

## CARIM – Consortium for Applied Research on International Migration

Co-financed by the European Union

### *CARIM – Migration Profile*

#### *Libya*

The Demographic-Economic Framework of Migration

The Legal Framework of Migration

The Socio-Political Framework of Migration

Report written by

**ANNA DI BARTOLOMEO,**

**THIBAUT JAULIN**

and **DELPHINE PERRIN**

on the basis of CARIM database and publications

June 2011



### The Demographic-Economic Framework of Migration

The current war in Libya presents severe and dramatic aspects linked to international migration movements as, since the 1970s, Libya has been an important country of immigration in the framework of international south-south movements. The fact that 531,439 migrants have already left the country since the beginning of the crisis (as of 26 May) confirms this.

Historically, immigration flows into Libya began in the 1960s just after the discovery of oil and hydrocarbons reserves there. In the following two decades, the rise in oil revenues together with ambitious economic and social programs and the country's structural lack of indigenous manpower, continued to attract large numbers of immigrants, particularly those from neighboring 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. Following the 1992 UN embargo and the unsteady relationships between Libya and neighboring Arab countries, Col Gaddafi started to pursue an open-door policy towards nationals from the Sub-Saharan region, who started to enter Libya in larger numbers.

Later, in the 2000s, aimed at reaching a balance between its need of importing foreign manpower and of obtaining the removal of international sanctions, Col Gaddafi agreed on cooperating with European countries over irregular migration (Bredeloup and Pliez, 2011). Indeed, despite Libya being first and foremost a country of immigration, the deterioration of immigrants' conditions living in the country and the change of international irregular migration routes has also made it an important country for transit migration and particularly for large numbers of migrants trying to reach Malta and the Italian Isle of Lampedusa.

So, after years of an open door policy, in 2007 Libya imposed visas on both Arabs and Africans and adopted normative changes concerning stay and labor turning an unknown number of immigrants into 'irregulars' overnight<sup>1</sup> (see Fargues, 2009). In the same context, large scale expulsions were carried out by the Libyan government in the 2000s in order to adjust labor migrations to its labor-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).

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

As to emigration patterns, Libya has never recorded significant outward migration flows. However, the current situation is triggering more and more intense movements of Libyans on the Tunisian, Egyptian and, to a lesser extent, on the Algerian borders.

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<sup>1</sup> 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 Neighbourhood Policy (see the document at [http://ec.europa.eu/world/enp/documents\\_en.htm](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.

