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Thematic Report: Palestinians & Syrians in Libya



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Thematic report: Palestinians & Syrians in Libya

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1. Introduction

The focus of this report is the situation of Palestinians and Syrians in Libya and the prerequisites made available for them to reside in the country. There has been much focus on the political and security situation in Libya following the 2011 uprising, which put an end to over four decades of Qadhafi rule. The development that followed was extensively covered both in the media and in reports and commentaries published by think tanks, NGOs, aid agencies and other sources on Libya. However, despite the large flow of information coming out of Libya, there is a substantial lack of systematic reporting on most issues, particularly on issues that concern immigration and asylum authorities in Europe, and in this case the plight of Syrian and Palestinian migrants, asylum seekers and refugees residing in Libya today.

The outbreak in violence in May 2014, which split the country into two rivaling governments, based in Tripoli and Tubruq respectively, each of which is backed by a coalition of militias, has led to the withdrawal of international aid agencies and embassies. This in turn has contributed to further limiting access to updated information on immigration and asylum related issues. Although the recent year has shown increased reporting on immigration related issues, most of which have focused on the situation of African migrants and migration routes into Europe, very little has been reported on Syrians and Palestinians in Libya. This can partly be attributed to the small numbers of Syrians and Palestinians residing in Libya in comparison to the number of African migrants.

This report mainly relies on open sources. Additional information was gathered through contacts and interviews with expert sources on Libya. The compilation of both written and oral information was largely carried out in a cooperation project launched in June 2014 between the Commissioner General for Refugees and Stateless Persons (CGRS) in Belgium, the Country of Origin Unit of the Ministry of Foreign Affairs in the Netherlands, the Office for Country Information and Language Analysis (OCILA) of the Ministry of the Security and Justice in the Netherlands, Landinfo in Norway and Lifos in Sweden. The purpose of the project at the time was to present information relating to the situation in Libya on selected topics, and to provide information that would serve in the assessment of asylum and immigration cases, as well as issues pertaining to the return of rejected applicants to Libya.

Five reports were published in December 2014 with focus on the following topics:

- Security Situation
- Vulnerable Groups
- Militias, Tribes and Islamists
- Judiciary and Security Sector
- Nationality, Registration and Documents

2. Summary

The non-Libyan Arab community in Libya has traditionally had a favourable position. Arab foreign nationals were not regarded as foreigners in Libya, unlike other immigrants, but were instead regarded as fellow Arabs. Arabs started coming to the country in the 1950s, at first to boost up the public sector, but later also to work in the private sector.

Syrians and Palestinians have been living in the country for a long period of time. Both categories are considered to be highly educated and therefore perceived by Libyans as equals.

The conflict in Syria that broke out in March 2011 brought about a new wave of Syrians and Palestinians seeking refuge in Libya. These refugees hoped to find a better life in the oil-rich country. However, the growing influx of refugees from Syria to Libya soon came to pose a strain on local society and its infrastructure that was already mired by civil unrest in the aftermath of the uprising that ended Qadhafi's 42 years in power. As a consequence, the General National Congress that was elected after the fall of Qaddafi imposed visa restrictions in 2012 on Syrians and Palestinians trying to enter the country.

The political stand-off between the rivalling governments in Tubruq and Tripoli since mid- 2014 led to the upsurge of multiple armed conflicts. The situation has brought about a new wave of intense fighting between different coalitions of armed militias over control of territory, infrastructure and resources. This has resulted in the death of thousands of civilians and the displacement of hundreds of thousands of individuals, as well as the destruction of vital infrastructure and disruption of basic services. The lack of central government has further weakened the Libyan state and its social fabric.

Syrians and Palestinians have also been affected by the recent turmoil that broke out in Libya in May 2014. Libyans' earlier perception of Syrians and Palestinians as fellow Arabs appears to have changed since the mid-2014 crises, as they are increasingly being regarded as unwanted foreigners. In addition, they are being blamed as scapegoats for the unfolding events and are rumored to be linked to radical groups. Syrians and Palestinians are also victims of the escalating level of crime, such as theft, violence and abductions, brought about by the exacerbated situation. This in turn has pushed thousands of them to take the perilous journey across the Mediterranean to Europe. Some Palestinians and Syrians are reported to have been detained before their journey even began. In addition, restrictive entry/exit measures undertaken by neighboring countries, such as Egypt and Tunisia, have further hampered their possibility to leave Libya.

The upsurge in the number of foreign fighters joining various extremist groups in Libya, some of which have declared their allegiances to the

Islamic State (IS), has prompted the internationally recognized government in Tubruq to impose an entry ban on Palestinians and Syrians. However, the status and the extent of the implementation of the ban remain unclear.

3. Background

3.1. Arab Nationals

The Arab community in Libya traditionally maintained a favourable position, even during the Qadhafi era. Arab nationals share a common language and religion as well as traditions with Libyan nationals¹. Arab nationals have traditionally not been regarded as foreigners in Libya like other immigrants, but have instead been identified as fellow Arabs².

The established presence of non-Libyan Arab nationals dates as far back as the country's independence in 1951. At the time, Arab nationals, mainly Egyptians, Jordanians, Palestinians and Iraqis, were recruited to develop and bolster the public sector, especially in areas where Libyan nationals lacked required expertise, such as the education and judiciary sectors. The number of Arab nationals gradually declined as more Libyans became qualified and could take up more positions within the public sector. For example, there are no non-Libyan Arab nationals occupying posts within the judiciary today³.

The expansion of the private sector in the 1990s raised the demand for foreign workers in that sector. The government, furthermore, issued decisions to prohibit non-Libyans from working in the public sector, which had become bloated by then⁴.

Arab nationals employed in the private sector work mainly within trade, restaurants and private engineering companies, as well as building contractors⁵. Approximately 85 percent of the Arab nationals are said to work within Libya's private sector⁶. They are spread all over the country. Tunisians and Algerians tend to live in Tripoli and the western part of the country, as it is closer to their own national borders⁷. Tunisians, Jordanians, Egyptians and Sudanese are mostly involved in trade and businesses⁸. Tunisians and Egyptians were also recruited for menial jobs that Libyans did not want to do and they are therefore not always regarded as equals.

¹ Skype interview with Arezo Malakooti, Director Migration Research at Altai Consulting, 7 July 2015.

² Telephone interview with Naser Abul Rahim el-Kekli, lawyer and Executive Director for the Commission of Civil Society in Libya, Benghazi, 9 November 2015.

³ Ibid.

⁴ Euro-Mediterranean Human Rights Network, *Asylum and Migration in The Maghreb, Country Fact Sheet: Libya*, p. 31, December 2012.

⁵ Telephone interview with Naser Abul Rahim el-Kekli, lawyer and Executive Director for the Commission of Civil Society in Libya, Benghazi, 9 November 2015.

⁶ Ibid.

⁷ Ibid.

⁸ Skype interview with Arezo Malakooti, Director Migration Research at Altai Consulting, 7 July 2015; Telephone interview with Naser Abul Rahim el-Kekli, lawyer and Executive Director for the Commission of Civil Society in Libya, Benghazi, 9 November 2015.

Syrians, Palestinians and Iraqis on the other hand were often regarded by Libyans as equals as the majority are usually well-educated⁹.

