

The Legal Guide for Foreigners in Libya

Second Edition

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Methodology

The first edition of this guide was mandated by ICMPD in close cooperation with the Libyan Government. It was part of a larger EU-funded project to evaluate the legal and institutional frameworks for the migration system in the State of Libya.

During the implementation of the EU and Swiss Confederation co-funded project “*Libya’s Migration Technical Assistance Facility (LIBMITAF)*” (2021-2023), it became evident to the ICMPD project team and ICMPD legal experts that an update of the Legal Guide for Foreigners in Libya was necessary, considering the various pieces of legislation related to migration that were issued in Libya between 2020 and 2023 and several changes in the legislation.

Like the first edition, the second edition of the Legal Guide tackles migration-related legislations in Libya. It does not only cover laws, but regulations and administrative decrees as well. Most legislative provisions pertaining to migration were actually included in the decrees issued by the former General People’s Committee, which was replaced by the Council of Ministers.

The update and inclusion in the Guide of new pieces of legislation related to migration, whether regular or irregular, was conducted through a thorough desk research done in Arabic language and using Libyan sources.

Terminology

Under the Libyan law, the terms 'legal' and 'illegal' migrant are adopted, instead of the internationally recognised 'regular' and 'irregular' migrant. For the purposes of consistency and to avoid any confusion, the same terminology that is used in the Libyan law is also adopted throughout this document.

Furthermore, when referring to those subject to specific provisions of the Libyan law, the Libyan legislation omits the pronouns she/her/hers, thus only including the pronouns he/him/his. In order to keep consistency with the original terminology of the Libyan laws in the Arabic language, the same terminological choice is adopted within this Guide whenever the provisions of the Libyan legislation are quoted directly.

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1
P A R T

General Legal Provision



Introduction

It must be borne in mind that documents and laws of a constitutional character which were in force before the 2011 Constitutional Declaration shall be repealed.¹ All provisions established in the existing legislation shall remain in force insofar as they are not inconsistent with the provisions of this Declaration, until they are amended or repealed. Any reference in these laws to the so-called “People’s Conferences” or “General People’s Conference” shall be understood as a reference to the Interim National Transitional Council or the General National Conference. Any reference to the so-called “General People’s Committee” or “People’s Committees” shall be understood as a reference to the Executive Office and the members of the Executive Office or to the Government and the members of the Government, each within the limits of its jurisdiction. Any reference to the “Socialist People’s Libyan Arab Jamahiriya” shall be considered as a reference to Libya.²

General Provision: Foreign Resident Population Count

The General People’s Committee for Public Security shall be responsible for counting foreigners residing within the limits of the Congress, in addition to validating and documenting their data in special records.³

National Database

(The National Database is being established in accordance with the draft law, but it has not been officially issued yet).

The national database for citizens and residents is created by the General Authority for Information and Digital Transformation. The basic data for the citizens shall include the following information:⁴

1. The national number.
2. Separate quadrilateral full name.
3. Separate mother’s full name.
4. Date of birth.
5. Place of birth.
6. Registration number.
7. Ten fingerprints.
8. Iris scanner.
9. Photograph.
10. Signature.

The Civil Status Authority, or whomever entrusted with its competencies, shall provide the General Authority for Information and Digital Transformation with the data it produces in a safe and sustainable manner as outlined above from point no. 1 to point no. 6. The Passport, Nationality, and Foreigners Affairs Authority, or whomever entrusted with its competencies, shall provide the General Authority for Information and Digital Transformation with the data it produces as outlined above from point no. 7 to point no. 10. The abovementioned entities shall commit to provide the Authority with any changes or updates of the abovementioned data as soon as it becomes aware of them.⁵

1 Article No. 34 of the Constitutional Declaration of 2011.

2 Article No. 35 of the Constitutional Declaration of 2011.

3 Paragraph 24 of “8. The General People’s Committee for Public Security”, Decree No. 2 of 2009 of the Secretariat of Non-Basic Popular Congresses on Amending Certain Provisions of Decree No. 1 of 1375 (after the death of the Messenger) Concerning the Rules of Procedure of the People’s Congresses and People’s Committees.

4 Article No. 48 of a draft law regarding the National Information System.

5 Article No. 48 of a draft law regarding the National Information System.

Section I: Rights, Fundamental Freedoms and Basic Public Services

1. The Right to Work

The Public Right

Work in the State of Libya is the right and obligation of all male and female citizens. The right to work shall be based on the principle of equal opportunity among citizens or between citizens and other foreigners lawfully residing in Libya. Forced labour, servitude and other forms of injustice and exploitation are strictly prohibited.⁶

The Minimum Wage

One of the advantages of the Libyan legislation is that it provides for a minimum wage that guarantees workers a dignified life, without being subject to the whims and exploitation of the employer.

In Law No. 16 of 2023 regarding the setting of minimum wage and salary, the legislator stipulated “the minimum wage and salary shall be no less than 1,000 dinars for all employees in the public and private sectors, and if the compensation for work is a share in production or service, its value shall be no less than the value specified in this law”.⁷

Forced Labour

Forced Labour: Any work or services which are extracted from any person under the menace and for which the said person has not offered himself voluntarily, with some exceptions:⁸

- Any work or services rendered in accordance with military or national service laws.
- Any work or services considered normal civic obligations incumbent on citizens and community members, in addition to minor communal services performed by members of the community in the direct interest of the said community.
- Any work or services which individuals are required to provide, in application of a judicial order issued by a competent court, provided that the said work or services are carried out under the supervision and control of the competent authority.
- Any work or services required in cases of emergency, such as wars, disasters and threatening disasters, e.g. potential floods, fires, famine, or the spread of an epidemic or a disease.

Foreigners' Work Permits

Non-nationals may not engage in any work except after obtaining a license to do so from the competent authority. In addition, employers cannot recruit, contract or enable non-nationals to work without prior approval from the competent authority. This shall be determined according to a decree specifying the

⁶ Article 2 of Law No. 12 of 2010 on the Promulgation of the Labour Relations Act.

⁷ Article No. 1 of Law No. 16 of 2023 regarding the setting of the minimum wage and salary.

⁸ Article 5 of Law No. 12 of 2010 on the Promulgation of the Labour Relations Act.

terms and conditions of employing foreigners, in addition to professions that they are allowed to practice.⁹

It is not permissible for any natural person or legal entity to employ a foreigner without obtaining a work permit from the Ministry of Labour for the foreigner. It is also not permissible for them to enable the foreigner to reside, whether by providing housing or any place of residence or lease, if they are aware that the foreigner intends to settle there permanently. They are also not permitted to keep the foreigner after the termination of his work and they must inform the competent authorities of the end of his work.¹⁰

The legislation on managing the employment of certain categories of people stipulates that foreigners can be employed in some cases, in accordance with the General People's Committee Decree No. 418 of 2009 on the Regulation of the Employment of Workers of Medical and Medical Assistance Professions in Health Facilities. Indeed, any hospital, which is financially and administratively independent, can, pending the approval of the General People's Committee for Health and Environment, conclude a cooperation agreement with similar specialized facilities and institutions, for the purpose of exchanging experiences and visiting consultants. The said hospital can also recruit Libyan and foreign experts and technicians **whom are needed for temporary work in hospitals**. This category shall be treated according to the General People's Committee Decree No. 306 of 2006 pertaining to the restructuring of the program on the employment of visiting professors and experts in the medical field.¹¹

The Regulation of Employment of Workers of Medical and Medical Assistance Professions in Health Facilities, issued based on the above-mentioned decree No. 418 of 2019, extends to all medical and medical assistant staff working at the Ministry of Health and the Ministry of Social Affairs.¹²

Percentage of National Workers

All national and foreign employers in different sectors shall endeavour to employ nationals and provide necessary means to ensure the continuation of their employment. These nationals shall be provided with adequate opportunities to prove their worth, by benefitting from guidance and trainings to be qualified for the tasks they are entrusted with. The percentage of nationals should not represent less than 75% of the total employment in any of the activities. This percentage may, for public interest, be reduced temporarily in certain sectors, in case the required qualifications and technical skills were not available among nationals, according to a decree from the competent authority.¹³

All employers in both the public and private sectors, whether nationals or foreigners, shall, upon setting up any project or activity, inform the competent employment office, in writing, of the following:¹⁴

- Name, type, location and business address of the entity, in addition to any other contact information.
- Type of the authorized economic activity, license number, date and place of issuance, along with a copy of the said authorization.
- Number of workers or employees to be employed at the entity and the required disciplines.
- The person responsible for running the entity and its legal representation.

⁹ Article 9 of Law No. 12 of 2010 on the Promulgation of the Labour Relations Act.

¹⁰ Article No. 5 of Law No. 24 of 2023 regarding the prevention of the settlement of foreigners in Libya.

¹¹ Article 3 of the General People's Committee Decree No. 418 of 2009 on the Regulation of the Employment of Workers of Medical and Medical Assistance Professions in Health Facilities. Employment was always conducted based on article 4 of the General People's Committee Decree No. 154 of 2007 on the Regulation of Employment of Workers of Medical and Medical Assistance Professions in Hospitals and Medical Educational and Training Facilities.

¹² Article 1 of the Cabinet Decree No. 288 of 2012 on Approving the Regulation of the Employment of Workers of Medical Assistance Professions in Health Facilities.

¹³ Article 51 of Law No. 12 of 2010 on the Promulgation of the Labour Relations Act.

¹⁴ Article 52 of Law No. 12 of 2010 on the Promulgation of the Labour Relations Act.

- Any other information requested by the competent authority.

Language of Employment and Training Contracts

The employment contract shall be drawn up according to the form prepared by the competent authority. The contract shall not enter into force unless it has been approved by the said authority, which shall ensure that it has been completed according to the designated legal form, in agreement with this Law. The contract shall include all details pertaining to the rights and obligations of the parties and **shall be drawn up in writing, in Arabic, and in three copies**. After validation, one copy shall be handed to each party to the contract; the third copy shall be kept with the competent employment office. In the absence of a written contract, the worker may take it upon himself to establish all of his rights, by all means of proof. Individual employment contracts are not subject to registration fees.¹⁵

The training contract for the purpose of work shall be drawn up in writing, in Arabic. It shall specify the duration and stages of training, in addition to the wages to be paid at each stage. The wage paid at the last stage shall not be less than the minimum wage set for that specified type of work in the trainee's profession or craft.¹⁶

Percentage of National Trainees to Foreign Workers

The employer shall **commit** to accepting job seekers at a percentage of 20% of the total of his/her foreign workers, for the purpose of vocational training, to learn a profession, a craft or a specific type of work, within a specified period of time, or to finance their training at specialised centres, according to the terms and conditions issued by the competent authority.¹⁷

Restrictions imposed on the employment of Libyans married to foreigners in Libya.

The Libyan law places two categories of restrictions on the employment of Libyans married to foreigners. The first one includes relative restrictions, while the second one includes absolute restrictions:

1. Relative restrictions

These restrictions relate to the prohibition for Libyans married to foreigners to hold public positions. This prohibition is relative in the sense that it can be exempted, and the appointment of a Libyan married to a foreign woman can be approved.

Thus, the law stipulates that "a candidate for one of the staffing positions at the administrative units must¹⁸:

- Have the Libyan nationality and enjoy his civil rights.
- Not be married to a foreign woman unless authorised by the competent authority.
- Must be of praiseworthy conduct and have a good reputation.
- Must not have been previously sentenced for a criminal offence or misdemeanour prejudicial to honour or security unless he has been rehabilitated.
- Must not have been dismissed from the employment by a final disciplinary decision, unless the period for erasing the sentence has passed.

¹⁵ Article 67 of Law No. 12 of 2010 on the Promulgation of the Labour Relations Act.

¹⁶ Article 82 of Law No. 12 of 2010 on the Promulgation of the Labour Relations Act.

¹⁷ Article 81 of Law No. 12 of 2010 on the Promulgation of the Labour Relations Act.

¹⁸ Article No. 128 of Law No. (12) of 2010 promulgating the Labour Relations Law.

- Must not be less than 18 years of age.

Within the legislation, one of the grounds for employment termination is to marry an employee with a foreign woman without authorisation. In addition to reasons enumerated in Article 42 of this Law, **the employee's service is terminated for one of the following reasons**¹⁹:

- Dismissal based on a disciplinary decision.
- Loss of Libyan nationality.
- Marriage to a foreign woman, unless authorized by a legally competent authority.
- The employee has received poor and average grades on his efficiency report, twice and thrice respectively during his years of service.
- End of secondment without the employee returning to his substantive post.
- Voluntary retirement after twenty years of service.

2. Absolute restrictions

According to these restrictions, Libyans married to foreigners are prohibited from holding public positions, and there is no exception that allows these restrictions to be bypassed. This includes working in the Internal Security Service.