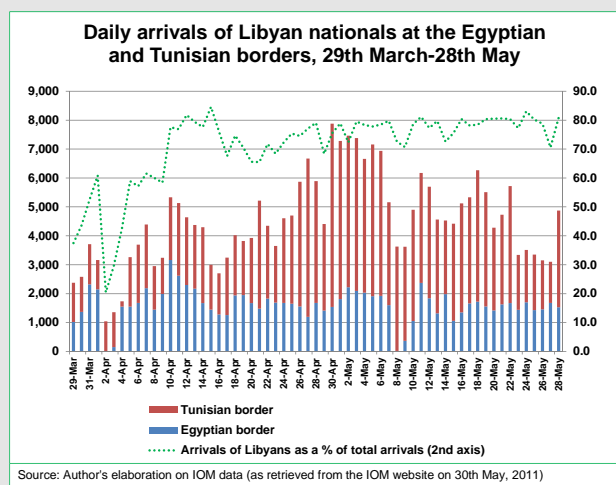
Outward migration	Inward migration																																																																																																																		
<p><b>Stock</b></p> <p>Until the crisis, outward migration was not an issue for the Libyan population. The few numbers of Libyans abroad were mainly businessmen and students, who tended to emigrate on a temporary basis. In years around 2010, according to some selected destination countries' statistics, Libyan emigrants residing abroad were 61,521, or 1.0% of the total resident population in Libya.</p> <table border="1"> <caption>Libyan emigration stocks in selected countries by country of residence, most recent data</caption> <thead> <tr> <th>Country/area of residence</th> <th>Definition (a)</th> <th>Reference date (1 Jan)</th> <th>Source</th> <th>Number</th> <th>%</th> </tr> </thead> <tbody> <tr> <td><b>European Union</b></td> <td></td> <td></td> <td></td> <td><b>43,646</b></td> <td><b>70.9</b></td> </tr> <tr> <td>of which United Kingdom</td> <td>(B)</td> <td>2010</td> <td>Annual Population Survey</td> <td>31,000</td> <td>50.4</td> </tr> <tr> <td>Germany</td> <td>(B)</td> <td>2010</td> <td>Central register of foreigners</td> <td>4,300</td> <td>7.0</td> </tr> <tr> <td>France</td> <td>(A)</td> <td>2005</td> <td>Population Census</td> <td>1,811</td> <td>2.9</td> </tr> <tr> <td>Italy</td> <td>(B)</td> <td>2010</td> <td>Population Register</td> <td>1,468</td> <td>2.4</td> </tr> <tr> <td>Sweden</td> <td>(A)</td> <td>2010</td> <td>Population register</td> <td>1,234</td> <td>2.0</td> </tr> <tr> <td>Others</td> <td></td> <td>(b)</td> <td></td> <td>3,833</td> <td>6.2</td> </tr> <tr> <td><b>Selected SEM countries</b></td> <td></td> <td></td> <td></td> <td><b>6,928</b></td> <td><b>11.3</b></td> </tr> <tr> <td>of which Egypt</td> <td>(B)</td> <td>1996</td> <td>Population Census</td> <td>2,128</td> <td>3.5</td> </tr> <tr> <td>Tunisia</td> <td>(B)</td> <td>2004</td> <td>Population Census</td> <td>1,738</td> <td>2.8</td> </tr> <tr> <td>Algeria</td> <td>(B)</td> <td>1998</td> <td>Population Census</td> <td>1,351</td> <td>2.2</td> </tr> <tr> <td>Others (c)</td> <td></td> <td>see note (c)</td> <td></td> <td>1,711</td> <td>2.8</td> </tr> <tr> <td><b>Other countries</b></td> <td></td> <td></td> <td></td> <td><b>10,947</b></td> <td><b>17.8</b></td> </tr> <tr> <td>of which United States</td> <td>(A)</td> <td>2010 (e)</td> <td>Annual Population Survey</td> <td>5,360</td> <td>8.7</td> </tr> <tr> <td>Canada</td> <td>(A)</td> <td>2006</td> <td>Population Census</td> <td>2,625</td> <td>4.3</td> </tr> <tr> <td>Australia</td> <td>(A)</td> <td>2008</td> <td>Estimates provided by the National Bureau of Statistics</td> <td>1,794</td> <td>2.9</td> </tr> <tr> <td>Others (d)</td> <td></td> <td>see note (d)</td> <td></td> <td>1,168</td> <td>1.9</td> </tr> <tr> <td><b>Total</b></td> <td></td> <td></td> <td></td> <td><b>61,521</b></td> <td><b>100.0</b></td> </tr> </tbody> </table> <p>(a) Immigrants are defined as "foreign-born" (A), or "non nationals" (B)                  (b) The sources, reference dates and definitions used for "other" EU countries are: 1. Population Registers for Austria (2009, A), Belgium (2010, B), Bulgaria (2009, B), Cyprus (2009, A), Czech Republic (2010, A), Denmark (2010, A), Estonia (2008, B), Finland (2010, A), Latvia (2010, A), Lithuania (2008, A), Netherlands (2010, A), Poland (2010, A), Romania (2009, A), Slovenia (2010, A) and Spain (2010, A); 2. Residence permits for Greece (2006, B), Hungary (2010, B), Malta (2008, B); 3. Register/Database of foreigners were used for Portugal (2010, B) and Slovakia (2010, B); 4. A household survey for Ireland (2010, A) and the Population Census for Luxembourg (2001, B)                  (c) "Others" include Jordan (Population Census, 2006, B), Morocco (<i>Direction Générale de la Sécurité Nationale</i>, 2010, B) and Turkey (Population Census, 2000, B)                  (d) "Others" include New Zealand (Population Census, 2006, A), Norway (Population Register, 2009, A) and Switzerland (Population Register, 2008, B)</p> <p>They were mainly found in the United Kingdom (70.9%), the United States (8.7%) and Germany (7.0%). In years around 2000, there was gender parity (men equaled 51.8% of the total Libyan emigrant stock), while 49.2% had a medium-high level of education and 55.6% were employed in highly-skilled occupations, particularly as technicians or associate professionals (16.5%), legislators, senior officials or managers (13.9%) and professionals (13.1%) (DIOC-E database, OECD).</p> <p>As to forced emigrations, in 2009 the number of Libyan refugees equaled 2,202, mainly residing in Germany (25.9%), Canada (13.9%), Switzerland (13.6%) and the Netherlands (11.1%) (source: United Nations High Commissioner for Refugees, UNHCR).</p>	Country/area of residence	Definition (a)	Reference date (1 Jan)	Source	Number	%	<b>European Union</b>				<b>43,646</b>	<b>70.9</b>	of which United Kingdom	(B)	2010	Annual Population Survey	31,000	50.4	Germany	(B)	2010	Central register of foreigners	4,300	7.0	France	(A)	2005	Population Census	1,811	2.9	Italy	(B)	2010	Population Register	1,468	2.4	Sweden	(A)	2010	Population register	1,234	2.0	Others		(b)		3,833	6.2	<b>Selected SEM countries</b>				<b>6,928</b>	<b>11.3</b>	of which Egypt	(B)	1996	Population Census	2,128	3.5	Tunisia	(B)	2004	Population Census	1,738	2.8	Algeria	(B)	1998	Population Census	1,351	2.2	Others (c)		see note (c)		1,711	2.8	<b>Other countries</b>				<b>10,947</b>	<b>17.8</b>	of which United States	(A)	2010 (e)	Annual Population Survey	5,360	8.7	Canada	(A)	2006	Population Census	2,625	4.3	Australia	(A)	2008	Estimates provided by the National Bureau of Statistics	1,794	2.9	Others (d)		see note (d)		1,168	1.9	<b>Total</b>				<b>61,521</b>	<b>100.0</b>	<p><b>Stock</b></p> <p>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.</p> <p>Before the crisis, the most quoted figure was that of 600,000 regular <i>plus</i> 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). More recently (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 insecure figures (given without clear foundations), most recent data on migrants fleeing from 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,<sup>2</sup> these figures are currently the only source of information on the consequences of the current crisis on immigrants in Libya.</p> <p>According to IOM estimates, as of 26 May, 531,439 migrants have fled violence in Libya, while many thousands are estimated to be stranded there. Even if we allow the unrealistic hypothesis 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. 7.8%.</p>
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<sup>2</sup> Even by assuming that UNHCR and IOM figures on migrants fleeing from Libya are reliable, they certainly underestimate the total of migrants fleeing from Libya since figures are collected at the main crucial border points of transit, where international agencies work. They thus exclude all migrants who enter Libyan neighboring countries from other border points.