3.2. Palestinians

Libya was not a first country of refuge for Palestinian refugees in 1948 or 1967, unlike Egypt, Iraq, Jordan, Lebanon and Syria. Palestinians started coming to Libya as migrant workers in the 1970s. The majority came from Gaza, after the Israeli occupation in 1967, and from Lebanon, where a large number fled the country following the Sabra-Shatila massacre in 1982¹⁰, but among them were also Palestinians residing in Syria and Egypt.

The majority of Palestinians are, similarly to many Arab immigrants residing in Libya, skilled laborers, holding individual contracts with state institutions, Libyan companies or foreign companies working in Libya, as well as family members of such migrants¹¹.

The majority of Palestinians are, similarly to many Arab immigrants residing in Libya, skilled laborers, holding individual contracts with state institutions, Libyan companies or foreign companies working in Libya, as well as family members of such migrants¹².

The Palestinian community in Libya has always been relatively small compared to other Arab nationals. By the 1990s, the Palestinian population had reached 30,000. In 1994, following the Oslo Accords¹³ between the Palestinian Liberation Organization (PLO), headed by Yasser Arafat, and Israel, represented by Yitzhak Rabin, Mu'ammār Qadhafī took the decision to expel all Palestinians from the country in order to demonstrate Arafat's failure to uphold the Palestinian struggle against the Israeli occupation. As a result, Palestinians lost their jobs. Their work contracts as well as their residence permits were subsequently not renewed¹⁴.

It is estimated that 17,000 Palestinians, mostly from Gaza, Lebanon and Syria, were expelled from the country between 1994 and 1996. Palestinians from Syria were extradited back to Syria by boat. Lebanon proved apprehensive regarding the return of Palestinians formerly residing on its

⁹ Skype interview with Arezo Malakooti, Director Migration Research at Altai Consulting, 7 July 2015.

¹⁰ Fiddian-Qasbiyeh, E., *Invisible Refugees: Protecting Sahrawis and Palestinians Displaced by the 2011 Libyan Uprising*, p. 6, November 2011.

¹¹ Lamb, F., *Libya's Palestinian Refugees and the Current Crisis (Part I of II)*, Al-Manar, 19 July 2011.

¹² Lamb, F., *Libya's Palestinian Refugees and the Current Crisis (Part I of II)*, Al-Manar, 19 July 2011.

¹³ The Oslo Accords are a set of agreements between the Palestinian Liberation Organization (PLO) and the government of Israel to negotiate a solution to the Israel-Palestinian conflict based on territorial compromise; see al-Jazeera, *Oslo Explained*, 13 September 2016, BBC News, *Text: 1993 Declaration of Principles*, 29 November 2001.

¹⁴ Lamb, F., *Libya's Palestinian Refugees and the Current Crisis (Part I of II)*, Al-Manar, 19 July 2011.

territory. The Lebanese authorities issued decree No. 478¹⁵, which required all Palestinians who had been refugees in Lebanon since 1948 to obtain an entry visa from Lebanese diplomatic missions abroad. These procedures made it practically impossible for Palestinians to return to Lebanon, as the Lebanese government did not have a diplomatic mission in Libya at the time. Palestinians from Gaza were in an even more precarious situation, partly due to the newly founded Palestinian Authority lacking the resources to accommodate the returnees, but also because the Egyptian authorities, initially, refused them the possibility of transit through Egypt. However, after an intervention from the Palestinian Embassy in Cairo, many were given passage through Egypt to return to the Gaza strip¹⁶.

With regard to the Palestinians from the occupied territories, it is also worth mentioning that many of them were unable to return as their identity cards were revoked by the Israeli authorities in accordance to the *quiet deportation* policy which was imposed between 1995 and 1999¹⁷ to revoke residency rights for Palestinians living outside Jerusalem's municipal boundaries¹⁸. Notably, some Palestinians from Gaza who left the area following the Israeli occupation of the Gaza strip in 1967 never registered with the Israeli authorities at the time¹⁹.

Those unable to leave Libya in 1996 were forcibly relocated to the makeshift al-Wada camp at the Sallum border crossing with Egypt, where they stayed under harsh conditions²⁰. In 1997 Qadhafi unexpectedly offered to take back all previously expelled Palestinians. Of those Palestinians who left, only a few opted to return²¹. Palestinians who were stranded in Libya eventually started to re-establish themselves in society. Many chose not to renew their residence permits, in fear of new deportations²².

There are no exact statistics of the total number of Palestinians living in Libya today. UNHCR has estimated that the majority, around 20,000, live in Benghazi. Others live in Tripoli and in the south, for instance in Sabha²³. Palestinians in general work within the oil business. Only a minority of the Palestinians in Libya are registered with UNHCR. UNHCR in Libya has

¹⁵ Institute for Palestinian Studies, *Arab B1. Lebanese Interior Ministry, Decree # 478 Regulating Entry and Exit of Palestinians into and out of Lebanon, Beirut 22 September 1995*, Vol 25 1995/96, No. 2, p. 145

¹⁶ Lamb, F., *Libya's Palestinian Refugees and the Current Crisis (Part I of II)*, Al-Manar, 19 July 2011.

¹⁷ Global Voices, *The Forgotten Palestinian Refugees of Libya*, 9 March 2011.

¹⁸ Tadros, S., *ID Cards Split Palestinian Families*, Aljazeera, 24 April 2008.

¹⁹ Telephone interview with anonymous expert on Palestinian issues, 29 October 2014.

²⁰ Lamb, F., *Libya's Palestinian Refugees and the Current Crisis (Part I of II)*, Al-Manar, 19 July 2011.

²¹ Ibid.

²² Fiddian-Qasmiyeh, E., *Invisible Refugees: Protecting Sahrawis and Palestinians Displaced by the 2011 Libyan Uprising*, November 2011, p. 13.

²³ Information provided by UNHCR to the Directory North Africa and the Middle East, Ministry of Foreign Affairs, The Hague Netherlands (Skype meeting 23 June 2015 and written communication September 2015).

recognized Palestinians as refugees since 1996²⁴. Over 8,000 were recognized and registered as refugees at the outbreak of the uprising in February 2011²⁵.

The number of Palestinians that have arrived in Libya as a result of the Syrian crisis is estimated at 5,000²⁶, of which 2,000 are reported to have been registered by UNHCR²⁷. A large number of them came from Egypt to use Libya as a transit country to Europe after mid-2013, when the Egyptian authorities imposed entry restrictions on Palestinians from Syria. The number of Palestinian refugees continues to decrease in the country as many of them have migrated by boat to Europe²⁸.

3.3. Syrians

The Syrian population in Libya is estimated at 200,000 people²⁹, of which around 18,000 are registered by UNHCR³⁰. Like many other foreigners, Syrians were hoping to find a better life in the oil-rich nation. Libya restricted entry procedures for Syrians following the attack on the US consulate in Benghazi on 12 September 2012. This prompted many Syrians to choose illegal routes and smugglers to enter the country³¹.

In 2013 the Libyan Ministry of Interior called on all Syrians with a passport to register with Libyan authorities and obtain a residence permit. By doing so, they would gain access to free education and health services³². Despite the Ministry's efforts, authorities and militias have not always endorsed the permits³³. In addition, Syrians themselves are reluctant to register because they find the procedures to be extremely bureaucratic and cumbersome, often involving mandatory health checks (for viral diseases like HIV) and with little benefits. Given the comparatively low quality of public education in Libya, many Syrians opt to enroll their children in private schools. Documents like driving licenses are not recognized by all sides³⁴. Amnesty International (AI) has stated that information regarding access to services (free health and education) does not always reach the Syrian population. If it

²⁴ Fiddian-Qasmiyeh, E., *Palestinian Refugees Affected by the 2011 Libyan Uprising: A Brief Overview*, 2012, p. 6-12.