Law No. 6 of 2023 regulating the reorganisation of the Internal Security Service stipulates the conditions to work within the Internal Security Service and provides the "conditions to be appointed within the Service:

- To have Libyan nationality of origin from Libyan parents who have that nationality without naturalisation.
- Not to be married to a non-Libyan woman".²⁰

2. The Right to Marriage

The General Principle

The General People's Committee for Social Affairs shall be responsible for granting nationals permissions of marriage to Arabs and foreigners in accordance with the legislation and regulations in force.²¹

The rules of marriage to non-nationals are governed by Law no. 15 of 1984 and its amendments.

The Law prohibits, from the date of its entry into force, marriage between Libyans and non-Libyans, except in the circumstances stipulated by this Law per se.²²

The provisions of this Law shall be applicable without prejudice to other requirements adopted in the current legislation to prove the validity of the marriage contract.²³

¹⁹ Article 172 of Law No. 12 of 2010 on the Promulgation of the Labour Relations Act.

²⁰ Article 10 of Law No. 6 of 2023 on the reorganisation of the Internal Security Service.

²¹ Paragraph 17 of "6. The General People's Committee for Social Affairs", Decree No. 2 of 2009 of the Secretariat of Non-Basic Popular Congresses on Amending Certain Provisions of Decree No. 1 of 1375 (after the death of the Messenger) Concerning the Rules of Procedure of the People's Congresses and People's Committees.

²² Article 1 of Law No. 15 of 1984 on the Rules of Marriage between Libyans and non-Libyans.

²³ Article 6 of Law No. 15 of 1984 on the Rules of Marriage between Libyans and non-Libyans.

Permission to Marry a Foreign Woman

The General People's Committee for External Security may, for strong reasons deemed justifiable, authorize Libyan men and women to marry a foreigner, after examining the marriage application submitted by the person wishing to get married, in which he/she states the reasons and justifications for this marriage. The application shall be submitted to the competent People's Committee, which would then refer it to the General People's Committee for External Security, together with its recommendation. The marriage permit can only be issued if the applicant is not already married or divorced.²⁴

Marriage to Arabs

Libyans may marry a person of an Arab nationality, subject to obtaining permission to do so from the People's Committee for Social Security at the municipality of the district in which the applicant resides.²⁵

Marriage Permit

Permits provided for in articles 2 and 3 of this Law may only be issued after conducting a social research by the People's Committee for Social Security, at the municipality of the district in which the Libyan applicant resides, in addition to other conditions stipulated by this Law.²⁶

Documentation, Validation and Registration of Marriage Contracts Concluded Abroad

Documentation, validation and registration of Libyans' marriage contracts concluded abroad may not be in contravention of the provisions of this Law and may be done only after the issuance of the permit provided for in the legislation in force.²⁷

Marriage contracts concluded in contravention of the provisions of the law cannot be invoked before the public authorities. These contracts are devoid of legal consequences from the standpoint of the employer or other People's Committees.²⁸

Required Forms, Papers and Documents

Forms, papers and documents required to accept applications pertaining to marrying foreigners are determined according to a decree by the General People's Committee for External Security. The General People's Committee for Social Affairs shall specify forms, papers and documents required in order to accept applications pertaining to marrying Arabs.²⁹

The Libyan Families Support Grant

The Libyan law requires to disburse a grant to every Libyan family, stipulating that "each Libyan family will be disbursed a grant in the amount of 50.000 Libyan Dinars (fifty thousand Libyan Dinars), provided that the disbursement is in accordance with the Family Register or the administrative statement on the family

24 Article 2 of Law No. 15 of 1984 on the Rules of Marriage between Libyans and non-Libyans. According to article 3 of Law No. 2 of 1985 on adding certain competences to the Secretariat of Justice, the General People's Committee for External Security was abolished and replaced by the Secretariat of Justice which will be fulfilling all of its functions and competences.

25 Article 3 of Law No. 15 of 1984 on the Rules of Marriage between Libyans and non-Libyans.

26 Article 4 of Law No. 15 of 1984 on the Rules of Marriage between Libyans and non-Libyans.

27 Article 5 of Law No. 15 of 1984 on the Rules of Marriage between Libyans and non-Libyans.

28 Article 8 of Law No. 15 of 1984 on the Rules of Marriage between Libyans and non-Libyans.

29 Article 7 of Law No. 15 of 1984 on the Rules of Marriage between Libyans and non-Libyans. According to article 3 of Law No. 2 of 1985 on adding certain competences to the Secretariat of Justice, the General People's Committee for External Security was abolished and replaced by the Secretariat of Justice which will be fulfilling all of its functions and competences.

status issued by the competent authority in compliance with the law".³⁰

The only restriction imposed by the law on the disbursement of this grant is the following: "Anyone receives a husband's or wife's grant in accordance with the Marriage Support Fund Law shall be exempted from the provisions of this law".³¹

The revenues of the Marriage Support Fund consist of a fee of 50 Libyan Dinars for each marriage contract between a Libyan man and a Libyan woman and of 500 Libyan Dinars for each marriage contract in which one of the parties is a foreigner.³²

The children of Libyan women married to non-Libyans

The Libyan law stipulates that the children of Libyan female citizens married to non-Libyan shall enjoy all the rights enjoyed by Libyan citizens, including free healthcare treatment and education at home, admissions to Libyan schools abroad and other rights of Libyan citizens.³³

The law also stipulated that the children of Libyan female citizens married to non-Libyans are exempted from the requirement to obtain a visa upon their arrival to the State of Libya. Foreign spouses of Libyan female citizens are also exempted from the requirement to obtain a visa before traveling and are limited to an entry visa upon arrival. Libyan embassies and consulates abroad are also obligated to provide them with all services as for Libyan citizens.³⁴

3. Right to Education

Basic Education

Basic education from the first to ninth grade is compulsory and free for all citizens. The public secondary education is also free. The basic education from the first to ninth grade is also free for non-Libyans and tuition fees at the secondary level for non-Libyans are issued by a decision of the Minister of Education on the proposal of the Director of the Secondary Education Department.³⁵

Foreign students (non-Muslims) may, upon written request from their guardian, be exempted from studying the Islamic education course and from taking the course's exam. It is also permissible to exempt people with special needs from courses that do not suit their abilities. A decision defining these courses shall be issued by the Minister of Education.³⁶

When awarded scholarships or accompanied by guardians permanently or temporarily residing in the State of Libya for a period of no less than one academic year, non-Libyan pupils and students may take the transfer and certificate exams for the secondary education stage and they may be subject to the same conditions and regulations applicable to Libyan pupils and students, taking into consideration the provisions specific to foreign pupils and students.³⁷

30 Article No. 1 of Law No. 6 of 2021 regarding a support grant for Libyan families.

31 Article No. 3 of Law No. 6 of 2021 regarding a support grant for Libyan families.

32 Article No. 4 of Law 5 of 2019 regarding the establishment of the Marriage Support Fund.

33 Decree No. 902 of 2022 imposing some provisions related to the children of Libyan women married to non-Libyan men.

34 Article No. 2 of Decree No. 902 of 2022 stipulating some provisions related to the children of Libyan women married to non-Libyans.

35 Article No. 5 of the regulation regulating public education affairs attached to the National Unity Government Cabinet Decree No. (1013) of 2022 AD.

36 Article No. 90 of the regulations regulating public education affairs attached to the National Unity Government Cabinet Decree No. (1013) of 2022 AD.

37 Article No. 93 of the regulations regulating public education affairs attached to the National Unity Government Cabinet Decree No. (1013) of 2022 AD.

University Education

Law No. 2 of 2018 regulates all matters related universities and university education in Libya. The law establishes a general principle in university education according to which “students are considered components of the university and pillars of the basic educational process, they join university to obtain one of the academic degrees mentioned in Article 5 of this Law”.³⁸ According to this principle, the Libyan university law did not differentiate between Libyan and foreign students in university rights.

The law does not impose any obligations on foreign students applying to study at the bachelor’s level in Libyan universities other than the condition of legal residency on Libyan territory. The law also stipulates that “In addition to the conditions set by the University Council, whoever applies to join the university for the first university level to obtain a bachelor’s degree must be:

- Have a high school diploma or equivalent.
- Not have a criminal record.
- Not have been dismissed from another university for disciplinary reasons.
- Successfully pass the competency and aptitude test.

If the applicant is a non-Libyan, the applicant must, in addition to the above, meet the conditions of residence in Libya and pay the expenses of his studies and the feed prescribes in accordance with the regulations in force within the universities, without prejudice to the rules of the agreements signed in this regard. In any case, admission shall only be granted on the basis of the capacity of the colleges and scientific departments.³⁹

The law stipulates the same provisions for foreign students applying to postgraduate studies. The law stipulates that “In addition to the general conditions stipulated in Article 12, those applying for postgraduate education shall:

- Possess a bachelor’s or bachelor’s degree or their equivalent from an accredited university with a grade of good or two and a half points out of at least four points according to the approved evaluation system.
- Hold a master’s degree from an accredited university for applicants for a doctoral degree.
- Be full-time while studying courses.
- Have a good conduct and good reputation.
- Not have been dismissed from another university for disciplinary reasons.
- It is permissible to conduct a differentiation examination if the number of applicants exceeds the capacity of the specialisation in which one is applying.

If the applicant is a non-Libyan, he or she shall meet the conditions of residence in Libya and pay the expenses of his or her studies and fees prescribed in accordance with the rules and regulations in force at the universities, without prejudice to the rules of reciprocity stipulated in the relevant conventions.⁴⁰

The Libyan Law on universities stipulates that university degrees issued by foreign universities recognised in Libya enable students to transfer from one university to another. The Law also stipulates that “students may move from one university to another inside Libya, or from a recognised university abroad, provided that they successfully completed at least 50% of the accredited hours in the university to which they are

38 Article No. 124 of Law No. 2 of 2018 regarding universities.

39 Article No. 125 of Law No. 2 of 2018 regarding universities.

40 Article No. 132 of Law No. 2 of 2018 regarding universities.

transferred. The executive regulation of this law defines the other conditions, mechanisms, and controls for the transfer.”⁴¹

The admission pre-graduate level, in addition to the general conditions for admission of students stipulated in the Regulation on the Organisation of Higher Education annexed to Decision no. 510 of 2010, requires the following:

- Applicants must hold a secondary school certificate of scientific specialisation from public or private schools accredited by the competent authorities or equivalent, as recognised by the authority responsible for accrediting the certificates and according to the rules set forth in this Regulation.
- The University Council determines the success rate in secondary school for admission to the preparatory phase.
- When accepting to study at a university, the international student must provide proof of habitual residence in Libya.
- Foreign students receiving scholarships shall be accepted in accordance with the terms of the agreements concluded between the State of Libya and other States and the regional and international organisations to which they belong.
- The requested documents shall be submitted in original and approved by the competent entities to the registrar of the preparatory stage at the university according to the dates specified by the university administration.
- Students are accepted into the pre-graduate level at the beginning of the fall or spring semester, as determined by the University Council⁴².

4. Related Rights

“The State shall safeguard Human Rights and fundamental freedoms, endeavour to join regional and international declarations and covenants which protect these rights and freedoms and strive for the promulgation of new covenants which recognize the dignity of man as God’s representative on earth”.⁴³

The Right of Asylum

The State shall guarantee the right of asylum by virtue of the law. The extradition of political refugees shall be prohibited.⁴⁴

The Right of Legal Recourse and Presumption of Innocence

No offense may be established, or penalty inflicted unless based on a text of the law. The accused shall be presumed innocent until proven guilty in a fair trial, in which the guarantees to defend himself shall be safeguarded. Each and every citizen shall have the right to seek legal remedies in accordance with the law.⁴⁵

The right of legal recourse is inviolable and guaranteed to all. Every citizen shall have the right to resort to his natural judge. The State shall ensure the proximity of the courts to the parties and the quick determination of lawsuits. Legal provisions exempting any administrative decision from review by the courts shall be prohibited.⁴⁶

41 Article No. 127 of Law No. 2 of 2018 regarding universities.

42 Decree No. 1465 of 2022 regarding the adoption of the regulations governing the preliminary stage in Libyan universities.