## Flows

The current crisis is causing movements between the country and neighboring states. As of 26 May, 342,287 Libyans had fled from the country according to the International Organization of Migration (IOM) estimates. However, it should be noted that outward movements of Libyan nationals recorded at the borders include ‘**usual border crossings of commuters, traders, etc.**’. According to UNHCR and IOM reports, the large majority of Libyans who crossed the border, in fact, returned home at a later stage. The main reasons Libyans came to Egypt are – by their own accounts – medical assistance, trade and visiting relatives (UNHCR, 2011c). Moreover, since the beginning of the crisis, very few Libyans have asked for humanitarian assistance at the transit border areas because, unlike other migrants, they are allowed to enter Egypt and Tunisia without restrictions.

However, two major changes have occurred since mid April concerning in terms of these flows. First, a substantial increase has been observed in Libyan families crossing both the Egyptian and the Tunisian borders.



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 at 4,296 in the ten-day period 18<sup>th</sup>-28<sup>th</sup> May. Among them, the large majority still do not ask for humanitarian assistance travelling to other cities in Egypt or Tunisia (UNHCR, various reports), and waiting there for the conflict's resolution.

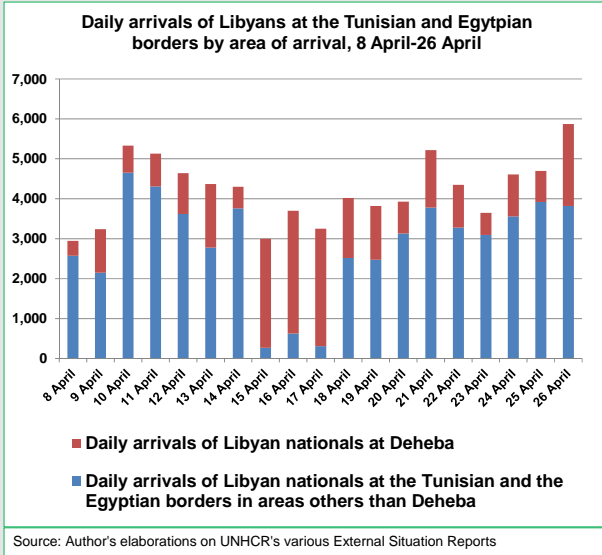
Second, a major change occurred at the southern Libyan-Tunisian border. Since Mid-April, numerous Libyans have crossed this border, passing through the city of Deheba. Here, for the