²⁵ Fiddian-Qasmiyeh, E., *Invisible Refugees: Protecting Sahrawis and Palestinians Displaced by the 2011 Libyan Uprising*, 8 November 2011, p. 3.

²⁶ The Palestinian Return Center, *Report on the Conditions of Palestinians Refugees in Syria*, P. 25, March 2014.

²⁷ Information provided by UNHCR Libya (based in Tunis) to the Directory North Africa and the Middle East, Ministry of Foreign Affairs, The Hague, Netherlands (Skype meeting 23 June 2015 and written communication September 2015).

²⁸ Ibid.

²⁹ Amnesty International, *An International Failure: The Syrian Refugee Crisis*, 13 December 2013, p. 6.

³⁰ DW, *No Solace for Syrian Refugees in Lawless Libya*, 28 May 2014.

³¹ IRIN News, *Syrians Seeking Refuge in Libya*, 23 May 2013.

³² Skype interview Amnesty International, 18 June 2015

³³ Amnesty International, *An International Failure: The Syrian Refugee Crisis*, 13 December 2013, p. 6.

³⁴ Skype interview Amnesty International, 18 June 2015.

does, it is usually published locally. Syrians are therefore not always aware of their potential right to access to these services³⁵.

4. Legal Framework

In Libya, Law No. 19/2010 *Concerning Combating Illegal Immigration* criminalizes entering, staying or leaving the country illegally³⁶. The law does not make distinctions between migrants, refugees, asylum seekers, victims of trafficking, or others who may be in need of international protection³⁷.

4.1. Regular Entry and Stay

There are a number of laws regulating entry and residency in the country. The main ones are Law No. 6/1987 *Organizing Entry and Residence of Foreigners in Libya* (amended in 2004) and Law No. 10/1989³⁸. There are also other laws combating irregular migrations and human trafficking, such as law No. 19/2010 *Concerning Combating Illegal Immigration*³⁹.

No new laws have been promulgated following the fall of the Qadhafi regime in 2011. Laws governing entry and stay in the country issued by the previous regime remain applicable; however, the extent of their application is not clear⁴⁰. In addition, Libya inherited a legacy of laws and administrative decrees and practices that were implemented in an unpredictable manner, often varying between welcoming African and Arab nationals, to expelling them, depending on the prevailing political strategy and economic situation of the given moment⁴¹. The situation remains unpredictable amidst the prevailing political unrest, whereby old laws are not fully implemented in the absence of a fully functioning government and legal mechanisms⁴². The judicial system, which remained intact after the ousting of Qadhafi in 2011, has also been in a constant state of flux. Various state and non-state actors continue to exert power and influence over the judicial system. In many parts of the country, people have limited access to the judiciary and are therefore unable to find justice and protection from abuses through legal procedures⁴³. Subsequently, illegal foreigners with no

³⁵ Ibid.

³⁶ DCAF; The Geneva Centre for Security Development and Rule of Law, *Libyan Security Section Legislation: Law no. (19) of 2010 on Combating Illegal Immigration*, 28 January 2010.

³⁷ Amnesty International, *Scapegoats of Fear: Rights of Refugees, Asylum Seekers and Migrants Abused in Libya*, 20 June 2013, p. 16.

³⁸ Euro-Mediterranean Human Rights Network, *Asylum and Migration in The Maghreb, Country Fact Sheet: Libya*, p. 30, December 2012.

³⁹ DCAF; The Geneva Centre for Security Development and Rule of Law, *Libyan Security Section Legislation: Law no. (19) of 2010 on Combating Illegal Immigration*, 28 January 2010.

⁴⁰ Euro-Mediterranean Human Rights Network, *Asylum and Migration in The Maghreb, Country Fact Sheet: Libya*, p. 31, December 2012.

⁴¹ Ibid.

⁴² Ibid, p. 36.

⁴³ Lifos, Joint rapport by the Commissioner General for Refugees and Stateless Persons (CGRS) in Belgium, the Country of Origin Unit of the Ministry of Foreign Affairs in the Netherlands, the Office for Country Information and Language Analysis (OCILA) of the Ministry of the Security and Justice

legal status to defend themselves, or legal counselors to speak on their behalf, are deported without being taken to court. The law doesn't provide safeguards to appeal an expulsion order⁴⁴.

It is not possible to apply for, or obtain, a residence permit on behalf of another person outside Libya, unless entry is arranged through a company under an employment contract⁴⁵.

4.1.1. Law No. 6/1987 on Organizing the Entry and Residence of Foreigners in Libya⁴⁶

This law pertains to entry, residence and exit of foreigners in Libya. The law further specifies visa requirements (work, tourism, official business, multiple entry, study, transit and exit visas) which allow for stay up to three month. The law waives the visa requirement for Arab nationals⁴⁷. However, this waiver has not been fully endorsed for a number of Arab nationalities, like Palestinians, Syrians and Egyptians (see section 6.2).

Residence permit holders are required to obtain the necessary documentation within a month of their entry (Article 13)⁴⁸. Foreigners staying longer than one week are required to register with the immigration authorities. The same applies for people who provide accommodation to foreigners, or who provide employment to foreigners – they have to report foreigners' arrival to immigration or security authorities⁴⁹. Libyans providing accommodation to foreigners are required to report to the police or immigration authorities within 48 hours (Article 9)⁵⁰. All nationals, Libyans or otherwise, employing foreigners have to report their employees to the immigration office within seven days (Article 11)⁵¹.

Articles 14-19 cover conditions for revoking visas, expulsions and fines – [200 Libyan Dinars \(LYD\)](#) (144 USD) – in cases of entry without a proper

in the Netherlands, Landinfo in Norway and Lifos in Sweden, *Libya: Judiciary and Security Sector*, p. 16, 19 December 2014.

⁴⁴ Euro-Mediterranean Human Rights Network, *Asylum and Migration in The Maghreb, Country Fact Sheet: Libya*, p. 36, December 2012.

⁴⁵ Information provided by UNHCR Libya (based in Tunis) to the Directory North Africa and the Middle East, Ministry of Foreign Affairs, The Hague Netherlands (Skype meeting 23 June 2015 and written communication September 2015).

⁴⁶ Ministry of Justice in Libya, *Law No. (6) of 1987 on organizing the Entry and Residence of Foreigners in Libya* (Arabic),

وزارة العدل - دولة ليبيا | قانون رقم (6) لسنة 1987 ف بشأن تنظيم دخول وإقامة الأجانب في ليبيا وخروجهم منه.

⁴⁷ Euro-Mediterranean Human Rights Network, *Asylum and Migration in The Maghreb, Country Fact Sheet: Libya*, p. 30, December 2012.

⁴⁸ Ministry of Justice in Libya, *Law No. (6) of 1987 on organizing the Entry and Residence of Foreigners in Libya* (Arabic),

وزارة العدل - دولة ليبيا | قانون رقم (6) لسنة 1987 ف بشأن تنظيم دخول وإقامة الأجانب في ليبيا وخروجهم منه.

⁴⁹ Euro-Mediterranean Human Rights Network, *Asylum and Migration in The Maghreb, Country Fact Sheet: Libya*, p. 30, December 2012.