43 Article 7 of the 2011 Constitutional Declaration.

44 Article 10 of the 2011 Constitutional Declaration.

45 Article 31 of the 2011 Constitutional Declaration.

46 Article 33 of the 2011 Constitutional Declaration.

The Right to Legal Counsel

A department shall be established at the Secretary of Justice, entitled “the Popular Advocacy Department”. The headquarters of this department, considered one of the judicial bodies and governed according to the provisions of this Law, shall be Tripoli.⁴⁷ The Popular Advocacy Department shall consist of several branches and offices. It has a branch at the seat of each court of appeal that assumes relevant competencies, and offices at each court of first instance, outside the branch, with the possibility of creating other offices at the headquarters of the subordinate courts, based on a decree by the General People’s Committee on Justice and upon the proposal of the head of the department.⁴⁸

Foreign nationals shall have the right to seek legal counsel through the branches and offices of the department, in exchange for a fee determined in the executive regulation of this Law. The Secretary of the General People’s Committee on Justice can, as per the request of the president of the department or the stakeholders, reduce or waive the fees, if warranted.⁴⁹ The branch or office concerned cannot pursue such action or launch any other legal proceedings until the stakeholders pay due fees, in accordance with the provisions of this regulation, unless he/she was exempted from doing so.⁵⁰

Subject to the provisions of Article 4 of Law No. 87 of 1971 on Administration of Justice Cases, **national and foreign companies and facilities shall have the right to seek legal counsel through the branches and offices of the department**, in legal actions which they bring on others or which are brought against them, in exchange for a fee determined in the executive regulation and after paying necessary court fees.⁵¹ The branch or the office concerned cannot pursue such action or launch any other legal proceedings until the stakeholders pay due fees, at each level of litigation, in accordance with the provisions of this regulation.⁵²

A lawyer who does not hold an Arab nationality may plead before the court according to the level conferred to him/ her in his/her country, on individual cases and upon a special permission from the Secretary of the General People’s Committee on Justice. When granting permissions, the Secretary shall take into account the principle of reciprocity. The participation of a member of the Public Advocacy Department is deemed necessary.⁵³ The president of the branch or office entrusts one of the members with examining the claim and resolving the conflict amicably, with the agreement of all parties involved. Should this not be possible, the said member shall bring the case, on behalf of the claimant, before the competent judicial body. The president of the branch or the office shall designate another member to represent the other party to the case, as per his request, and to defend his viewpoint and rights based on the documents and information available. Furthermore, the branch or the office shall initiate all legal proceedings, including appeals, and implement the judgements on behalf of the person it represents.⁵⁴

The branch or office shall cease any act of representation of individuals upon the dissolution of the conflict or at their request. If the parties concerned decide to resolve the conflict without the knowledge of the

47 Article 2 of Law No. 4 of 1981 on the Establishment of the Public Advocacy Department.

48 Article 3 of Law No. 4 of 1981 on the Establishment of the Public Advocacy Department. For the creation of offices, see the General People’s Committee Decree No. 425 of 1981 on the Establishment of Offices of Public Advocacy and Decree of the General People’s Committee on Justice No. 545 of 1981.

49 Article 10 of Law No. 4 of 1981 on the Establishment of the Public Advocacy Department. Decree of the General People’s Committee on Justice No. 417 of 1982 concerning the Amendments of Some Provisions of the Executive Regulation of Law No. 4 of 1981 on the Establishment of the Public Advocacy Department.

50 Article 13 of the Decree of the General People’s Committee on Justice of 1981 concerning the Executive Regulation of Law No. 4 of 1981 on the Establishment of the Public Advocacy Department.

51 Article 9 of Law No. 4 of 1981 on the Establishment of the Public Advocacy Department.

52 Article 14 of the Decree of the General People’s Committee on Justice of 1981 concerning the Executive Regulation of Law No. 4 of 1981 on the Establishment of the Public Advocacy Department.

53 Article 27 of Law No. 4 of 1981 on the Establishment of the Public Advocacy Department.

54 Article 11 of Law No. 4 of 1981 on the Establishment of the Public Advocacy Department.

department, they must notify the competent branch or office.⁵⁵

A member of the department cannot recuse himself from proceedings or cases he/she brings, except on grounds sent in writing to the president of the department, or the affiliated branch or office. If the president is satisfied with the explanation, he/she has to designate another member to take over the cases that were under the responsibility of the member who recused himself.⁵⁶

The required fees, stipulated in Articles 13 and 14 of this regulation, are determined according to a decision issued by the president of the department, who shall take into account the type of the lawsuit as well as efforts required to bring it to the court and plead in its favour.⁵⁷

The request to seek legal counsel from the branch or the office must be submitted as follows:⁵⁸

- For Libyan citizens, according to the form designated for this purpose.
- For non-Libyan citizens, according to the form designated for this purpose.
- For national companies and facilities as well as foreign and international parties, according to the form designated for this purpose.

The lawyer in question cannot initiate a case, plead, or follow the execution of the rulings issued, except upon a request submitted by the parties concerned, based on one of above-mentioned forms.

All other forms required, in the context of working at the Public Advocacy Department, shall be issued based on a decision by the president of the department.

Rights of the Child

A child shall mean every person under 16 years of age, including the foetus in the mother's womb.⁵⁹

Custodial sentences may be suspended in cases of pregnant and lactating women for a term not exceeding one year after the delivery, except when the punishable offence affects the security of the State. In all cases, health conditions that are adequate for pregnant and lactating women must be provided in prisons.⁶⁰

The community guarantees, through the institutions it created, the right to full residential care for children who have no guardian.⁶¹

Children of unknown parentage shall be given full trinomial names and registered in a special register at the office of the civil registrar. They shall have the right to receive personal IDs, passports and family record booklets, without the requirement of concluding a marriage contract.⁶²

Child labour is prohibited in any occupation, except for the purpose of teaching the child a craft and at the request of the child.⁶³

55 Article 12 of Law No. 4 of 1981 on the Establishment of the Public Advocacy Department.

56 Article 40 of the Decree of the General People's Committee on Justice of 1981 concerning the Executive Regulation of Law No. 4 of 1981 on the Establishment of the Public Advocacy Department.

57 Article 18 of the Decree of the General People's Committee on Justice of 1981 concerning the Executive Regulation of Law No. 4 of 1981 on the Establishment of the Public Advocacy Department.

58 Article 16 of the Decree of the General People's Committee on Justice of 1981 concerning the Executive Regulation of Law No. 4 of 1981 on the Establishment of the Public Advocacy Department.

59 Article 1 of Child Protection Act No. 5 of 1998

60 Article 3 of Child Protection Act No. 5 of 1998

61 Article 7 of Child Protection Act No. 5 of 1998

62 Article 8 of Child Protection Act No. 5 of 1998

63 Article 10 of Child Protection Act No. 5 of 1998

Some of the additional aspects to protect children, whether nationals or foreigners, are:

- Minors incapable of discernment - i.e. under seven years of age⁶⁴- have no right to dispose of their assets. All transactions concluded in this regard are deemed void.⁶⁵
- **The transactions of a minor capable of discernment - i.e. aged 7 and above⁶⁶ - are deemed valid if they are entirely to his/her advantage, and invalid if they are entirely to his/her disadvantage.** Transactions, which are a combination of advantages and disadvantages, may be invalidated in the interests of the minor, although the right to invoke their invalidity lapses if they are authorized by the minor after he/she attains the age of majority or if they are authorized by his/her guardian or the court, as the case may be.⁶⁷

5. Related Freedoms

Fundamental Freedoms

The State shall safeguard Human Rights and fundamental freedoms, endeavour to join regional and international declarations and covenants which protect these rights and freedoms and strive for the promulgation of new covenants which recognize the dignity of man as God's representative on earth.⁶⁸

Freedom of Worship

The government shall guarantee for non-Muslims the freedom to practice their religious rituals.⁶⁹

Freedom of Opinion and Expression

The State shall guarantee the freedom of opinion, individual and collective expression, freedom of scientific research, freedom of communication, freedom of the press, media, printing and editing, freedom of movement, freedom of assembly, freedom of demonstration and peaceful sit-in in accordance with the law.⁷⁰

Freedom of Association

The State shall ensure freedom of establishing political parties, associations and other civil society organizations, and shall adopt a statute for their regulation. Secret or armed associations or societies in conflict with public order or public morals or threatening, in any other way, the State or the integrity of the national territory shall be prohibited.⁷¹

Resolution No. 5 of 2023 regarding the establishment of controls for the registration, recording and publicity of local and foreign non-governmental civil society organisations permitted the establishment and formation of foreign civil society organisations on the Libyan territory.⁷²

Regarding associations, the State of Libya created a "Commission for Civil Society Organizations", to

64 Article 3 of Law No. 17 of 1992 on the Regulation of the Situation of Minors and Those of Equivalent Status

65 Article 4 of Law No. 17 of 1992 on the Regulation of the Situation of Minors and Those of Equivalent Status

66 Article 3 of Law No. 17 of 1992 on the Regulation of the Situation of Minors and Those of Equivalent Status

67 Article 5 of Law No. 17 of 1992 on the Regulation of the Situation of Minors and Those of Equivalent Status

68 Article 7 of the Constitutional Declaration of 2011

69 Article 1 of the Constitutional Declaration of 2011

70 Article 14 of the 2011 Constitutional Declaration

71 Article 15 of the 2011 Constitutional Declaration.

72 Part Two: Foreign Non-Governmental Organizations of Resolution No. 5 of 2023 regarding the establishment of controls for the registration, recording and publicity of local and foreign non-governmental civil society organisations

strengthen the work of civil society.⁷³

Law No. 5 of 2011 was issued regarding the establishment of the National Council for Public Liberties and Human Rights. One of the most important responsibilities of the Council is to follow-up of the human rights situation in the Libyan state, and address violations that may affect human rights. The law did not differentiate between Libyan residents and foreigners in this regard. The law stipulated "In order to achieve its objectives, the Council shall undertake the following⁷⁴:

- Develop a national action plan to enhance the protection of public freedoms and human rights in Libya in cooperation with civil society human rights bodies and propose means for achieving this plan to the relevant authorities.
- Propose the issuance of any legislation in the field of protecting public freedoms and human rights and submit recommendations to the competent authorities in everything that would achieve this, as well as consulting and providing advice to the security services and the Ministry of Justice in this regard as needed.
- Encourage, assist, support and protect civil rights bodies.
- Provide the necessary opinion, proposals, and recommendations on matters related to the protection and promotion of human rights that are presented to it or followed by the competent authorities, bodies and human rights bodies.
- Receive and investigate complaints of violations of public freedoms and human rights, refer such complaints to the competent authorities and follow up on them, or inform and assist the concerned parties in taking legal measures, or settle them and resolve them with the relevant authorities.
- Follow-up on the implementation of international conventions and treaties on public freedoms and human rights, and submit to the concerned authorities the proposals, observations and recommendations necessary for their implementation.
- Cooperate with national and international human rights organisations and bodies, thereby contributing to the realisation of the objectives of the Council and developing its relationship with them.
- Participate to Libyan delegations and international and regional meetings related to the protection of public freedoms and human rights.
- Contribute to the preparation of reports to be submitted periodically by the State to human rights committees and organs, in accordance with international conventions, and to respond to inquiries from those bodies in this regard.
- Work to spread a culture of public freedoms and human rights and to raise public awareness about them, through the use of specialised human rights bodies, institutions, and agencies concerned with in education, upbringing, media and cultural affairs.
- Hold conferences, seminars and discussion panels on topics related to public freedoms and human rights or in events related to them.
- Providing the necessary proposals to support institutional and technical capabilities in the fields of public freedoms and human rights, including technical preparation and training of workers in state institutions related to public freedoms, economic, social, and cultural rights, in order to raise their competencies.

⁷³ Cabinet Decree No. 262 on Adopting the Regulation Governing the Work of the Civil Society Commission.

⁷⁴ Article No. 8 of Law No. 5 of 2011 regarding the establishment of the National Council for Public Liberties and Human Rights.

- Issuing bulletins, magazines and publications related to the Council's objectives and powers.
- Issuing semi-annual reports on the conditions of public freedoms and human rights at the official and civil levels.
- Appealing before the judiciary any law, legislation or decision that includes a violation of public freedoms or human rights, as well as working with the legislative authority to avoid issuing any legislation that violates human rights and publishing reports on what it does in this regard.

6. Jurisdiction

Jurisdiction over Actions against Foreigners

The Libyan judiciary has the competency to examine actions filed against foreigners in the following cases:⁷⁵

- If the foreigner is a legal resident of the State of Libya and has a domicile of choice in the Libyan territories, or if he has appointed a proxy that has locus standi before the courts, or if he is pleased with the decision of the Libya courts, except for cases concerning real estate abroad.
- If the claim concerns funds available in the State of Libya, or the inheritance of a Libyan citizen, or a company that was established or went out of business in Libya, or if it is the result of a contract concluded or executed in Libya, or which was required to be executed in Libya, or if it is the result of an incident that occurred within the country.
- If the claim is related to a case already filed with Libyan courts, or to enforceable precautionary measures in the State of Libya, or to matters falling under the jurisdiction of the Libyan courts.
- Cases in which foreign courts have the competence to examine proceedings filed against Libyans, based on the principle of reciprocity.

The court may decide, at its own discretion, not to exercise its jurisdiction, whatever the case may be, if the defendant is a foreigner, and the object of the case pertains to real estate abroad, or if the defendant does not fall under the jurisdiction of the Libyan courts, in accordance with the provisions of Article 3, and does not declare his acceptance of its mandate.⁷⁶

Foreign Legal Titles and Judgments

Execution of foreign judgments: Judgements and orders issued in a foreign country may be executed based on the same conditions stipulated in the legislation of that country regarding the execution of Libyan judgements and orders on its territories.⁷⁷

Applicable legal titles issued in a foreign country may be executed based on the same conditions stipulated in the **legislation** of that country regarding the execution of applicable legal titles issued in Libya. The execution order shall be requested by a petition sent to the judge of first instance at the court designated for that purpose. The order shall not be issued except after verification that the terms and conditions pertaining to legal titles are met, in accordance with the legislation of the country of issuance, and after ensuring it does not infringe on morals and public order in Libya.⁷⁸

⁷⁵ Article 3 of the Code of Civil and Commercial Procedure.