## Migrants fled from Libya since 20th February to 26th May by country of arrival and country of nationality

Country of arrival	Country of nationality	Number	%
Egypt	Egypt	97,407	18.3
	TCNs (*)	74,911	14.1
	<b>Total</b>	<b>172,318</b>	<b>32.4</b>
Tunisia	Tunisia	47,414	8.9
	TCNs	185,442	34.9
	<b>Total</b>	<b>232,856</b>	<b>43.8</b>
Algeria	Algeria	1,081	0.2
	TCNs	11,324	2.1
	<b>Total</b>	<b>12,405</b>	<b>2.3</b>
Niger	Niger	65,750	12.4
	TCNs	3,678	0.7
	<b>Total</b>	<b>69,428</b>	<b>13.1</b>
Chad	Chad	26,761	5.0
	TCNs	307	0.1
	<b>Total</b>	<b>27,068</b>	<b>5.1</b>
Sudan	<b>Total</b>	<b>2,800</b>	<b>0.5</b>
Italy	<b>Total</b>	<b>13,110</b>	<b>2.5</b>
Malta	<b>Total</b>	<b>1,454</b>	<b>0.3</b>
<b>Total</b>		<b>531,439</b>	<b>100.0</b>
<i>of which TCNs</i>		290,226	54.6
(*) Third Country Nationals			
Source: IOM, 2011e.			

Migrants fled mainly to Tunisia (43.8%) and Egypt (32.4%). The Nigerien and Chadian borders have also experienced waves of migrants with respectively 13.1% and 5.1% of the total flow. Actually, Algeria would seem to be the neighboring country least involved by these movements – having received ‘only’ 12,405 migrants since the beginning of the crisis. However it should be noted that international agencies are only partially allowed to enter Algerian transit border areas.

first time a significant proportion of Libyans asked to remain in border camps and asked for UNHCR assistance. Most are Berbers, originating in western mountain areas where, according to several Berbers in Deheba, many other Libyans are still trapped.



These rapid changes in outward movements from Libya reflect a continuous evolving situation inside the country, where however no information is available to quantify the real scale of the phenomenon.

So far, only 14,564 migrants (2.7%) reached the European coasts of Italy and Malta putting the current alarmism among European states into relief.

### 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 the Egyptian Ministry of Manpower and Emigration, in 2000 there were 332,600 Egyptian workers in Libya. However, much large numbers of Egyptians 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 to 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 from the crisis, this has changed rapidly since 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, around 140,000 Egyptians and 20,000 Tunisians had made it back safely to their country of origin (IOM, 2011a).

A proxy of the change in migrant composition is seen in the cumulative number of migrants fleeing from Libya at different dates by country of nationality. However, it should be noted that this indicator is only a *proxy* since IOM publishes

statistics on immigrants arrived at the borders for each neighboring country *by dividing inflows into 'nationals' (i.e. with the nationality of the country of arrival) and Third Country Nationals – TCNs (i.e. others)*. In other words, e.g. Egyptians who fled to Tunisia are reported as TCNs so that the total number of Egyptian nationals fleeing from the crisis cannot be set. Notwithstanding these limitations, an overall picture can be advanced.

Cumulated number of migrants fled from Libya as of 3 March, 3 April, 26 May 2011 by country of arrival and country of nationality				
<b>3rd March</b>				
Country of arrival	Country of nationality			
	Egypt	Tunisia	Others	Total
Egypt	56,507		22,692	79,199
Tunisia		18,275	72,900	91,175
Other countries			2,500	2,500
<b>Total (number)</b>	<b>56,507</b>	<b>18,275</b>	<b>98,092</b>	<b>172,874</b>
<b>Total (% by row)</b>	<b>32.7</b>	<b>10.6</b>	<b>56.7</b>	<b>100.0</b>
<b>3rd April</b>				
Country of arrival	Country of nationality			
	Egypt	Tunisia	Others	Total
Egypt	81,412		49,551	130,963
Tunisia		19,841	161,317	181,158
Other countries			45,445	45,445
<b>Total (number)</b>	<b>81,412</b>	<b>19,841</b>	<b>256,313</b>	<b>357,566</b>
<b>Total (% by row)</b>	<b>22.8</b>	<b>5.5</b>	<b>71.7</b>	<b>100.0</b>
<b>26th May</b>				
Country of arrival	Country of nationality			
	Egypt	Tunisia	Others	Total
Egypt	97,407		74,911	172,318
Tunisia		47,414	185,442	232,856
Other countries			126,265	126,265
<b>Total (number)</b>	<b>97,407</b>	<b>47,414</b>	<b>386,618</b>	<b>531,439</b>
<b>Total (% by row)</b>	<b>18.3</b>	<b>8.9</b>	<b>72.7</b>	<b>100.0</b>

Source: authors's elaboration on IOM, various External Situation Reports

According to the table above, the proportion of non-Egyptian and non-Tunisian migrants passed from 56.7% 3 March to 71.7% 3 April to reach 72.7% 26 May.