⁵⁰ Ministry of Justice in Libya, *Law No. (6) of 1987 on organizing the Entry and Residence of Foreigners in Libya* (Arabic),

وزارة العدل - دولة ليبيا | قانون رقم (6) لسنة 1987 ف بشأن تنظيم دخول وإقامة الأجانب في ليبيا وخروجهم منه.

⁵¹ Ibid.

visa. The articles also cover expiry or cancellation of residence permits, which are imposed due to threats to security or public health or as a result of a court order for deportation following a decision by the immigration authorities⁵². Persons subject to deportation are confined in specific detention centers⁵³.

Article 14 stipulates that holders of residence permits who stay out of Libya for more than three months lose their right of residence in Libya⁵⁴. Article 15 further states that holders of residence permits intending to stay out of Libya for more than three months should return their residence card to the immigration office before departure⁵⁵.

The law also sets provisions for granting residence permits to foreign nationals. There are two types of residence permits issued to foreign nationals, depending on whether they entered Libya legally or not: a short term residence permit – “red card” – is issued to those who have entered the country illegally and do not have a work contract. A long-term residence permit – “green card” – is issued to those with legal status. Both residence permits have a specified validity period.

Someone with a red card can have a green card issued, provided s/he obtains a work contract within a three month period. It is apparently relatively easy for companies to present work contracts for this purpose. UNHCR protection card holders are also apparently granted green cards for a period of five years⁵⁶.

An expelled or deported foreigner may re-enter upon a decision by the Director General of Passports and Nationality in accordance with Article 18⁵⁷.

⁵² Ministry of Justice in Libya, *Law No. (6) of 1987 on organizing the Entry and Residence of Foreigners in Libya* (Arabic).

وزارة العدل - دولة ليبيا | قانون رقم (6) لسنة 1987 ف بشأن تنظيم دخول وإقامة الأجانب في ليبيا وخرجهم منه

⁵³ Amnesty International, *Scapegoats of Fear: Rights of Refugees, Asylum Seekers and Migrants Abused in Libya*, 20 June 2013.

⁵⁴ Ministry of Justice in Libya, *Law No. (6) of 1987 on organizing the Entry and Residence of Foreigners in Libya* (Arabic).

وزارة العدل - دولة ليبيا | قانون رقم (6) لسنة 1987 ف بشأن تنظيم دخول وإقامة الأجانب في ليبيا وخرجهم منها

⁵⁵ Ibid.

⁵⁶ European Commission, *Technical Mission to Libya on Illegal Immigration*, p. 11, 27 Nov-6 Dec 2004.

⁵⁷ Euro-Mediterranean Human Rights Network, *Asylum and Migration in The Maghreb, Country Fact Sheet: Libya*, p. 34, December 2012.

4.1.2. Law No. 2/2004 Amending Certain Provisions of Law No. 6 of 1987 on Organizing the Entry and Residence of Foreigners in Libya⁵⁸

This law amends law No. 6/1987. It includes penalties and prison sentences for persons assisting irregular migrants (Article 19), and also makes provisions for foreigners without work permits to reside in the country for three months while they find work⁵⁹.

The law further stipulates heavier fines for not meeting immigration requirements and up to 20 years imprisonment for entry without documents, especially if associated with a criminal network⁶⁰.

4.1.3. Law No.10/1989 Concerning the Rights and Duties of Arab Citizens

This law allows Arabs nationals to enter the country and reside with equal rights as Libyan nationals⁶¹.

4.1.4. Law No. 19/2010 Concerning Combating Illegal Migration⁶²

This law is related to combating irregular migration and human trafficking, penalizing all those who knowingly assist in the illegal entry to Libya, those who provide residence or shelter for illegal migrants, and those who provide illegal documents or make a profit through this practice. Migrants who do not legalize their stay within two months are considered illegal migrants and are subsequently subject to penalties⁶³. The penalties include jail sentences up to one year and a maximum fine of [10,000 LYD](#) (USD 7,200) for aiding irregular migrants, [1,000 LYD](#) (USD 720) for hiring them, and up to one year imprisonment and a maximum fine of [1,000 LYD](#) (USD 720) for failing to report them⁶⁴.

Irregular migrants may be hired by Libyan individuals or companies and eventually legalize their status. However, this practice is carried out in an informal way making it difficult to know the extent of its success. Moreover, migrants are usually under-paid, or not paid at all, which is why

⁵⁸ The Geneva Centre for Security Development and Rule of Law (DCAF), Law No. (2) of 2004 amending certain provisions of Law No. (6) of 1987 *Organizing the Entry and Residence of foreigners in Libya (Arabic)*, 28 January 2010,

قانون رقم (2) لسنة 2004 بشأن تعديل بعض احكام القانون رقم (6) لسنة 1987 افرنجي بشأن تنظيم دخول وإقامة الأجانب في ليبيا.

⁵⁹ Euro-Mediterranean Human Rights Network, *Asylum and Migration in The Maghreb, Country Fact Sheet: Libya*, p. 31, December 2012.

⁶⁰ Ibid., p. 31.

⁶¹ Ibid., p. 34, Official Gazette, *al-Jarida al-Rasmiya*, 1989-10-09, No. 20, p. 521.

⁶² DCAF; The Geneva Centre for Security Development and Rule of Law, *Libyan Security Section Legislation: Law no. (19) of 2010 on Combating Illegal Immigration*, 28 January 2010.

⁶³ Euro-Mediterranean Human Rights Network, *Asylum and Migration in The Maghreb, Country Fact Sheet: Libya*, p. 31, December 2012.

⁶⁴ Euro-Mediterranean Human Rights Network, *Asylum and Migration in The Maghreb, Country Fact Sheet: Libya*, p. 35, December 2012.

these days many of them resolve to escape and try to get to Europe by boat⁶⁵.

4.1.5. Residence Permits

Information on the procedures of obtaining a residence permit is limited. How these procedures are implemented, considering the prevailing security conditions and the unstable political situation (i.e. the absence of a unified government), is not clear.

According to a Libyan source, Arab nationals in general do not appear to have difficulties acquiring residence permits, provided they are able to find employment and subsequently a contract of employment⁶⁶.

The abovementioned source further stated that there are two types of work contracts with which a person can obtain a residence permit:

1. Local contract – *Aqd mahalli* – is given to persons seeking employment after entry to Libya. A residence permit is issued upon submission of the local contract. Persons who entered Libya illegally can legalize their stay if they can obtain a local contract.
2. Overseas contract – *Aqd mughtarib* – pertains to persons who are recruited abroad and are holders of contracts of employment prior to their arrival in Libya⁶⁷.

Residence permits are issued by the Ministry of Labor. It is the employer who submits the application, upon which the employee receives a residence card. Permits are renewed subsequent to the renewal of the contract of employment⁶⁸.

4.2. Asylum and Refugee Status Determination

4.2.1. National Legislation

Article 10 in the Libyan Constitutional Declaration, issued in August 2012, stipulates:

*“The state shall guarantee the right of asylum by virtue of the law. The extradition of political refugees shall be prohibited”*⁶⁹

The Constitutional Declaration is considered the basis of rule until a new constitution is provided^{70 71}.

⁶⁵ Euro-Mediterranean Human Rights Network, *Asylum and Migration in The Maghreb, Country Fact Sheet: Libya*, p. 36, December 2012.

⁶⁶ Telephone interview with Naser Abdul Rahim el-Kekli, lawyer and Executive Director for the Commission of Civil Society in Libya, Benghazi, 9 November 2015.