⁷⁶ Article 75 of the Code of Civil and Commercial Procedure.

⁷⁷ Article 405 of the Code of Civil and Commercial Procedure.

⁷⁸ Article 410 of the Code of Civil and Commercial Procedure.

Provisions related to international commercial arbitration

The Libyan Commercial Arbitration Law No. 10 of 2023 was issued in conformity with international conventions establishing the legal and judicial protection of foreign arbitration awards, as well as national arbitration awards involving a foreign element.

According to the Libyan Commercial Arbitration Law, international arbitration is similar to litigation before domestic courts, but “rather than being referred to a domestic court, it is held before special arbitrators known as arbitrators.”⁷⁹

While in internal arbitration “the parties to a contract may arbitrate all or some of the disputes arising from the contracts concluded between them under an arbitration agreement or to civil and commercial obligations and exchanges within the territory of the Libyan State, subject to the provisions of chapter V” (of the Libyan Commercial Arbitration Law)⁸⁰.

The law specifies the cases in which arbitration is international. It stipulates⁸¹: “International arbitration: arbitration shall be international in the following cases:

- a. If arbitration relates to international trade.
- b. If the subject matter of the arbitration agreement is linked to more than one State.
- c. If the place of business of the parties to the arbitration agreement at the time of its conclusion is situated between different States.
- d. If one of the following places is located outside the State in which the parties have their place of business:
 1. Place of arbitration provided for in the arbitration agreement.
 2. The place of arbitration provided for in the arbitration agreement is the place of performance of the largest part of the obligations emerging from the contractual relationship.

The law defines the place of business is as follows:

- If one of the parties has more than one place of business, the place of business that is most closely related to the arbitration agreement is considered.
- If one of the parties does not have a place of business, the party is deemed to have his or her usual residence.

The law established special protection for international arbitration awards, as it stipulated that⁸² “if the dispute relates to international arbitration, the arbitration award may not be appealed except in the following circumstances:

1. If a party provides evidence that a party to the arbitration agreement does not meet any eligibility requirement.
2. The agreement is invalid in accordance with the provisions of the law applicable in the arbitration agreement or in view of the rules of international law to which the parties have subjected it if the applicable law has not been determined.
3. If the party applying for avoidance/repeal has not properly declared the appointment of an arbitrator or

⁷⁹ Article No. 1, Paragraph 13 of the Libyan Commercial Arbitration Law.

⁸⁰ Article No. 1, Paragraph 14 of the Libyan Commercial Arbitration Law.

⁸¹ Article No. 12 of the Libyan Commercial Arbitration Law.

⁸² Article No. 59 of the Libyan Commercial Arbitration Law.

the arbitrator proceedings Tor has been able to do so for a reason connected with the force majeure to defend his/her rights.

4. If the arbitration award includes a dispute that was not agreed upon in the arbitration agreement, or if it includes topics outside the scope of the agreement.
5. If the procedures for forming the arbitral tribunal or the arbitral procedures followed violate the requirements of the arbitration agreement in general, or for the chosen arbitration system, or for the law applicable in accordance with the arbitration agreement, or for the rules of the provisions of this section.
6. If the arbitration provision is contrary to the general order of private international law, the application for repeal/avoidance may not be submitted three months after the date of the receipt of the appeal against the arbitration award.

However, arbitration is not permitted in the following matters⁸³:

1. Public order.
2. Nationality.
3. Situations in which no reconciliation is permitted.

Accordingly, nationality provisions relating to Libyan citizens or foreigners are governed solely by the provisions of the Libyan Nationality Law and by the Libyan judiciary. Disputes arising therefrom may not be settled in accordance with the Arbitration Law.

Parties to an arbitration agreement must have the capacity to dispose of their rights.⁸⁴ Accordingly, if a party to the arbitration is a foreigner, reference must be made to its nationality law to determine whether or not it is legally competent and whether or not to conclude an arbitration agreement.

In terms of nationality of the arbitrator according to the Libyan Arbitration law, an arbitrator may be a foreigner, even if the internal dispute is located within Libyan territory. The law determines that “no person may be prevented by reason of his nationality from acting as arbitrator unless the parties agree otherwise”.⁸⁵ The law also provides for the criminal protection of an arbitrator, whether national or foreign, stating that “Any person who attacks an arbitrator during the exercise of his duties shall be punished by the penalties prescribed for attacking judges in the Libyan Penal Code.”⁸⁶

The law does not require the arbitrator to have Libyan nationality, stating that “the arbitrator must be a natural person of full capacity, enjoying full civil rights, independence, impartiality, and if the arbitration agreement appoints a legal person, his power is limited to appointing the arbitral tribunal”⁸⁷. Accordingly, the arbitrator may be a foreign person, even if the dispute is internal.

The law made the application of the Libyan Arbitration Law optional if the arbitration is not made on the Libyan territory. In this regard, the law stipulates that: “the provisions of this Part shall not apply unless the place of arbitration is in Libyan territory, or the parties to the dispute wish to apply the provisions of this law.”⁸⁸

83 Article No. 5 of the Libyan Commercial Arbitration Law.

84 Article No. 6 of the Libyan Commercial Arbitration Law.

85 Article No. 19, paragraph 1, of the Libyan Commercial Arbitration Law.

86 Article No. 19, paragraph 2, of the Libyan Commercial Arbitration Law.

87 Article No. 7 of the Libyan Commercial Arbitration Law.

88 Article No. 11 of the Libyan Commercial Arbitration Law.

The law stipulates that an arbitration award relating to an international dispute shall have the force of res judicata and must be implemented within Libyan territory: “The arbitral tribunal’s ruling shall be issued within the territory of the Libyan state, whether the dispute is related to internal or international arbitration, and it shall have - once it is issued - the force of a res judicata with respect to the subject matter of the dispute it has decided. The competent court must append the arbitral award in the executive form at the request of one of the parties to the dispute.”⁸⁹

The law stipulates that a foreign-language arbitration award shall be accorded the same authority as an Arabic-language one, provided that an Arabic translation is deposited with it, certified by judicial experience. The law stipulates that: “If the judgment is made in a foreign language, an Arabic translation shall be deposited with it by judicial experience. The court clerk shall prepare a record of the filing. The parties to the dispute shall obtain a copy of the record. The original copy of the judgment shall remain in the executive form within two days from the date of the filing.”⁹⁰

The law provides that foreign arbitration awards shall be enforceable in Libyan territory. It stipulates that “the foreign arbitration award shall be executed in application of the principle of reciprocity upon written request to the President of the Court of Appeal. The President of the Court shall order the execution of the arbitration award and its appendix in executive form not later than two days after the date of submission of the request.”⁹¹

7. Health Services

General Provisions

It shall be compulsory for all citizens and residents to join the health insurance scheme, by contributing to a licensed health insurance agency in Libya. In this regard, the General People’s Committee shall issue a decision, upon a proposal from the General People’s Committee for the competent sector, to determine the implementation stages of this Law, in addition to beneficiaries and services covered by such a system.⁹²

Access to medical treatment and related services in State-run hospitals, clinics and therapy units of all types and designations is the established right of each and every citizen on a basis of equality.⁹³

Any person may present himself to the competent health authorities to receive vaccinations or inoculations against diseases that require quarantine, in addition for the International Health Certificate, in exchange for a fee set by the Minister of Health, provided that this fee does not exceed one dinar.⁹⁴

Special Transit Areas may not be demarcated without the approval of the Minister of Health. Quarantine services must be provided in these areas.⁹⁵ The executive regulation of this Law regulates the following matters:⁹⁶

- Health measures to be taken upon the arrival and departure of boats, aircrafts, cars and all means of transport to any seaport or airport or any border area.

89 Article No. 15 of the the Libyan Commercial Arbitration Law.

90 Article No. 48 of the Libyan Commercial Arbitration Law.

91 Article No. 62 of the Libyan Commercial Arbitration Law.

92 Article 1 of Law No. 20 of 2010 on the Health Insurance System and its Amendments.

93 Article 50 of Law No. 106 of 1973 Issuing the Health Code and its Amendments.

94 Article 31 of Law No. 106 of 1973 Issuing the Health Code and its Amendments.

95 Article 46 of Law No. 106 of 1973 Issuing the Health Code and its Amendments.

96 Article 46 of Law No. 106 of 1973 Issuing the Health Code and its Amendments.

- Measures related to the international carriages of cargo, luggage, mail, leather products, animal products and remains.
- Measures to be taken to prevent disease outbreaks, as stipulated in Article 43 of this Law.
- Sanitary control of the transport of pilgrims during the Hajj season, including health precautions applied to pilgrims and their luggage, in addition to sanitary requirements imposed on boats and aircrafts transporting them.

Quarantine fees and fee exemptions shall be decided by a Cabinet decree. When setting these fees, consideration must be given to the importance of not exceeding the actual value of the service provided by the health authorities and respecting the terms stipulated in the International Health Regulations.⁹⁷

8. Social Security

Residents' Right to Social Security

The right to social security is a right which society guarantees to all Libyan citizens, in accordance with the terms set forth therein, together with protection for foreigners residing in Libya.⁹⁸

Individuals with Social Security Coverage

Individuals with social security coverage are:⁹⁹

First: Subscribers: These are the individuals covered by social security who are eligible to cash and in-kind social security benefits in exchange for their subscriptions:

- Partners in production facilities that apply "a system of partners" and not of hirelings.
- Public officials at public secretaries, bodies and institutions, in addition to People's Committees and all public authorities, including police officers and customs guards.
- Employees working under labour contracts.
- Self-employed workers in liberal professions or crafts, in the agricultural or industrial sectors or other businesses.
- Eligible family members of the four above-mentioned categories, in the event of the death of the worker or the pension holder who is a member of the Social Security.

Second: Individuals covered by social security who are eligible to basic allowance: They are those with no family provider, such as widows, orphans, the elderly, persons with disability and people with no or few means of livelihood, with no one to support them.

Third: Individuals covered by social security who benefit from social welfare services.

Fourth: Members of the armed forces, provided that they have a separate social security system, included in the Act on Military Pensions.

Non-Libyans residing in Libya can benefit from social security systems, within the limits set by the regulations and taking into account international conventions.

The regulations include executive rules pertaining to the different categories of individuals covered by

⁹⁷ Article 49 of Law No. 106 of 1973 Issuing the Health Code and its Amendments.

⁹⁸ Article 1 of Law No. 13 of 1980 on Social Security.

⁹⁹ Article 31 of Law No. 13 of 1980 on Social Security.

social security, in addition to terms and conditions related to the application of the legal provisions to each category.

Lump-sum Benefits for Residents

If the service or work of the individual concerned ended for any legal reason, prior to reaching the age determined in Article 13 of this law, and he was not entitled, due to the termination of his service or work, to one of the pensions stipulated in Articles 14, 17 and 18, he shall continue to receive the salary or wage he used to earn before the termination of his service or work, up until starting a new job, within the limits set and according to rules pertaining to this matter, based on a decree issued by the General People's Committee, pursuant to a proposal by the Secretariat of Social Security, the Secretariat of the Treasury and the Secretariat of the Public Service.¹⁰⁰

If the person covered by social security is a non-national residing in the State of Libya for the purpose of work, and his service or work has ceased for reasons other than those mentioned in Articles 13, 14, 17 and 18 of this law, he shall receive for the period of his service or employment a lump-sum benefit that takes into account the duration of his work or service. The regulation and calculation of this benefit shall be detailed in the executive regulations, provided that such period is not included in the calculation of periods of time adopted in social security agreements, which are concluded between Libya and the home country of the person covered by social security.¹⁰¹

9. Annual Fees

Education-Related Fees

Libyan universities may accept foreign students not enrolled in scholarship programs provided that they pay tuition fees- which do not include costs of living and residing in university dorms or any other education-related fee¹⁰². Tuition fees are as follows:¹⁰³

University Degree	Fees (USD)
Human Sciences	5000
Applied Sciences	6000
Engineering	7000
Medicine	8000
Master's Degree	10000
PhD	12000

Foreign students may be exempted from fees based on the principle of reciprocity, or as a requirement of public interest, based on a decision of the Minister of Education.¹⁰⁴

¹⁰⁰ Paragraph 1 of Article 38 of Law No. 13 of 1980 on Social Security.

¹⁰¹ Paragraph 2 of Article 38 of Law No. 13 of 1980 on Social Security.

¹⁰² Article 1 of Minister of Education Decree No. 1273 of 2018 on Tuition Fees for Foreign Students Not Enrolled in Scholarship Programs

¹⁰³ Article 2 of Minister of Education Decree No. 1273 of 2018 on Tuition Fees for Foreign Students Not Enrolled in Scholarship Programs

¹⁰⁴ Article 6 of Minister of Education Decree No. 1273 of 2018 on Tuition Fees for Foreign Students Not Enrolled in Scholarship Programs.

