the locals, while unemployment was becoming more and more an issue among the second group. In the autumn of 2000, xenophobic unrest led to the death of hundreds of sub-Saharan migrants. In the following years, Italy signed several bilateral cooperation agreements with Libya. In 2003, an agreement dealt with the readmission of irregular migrants arriving on the island of Lampedusa, of whom 3,000 migrants were deported between 2006 and 2008. Then, in 2007, another agreement was signed to create a common maritime patrol, but only a few operations were held in 2009 resulting in the *refoulement* of 900 migrants.

In parallel, Italy demanded that the EU assume a greater role in the fight against irregular migration. After the European summit of The Hague in 2004, which marked the beginning of the implementation of the European policy of externalization of border control, the European commission developed cooperation with Libya, focusing on the fight against irregular migration.[9] Following the 2011 Libyan crisis, the EU renewed its interest to assist the Libyan authorities in migration management, especially securing Libyan borders, with increased aid packages and the approval of a crisis management concept for a possible civilian Common Security and Defence Policy mission to support border management in Libya.[10]

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[9] See Technical mission to Libya in 2004; Conclusions of the Council of Justice and Home Affairs in June 2005; Euro-African ministerial conference on development held in Tripoli in November 2006; Memorandum of Understanding in July 2007; first round of negotiations for the signature of a Framework agreement for Political dialogue and Cooperation in 2008.

[10] European Commission. (20 March 2013). *ENP Package – Libya*. Retrieved from http://europa.eu/rapid/press-release_MEMO-13-250_en.htm

In July 2012, Libya held a nationwide election, which resulted in the formation of the General National Congress, and the election, later that year, of a President and Prime Minister. The current and most pressing migration policy issue for the fledgling regime is border management and security, especially as the deterioration of security following the crisis has led to an increase in irregular migration, smuggling and other trans-border crimes. Libya is also currently working with its neighbours Algeria and Tunisia, and others, on joint border security measures. As the fighting also resulted in hundreds of thousands of migrants fleeing towards Egypt and Tunisia, and, to a lesser extent, Chad, in addition to the internal displacement of migrants, the Libyan Government has worked with the IOM and UNHCR to organize their repatriation to their countries of origin, as well as the evacuation of other migrants trapped in Libya.

Socio-Political Framework	Outward migration	Inward migration
Governmental Institutions	• Ministry of Interior • Ministry of Foreign Affairs and International Cooperation • Ministry of Justice • Ministry of Defence	• Ministry of Interior • Ministry of Foreign Affairs and International Cooperation • Ministry of Justice • Ministry of Defence
Governmental Strategy	**Facilitate outmigration of Libyan students** for educational purposes (e.g., with Maltese universities,[11] among others).	**Address concerns of displaced migrants and refugees** within Libya (e.g., working with the UN Support Mission in Libya and other international organisations for protection and humanitarian assistance, and IOM for the repatriation and return of migrants –especially from Chad, Niger, Tunisia and Egypt). Combat human trafficking (e.g., recent joint IOM-Libyan Ministry of Justice workshop on combatting human trafficking, building capacity of judiciary[12]). Encourage foreign companies to engage in development projects within Libya (bringing in foreign workforce to carryout project, e.g., from India, China, Brazil among others[13]).

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[11] Libyan Ministry of Foreign Affairs. (10 February 2013). *Minister of Foreign Affairs and International Cooperation speaking with the Foreign Affairs Minister of Malta for ways to support and strengthen the existing bilateral relations between the two countries.* Retrieved from http://www.foreign.gov.ly/ar/news_details.php?id=7460

[12] Libyan Ministry of Justice. (3April 2013). *Closure of workshops on capacity building of the judicial corps in the fight against human trafficking.* Retrieved from
http://www.aladel.gov.ly/main/modules/news/article.php?storyid=544

[13] For more information, see Libyan Ministry of Planning at http://www.planning.gov.ly/?cat=4

	Irregular migration
	Limit irregular migration by working with EU[14], the UN Support Mission in Libya[15], and other international partners[16] to increase capacity building to patrol land and maritime borders, and receive training for police and border forces (e.g., with Italy and UK[17]). **Intensification of efforts within Ministry of Defense to combat irregular migration** (e.g. intensification of reconnaissance and surveillance and the reorganization of border guards and strengthening personnel and equipment[18]). **Increase border security with neighbouring countries** to limit irregular migration and trans-border crimes (e.g., with Egypt[19], and Tunisia and Algeria, among others).
Civil Society	**LibAid** (activities including provision of food and other services, mainly to IDPs) **Al-Wafa Charity Society** (activities including assistance for refugees and asylum seekers) **Centre for Fact-finding and Monitoring of Human Rights Violations** (activities including documenting abuse of migrants and IDPs in Libya)
International Cooperation	Libya is a member of several **international organisations** in which it actively works to address issues of migration, including: International Organization for Migration (IOM); International Labour Organization (ILO); UNHCR; Arab League; and Organization for African Union (OAU), among others. Libya is a participant to the **European Neighbourhood Policy (ENP)**; the **Union for the Mediterranean** (a multilateral partnership within the European Neighbourhood Policy); and participates in the **5 + 5 Dialogue**.

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[14] Libyan Ministry of Defence. (18 March 2013). *Deputy Defence Minister meets EU delegation.* Retrieved from http://www.defense.gov.ly/modules/publisher/category.php?categoryid=1

[15] Security and management of borders is one of the areas the UN Support Mission in Libya assists the Libyan Government. For more information, see http://unsmil.unmissions.org/Default.aspx?tabid=3544&language=en-US

[16] Libyan Ministry of Defence. (1 January 2013). Meeting in London in preparation for the Ministerial Conference in Paris. Retrieved from http://www.defense.gov.ly/modules/publisher/category.php?categoryid=1

[17] Libyan Ministry of Ministry of Foreign Affairs (4 April 2013). *Minister of Foreign Affairs and International Cooperation receives British Minister of National Security Strategies.* Retrieved from http://www.foreign.gov.ly/ar/news_details.php?id=7496

[18] Libyan Ministry of Defence. (2 February 2013). *Defence Minister confirms the formation of the modern armed forces.* Retrieved from http://www.defense.gov.ly/modules/publisher/category.php?categoryid=1

[19] Libyan Ministry of Defence. (10 April 2013). *Defence Minister receives Chief of Staff of the Egyptian Armed Forces.* Retrieved from http://www.defense.gov.ly/modules/publisher/category.php?categoryid=1