⁶⁷ Ibid.

⁶⁸ Telephone interview with Naser Abdul Rahim el-Kekli, lawyer and Executive Director for the Commission of Civil Society in Libya, Benghazi, 9 November 2015.

⁶⁹ Euro-Mediterranean Human Rights Network, *Asylum and Migration in The Maghreb, Country Fact Sheet: Libya*, p. 18, December 2012.

⁷⁰ Ibid.

⁷¹ Libya's Constitution Drafting Assembly (CDA) was elected in February 2014. The Assembly was tasked with drafting the country's first permanent constitution. A constitutional draft is currently under revision. Cf. Meyer-Resende, M. & Ould Hammady, O, Foreign Policy, *These 56 People Have a Chance to Save Libya*, 21 April 2015.

Article 21 of Law 20/1991, on Enhancing Freedoms, states:

*“[...] the great Jamahirya provides shelter for oppressed people and those struggling for freedom. It is prohibited to extradite to any destination refugees seeking safety in the Jamahirya”*⁷²

However, the Libyan authorities have so far in practice not implemented these laws⁷³. Nor is there a specific ministry or administrative body responsible for processing and granting legal status for refugees⁷⁴.

4.2.2. Refugees, Asylum Seekers and the Mandate of UNHCR

Libya is not party to the 1951 Convention relating to the Status of Refugees or the adherent Protocol of 1967. It has ratified the 1969 Convention governing the Specific Aspects of Refugees Problems in Africa (Organization of African Unity (OAU) Convention)⁷⁵, but has yet to adopt an asylum legislation and procedure⁷⁶. The Constitutional Declaration does not contain any provisions in this regard⁷⁷.

UNHCR has no official status in the country or a Memorandum of Understanding (MoU) with the government of Libya. Subsequently, the organization is not authorized to carry out Refugee Status Determination (RSD). However, UNHCR is allowed to register and issue certificates to refugees that would allow them to receive protection and benefits⁷⁸. UNHCR also has access to detention centers, including some detention centers under the control of independent militias⁷⁹.

Palestinian refugees in Libya are outside the UNRWA mandate and therefore fall under the protection of UNHCR's mandate⁸⁰. Accordingly, they have been recognized as prima facie refugees since 1991⁸¹.

As of July 2014, UNHCR has registered over 36,000 asylum seekers and refugees, including Syrians, Palestinians and Iraqis, many of whom had been residing in Libya for years⁸². UNHCR suspended its registration due to the upsurge in violence resulting from the mid-2014 conflict. This has

⁷² Euro-Mediterranean Human Rights Network, *Asylum and Migration in The Maghreb, Country Fact Sheet: Libya*, p. 18, December 2012.

⁷³ Euro-Mediterranean Human Rights Network, *Asylum and Migration in The Maghreb, Country Fact Sheet: Libya*, p. 18, December 2012.

⁷⁴ Ibid., p. 19.

⁷⁵ Organization of African Unity (OAU), *Convention Governing the Specific Aspects of Refugee Problems in Africa* ("OAU Convention"), 10 September 1969, 1001 U.N.T.S. 45.

⁷⁶ UNHCR, *UNHCR Position on Returns to Libya-Update I*, p. 12, October 2015.

⁷⁷ Ibid.

⁷⁸ Euro-Mediterranean Human Rights Network, *Asylum and Migration in The Maghreb, Country Fact Sheet: Libya*, p. 19, December 2012.

⁷⁹ Ibid., p. 21.

⁸⁰ UNRWA/UNHCR, *United Nations and the Palestinian Refugees*.

⁸¹ Euro-Mediterranean Human Rights Network, *Asylum and Migration in The Maghreb, Country Fact Sheet: Libya*, p. 19, December 2012.

⁸² UNHCR, *UNHCR Position on Returns to Libya-Update I*, p. 11, October 2015.

prompted many persons of concern to leave the country in search for international protection elsewhere⁸³.

4.2.3. The 1965 Protocol for the Treatment of Palestinians in Arab States (the Casablanca Protocol)⁸⁴

Libya endorsed the Casablanca Protocol during the rule of king Idris, prior to the September 1969 revolution that brought Qadhafi to power⁸⁵.

Libya signed the Casablanca Protocol voicing reservations about the First Article, which stipulates:

“Whilst retaining their Palestinian nationality, Palestinians currently residing in the land of have the right of employment on par with its citizens.”⁸⁶

This was later reversed in a 1989 law that granted all Arabs the same right as Libyans (law 10/1989 *Concerning the rights and Duties of Arab Citizens*)⁸⁷.

5. Treatment of Palestinians and Syrians

5.1. The Situation before 2011

As signatory to the Casablanca Protocol, which defines the rights of Palestinians in Arab states⁸⁸, Libya has in principle welcomed Palestinians⁸⁹. The Qadhafi regime was a strong supporter of the Palestinian cause. Libya allowed the Palestinian Liberation Organization (PLO) to open an office in the country, and Palestinian students received scholarships to study there⁹⁰. Qadhafi also seized the opportunity by favoring one faction over the other, including recruiting a Palestinian mercenary force to fight along Libyan forces in Chad. In earlier days, Palestinians received assistance in form of subsidized jobs and housing. This was revoked after 1996, when Qadhafi allowed the Palestinians to return after expelling them in 1994⁹¹.

⁸³ Ibid.

⁸⁴ League of Arab States, *Protocol for the Treatment of Palestinians in Arab States ("Casablanca Protocol")*, 11 September 1965.

⁸⁵ Euro-Mediterranean Human Rights Network, *Asylum and Migration in The Maghreb, Country Fact Sheet: Libya*, p. 19, December 2012.

⁸⁶ League of Arab States, *Protocol for the Treatment of Palestinians in Arab States ("Casablanca Protocol")*, 11 September 1965.

⁸⁷ Euro-Mediterranean Human Rights Network, *Asylum and Migration in The Maghreb, Country Fact Sheet: Libya*, p. 19, December 2012.

⁸⁸ Euro-Mediterranean Human Rights Network, *Asylum and Migration in The Maghreb, Country Fact Sheet: Libya*, p. 31, December 2012.

⁸⁹ Murray, R., *Palestinians Live on the Edge in New Libya*, IPS, 23 August 2012.

⁹⁰ Fiddian-Qasbiyeh, E., *Invisible Refugees: Protecting Sahrawis and Palestinians Displaced by the 2011 Libyan Uprising*, November 2011, p. 5.

⁹¹ Murray, R., *Palestinians Live on the Edge in New Libya*, 23 August 2012.

No information could be found concerning the treatment of Syrians in comparison to other groups prior to the fall of the Qadhafi-regime.

5.2. During the 2011 Uprising

Palestinians were targeted and subjected to violent acts by both Qadhafi allies and anti-Qadhafi activists during the uprising in 2011. At the time, there were some 50-70,000 Palestinian work migrants in Libya⁹². There are reports that Palestinians were detained by Qadhafi's forces during the uprising in 2011 after they refused to join pro-regime armed groups⁹³.

Once again, Palestinians found themselves stranded in Libya. Despite appeals from Palestinians from Lebanese camps and the Palestinian Embassy in Tripoli, Lebanon did not offer any assistance to evacuate the Palestinians with Lebanese residence permits to Lebanon. Egypt prevented Gaza Palestinians from travelling through the country⁹⁴.