Annual Residency Fees

The law requires foreigners entering Libya for the purposes of residence and work to pay an annual fee of 500 dinars, or no more than 1500 dinars per family. Fees are collected by the Department of Passports, Nationality and Foreigners' Affairs, when granting or renewing residence permits. Foreigners leaving Libya are charged a similar fee if they hold no residence permit and have been staying in the country for no less than three months before leaving the Libyan territories.¹⁰⁵

Fees related to granting and renewing residence permits are included in Article 1 of Decree No. 228 of 2009 AD. These fees are set at 100 Dinars per individual.¹⁰⁶

Annual Vehicle Fees

Annual fees are also imposed on cars, buses, trucks and vehicles registered in the names of foreigners, whether natural or legal persons, as follows:¹⁰⁷

- Private and public transportation cars- light transport (3 tons and below)- buses (500 dinars)
- Heavy trucks and vehicles (1000 dinars)

Fees mentioned in the two previous items are collected by the General People's Committee on Public Security.

Transit fees are imposed on motorcycles, cars, buses and trucks passing through Libyan territories, as follows:¹⁰⁸

- a. Motorcycles (75 dinars)
- b. Private and public transportation cars (150 dinars)
- c. light transport (3 tons and below) (250 dinars)
- d. Mass transportation (buses) and heavy vehicles (350 dinars)

Vehicles listed in items (c, d) must not remain in the country for a period exceeding two weeks; otherwise, the amount of the fees shall be doubled.

In all cases, no exemption from payment of fees mentioned in this Article shall be permitted for whatever reason.

10. Tariff Exemptions

Exemptions Pertaining to Foreigners of High Rank

It shall be possible to exempt materials listed in item (1) of the previous Article from taxes and duties referred to in that Article based on a decree issued by the Secretary. This shall apply to **certain non-nationals of high rank, in accordance with the principle of international comity.**¹⁰⁹

¹⁰⁵ Article 1 of the General People's Committee Decree No. 228 of 2009 on Adopting Provisions Regarding the Fees of Certain Public Services

¹⁰⁶ Article 1 of Cabinet Decree No. 246 of 2012 on Determining the Fees of Granting and Renewing Residence Permits in Libya.

¹⁰⁷ Article 2 of the General People's Committee Decree No. 228 of 2009 on Adopting Provisions Regarding the Fees of Certain Public Services.

¹⁰⁸ Article 3 of the General People's Committee Decree No. 228 of 2009 on Adopting Provisions Regarding the Fees of Certain Public Services.

¹⁰⁹ Article 183 of Law No. 10 of 2010 on Customs.

Exemptions Pertaining to Foreign Arrivals for the Purpose of Residence

Without prejudice to exemptions stipulated by law or pursuant to agreements to which the State is a party, the following items are exempted from tariffs and other taxes and duties, provided an examination is conducted¹¹⁰: **used personal effects belonging to foreigners entering the country to reside for the first time, and for a period of not less than a year.**

Relief Consignments

Relief consignments- which include food and medical supplies, goods and other items forwarded as aid to those affected by disasters- are given a special treatment according to the Libyan legislation. Indeed, these items shall benefit from a priority of release, exemption from taxes and duties and a waiver of restrictions imposed on imports and exports.¹¹¹

110 Article 184 of Law No. 10 of 2010 on Customs.

111 Articles 163 to 169 of Executive Regulation of Law No. 10 of 2010 on Customs annexed to the General People's Committee Decree No. 593 of 1378 (After the death of the Messenger).

Section II:

Nationality and Travel Documents

1. Nationality

Legal provisions on nationality in the Libyan legislation are of three types: provisions pertaining to Libyan origins, provision on the acquisition of nationality and provisions on the loss of nationality.

Provisions Pertaining to Libyan Origins

According to Law no. 24 of 2010 on the Provisions of Libyan Nationality, “a person shall be **considered Libyan**, if he has been a regular resident of Libya since 71951/10/, did not have a foreign citizenship or nationality, and is compliant with one of the following conditions:¹¹²

- a. He/she is a Libyan born in Libya.
- b. He/she was born outside Libya, provided that one of his/her parents was born therein.
- c. He/she was born outside Libya and resided therein as a regular citizen for a period of not less than ten consecutive years before 71951/10/.

The following persons shall be considered Libyan:¹¹³

- a. Any person born in Libya to a Libyan father, if the nationality of his father has been acquired by virtue of his birth therein or by naturalization.
- b. Any person born outside Libya to a Libyan father, in which case the son’s birth has been registered within a year with the People’s Bureau or the Brethren Office abroad or with any party approved by the Secretary of the General People’s Committee for Public Security. If the person to whom this provision applies had acquired foreign nationality by virtue of birth on foreign soil, he shall not lose his Libyan nationality, but retain the right to opt for the foreign nationality that he had acquired, upon reaching the age of majority.
- c. Any person born in Libya to a Libyan mother and a father whose nationality is unknown or who is stateless, or if his parents are both unknown.
- d. Criteria pertaining to the implementation of this Article shall be specified by the executive regulation.

Any person may opt for the Libyan nationality based on the provisions of this Law, if such person is of Libyan origins, was born prior to 71951/10/ and was not a resident of Libya on the said date, provided that he complies with one of the two following conditions:¹¹⁴

- a. He was born in Libya.
- b. He was born outside Libya and his father, or his great grandfather from his father’s side was born in Libya.

Nationality Committees shall be established by a decree issued from the Secretary of the General People’s Committee on Public Security. These committees shall bear the following responsibilities:¹¹⁵

112 Article 2 of Law No. 24 of 2010 on the Provisions of Libyan Nationality.

113 Article 3 of Law No. 24 of 2010 on the Provisions of Libyan Nationality.

114 Article 4 of Law No. 24 of 2010 on the Provisions of Libyan Nationality.

115 Article 6 of Law No. 24 of 2010 on the Provisions of Libyan Nationality.

- a. Offer their justified views as to the validity of the applicants' claims of having Libyan origins, with respect to those residing in their areas of jurisdiction, pursuant to the provision of Article 4 of this Law.
- b. Receive and examine applications for Libyan nationality submitted by foreigners residing their areas of jurisdiction.

Libyan origins of applicants opting for the Libyan nationality, pursuant to the provision of Article 4 of this law, shall be established according to the following criteria:¹¹⁶

- a. Evidence provided to prove the applicant's Libyan origins shall be on the basis of legal documents demonstrating that such is the case.
- b. A decree shall be issued by the Secretary of the General People's Committee on Public Security to specify the documents required as proof of Libyan origins. In all cases, witness testimonies may not be accepted a proof of origin.
- c. The individual applying for Libyan nationality must be included in the registries of the Brethren Office or the People's Bureau in the country to which he had emigrated or in which he has settled.

A Libyan emigrant who acquires the nationality of the country he had emigrated to may recover his Libyan nationality upon presentation of the documents required as proof of his Libyan origins.¹¹⁷

Acquisition of Libyan Nationality

"Libyan nationality may be granted to those desiring to obtain it, according to a Cabinet decree (formerly known as the General People's Committee), based on a proposal from the Minister of Interior (formerly the Secretary of the General People's Committee for Public Security), if the following conditions are met:¹¹⁸

1. He is a fully competent adult.
2. He entered Libya legally, by means of a valid travel document issued by the official authorities of the country of his nationality.
3. He has been lawfully residing in Libya for a consecutive period of not less than ten years from the date of entry thereto, and has a legitimate, steady source of income.
4. He is of exemplary conduct, has never been convicted of a criminal offence or a misdemeanor against honor or security, unless they have been restored to good standing.
5. He is free of infectious or communicable diseases.
6. He may not be older than fifty years of age at the time of submitting the application.

The executive regulation added certain conditions that the applicant for naturalization should meet, in particular:

- The person in question undertakes to reside in Libya after acquiring the nationality.¹¹⁹

The applicant has the right to include in his application his minor children who are residing with him in Libya.¹²⁰

¹¹⁶ Article 7 of Law No. 24 of 2010 on the Provisions of Libyan Nationality

¹¹⁷ Article 8 of Law No. 24 of 2010 on the Provisions of Libyan Nationality.

¹¹⁸ Article 9 of Law No. 24 of 2010 on the Provisions of Libyan Nationality; Article 4 of the General People's Committee Decree No. 594 of 2010 on Issuing the Executive Regulation of Law No. 24 of 2010 on the provisions of Libyan Nationality.

¹¹⁹ Paragraph 10 of Article 4 of the General People's Committee Decree No. 594 of 2010 on Issuing the Executive Regulation of Law No. 24 of 2010 on the provisions of Libyan Nationality.

¹²⁰ Paragraph 10 of article 4 of the General People's Committee Decree No. 594 of 2010 on Issuing the Executive Regulation of Law No. 24 of 2010 on the provisions of Libyan Nationality.

Other conditions may be added, as per the requirements of the national interest, in accordance with the executive regulation of this Law. In all cases, Palestinians may not be granted the nationality, except in the case of Palestinian women married to Libyans.

Individuals of the following categories are exempted from the conditions stated in items 2-6 of Article 9 of this Law:¹²¹

1. **Persons with special expertise and high qualifications needed in Libya.** According to the executive regulation, experts with special expertise and high qualifications needed in Libya who wish to acquire the Libyan nationality must attach to their application several documents, most importantly documents proving their high qualifications or expertise as accredited by the competent authorities.¹²²
2. Foreign women married to Libyan nationals provided that the marital relationship sustained for not less than two years before submitting the application.
3. Widows and divorced women of Libyan nationals.
4. Children who reached the age of maturity and have not been listed in their father's certificate of nationality.
5. Persons who offered significant or exceptional services for the country.

The law authorizes granting Libyan nationality to children of Libyan women married to non-Libyans, according to measures specified in the executive regulation.¹²³

According to the executive regulation, children of Libyan women married to non-Libyan can only acquire Libyan nationality after becoming fully competent adults.¹²⁴

Legal effects of naturalization: The law stipulates that: "A person obtaining Libyan nationality by naturalization, according to the provisions of this Law, shall enjoy the rights of a Libyan national and shall commit to the obligations thereof in accordance with the legislation in force, except for holding senior management positions or the role of the Secretary of Basic People's Congresses for a period of ten years as of the date of acquiring the Libyan nationality.¹²⁵

The exception can also be narrowed in terms of posts and duration.

Loss of Nationality

A person may lose the Libyan nationality if he/she voluntarily acquire a foreign nationality except if he/she has the approval of the General People's Committee for Public Security. The executive regulation specifies the measures pertaining to the implementation of the provisions of this Article.¹²⁶

A person may lose the Libyan nationality if he/she had acquired it based on false information, or fake or forged documents, or if he/she had concealed facts related to nationality. If the person deprived of nationality is the father, his children shall be treated similarly.¹²⁷

121 Article 10 of Law No. 24 of 2010 on the Provisions of Libyan Nationality.

122 Paragraph d of article 1 of the General People's Committee Decree No. 594 of 2010 on Issuing the Executive Regulation of Law No. 24 of 2010 on the Provisions of Libyan Nationality.

123 Article 11 of Law No. 24 of 2010 on the Provisions of Libyan Nationality.

124 Paragraph 1 of article 6 of the General People's Committee Decree No. 594 of 2010 on Issuing the Executive Regulation of Law No. 24 of 2010 on the Provisions of Libyan Nationality.

125 Article 16 of Law No. 24 of 2010 on the Provisions of Libyan Nationality.

126 Article 5 of Law No. 24 of 2010 on the Provisions of Libyan Nationality.

127 Article 12 of Law No. 24 of 2010 on the Provisions of Libyan Nationality.

Withdrawal of Nationality

Libyan nationality may be withdrawn from any non-Libyan who had entered Libya, pursuant to the provisions of this Law, within ten years after acquiring the nationality, in the following cases:¹²⁸

1. If the said person committed acts harmful to Libya's security or detrimental to one of its interests.
2. If the said person resided outside Libya for two consecutive years within the ten years following his naturalization, without justification deemed acceptable by the General People's Committee for Public Security.

The Decree of nationality withdrawal shall be issued by the General People's Committee, based on a proposal from the Secretary of the General People's Committee for Public Security. Such decision shall entail the revocation of all rights and effects resulting from naturalization.¹²⁹

Transitional Provisions

Law No. 29 of 2013 on Transitional Justice stipulates, regarding the revocation of certain nationality decisions, that: "a legal committee shall be created by virtue of a decree issued by the President of the General National Congress (GNC) to review decisions granting Libyan nationality. To this end, the committee may take all necessary measures, particularly by suggesting the following:¹³⁰

1. Withdrawal of Libyan nationality of all those who acquired it pursuant to decisions issued as of 15/02/2011.
2. Withdrawal and revocation of Libyan nationality of all those to whom nationality was granted for military purposes or political views under the former regime.
3. Withdrawal and revocation of Libyan nationality of all those to whom nationality was granted contrary to the provisions of the legislation in force when the granting decision was issued.