After Egyptians and Tunisians, a second wave of Asian and Sub-Saharan nationals immediately followed. As of 8 March, 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 have been gradually taken 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 main issue is instead linked to those migrants who 'make it out of Libya but are unable to return to their countries of origin including Somalis, Eritreans, Palestinians and Iraqis' (UNHCR, 2011a), i.e. mainly Sub Saharan nationals, whose governments are not

in the position to help them. As a matter of fact, most of these are still stranded in overcrowded transit areas in countries bordering Libya.

In **Tunisia**, 16 May, 4,787 people were hosted in three camps in the Djerba area, mainly from Sub-Saharan countries (UNHCR, 2011f). The conditions in the camps are precarious, especially for women. Since the beginning of the crisis, several incidents of sexual harassment have been reported in the Choucha camp. Moreover, on 24 May, after violent confrontations among various groups, two thirds of the Choucha camp are reported to be destroyed and looted (UNHCR, 2011f).

In the Salloum transit area (**Egypt**), the situation is deteriorating, too. According to IOM, “the shelter situation remains a challenge. Migrants remain unsheltered in many cases while women and children are staying at the arrival hall in the border crossing building, men sleep in the open with only blankets” (UNHCR, 2011e). On 25 May, 1,297 migrants, mainly originating in Sub-Saharan countries, were stranded at the Saloum border point.

Unlike Egypt and Tunisia, which are making important efforts to manage such high, sudden inflows, **Algeria** has not allowed international agencies to work at its borders so that little information on the situation there is currently available. At the time of writing, only the European Commission – Humanitarian Aid & Civil Protection (ECHO) had been allowed to visit the Algerian border in Tinakoum and Djanet expressing ‘serious concern for the sub-Saharan and undocumented nationals who are not treated as well as the other documented arrivals’. In addition, at least two facts seem to contradict the official position of the Algerian authorities, according to which the border with Libya has been left open to migrants fleeing from Libya. On the one hand, official data report that 11,324 TCNs have crossed the border as of 5 May, a very low number if compared with Egyptian and Tunisian borders. Second, UNHCR has reported that it has been contacted directly by the Senegalese embassy worried over 300 Senegalese who were pushed back by Algerian authorities at the border with Libya (UNHCR, 2011b).

Finally, in Dirkou (**Niger**), the arrival of many foreign nationals fleeing from Libya is currently causing high tension between local and transiting populations due to the strain on local markets for food and other resources (IOM, 2011d).

Another issue – which again is directly connected with Sub Saharan migrants – is represented by those migrants who are still trapped

	<p>in Libya and who are unable to flee. Sub-Saharanans, in particular, are in the most dangerous position being constantly threatened both by Col. Gaddafi and opposition forces. At the end of March, Sub Saharan nationals who reached Dirkou reported that several thousand other African migrants were still stranded 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, IOM was informed that around 4,000 Sub-Saharan Africans stranded in and around Misrata have no assistance or food.</p> <p>To conclude, two considerations can be drawn on the overall impact of the current Libyan crisis on international migration movements. On the one hand, Sub Saharan nationals are without any doubt the people most at risk both in Libya and at the borders (where repatriation activities risk the <i>impasse</i>), especially for some specific nationalities. On the other hand, the capacity of neighboring African countries to manage the future development of this crisis in terms of the reception of migrants should be noted. At least two of Libyan neighboring countries, i.e. Egypt and Tunisia, are still recovering from their own recent political events. This begs the question: to what extent will they be able to manage such precarious <i>equilibria</i> at their borders?</p> <p>As a whole, projecting close future scenarios is a hard/impossible task first because of the natural uncertainty over developments in conflicts and second because of the data limitations on the number of migrants and their characteristics both before and during the crisis.</p>
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### The Legal Framework of Migration

The Libyan law for aliens, like Libya's migratory policy, is an essential instrument not only for the country's economic and social management, but also for the foreign policy of colonel Gaddafi's regime. As is the case with its diplomacy, the law is characterised by multiplicity, inconstancy and changeability.