No information could be found concerning violations or harassment committed against Syrians in Libya at the time of the uprising in 2011.

5.3. After the Fall of the Qadhafi Regime

Following the fall of the Qadhafi regime, Palestinians continued to face harassment and intimidation. Many Palestinians were evicted from their homes, as property owners began to reclaim property confiscated by the Qadhafi regime⁹⁵.

The arrival of Palestinians and Syrians fleeing the conflict in Syria has put further strain on the country as the new arrivals compete over limited job opportunities and social services both with Libyans and other foreigners. This in turn created negative sentiments amongst Libyans towards both Syrians and Palestinians⁹⁶. Local authorities in Misrata called upon Syrians and Palestinians to leave the city following the outbreak of conflict in May 2014. Discriminatory treatment has been reported in Benghazi since the beginning of the uprising in 2011⁹⁷. Authorities in Benghazi have expressed concern about the growing numbers of Syrians coming to the city⁹⁸.

The majority of Syrians who arrive in Libya try to reside close to other members of the Syrian community, but they still feel vulnerable⁹⁹. Local Syrian charity organizations have helped Syrian children enroll in school and facilitated access to medical care for needy families. Other international

⁹² Lamb, F., *Libya's Palestinian Refugees and the Current Crisis (Part I of II)*, Al-Manar, 19 July 2011.

⁹³ Ma'an News, *Gadafi Forces Detain Palestinian Students*, 2 March 2011.

⁹⁴ Lamb, F., *Libya's Palestinian Refugees and the Current Crisis (Part I of II)*, Al-Manar, 19 July 2011.

⁹⁵ Murray, R., *Palestinians Live on the Edge in New Libya*, 23 August 2012.

⁹⁶ Telephone interview with anonymous source, Malmö, 8 November 2014.

⁹⁷ Ibid.

⁹⁸ IRIN News, *Syrians Seeking Refuge in Libya*, 23 May 2013.

⁹⁹ DW, *No Solace for Syrian Refugees in Lawless Libya*, 28 May 2014.

organizations, like the Danish Refugee Council, have also provided assistance to the refugees¹⁰⁰.

Palestinians and Syrians, like the rest of the population, do not feel safe, and many who remain in Libya want to leave the country¹⁰¹. However, this is proving difficult as neighboring countries have imposed restrictions at border crossings. Only passport holders and holders of airline tickets for onward destinations are allowed to cross the border into Tunisia. Palestinians wishing to transit through Egypt are obliged to travel through the Burj al-Arab airport in Alexandria¹⁰².

The situation of Syrians and Palestinians refugees, which was said to be relatively good in comparison to that of Sub-Saharan Africans, has reportedly deteriorated since the conflict started in mid-2014¹⁰³. Syrians as well as Palestinians have been turned into scapegoats by Libyans in the course of the unfolding events and they are rumored to be linked to militia groups¹⁰⁴ and radical groups¹⁰⁵. According to a Libyan source, this appears to be more evident for Palestinians and Syrians living in Benghazi. The source added that Palestinians and Syrians living in Tripoli and the western parts of the country do not appear to be targeted in the same manner¹⁰⁶. In Tripoli they are also believed to have benefited from the instability by running businesses when Libyans have not been able to do so¹⁰⁷.

Both Palestinians and Syrians traditionally benefited from the services provided for them in Libya. Libyans have generally looked upon them with sympathy, in light of the difficulties they endured as a result of the Syrian conflict. Palestinians and Syrian were rarely detained in the past for illegal entry or stay in Libya. The situation has changed since the conflict flared up in 2014, whereby more Syrians and Palestinians are being detained¹⁰⁸ (see section 6.4).

UNHCR noticed an increase in the number of Palestinians and Syrians approaching them when the crisis broke out in May 2014, with up to 1,000 applicants (Syrians, Palestinians and other nationalities) in one month in mid-2014. Many were displaced as a result of the violence particularly from Benghazi¹⁰⁹. UNHCR further stated that Libyans in general have always perceived Syrians and Palestinians as fellow Arabs. This perception appears

¹⁰⁰ Amnesty International, *An International Failure: The Syrian Refugee Crisis*, 13 December 2013, p. 6.

¹⁰¹ UNHCR, *UNHCR Position on Returns to Libya-Update I*, p. 12, October 2015.

¹⁰² Telephone interview with anonymous source on Palestinian issues, Cairo, 29 October 2014.

¹⁰³ UNHCR, *UNHCR Position on Returns to Libya-Update I*, p. 12, October 2015.

¹⁰⁴ Ibid.

¹⁰⁵ Telephone interview with Naser Abul Rahim el-Kekli, lawyer and Executive Director for the Commission of Civil Society in Libya, Benghazi, 9 November 2015.

¹⁰⁶ Ibid.

¹⁰⁷ IOM/Altai Consulting, *Migration Trends Across the Mediterranean: Connecting the Dots*, p. 47, 6 July 2015.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid., Information provided by UNHCR Libya (based in Tunis) to the Directory North Africa and the Middle East, Ministry of Foreign Affairs, The Hague Netherlands (Skype meeting 23 June 2015 and written communication September 2015).

to have changed since mid-2014, whereby Libyans nowadays tend to prioritize themselves over all ‘foreigners’ – including other Arab nationals previously seen as equals. Syrian and Palestinians are increasingly being regarded as unwanted foreigners (source; UNHCR Libya based in Tunis)¹¹⁰. UNHCR has reported that Libyans have been prioritized over Syrians in hospitals due to overcrowding and diminishing capacity¹¹¹.

Syrian men have been accused of hosting pro-Asad sentiments, or not being ‘real men’ for not joining the fighting in Syria. There have been reports of Syrians being arrested by militias on suspicion of being pro-Asad and pro-Qadhafi¹¹². UNHCR also has reported arrests carried out against Syrians in Misrata for alleged IS connections. Moreover, the organization has reported other arrests against Syrians for expired documents¹¹³.

AI reported that the authorities have refused to issue official Libyan documents or residence permits to Syrians, mostly to force them to pay bribes. The organization further noted that foreigners (no specific reference to any nationality) are being forced by militias to pay large amounts of money to have documents issued by local authorities¹¹⁴. Lack of documentation is posing serious restrictions on foreigners’ freedom of movement¹¹⁵. Syrian women have also been subject to harassment because of the different way they wear their veils compared to Libyan women, according to AI¹¹⁶.

The lack of information made available to Syrians and Palestinians regarding access to health and education services is causing frustration within their communities. UNHCR receives daily telephone calls from refugees who report that they are obliged to pay [1500 LYD](#) (over USD 1000) per year in order to get their children registered in public schools¹¹⁷.

UNHCR runs two community development centers (CDC) in Benghazi and Tripoli. These centers provide assistance, primary health care and social counseling to refugees and asylum seekers¹¹⁸. In 2015 UNHCR expanded its outreach through a mobile medical and social team in Tripoli. The organization also runs hotline services where asylum seekers and refugees

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Skype interview Amnesty International, 18 June 2015.

¹¹³ Information provided by UNHCR Libya (based in Tunis) to the Directory North Africa and the Middle East, Ministry of Foreign Affairs, The Hague Netherlands (Skype meeting 23 June 2015 and written communication September 2015).

¹¹⁴ Amnesty International, *The Global Refugee Crises: A Conspiracy of Neglect*, p. 18, 15 June 2015.