Withdrawal and revocation shall take place according to reasoned decisions of the executive authorities, in accordance with the general rules pertaining to the loss of nationality. The competent authorities shall implement decisions issued by this committee. The committee may exercise all necessary powers to achieve this objective, including challenging the constitutionality of laws and decisions according to which Libyan nationality was granted.¹³¹

2. Travel Documents

A traveller is "any person entering or exiting the State, whether or not a resident."¹³²

Legal provisions on travel documents regulate all matters related to freedom of movement and freedom of traveling.

Identification of Travel Documents

The Libyan law defines travel documents as follows:¹³³

- Regular individual passport

128 Article 13 of Law No. 24 of 2010 on the Provisions of Libyan Nationality.

129 Article 14 of Law No. 24 of 2010 on the Provisions of Libyan Nationality.

130 Paragraph 1 of Article 29 of Law No. 29 of 2013 on Transitional Justice.

131 Paragraph 2 of Article 29 of Law No. 29 of 2013 on Transitional Justice.

132 Paragraph 16 of Article 19 of Law No. 10 of 2010 on Customs.

133 Paragraph 1 of Article 1 of Law No. 4 of 1985 on Travel Documents and its Amendments.

- Regular collective passport
- Mariner passport
- Air crew passport
- Temporary travel document
- Hajj travel document
- Palestinians' travel document

Additional types of travel documents may be added, according to Libyan legislation, provided that their specifications and data do not contradict the provisions of Law No. 4 of 1985 on Travel Documents and its Amendments, nor its executive regulations and decrees.¹³⁴

Both the temporary travel document and the Palestinians' travel document shall be valid for a period of one year from their date of issuance. They shall be renewable twice, in which case they shall become valid for a period of three years from their date of issuance, provided that a shorter period of time is not stipulated upon issuance or renewal of these documents.¹³⁵

The executive regulation shall specify the cases in which temporary travel documents and travel documents for Palestinians may be granted. It shall also regulate the procedures and other relevant provisions, including setting the conditions of eligibility for receiving the said documents, the scope of their validity inside and outside Libya, as well as measures of their renewal.¹³⁶

Institutional Arrangements

The General Directorate of Passports and Nationality shall bear sole responsibility for issuing, renewing and withdrawing travel documents and conducting all activities related thereto in Libya. There matters shall be handled abroad by the Brethren Office and People's Bureau, in addition to bodies that promote Libyan interests, in accordance with the guidelines set forth in this law and the executive regulations and decrees thereof.¹³⁷

Language Adopted in Travel Documents

The information and figures of travel documents shall be written in Arabic and may be translated into a foreign language. This shall be in accordance with the terms and conditions determined by the executive regulation.¹³⁸

Validity of Regular Passports

A regular individual passport shall be valid for a period four years from its date of issuance and be renewed another time for the same period. In this case, the passport shall become valid for eight years from the aforementioned date. The passport may be valid for a shorter period of time or it may only be valid for the purpose of returning to Libya, in accordance with the terms and conditions and in the cases set by the executive regulation.¹³⁹

134 Paragraph 2 of Article 1 of Law No. 4 of 1985 on Travel Documents and its Amendments.

135 Paragraph 1 of Article 7 of Law No. 4 of 1985 on Travel Documents and its Amendments.

136 Paragraph 2 of Article 7 of Law No. 4 of 1985 on Travel Documents and its Amendments.

137 Article 2 of Law No. 4 of 1985 on Travel Documents and its Amendments.

138 Article 3 of Law No. 4 of 1985 on Travel Documents and its Amendments.

139 Article 4 of Law No. 4 of 1985 on Travel Documents and its Amendments.

Regular passports may only be issued for holders of Libyan nationality.¹⁴⁰ Names of the passport holder's wife and children may only be included if they meet the conditions set for holding Libyan nationality.¹⁴¹

Expiry of Passports

A regular collective passport shall be valid for a period not exceeding six months from its date of issuance, for one trip only. It shall be retrieved from its holder upon his/her return.¹⁴²

Upon the approval of the travel document's holder, names of his wife and children under 18 of age may be included in the regular individual passport or the temporary travel document.¹⁴³

Cases of Non-Issuance or non-renewal of Travel Documents

It is possible not to issue or withdraw the travel document from its holder in the following cases:¹⁴⁴

1. If the holder is convicted of a crime that reveals his/her lack of loyalty to the country and to the Great September Revolution.
2. If there is strong justification pertaining to public security and protection of national interests.
3. Other cases listed in the executive regulation.

Travel document fees are set as follows:¹⁴⁵

- To issue or attach a regular individual passport (10 dinars)
- To issue a regular individual passport for the replacement of a lost passport (30 dinars)
- To renew the validity of a regular individual passport (3 dinars)
- To include a person in a collective passport (1.5 dinar)
- To issue a temporary travel document (3 dinars)
- To issue a temporary travel document for the replacement of a lost document (20 dinars)
- To renew the validity of a temporary travel document (1.5 dinar)
- To issue a Hajj travel document (2 dinars)
- To issue a travel document for Palestinians (3 dinars)
- To renew Palestinians' travel documents (1.5 dinar)
- To request being listed on a regular individual passport or travel document (1 dinar) per person
- To request the amendment of certain data within a passport or a travel document (1 dinar)
- To request the translation of a travel document into a foreign language (1 dinar)

It is possible to issue temporary travel documents in Libya for the following categories:¹⁴⁶

- a. Nationals who lost or are unable to obtain passports and who are in need of a travel document due to compelling circumstances.
- b. Individuals who are listed on a collective passport and fail to return, for the purpose of returning only.

¹⁴⁰ Paragraph 1 of Article 5 of Law No. 4 of 1985 on Travel Documents and its Amendments.

¹⁴¹ Paragraph 2 of Article 5 of Law No. 4 of 1985 on Travel Documents and its Amendments.

¹⁴² Article 6 of Law No. 4 of 1985 on Travel Documents and its Amendments.

¹⁴³ Article 8 of Law No. 4 of 1985 on Travel Documents and its Amendments.

¹⁴⁴ Article 12 of Law No. 4 of 1985 on Travel Documents and its Amendments.

¹⁴⁵ Article 3 of the General People's Committee Decree No. 472 of 1985 on the Executive Regulation of Law No. 4 of 1985 on Travel Documents and its Amendments.

¹⁴⁶ Article 15 of the General People's Committee No. 472 of 1985 regarding the Executive Regulation of Law No. 4 of 1985 on Travel Documents and its Amendments.

- c. Individuals officially recognized as refugees.
- d. Stateless persons or those with no permanent nationality.
- e. Persons unable to obtain travel documents from their country for political reasons.
- f. Returnees who succeed in proving their Libyan origins and who have not received confirmation certificates of their Arab nationality.
- g. Wives and minor children (under eighteen years of age) of persons listed in c), d), e) and f), should they meet one of the required criteria to receive a temporary travel document.
- h. Competent public agencies, responsible for managing matters related to categories c), d) and e), must approve of issuing temporary Libyans travel documents for these categories.
- i. Should persons listed in categories c), d) and e), along with their wives and minor children (under eighteen years of age), wish to leave Libya definitively, temporary travel documents, which are valid for three months, may be issued for them, to be used for their departure only.

It is possible for the legislator not to issue or renew the travel document in several cases, including:¹⁴⁷

- a. If the person concerned has a criminal record according to which he/she has committed international crimes, such as drug trafficking and smuggling.
- b. If enough evidence indicates that the person concerned will be using his/her travel document to cause damage to the security and integrity of Libya, whether domestically or abroad.
- c. If it is proven that he/she cannot preserve his/her travel document.
- d. If the person concerned travels extensively with no justification, in a way that makes him neglect his family or obligations or damage his reputation or discredit his country.
- e. If he/she engages in any activity against the People's Authority or the policies of Libya.
- f. If he/she stays out of the country unjustifiably despite having received a warning to return.
- g. If he/she loses his/her Arab nationality.

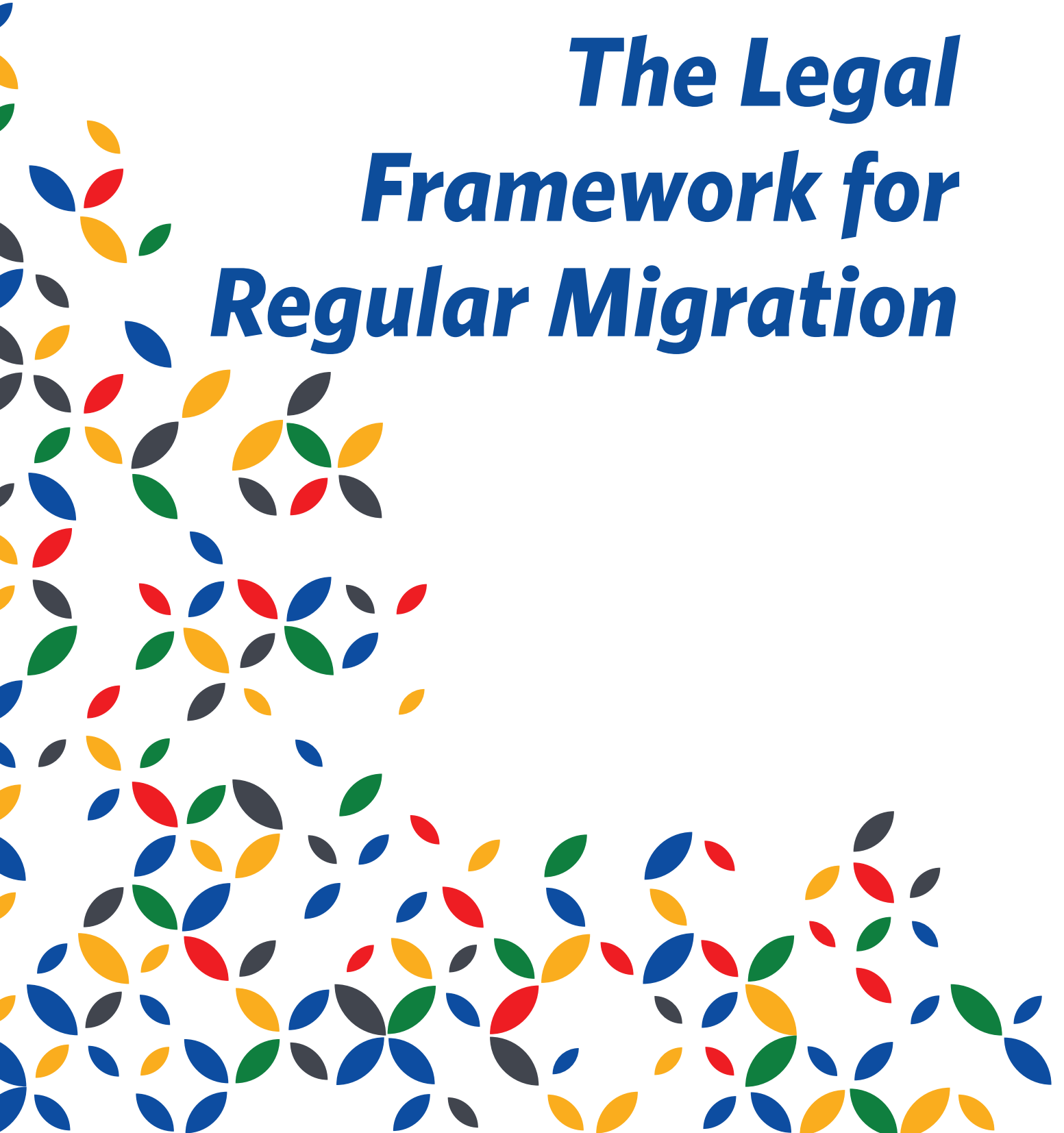
The travel document may also be withdrawn if one of the conditions referred to in the previous items is met.

In all cases, the decision to withdraw the document, or refrain from issuing or renewing it, must be based on a reasoned judgement by the director of the General Directorate of Passports and Nationality and adopted by the Secretary of the General People's Committee on Justice.

¹⁴⁷ Article 28 of the General People's Committee No. 472 of 1985 regarding the Executive Regulation of Law No. 4 of 1985 on Travel Documents and its Amendments.

2
P A R T

***The Legal
Framework for
Regular Migration***



Introduction

Legal (regular) migration in the State of Libya is governed by many legislations. Besides laws on nationality, entry and exit of foreigners, there are several migration-related provisions scattered in laws on labour, tourism, investment, taxes, customs and other relevant sectors.

Section I: General Provisions on the Entry, Residence and Exit of Foreigners

Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya includes general rules on organizing the entry, residence and exit of foreigners in Libya, in addition to the relevant executive regulation. It also includes some general and detailed rules specific to certain sectors, such as labour and tourism, or to certain categories, such as the reservation of some jobs to Libyans. The law also includes provisions related to citizens of Arab countries and countries with which Libya has concluded specific agreements.