The legal framework for foreign nationals saw its most important developments in the 1980s. Law n°6 of 1987 stated the general conditions for aliens to enter and stay in Libya, but a series of decisions and bilateral conventions demonstrated the Libyan leader's Pan Arab policy. In 1980, law n°18 defines an 'Arab nationality' and facilitates Arab citizens acquiring Libyan citizenship, facilitations already introduced by the 1954 law on Libyan citizenship. Some years later, this easier access to naturalisation proved to be unnecessary since Arab nationals were given the same rights and duties as Libyan nationals, provided that they expressly chose Libya as their country of residence. Besides labour agreements concluded with its Maghrebian neighbours, Libya offered Arab nationals access to professional activities and the civil service, to ownership and free public services, and even to conscription and participation in the people's army. Arab nationals enjoyed the right to enter and stay in the Jamahiriya, as well as political rights, such as joining the general people's committees, holding high administrative and political positions, and being given priority over other aliens in the labour field.

In 1990, Libya concluded various agreements with its Egyptian neighbours, but Pan Arabism and its legal reflex declined in the 1990s. In 1991, the scope of exceptions to the use of non Arab manpower was extended to new fields, notably the building field.

When Libya swapped Pan Arabism for Pan Africanism in response to more explicit support from the OAU<sup>3</sup> 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<sup>4</sup>, 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. The reference to 'Africans'<sup>5</sup> tends not to include Arab migrants in the African group, rather than defining privileges for Africans. The open-door policy towards the latter does not mean though a shutting out of Arabs citizens who remain the major part of the foreign population and still enjoy privileges.

Important legal changes characterised 2004. 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, insofar as the existence of bilateral agreements determines the application of national law. There is a general opening and diversification of the Libyan labour market, which is illustrated by the multiplication and geographical extension of more or less formal agreements for foreign manpower in Libya.

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. The use of the term 'migration' has appeared, generally coupled with the adjective 'illegal'. In 2007, a visa requirement returned for all nationalities, except for the Maghrebian 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 will to frame, and even reduce, immigration, which was lived in a rather informal way, led to a nation-based but also to a status-based diversification in foreign manpower.

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<sup>3</sup> Organisation of African Unity, replaced by the African Union (AU) in 2002.

<sup>4</sup> The Community of Sahel-Saharan States.

<sup>5</sup> The distinction between Arabs and Africans is not always clear. The 'Arab' countries of Africa are officially considered as Arab, like Sudan. Yet, the frontier between 'Africans' and 'Arabs' varies according to partners, speakers and circumstances.

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Thousands of migrants in a regular situation or tolerated as such were turned into irregular migrants or denounced as such by the Libyan leader when communicating with Europe, but also with public opinion in Libya, where the population has been facing growing economic and social difficulties.

The 2007 decisions are, indeed, in keeping with a context of economic reforms aiming at reducing public expenditure and reorganising the workforce, in particular favouring the work of Libyan citizens whose unemployment rate is growing. Nevertheless, labour 'Libyanisation' is relative since the maximum share of foreign manpower in public and private entities is fixed at 70%. Besides, new regulations maintain an empirical flexibility, especially when recognising rights based on labour before an alien's status is regularised.

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.

Like its neighbours, Libya is still without any national asylum procedure. Unlike its neighbours, its official position is to deny the existence of refugees on its territory. Yet, thousands of *de facto* refugees live in the country as economic migrants. UNHCR has been tolerated since 1991 and offers humanitarian aid to a few thousands of people under its informal mandate, with status certificates which are not always recognised by the official authorities. In April 2009, a plan for elaborating a national asylum system was launched after Libya concluded an agreement on the management of 'mixed flows' with UNHCR and three other governmental and non-governmental entities. Following on from this agreement, UNHCR got the right to visit migrant detention camps to identify possible refugees. In June 2010, within the context of tense negotiations with the EU, Libya expelled UNHCR from its territory, before readmitting it a few weeks later.

The refugee issue is, indeed, at the core of relations between Libya and the EU, since the European states plan to send back, in a more systematic fashion, migrants who left the Libyan coasts and to let 'mixed flows' and asylum requests be managed on Libyan territory. To do so, they expect Libya to ratify the 1951 Geneva convention on the status of refugees while Gaddafi demands an annual payment of 5 billion dollars to become Europe's border guard. Despite some misunderstandings and the blocking of negotiations initiated in 2008 for the conclusion of a general agreement, Libya and the EU are linked in various fields on an *ad hoc* basis, which fits the Libyan leader's diplomacy-style well. After financing various projects, including the project to reinforce the border with Niger, the European Commission was pleased to announce in October 2010 the conclusion of a 'cooperation agenda' in the field of combating clandestine immigration, aimed at strengthening border control and a 'dialogue on refugees' which would override the ratification of the 1951 Geneva convention issue. Since 2009, Italy has been able to push back migrants who left from Libyan coasts.