¹¹⁵ Information provided by UNHCR Libya (based in Tunis) to the Directory North Africa and the Middle East, Ministry of Foreign Affairs, The Hague Netherlands (Skype meeting 23 June 2015 and written communication September 2015).

¹¹⁶ Skype interview Amnesty International, 18 June 2015.

¹¹⁷ Information provided by UNHCR Libya (based in Tunis) to the Directory North Africa and the Middle East, Ministry of Foreign Affairs, The Hague Netherlands (Skype meeting 23 June 2015 and written communication September 2015).

¹¹⁸ Ibid.

can phone in¹¹⁹. No detailed information could be obtained as to UNHCR's response and assistance to incoming calls from the hotline services.

The protracted general insecurity and lawlessness have also led to a rise in crime. Syrians, like other foreigners, have been subjected to abuse, violence, abductions, theft and car-jacking. Syrians and other foreigners do not have access to tribal protection. Their vulnerable situation further deters them from approaching the authorities for help¹²⁰.

Syrians are relatively better treated by smugglers than African migrants, and are therefore not susceptible in the same way to abuse, extortion and other inhuman and degrading treatment by smugglers¹²¹. Still, Syrian refugees interviewed by AI have described being locked up for days or weeks by smugglers, in rooms or houses, prior to their departure by boat waiting for smugglers to gather larger numbers of people¹²². African refugees are often placed in the lower deck on board boats headed towards Europe¹²³.

6. Exit/Entry Restrictions, Travel Ban, Detention

6.1. Background

At the beginning of the conflict in 2011, Syrians were still allowed to enter Libya without a visa. The situation changed in December 2012 when Libyan authorities imposed visa restrictions on Syrians and Palestinians in order to deter the growing influx from conflict-ridden Syria. As a result, many opted to enter the country illegally¹²⁴.

The renewed political instability in Libya since 2014 has changed the environment of migration flows in the country. The country remains an important transit and departure hub for irregular migrants wanting to travel to Europe. According to UNHCR data, more than 150,000 refugees and migrants arrived in Italy in 2015¹²⁵, the vast majority having departed from Libya¹²⁶. Syrians continue to represent a large share of those departing by boat to Europe, making up five percent of all boat arrivals from Libya to Europe in 2015. Palestinians made up less than three percent of the refugees arriving to Europe.¹²⁷ UNSMIL reported that over 2,400 migrants were

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² Amnesty International, *The Global Refugee Crises: A Conspiracy of Neglect*, p. 19, 15 June 2015.

¹²³ Information provided by UNHCR Libya (based in Tunis) to the Directory North Africa and the Middle East, Ministry of Foreign Affairs, The Hague Netherlands (Skype meeting 23 June 2015 and written communication September 2015).

¹²⁴ The Palestinian Return Center, *Report on the Conditions of Palestinians Refugees in Syria*, p. 26, March 2014.

¹²⁵ UNHCR, *Refugee/Migrants Emergency Response – Mediterranean: Italy*.

¹²⁶ UNHCR, *UNHCR Position on Returns to Libya-Update I*, p. 13, October 2015.

¹²⁷ UNHCR, *Refugees/Migrants Emergency Response-Mediterranean: Italy*, Amnesty International, *The Global Refugee Crises: A Conspiracy of Neglect*, p. 19, 15 June 2015.

believed to have perished at sea *en route* to Europe from Libya in the course of 2015¹²⁸.

There are checkpoints throughout the country, both set up by the authorities and by armed militias¹²⁹. The current instability is likely to heighten the risk of arbitrary detention for migrants during their travel within the country¹³⁰. UNHCR has reported that Syrians and Palestinians are increasingly facing difficulties at check points¹³¹.

UNHCR has stated that newly arrived Syrians and Palestinians in Libya are likely to have passports or other travel documents. It is, however, very difficult for UNHCR to distinguish those Syrians and Palestinians from those who have lived for a longer period in the country¹³².

There is no uniform governing system in the country since rivaling political fractions are in charge of different parts in the country¹³³.

6.2. Entry/Exit Restrictions

Despite laws granting Arab nationals the right to visa-free entry and residency, restrictions to these rights have been gradually imposed. Egyptian nationals have been required to obtain visas since 2009, whereas nationals from Morocco and Algeria are not. Tunisians, who were obliged to obtain visas in late 2009, were again allowed visa-free entry in 2011¹³⁴.

It is cumbersome for non-Libyans to cross into neighboring countries. Tunisia is no longer a significant departure point for Europe. The decrease in the number of boat departures is mainly attributed to the tough measures undertaken by the Tunisian authorities, who have set up police checkpoints and identity controls in order to stop migrants before they reach the coastal region¹³⁵. Moreover, the government has further criminalized illegal departure, making it punishable by imprisonment¹³⁶.

Libyan passport holders are allowed to enter Tunisia without visa requirements for a period of 90 days. (There are approximately 1.5 million Libyans in Tunisia today¹³⁷.) The same is applicable for Algerians and

¹²⁸ UNSMIL, *Report on the Human Rights Situation in Libya*, p. 25, 16 November 2015.

¹²⁹ IOM/Altai Consulting, *Migration Trends Across the Mediterranean: Connecting the Dots*, p. 61, 6 July 2015.

¹³⁰ Ibid.

¹³¹ Information provided by UNHCR Libya (based in Tunis) to the Directory North Africa and the Middle East, Ministry of Foreign Affairs, The Hague Netherlands (Skype meeting 23 June 2015 and written communication September 2015).

¹³² Ibid.

¹³³ Skype interview with Arezo Malakooti, Director Migration Research at Altai Consulting, 7 July 2015.

¹³⁴ Euro-Mediterranean Human Rights Network, *Asylum and Migration in The Maghreb, Country Fact Sheet: Libya*, p. 31, December 2012, Tunisialive, *Tunisians, Turks Can Enter Libya without Visa*, 13 November 2011.

¹³⁵ IOM/Altai Consulting, *Migration Trends Across the Mediterranean: Connecting the Dots*, p. 70, 6 July 2015.

¹³⁶ Ibid.

¹³⁷ Ibid., p. 71.

Moroccans. Other nationalities wishing to enter Tunisia from Libya are required to show a valid passport, as well as a flight ticket¹³⁸. In addition to that, they are only allowed a maximum of 72 hours stay in the country, for which they are obligated to show proof¹³⁹. There is no information available as to what constitutes adequate proof for the 72-hour stay.

IOM estimated that 10,000 Syrians entered Tunisia through Algeria on their way to Libya for further travel, by boat, to Europe. These numbers diminished dramatically after the Algerian government imposed visa restrictions on Syrian passport holders in December 2014¹⁴⁰.

Egypt, which welcomed and hosted Syrian refugees in the wake of the Syrian conflict in 2011, soon transformed into a transit point for further travel to Libya. This is mainly attributed to unfavorable living conditions for Syrians in Egypt after President Mohammed Morsi was ousted from power in June-July 2013 and the stringent measures (arrests, detention) undertaken by the Egyptian authorities against Syrians¹⁴¹, Palestinians¹⁴² and other migrants trying to cross the Mediterranean illegally from the Egyptian coast¹⁴³. UNHCR reported that over 3,000 people were detained by the Egyptian authorities in 2014, the largest group of which (1,400) were Syrian nationals. Individuals are kept for two to three weeks before being released. Those released are usually persons who have been registered with UNHCR¹⁴⁴.