1. Facilitation of the Entry and Exit of Foreigners

The Department of Passports, Nationality and Foreigners' Affairs shall facilitate and expedite completion of entry and exit procedures for foreigners from the approved ports. It shall **use advanced technological means** to regulate and enforce these procedures.

In order to undertake the above, the Department shall use modern recognition means, including the "electronic fingerprint", "visual recognition" and other means. Brethren offices, People's bureaus and general consulates abroad shall grant entry visas within three days of being notified of the permit by the Department of Passports, Nationality and Foreigners' Affairs, in regard to entry visas for the purpose of work.¹⁴⁸

2. Rapid Entry Visa System

Entry and exit to/from Libya of foreigners belonging to the categories stipulated below shall be organized pursuant to entry visas granted thereto at airports and other entry points in Libya:¹⁴⁹

- a. **Businessmen and investors** in various economic activities (on the basis of a letter thereof from the competent authority or from the Privatization and Investment Board, and with the relation affixed to a passport), executive directors of companies and experts
- b. **Persons arriving on the basis of an invitation from a public sector or agency.**
- c. **Diplomats**, which shall refer to members of diplomatic institutions carrying diplomatic and special passports.

¹⁴⁸ Article 5 of the General People's Committee Decree No. 212 of 2019 on Adopting Certain Provisions Related to the Entry, Residence, Exit and Work of Foreigners in Libya.

¹⁴⁹ Article 4 of the General People's Committee Decree No. 212 of 2019 on Adopting Certain Provisions Related to the Entry, Residence, Exit and Work of Foreigners in Libya.

The said facilities shall be provided to the categories stipulated in items (a), (b) and (c) on the basis of a recommendation thereof from the Foreign Liaison and International Cooperation sector in accordance with the extent to which their countries provide facilities for Libyan citizens.

The categories stipulated in this Article shall be exempted from the provisions prescribed by Paragraph (h) of Article 15 of the General People's Committee Decree No. 1063 of 1375 FDP, on the condition that they are in possession of the financial sum stipulated in Article 15 of the aforementioned executive regulation of Law No. 6 of 1987.

The aforementioned "former" General People's Committee Provision No. 212 of 2009 includes an exception that exempts Palestinians who hold diplomatic passports from acquiring an entry visa to Libya.¹⁵⁰

3. Types and Conditions of Visas

Foreigners may enter, reside in or exit the Libyan territories provided they obtain a valid visa in accordance with the provisions of this Law. It shall be issued on a valid passport or its equivalent document by a certified competent authority. It shall grant the visa holder the right to return to the issuing country.¹⁵¹

The following visas shall be granted by virtue of this law:¹⁵²

- a. Entry visa: permits entry for the purpose stated in the visa for a period that does not exceed 45 days from the date of issuance. It grants the bearer the right to stay in Libyan territory for a period of three months from the date of entry.
However, in accordance with Resolution No. 995 of 2022 regarding the residency of the Palestinian community in Libya, the Libyan law allows the residency period granted to the Palestinian community to be five years, with the right to exit and return on multiple trips.¹⁵³
- b. Transit visa: permits entry for the purpose of crossing the Libyan territories to reach the territory of another country. It grants the bearer the right to stay in Libyan territory for a maximum of 15 days from the date of entry.
- c. Exit visa: grants the bearer permission to exit the Libyan territories.
- d. Residency visa: permits the bearer to stay in the Libyan territories for the period and purpose specified therein.

Types of visas are specified as follows:¹⁵⁴

- a. Single- entry visa.
- b. Multiple-entry visa.
- c. Collective visa.
- d. Transit visa.
- e. Residency visa.

150 Article 1 of the Cabinet Decree No. 30 of 2012 on Adopting a Provision Regarding Decree No. 212 of 2009 on Adopting Certain Provisions Regarding the Entry, Residence, Exit and Employment of Foreigners in Libya.

151 Article 2 of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

152 Article 5 of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

153 Article No. 1 of Resolution No. 995 of 2022.

154 Article 11 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

The Authority Responsible for Issuing Visas

The General Directorate of Passports and Nationality shall have the competence to grant all types of visas and extend the period of stay stipulated in the visa. The President of the said directorate may entrust the People's Bureau and political representation missions abroad with granting some types of visas, as per the requirements of the public interest and diplomatic relations. He may also decide, as per the requirements of the public interest, to withhold, cease or revoke any of the visas enumerated in the previous Article.¹⁵⁵

Entry visas for the various purposes stipulated in the executive regulation of the aforementioned Law No. 6 of 1987 shall be issued by the Department of Passports, Nationality and Foreigners' Affairs. **Entry visas for the purpose of residence and work shall be issued on the basis of a permit for recruiting foreign labour issued by the Ministry of Labour and Rehabilitation in accordance with the prescribed procedures.**¹⁵⁶

Expiry Dates of Entry Visas

Entry visas are granted for the following purposes: work, tourism, visits, official service, study, family reunification.¹⁵⁷

The visa shall be valid for 45 days from its date of issuance and shall grant the bearer the right to stay in the country for 90 days.¹⁵⁸

If required, **the period of stay stipulated in entry visas for the purpose of tourism, visits and official service may be extended** upon its expiry, for a period not exceeding one month and for the purpose of traveling, upon ascertaining the absence of countervailing factors.¹⁵⁹

Multiple-Entry Visas

Foreigners may be granted valid multiple-entry visas, when their business so requires. They may also be granted multiple exit and re-entry visas if they hold a residence permit, valid for the duration of this permit. The General People's Committee for Public Security shall facilitate the process of granting entry and exit visas for the purpose of tourism and investment. As for the executive regulation, it shall determine the conditions required for granting residency permits and visas, in addition to the validity period of each document.¹⁶⁰

155 Article 13 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

156 Article 1 of the General People's Committee Decree No. 212 of 2019 on Adopting Certain Provisions Related to the Entry, Residence, Exit and Work of Foreigners in Libya.

157 Paragraph 1 of Article 12 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

158 Paragraph 2 of Article 12 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

159 Paragraph 3 of Article 12 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

160 Article 1 of Law No. 2 of 2004 on Amending some Provisions of Law No. 6 of 1987. The previous law was more restrictive in terms of periods allowed: "Foreigners may be granted valid multiple-entry visas, when their business so requires, for a maximum period of three months from the date of issuance. They may also be granted multiple exit and re-entry visas if they hold a residence permit, valid for the duration of this permit provided that it does not exceed six months. The executive regulation shall determine the conditions required for granting these visas: Article 6 of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya, before its amendment.

Multiple-entry visas shall be granted to the following categories:¹⁶¹

- a. Businessmen.
- b. Investors.
- c. Executive directors of companies and their senior assistants at the company.
- d. Experts and technicians who shall offer advice and expertise for public and private actors.
- e. Those who should be granted these visas, according to the director of the General Directorate of Passports and Nationality and after consultation with the competent authorities, for reasons of public interest or international comity.

Taking into account the provisions of Article 15 of this regulation, a person may be granted a multiple-entry visa if he/she fulfils the following conditions:¹⁶²

- a. An application from the person concerned in which he/she explains the reasons for requesting such a visa.
- b. A document attesting to the fact that the individual is an investor or a businessman, in the cases determined by a decree from the director of the General Directorate of Passports and Nationality.
- c. A letter of recommendation from the contracting authority, in the case of company executive directors and their assistants.
- d. A letter from the Secretary of the People's Committee of the relevant sector, or the head of the competent directorate, in the case of individuals affiliated to national public or private actors.

The entry visa shall be valid for two years and shall grant its bearer the right to stay in the country for a period of sixty days from its day of issuance, for each trip.¹⁶³

Collective Entry Visas

A collective entry visa may be granted to bearers of collective passports, provided that they do not exceed fifty persons and that the passport includes their photos and personal data. The executive regulation shall determine other conditions that must be met to grant this type of visa.¹⁶⁴

When granting different types of visas, the following conditions should be met:¹⁶⁵

- a. The applicant must hold a travel document issued by the competent authority. The document must be valid for a period of not less than six months and must grant its bearer the right to return to its country of issuance.
- b. The absence of any countervailing factors inhibiting the entry.
- c. A valid round trip air ticket for non-residents.
- d. A personal photo of the travel document holder and all those who require an entry visa and are included in the document.
- e. A sponsor of the individual requesting an entry visa for the purpose of work, who shall sponsor the

¹⁶¹ Article 16 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

¹⁶² Paragraph 1 of Article 17 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

¹⁶³ Paragraph 2 of Article 17 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

¹⁶⁴ Article 7 of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya

¹⁶⁵ Paragraph 1 of Article 15 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

applicant in all disputes. The said sponsor must be the employer who recruited the visa applicant.¹⁶⁶

- f. The applicant must specify his internal destination and pledge, in writing, to notify the competent authority of any potential change of his place of residence.
- g. A preliminary contract of employment accredited by the competent authority at the General People's Committee for Manpower, Training and Employment, in the case of visa applicants for the purpose of work.

Persons entering Libyan territories must, regardless of their nationality and whether or not they were exempted from visa, hold a sum of money of not less than 500 Libyan dinars in a convertible currency, to cover for the expenses of their stay.¹⁶⁷

The following categories are exempted from the measures included in the previous paragraph:¹⁶⁸

- a. Tourists traveling with an organized tour group through companies, cooperatives, travel and tourism agencies, whose living expenses are covered during their stay.
- b. Individuals who were granted a visa for the purpose of an official mission.
- c. Individuals who were granted a visa for the purpose of studying at the expense of the community.
- d. Official invitations.
- e. Reunification with a resident for the purpose of a visit, provided that the resident pledges to cover the expenses of the visitor's stay, medical treatment and any other obligation.

Tunisians and Egyptians are exempted from the requirement of holding 500 dinars in a convertible currency when entering the Libyan territories.¹⁶⁹

The director of the General Directorate of Passports and Nationality shall specify, in relevant decrees, the rules and measures for granting entry visas for different purposes.¹⁷⁰

Multiple-Entry Visas

Taking into account the provisions of Article 15 of this regulation, **a person may be granted a multiple-entry visa if he/she fulfils the following conditions:¹⁷¹**

- a. An application from the person concerned in which he/she explains the reasons for requesting such a visa.

166 (e) Visa applicants for the purposes of tourism, service and study must have enough funds in convertible currencies to cover for their expenses. Article 15 of Decree No. 247 of 1989 (revoked) on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

167 Paragraph 2 of Article 15 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya. This condition may represent a restriction especially that many people no longer depend on paper money. In this regard, a previous clause required that the following should be taken into account when granting entry visas: (e) Visa applicants for the purposes of tourism, service and study must have enough funds in convertible currencies to cover for their expenses: Article 15 of Decree No. 247 of 1989 (revoked) on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

168 Paragraph 3 of Article 16 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya. The legislator did well when he abolished the following clause: "c. Travel document information shall be translated into Arabic by the competent authority in the issuing State": Article 15 of Decree No. 247 of 1989 (revoked) on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

169 Article 1 of the General People's Committee Decree No. 15 of 2007 on Adopting an Exception to the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

170 Article 18 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya

171 Article 17 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

- b. A document attesting to the fact that the individual is an investor or a businessman, in the cases determined by a decree from the director of the General Directorate of Passports and Nationality.
- c. A letter of recommendation from the contracting authority, in the case of company executive directors and their assistants.
- d. A letter from the Secretary of the People's Committee of the relevant sector, or the head of the competent directorate, in the case of individuals affiliated to national public or private actors.

The entry visa shall be valid for two years and shall grant its bearer the right to stay in the country for a period of sixty days from its day of issuance, for each trip.¹⁷²

Residency Visas

Foreigners granted residency visas must refer to the General Directorate of Passports and Nationality, or one of its branches or offices, within one month from the visa's date of issuance to receive a residency permit. Foreigners must present this permit to any competent employee that requests it, while on duty. The employee may, if necessary, keep the permit temporarily, in exchange for a receipt given to the bearer. The executive regulation shall determine the information to be included in the residency permit and its expiry date, depending on the type of residency. The provision of this Article does not apply to foreigners who have received temporary residency visas for a period that does not exceed three months, nor to residents below sixteen years of age who are dependents to a foreigner.¹⁷³

A foreigner's legal right of residence shall be revoked if he/she leaves the Libyan territories for a period exceeding three months. Exceptions may be made to this provision as specified by the executive regulation.¹⁷⁴

Any foreigner who leaves the Libyan territories for a period exceeding three consecutive months shall hand over their residency card to the competent passport office, in exchange for a receipt. Upon their return, he must, regardless of the duration of his absence, register his name in accordance with the provisions included in item (b) of Article 8 of this Law. He must then ask for his card back.¹⁷⁵

Residency visas granted to foreigners may be revoked at any time in the following cases:¹⁷⁶

- a. If his presence poses a threat to internal or external security and integrity of the State, or its economy, public health or public morals, or if he constitutes a burden on the State.
- b. If he is convicted of a felony or a misdemeanour resulting in a breach of honour or trust or public security.
- c. If he violates conditions imposed on him upon receiving the visa.
- d. If the reason for which he was granted the visa is no longer valid.