The war which started in Libya in February 2011 has meant the effective suspension of agreements and cooperation between the two sides of the Mediterranean. Since 20 February 2011, FRONTEX joint operation Hermes 2011 is supposed to '*strengthen Europe's border control response capability in the Central Mediterranean*' and the EU intends to keep those fleeing Libya on the Southern side of the Mediterranean. UNHCR in Tripoli assists people under its mandate, most of whom were unable to leave the country. It also called for 'burden sharing' in the Mediterranean, which would mean, in part, the resettlement of persons in need of protection in Europe.

	Outward migration	Inward migration
<b>General legal references</b>		<i>Law n°06 of 1987</i> regarding foreign nationals' entry and stay in Libya. <i>Ordinances n°247 of 1989 and n°125 of 2005</i> related to its implementation.
		<i>1990 Convention</i> <sup>6</sup> : ratified. <i>ILO</i> : 29 conventions ratified <sup>7</sup>
	<i>Bilateral agreements</i> : 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); agreements including cooperation against irregular migration with France (2007) and Italy (2003, 2007, 2008), among others.	
	Member State of the <i>African Union</i> , the <i>Arab Maghreb Union</i> , the <i>League of Arab States</i> and the <i>CENSAD</i> .	
<b>Circulation</b> <b>Entry and Exit</b>	Freedom to leave the country is guaranteed in the <i>Great Green Charter of Human Rights of 1988</i> and <i>Law n°20 of 1991 on Promoting Freedoms</i> .  Suppression of exit visas for nationals in 1991.  Libyan citizens can enter Tunisia without visa. Since 7 May 2011, they have had to obtain a visa to enter Egypt.	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.  Visa requirements for all, except nationals from the Maghreb. Exit visas are needed for foreign residents.
<b>Struggle against irregular migration</b>	<i>Palermo protocols</i> <sup>8</sup> : ratified  Law n°02 of 2004, <i>Law n°19 of 2010</i> to combat irregular migration.  Prison penalty and fine for the facilitation of irregular entry to or exit from the territory.  Programme to strengthen the border with Niger, financed by the EU (Across Sahara). Joint Mali-Libya security committee for repatriation since 2008; agreement on combating clandestine immigration with Algeria in 2006; repatriation agreements with Niger, Chad and Egypt.	

<sup>6</sup> Convention on the Protection of all Migrant Workers and Members of their Family.

<sup>7</sup> 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.

<sup>8</sup> 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, supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000.

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		<p>Decision n°10 of 2006 establishing a court and a prosecutor's office dedicated to the violation of Law n°6 of 1987.</p> <p>Prison penalty and fine of at least 1,000 dinars for irregular entry or stay, preceding deportation.</p> <p>The labour contract of an alien in an irregular situation is considered null.</p>
<p><b>Rights and settlement</b></p>		<p>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.</p> <p>Arab nationals' rights and duties defined by a series of decisions, incl. decision n°456 of 1988 and law n°10 of 1989. Subsequent and progressive disappearance of their privileges.</p> <p>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 (<b>Ordinance n°125 of 2005</b>).</p> <p>Decision n°403 of 2001 on the employment of African manpower. List of non-qualified professions. Medical care and accommodation charged to the employer.</p> <p><b>Decree n°6 of 2007</b> listing professions open to aliens, 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). <b>Decision 98 of 2007</b>: for nationals from states linked to Libya by a bilateral agreement, migrants can stay for three months while job searching (red card).</p> <p>70% cap on foreign manpower in the private and public sectors (GPC Letter to the Labour Ministry in March 2007).</p> <p>Labour Code Reform in 2010 extending</p>

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	<p>its scope to domestic and agriculture workers.</p> <p>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.</p> <p>Access to public services: Yes. Theoretically paying since <b>Ordinance n°98 of 2007</b></p>
	<p>Nationality: <b>Law n°17 of 1954</b> on Libyan nationality. <i>Jus sanguinis</i> 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 <i>Jus soli</i>. 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 descendents after a five-year residence or even without previous residence for scientists useful for the country. Dual citizenship theoretically needs authorization. Long list of legal possibilities enabling to forfeit citizens from their citizenship. <b>Law n°18 of 1980</b> on Arab nationality, extending Arab nationals' privileges in acceding citizenship. Citizenship often offered as a political gesture towards Tuaregs or Chadians..</p>
<p><b>Refugees</b></p>	<p><b>1951 Convention<sup>9</sup></b>: not ratified.</p> <p><b>1969 Convention<sup>10</sup></b>: ratified.</p> <p><b>Protocol for the Treatment of Palestinians in Arab States</b>, accepted before the 1969 revolution. Reservation: Palestinians considered as other Arab citizens residing in Libya.</p> <p>Libya does not recognise the existence of refugees on its territory. 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.</p>

<sup>9</sup> Geneva Convention relating to the status of refugees.