In addition, Egypt stepped up its control along the Libyan border at the Sallum border crossing in 2014, mainly to curtail the inflow of arms into the country. However, according to Altai Consulting (a Paris based consultancy and research organization on developing countries), some Syrians are still able to cross from Egypt to Libya by paying bribes¹⁴⁵.

It is not clear whether foreigners need exit visas to leave Libya¹⁴⁶. UNHCR has stated that non-Libyans are required to have exit visas in order to leave the country legally. UNHCR reports having encountered difficulties with exit visas for some of their resettlement cases¹⁴⁷.

¹³⁸ Ibid.

¹³⁹ Skype interview with Arezo Malakooti, Director Migration Research at Altai Consulting, 7 July 2015.

¹⁴⁰ IOM/Altai Consulting, *Migration Trends Across the Mediterranean: Connecting the Dots*, p. 71, 6 July 2015.

¹⁴¹ Ibid., p. 67.

¹⁴² Middle East Eye, *Palestinians Lose Egypt Residency for Mediterranean Crossing Attempt*, 13 February 2015.

¹⁴³ IOM/Altai Consulting, *Migration Trends Across the Mediterranean: Connecting the Dots*, p. 67, 6 July 2015.

¹⁴⁴ IOM/Altai Consulting, *Migration Trends Across the Mediterranean: Connecting the Dots*, p. 68, 6 July 2015.

¹⁴⁵ Ibid., p. 85, Skype interview with Arezo Malakooti, Director Migration Research at Altai Consulting, 7 July 2015.

¹⁴⁶ Skype interview Amnesty International, 18 June 2015.

¹⁴⁷ Information provided by UNHCR Libya (based in Tunis) to the Directory North Africa and the Middle East, Ministry of Foreign Affairs, The Hague Netherlands (Skype meeting 23 June 2015 and written communication September 2015).

6.3. Entry Ban for Palestinians and Syrians

In January 2015, the internationally recognized government in Tubruq issued a decision suspending Palestinians, Syrians and Sudanese from entering the country, on accusations that they were joining radical Islamist groups, like Ansar al-Sharia¹⁴⁸. The decision, which is valid until further notice, encompasses all entry points, sea, land and airports¹⁴⁹. The ban also includes women and children¹⁵⁰. The status and the extent of the implementation of the ban remain unclear¹⁵¹.

According to a Libyan source, the decision does not appear to have affected Palestinian and Syrian nationals already residing in the country¹⁵².

6.4. Detention

Detention of migrants continues to increase. The majority of the detainees are Sub-Saharan Africans. There are no accurate figures of the number of Syrians and Palestinians held in detention¹⁵³. Mixed Migration Hub (MHUB) has reported that only a few Syrian, Palestinian and Iraqi nationals have been detained¹⁵⁴. MHUB further stated that one of the reasons behind the low number of Syrians being detained is attributed to the fact that Syrians earlier were allowed entry to Libya without a visa. In addition, Syrians held in detention usually have resources to pay bribes to avoid further detention¹⁵⁵.

DCIM maintains 18 detention centers in the country, 15 of which are open. There are also detention centers managed by militias¹⁵⁶. DCIM reported in May 2015 to be holding 4,869 persons in its detention facilities. The largest numbers are said to be detained in al-Kararim and al-Zawiya¹⁵⁷.

Detention conditions fail to meet international standards, and have deteriorated even further as a result of the 2014 conflict¹⁵⁸. The detention centers are generally overcrowded and lack sanitation and other necessities.

¹⁴⁸ Reuters, *Libya's Official Government Bans Palestinians, Syrians and Sudanese from Entry*, 6 January 2015.

¹⁴⁹ Middle East Monitor (MEMO), *Libya Prohibits Entry of Sudanese, Palestinian and Syrian Nationals*, 6 January 2015.

¹⁵⁰ Skype interview Amnesty International, 18 June 2015.

¹⁵¹ Information provided by UNHCR Libya (based in Tunis) to the Directory North Africa and the Middle East, Ministry of Foreign Affairs, The Hague Netherlands (Skype meeting 23 June 2015 and written communication September 2015).

¹⁵² Telephone interview with Naser Abdul Rahim el-Kekli, lawyer and Executive Director for the Commission of Civil Society in Libya, Benghazi, 9 November 2015.

¹⁵³ Telephone interview with Naser Abdul Rahim el-Kekli, lawyer and Executive Director for the Commission of Civil Society in Libya, Benghazi, 9 November 2015.

¹⁵⁴ IOM/Altai Consulting, *Migration Trends Across the Mediterranean: Connecting the Dots*, p. 59, 6 July 2015.

¹⁵⁵ Ibid.

¹⁵⁶ Skype interview with Arezo Malakooti, Director Migration Research at Altai Consulting, 7 July 2015.

¹⁵⁷ Ibid.

¹⁵⁸ UNHCR, *UNHCR Position on Returns to Libya-Update I*, p. 12, October 2015.

This particularly creates problems for vulnerable groups, such as women and children¹⁵⁹.

Migrants are detained for indefinite periods of time¹⁶⁰. There have been reports of involvement of officials and local militia groups in smuggling networks, where detention guards offer to release people from detention on the promise that they will arrange a boat trip to Europe¹⁶¹. Reportedly, smugglers have also been known to call the police to arrest migrants, subsequently getting migrants to pay for their release¹⁶². Once released, the persons have to work to pay for their voyage across the Mediterranean. There have also been reports of migrants being released and forcibly put aboard boats without having paid, or expressed an interest in wanting to travel to Europe¹⁶³. It is not clear who is behind this, or what the reasons are, but there is little to suggest that the practice is being carried out in DCIM detention centers, as means of elevating the strained and overcrowded conditions prevailing at the detention centers¹⁶⁴. It is noteworthy that none of the consulted sources has made any particular reference to Palestinians or Syrians having embarked under duress.

¹⁵⁹ IOM/Altai Consulting, *Migration Trends Across the Mediterranean: Connecting the Dots*, p. 61, 6 July 2015.

¹⁶⁰ Ibid., p. 59.

¹⁶¹ Mixed Migration Hub (MHUB), *Detained Youth: The Fate of Young Migrants, Asylum Seekers and Refugees in Libya Today*, p. 49, 7 July 2015.

¹⁶² Ibid.

¹⁶³ IOM/Altai Consulting, *Migration Trends Across the Mediterranean: Connecting the Dots*, p. 59, 6 July 2015, Skype interview with Arezo Malakooti, Director Migration Research at Altai Consulting, 7 July 2015.

¹⁶⁴ IOM/Altai Consulting, *Migration Trends Across the Mediterranean: Connecting the Dots*, p. 60, 6 July 2015.

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Lifos publications

Country report primarily aims to provide a basis for the judicial governance of the Swedish Migration Board. It can also provide support in the examination of migration cases.

Thematic report aims to provide country of origin information in one or several related themes, or a theme that affects several countries.

Situation report aims to provide a concise status report of a situation in a country, including an analysis on possible developments.

Scenario analysis is primarily intended to provide support in forecasting, strategic decision making etc., by describing a number of possible scenarios and the probability and consequences of these.

Question-Answer is a compilation of information in response to questions from case officers of the Swedish Migration Agency.



About Lifos

Lifos is a center for country of origin information and analysis. We collect, analyse and provide expert knowledge about countries and regions from which people come to Sweden.

Lifos' mission: Lifos is an expert body which acts impartially and proactively to contribute to legally secure and effective migration processes through reliable, relevant and easily accessible country of origin information and analysis.

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