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World Refugee Survey 2009 - Libya

Introduction

Libya hosted about 18,900 refugees, mainly Palestinians, Sudanese, Somalis, and Iraqis.

2008 Summary

Libya maintained 10 detention camps for illegal migrants, where detainees reported being abused, including sexually.

In January, the European Union (EU) announced new cooperation with Libya on several areas, stopping asylum seekers and other migrants from reaching Europe by crossing the Mediterranean. The Government also announced plans to demolish makeshift homes of undocumented foreigners around Tripoli and other cities.

LIBYA	
Refugees and Asylum Seekers	18,900
Former Palestine	10,000
Sudan	3,400
Somalia	2,700
1951 Convention: No	
1967 Protocol: No	
UNHCR Executive Committee: No	
African Refugee Convention: Yes	
Population: 6.3 million	
GDP: \$100 billion	
GDP per capita: \$15,900	

Libya's official news agency, JANA, reported that the country began expelling all illegal immigrants in January. Government sources alleged there were more than 1 million in Libya, most of whom were Sub-Saharan Africans from Chad, Sudan, and Niger. Libyan authorities further stated that they would prosecute and fine those who provided shelter to illegal immigrants. The Office of the UN High Commission for Refugees (UNHCR) expressed concern for the lack of protection for refugees and asylum seekers in the deportation process, although the Government claimed that none of the million it hoped to deport were refugees or asylum seekers. During the year, the Government somewhat improved screening for refugees and asylum seekers among the deportees.

In March, the International Organization for Migration opened a center for stranded African migrants in Libya's capital, Tripoli, to provide humanitarian assistance. It helped

more than 1,800 migrants from Sub-Saharan Africa and South Asia return to their home countries voluntarily. The center provided temporary housing for up to 40 people, counseling, and medical services, as well as information on the dangers of irregular migration.

Libya deported 110 Malians in April, after reportedly detaining them for months, beating them, and confiscating their money.

In June, the Government prepared to deport 230 Eritrean refugees back to Eritrea, but opted not to, instead detaining them for the rest of the year. Libya detained at least 700 Eritreans during 2008.

In July, UNHCR signed an agreement with the International Organization for Peace, Care and Relief, the International Centre for Migration Policy Development and the Italian Council for Refugees to ensure the protection needs of asylum seekers and refugees in Libya.

In July, hundreds of Eritrean refugees marched in Ethiopia's capital, demanding that Egypt and Libya stop deporting Eritreans, whom they said were at risk of execution.

In August, Italy agreed to pay Libya \$5 billion as compensation for its colonization of Libya, which ended in 1943. Libya agreed to work more closely with Italy to prevent African migrants from reaching Italy from Libya.

In early September, Libya deported nearly 470 Nigerians from its southwestern city of Sebha.

In October, Libyan security forces stopped a Ghanaian man attempting to cross into Libya and forced him to return to a military post in Niger.

In November, the Libyan and Italian foreign ministers met to discuss the flow of illegal immigration. Libya and Italy discussed starting sea patrols in order to reduce the flow of illegal migration. According to Italian officials, more than 300 boats from Libya arrived in Italy from January to October.

In mid-November, Libya deported 420 Malians from Sebha. By the end of November, over 9,000 migrants had been deported from Sebha, mainly to Niger, Mali, Ghana, Nigeria, Burkina Faso, and Senegal. During November alone, it repatriated roughly 1,100 people from Sebha.

Law and Policy

Refoulement/Physical Protection

Libya is not party to the 1951 Convention relating to the Status of Refugees or its Protocol but is party to the 1969 Convention governing the Specific Aspects of Refugee Problems in Africa. It also endorses the 1965 Protocol for the Treatment of Palestinians in Arab States (Casablanca Protocol) but with reservations on its first article guaranteeing the right to work on par with nationals. A 1989 law grants Arab citizens the same rights granted to Libyans. Although the 1969 Constitutional Proclamation prohibits the extradition of "political refugees" and the 1991 Endorsement of Freedom Law offers "shelter for oppressed people and those struggling for freedom," Libya has no law on granting refugee status and the Government claims there are no political refugees in the country (its constitutional law prohibits the extradition of "political refugees")

Libya has no Memorandum of Understanding with UNHCR but does allow UNHCR to conduct RSDs under its mandate and issue letters of attestation to those it grants. An increase in applications, however, contributes to an eight-month delay for an appointment with the agency.

Libya has readmission agreements with Italy and the United Kingdom, cooperates closely with the EU border agency Frontex and other European countries to block migrants.

Detention/Access to Courts

When the Government arrests people for illegal entry, it does not formally charge them and they usually remain in detention indefinitely or until deportation. While most have no access to a lawyer or opportunity to challenge their detention in court, authorities do bring those charged with common crimes or captured trying to enter Malta or Italy before a court.

The Government allows UNHCR to visit three detention centers. However, it severely limits access to all detention centers for independent monitoring.

Refugees receive no government documents affirming their right to stay in the country. UNHCR issues refugees letters attesting to their protected status but authorities do not always recognize them. A 2005 law allows foreigners and refugees UNHCR recognizes to receive a permit (red card) for a stay of up to three months while they fulfill the necessary requirements for a residence permit (green card).

Freedom of Movement and Residence

Libya has no refugee camps, having shut down the last one in 2004.

Refugees cannot obtain residence permits without regular work contracts.

Libya issues no international travel documents to refugees.

Right to Earn a Livelihood

Libya has no law allowing refugees to work. It maintains a reservation to the article of the 1965 Casablanca Protocol that would grant Palestinian refugees the right to work on par with nationals and instead offers parity with other Arab citizens.

Law 6 of 1987, amended by Law 2 of 2004, requires foreigners, without exception for refugees, to have contracts with employers in order to work, proof that Libyans cannot fill the positions, health certificates verifying that they have no contagious diseases including HIV/AIDS, and registration with tax authorities.

In general, refugees do not have the right to run businesses, obtain necessary licenses, or own property, but the Government allows a few Palestinian and Iraqi refugees to run businesses.

Public Relief and Education

UNHCR gives time-limited subsistence allowances only to the poorest refugees. International nongovernmental organizations (NGOs) are not present in Libya and local ones are more interested in refugees in Chad, Guinea, and Pakistan, but, in February, UNHCR concluded a partnership agreement with the Libyan NGO, International Organization for Peace, Care and Relief. UNHCR sponsors self-reliance activities, including microcredit agricultural schemes, vocational training, and apprenticeships to phase out protracted aid. Palestinian refugees receive free health services and education from the Government, while other refugees receive health services through UNHCR.