<sup>10</sup> OAU Convention governing specific aspects of refugees in Africa.

### The Socio-Political Framework of Migration

Since February 2011, protests, and then fighting in Libya have resulted in hundreds of thousands of migrants fleeing towards Egypt and Tunisia, and, to a lesser extent, Chad. The IOM and UNHCR has organized their repatriation to their country of origin, as well as the evacuation of other migrants trapped in Libyan towns as the war has evolved (Benghazi, Misrata).

This large movement of migrants is reminiscent in terms of scale of the migration that resulted from the 1990-1991 Gulf war, which was the first large scale conflict to take place at a major crossroads of global migration. Therefore, it underlines Libya's crucial role in the Transaharan and Mediterranean migration systems: as a country of destination for Arab, African and Asian migrants attracted by its flourishing labor market; and as a transit country for migrants willing to reach the coasts of Italy and enter Europe. However, these two categories of migrants are extremely blurred, because migrants often modify their projects according to the constraints and opportunities they encounter *en route*.

The socio-political framework of migration to and through Libya raises, therefore, 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 sociopolitical 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. But hosting, or expelling, foreign workers has been one of the key instrument of Libyan foreign policy since the 1970s, in order to influence diplomatic relationships with Arab neighbors, then sub-Saharan neighbors, then later on, European neighbors. In other words, the Libyan migration policy, driven by multiple, and sometime contradictory interests and logics, is 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 1970s, Libya first opened its borders to Arab migrants, mainly Egyptians and Tunisians, in the name of pan-Arabism, which Muammar Gaddafi claimed to inherit after the death of Gamal Abdel Nasser. In parallel, however, migrants were expelled on a massive scale from Libya: in 1974, above all, Tunisians were driven out; in the middle of the 1980s, meanwhile, when the oil revenues decreased and relations with Egypt deteriorated it was the turn of Egyptians. However, in the 1990s, normalization of relations with Egypt led to the return of Egyptian workers to Libya.

In the meantime, migration flows from the Sub Sahara to Libya were increasing significantly: 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 Mauritians 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 CEN-SAD (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. Ultimately, and most importantly, Italy and Libya signed a treaty of friendship, in August 2008, according to which Italy would pay Libya five billion euros over twenty years, as reparation for the damages caused by colonization.

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.<sup>11</sup> However, Italian and European cooperation with Libya was criticized by human-rights organizations denouncing: first, the Libyan authorities' arbitrary tactics and their corruption (collusion between police and smugglers, abusive detention of migrants, mistreatment, expulsion at the Libyan border in the desert without any resources, etc.); second, the *refoulement* by Italy of migrants in the sea, in contradiction of the 1951 Convention on refugees; and third, the lack of firmness of the EU which did not impose any condition on Libya when calling for the respect of the rights of the migrants and the refugees.

Libya's socio-political framework	Outward migration	Inward migration
<b>Governmental Institutions</b>	N/A	<ul style="list-style-type: none"> <li>- General People's Committee</li> <li>- Secretariat of the General People's Committee for Public Security</li> <li>- Secretariat of the General People's Committee for Foreign Liaison and International Cooperation</li> <li>- - Committee for Manpower Training and Employment.</li> </ul>
<b>Governmental Strategy</b>	N/A	Versatile and arbitrary migration policy according to economic and diplomatic interests.
<b>Civil Society Action</b>	N/A	N/A
<b>Challenges</b>	N/A	N/A
<b>International Cooperation</b>	N/A	<ul style="list-style-type: none"> <li>- UNHCR: the UNHCR office in Tripoli is tolerated, but the activities of its agents are severely limited.</li> <li>- IOM: implementation of several programs since 2006 financed by the EU and Italy for the training of Libyan civil servants, the repatriation and return of migrants, and medical assistance to migrants.</li> </ul>

(1) This socio-political framework does not claim exhaustive coverage but intends rather to provide a synthetic picture of socio-political facets and policy developments shaping migration developments and governance in, across, and from Libya.

<sup>11</sup> 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.