A visa may be revoked, regardless of its expiry date, based on a decree by the director of the General Directorate of Passports and Nationality.

¹⁷² The legislator did well in extending the period which was previously limited to 3 months: Article 16 of Decree No. 247 of 1989 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

¹⁷³ Article 13 of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

¹⁷⁴ Article 14 of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

¹⁷⁵ Article 15 of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

¹⁷⁶ Article 16 of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

Work Residency Visas

Residency visas are of two types:¹⁷⁷

- a. Work residency.
- b. No-work residency granted for a purpose other than work, which shall be specified therein.

Work residency visas are granted according to the period stipulated in the employment authorization which is issued in conformity with legislations organizing the employment of foreigners, or according to an employment contract concluded pursuant to relevant laws and regulations. The said visa may be extended in accordance with the period stipulated in the renewed authorization or contract, provided that it does not stretch beyond the validity of the travel document.¹⁷⁸

Length of Residency Visas Granted

Work and non-work residency visas may be granted for the period of five years, without stretching beyond the validity of the travel document. The visa may be renewed for the same length of time, for the following categories:

- a. Individuals who legally entered and resided in Libya for a period of ten consecutive years, during which they had an uninterrupted stay in Libya.
- b. Full-time students registered in universities or at one of the educational institutions in Libya. The validity of the visa shall be determined according to the length of their university terms, with a maximum limit of ten years.
- c. Foreigners whose stay is deemed important for the interests of Libya, given certain economic or international considerations.
- d. Family members of the previous categories, such as the wife, minor children, unmarried daughters, parents, siblings and other legal dependents.
- e. Citizens' non-Libyan spouses and children.

Dependent Visas

The foreigner's wife, minor children, unmarried daughters, in addition to parents and minor siblings for which he provides shall benefit from the same residency rights granted to him.¹⁷⁹

A no-work residency visa is- subsequently- granted to the foreign resident's family members, in addition to his parents and minor siblings, if they are his dependents and reside with him. The period of validity of the visa shall be equivalent to the residency permit granted to the person they depend on. The said visa may be extended in light of the extension of the foreigner's visa, provided that this does stretch beyond the validity of their travel documents.¹⁸⁰

Residency Visa Requirements

Terms and conditions to grant residency visas are determined on the basis of a decree issued by the

177 Article 27 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

178 Article 28 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

179 Article 10 of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

180 Article 31 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

director of the General Directorate of Passports and Nationality.¹⁸¹

Residency permits are granted to foreigners who already hold a residency visa. The permit shall include the validated personal data of its holder, in addition to his photo, date of issuance and the expiry date, all printed on the form designated for that purpose. The permit application shall be submitted on the form designated for that purpose within one month from the date of issuance of the residency visa. The following categories shall be exempted from this procedure:¹⁸²

- a. Individuals who are authorized to stay for a maximum period of 3 months.
- b. Individuals below sixteen years of age who are authorized to stay as dependents on a foreign resident.

The residency permit shall be deemed valid for the same period stipulated in the residency visa granted to its bearer. It shall be renewed whenever the residency is renewed, for the same period of time.¹⁸³

Transit Visas

Transit visas are granted to foreigners who request to cross Libyan territories to reach the territory of another country, in accordance with the following conditions:¹⁸⁴

- a. The applicant must be in possession of a travel document valid for a period of at least six months, that guarantees its bearer the right to return to its country of issuance.
- b. The applicant must have an entry visa to the country of destination.
- c. Libya must be the crossing point to the country of destination.
- d. The applicant must have enough funds to cover for his stay in Libya and purchase a travel ticket to the country of destination.

The transit visa shall be valid for 45 days from its date of issuance. It shall grant its bearer the right to stay in Libya for the period stipulated in the visa, provided that it does not exceed 15 days from the date of entry.

The visa may be extended at the request of the applicant himself.

Final Exit Visas

An exit visa, valid for 30 days at least and 60 days at most shall be granted to foreigners who are in possession of a residency visa and who wish to leave the country definitely, if the following conditions are met:¹⁸⁵

- a. The applicant must submit his exit-visa application according to the form designated for this purpose.
- b. The employer must agree to the requested visa.
- c. There should be no countervailing factors preventing the applicant from obtaining the visa.
- d. The applicant must prove he paid all his financial dues.

181 Article 33 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

182 Article 34 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

183 Article 35 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

184 Article 14 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

185 Article 22 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya. The former provision excluded non-work residents who depend on a foreign resident and individuals residing for the purpose of studying at the expense of the community from meeting the condition stipulated in item (c), which is self-evident.

Exit and Re-entry Visas

Any foreigner who leaves the Libyan territories for a period exceeding three months shall hand over their residency card, with reasonable justifications, in exchange for a receipt. Upon his return, he shall register his name and ask for his card back, in the event it was still valid.¹⁸⁶

To receive an exit and re-entry visa, valid for one trip, the applicant must fulfil the following conditions:¹⁸⁷

- a. The applicant must submit his visa application according to the form designated for this purpose.
- b. The employer must agree to the requested visa.
- c. The applicant must prove he paid all his financial dues.¹⁸⁸
- d. There should be no countervailing factors preventing the applicant from obtaining the visa.

If the foreigner fails to return within the period stipulated in the visa, he shall lose his right to his residency permit, unless his visa is renewed before its expiry date.¹⁸⁹

An exit and re-entry visa, valid for one trip, for the period of 3 months from its date of issuance, shall be granted to foreigners who are in possession of a residency visa. It may be extended for the following categories, provided that this extension does not stretch beyond the period stipulated for the residency:¹⁹⁰

- a. If the foreigner is traveling for the purpose of studying.
- b. If the foreigner is traveling for the purpose of receiving medical treatment, provided that he submits the documents attesting to this reason.

Libyan Embassies (People's bureaus and political representation missions) or equivalent missions abroad **may extend the period of the exit and re-entry visa.** It may also be extended for individuals mentioned in the two previous items **for the period of six months,** should they submit documents attesting to the fact that they continue to study or to receive medical treatment, provided that it remains within the limits of the residency prerogatives granted to them.¹⁹¹

Libyan Embassies (People's bureaus and political representation missions in Arab countries) or equivalent missions abroad **may extend the period of the exit and re-entry visa, which is valid for one trip, for a maximum of one month,** at the request of the applicant, who shall submit relevant justifications, provided that he applies for the extension before the expiry of his exit and re-entry visa, and as long as his residency remains valid.¹⁹²

A multiple exit and re-entry visa shall be granted, based on a decision by the director of the General Directorate of Passports and Nationality, or his delegate, to **foreigners legally residing in Libya,** provided that it does not stretch beyond the period of the residency granted and according to the following

¹⁸⁶ Article 14 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

¹⁸⁷ Paragraph 1 of Article 19 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

¹⁸⁸ The former provision stipulated: "(c) The applicant must prove he paid all accrued his financial dues to the public authorities, or these authorities must give their approval to granting the visa": Article 20 of Decree No. 247 of 1989 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

¹⁸⁹ Paragraph 1 of Article 19 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

¹⁹⁰ Paragraph 1 of Article 20 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

¹⁹¹ Paragraph 2 of Article 20 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

¹⁹² Article 21 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

conditions:¹⁹³

- a. There should be no countervailing factors preventing the applicant from obtaining the visa.
- b. The applicant must submit a request in which he explains the reasons calling for this visa.
- c. The employer must agree to the requested visa.

Entry/Exit Points

Entry to and exit from Libyan territories shall be regulated through the following points:¹⁹⁴ (These points can be subject to many changes. Hence, it is recommended to refer to the latest changes in this regard).

- a. **Land entry/exit points :** Ras Ajdir, Musaid, Gadamis, Isine (Ghat), Thoum, Eastern Awaynat, Wazen, Assarah.
- b. **Civil Airports :** Tripoli International Airport, Benina International Airport, Sabha International Airport, Mitiga International Airport, Sirte International Airport, Ghat International Airport.
- c. **Sea Ports :** Port of Tripoli, Port of Benghazi, Port of Qasr Ahmad in Misrata, Port of Tobruk, Port of Derna, Port of Zuwara, Port of Al-Khums.
- d. **Oil Ports :** Ras Lanuf oil port, Brega oil port, Zueitina oil port, Al Hariqah oil port, As Sidr oil port. The use of oil ports is limited to professional purposes related to the oil and gas sector.

New entry and exit points may be established by virtue of Cabinet decrees (the Secretary of the General People's Committee). In addition, any of the points referred to in the previous article may be dismantled, based on a proposal from the Ministry of Interior (the General People's Committee for Public Security).¹⁹⁵

Entry to and exit from the Libyan territories can only be conducted through the points indicated in Article 1, or through any other points to be established according to the provisions of Article 2 of this decree.¹⁹⁶

Taking into account the principle of reciprocity and the provisions stipulated in international conventions of which Libya is a party, **entry of foreigners to Libyan territories shall be conducted on the basis of entry visas granted to them in accordance with the provisions of this decree.**¹⁹⁷

Collective Entry Visas

Collective entry visas may be granted to a number of people listed on a collective travel document, such as sport teams, scouting groups, tourist and scientific tours organized by specific parties, should they meet

193 Article 23 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya. The conditions were reduced in comparison with the former legal text which stipulated:

- The nature of the applicant's job must require applying for such a visa.
- The company CEO must agree to the visa, in the case of employees working at foreign companies.
- The applicant must have a recommendation from the public authority regulating the sector in which he works.
- The applicant must prove he paid all accrued his financial dues to the public authorities, or these authorities must give their approval to granting the visa.
- There should be no impediment preventing the applicant from obtaining the visa.

194 Article 1 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

195 Article 2 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

196 Paragraph 1 of Article 3 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

197 Paragraph 2 of Article 3 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

the following conditions:¹⁹⁸

- a. The number of people listed on the collective travel document should not exceed fifty.
- b. The travel document must be valid of a period of six months at least.
- c. This type of visa should be granted to teams only (athletes, artists, scouts), in addition to tourist and scientific tours organized by specific parties.
- d. Prior approval to granting the visa should be secured from the General Directorate of Passports and Nationality.

In all cases, persons who, for certain countervailing factors, cannot obtain their visa based on the collective travel document must be excluded.

4. Visa Forms and Fees

Visa Forms

The director of the General Directorate of Passports and Nationality shall issue a decision to determine the required registries, templates, cards, forms and notifications. These documents shall be printed by the General Directorate and distributed to interested individuals, in exchange for a monetary compensation, which shall be determined according to a decision issued by the director, provided that the compensation does not exceed the cost value.¹⁹⁹

The director of the General Directorate of Passports and Nationality may delegate the heads of departments, offices, branches and sections to undertake some of the competences and functions entrusted to him by virtue of Law No. 6 of 1987 and its executive regulation.²⁰⁰

Visa Fees

Visa fees are set according to the following²⁰¹:

1. Multiple exit and re-entry visa fees:
 - a. A visa valid for a maximum of six months (50 dinars)
 - b. A visa valid for more than six months (100 dinars)
2. A multiple-entry visa (100 dinars)
3. A transit visa (10 dinars)
4. Extension of a transit visa (10 dinars)
5. An entry visa for the purpose of tourism, visits, family reunion and studying (15 dinars)
6. Extension of an entry visa for the purpose of tourism, visits, family reunion and studying (15 dinars)
7. Granting a visa at the entry point (100 dinars), with the exception of arrivals for the purpose of tourism only.

198 Paragraph 2 of Article 3 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

199 Article 41 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

200 Article 42 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

201 Article 39 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

8. A residency visa for the categories included in Article 32 of this regulation (15 dinars).
9. Extension of a residency visa for the categories included in the previous item (15 dinars).
10. An entry visa for the purpose of work (50 dinars).
11. Collective entry visa (10 dinars per person).
12. A five-year work residency visa (50 dinars).
13. A five-year non-work residency visa (20 dinars).
14. A final exit visa (20 dinars).
15. An exit and re-entry visa for a period not exceeding 3 months (10 dinars).
16. Extension of the exit and re-entry visa (10 dinars).
17. Rush fees (10 dinars).
18. Registration within a week (10 dinars).
19. A residency permit (10 dinars).
20. Extension of a residency permit (10 dinars).

In all cases, the principle of reciprocity shall apply when approving and setting the amount of the fees, as well as when determining persons subject to and exempted from these fees.

Fee Exemptions

The following categories are exempted from fees referred to in the previous Article:²⁰²

- a. Minor children listed on the foreigner's passport.
- b. Guests of the State who are invited to attend meetings, seminars, conferences or the like, or who are on an official visit.
- c. Persons exempted from paying the fees under international conventions.

5. Obligations of Foreigners

Obligations of Vessel and Aircraft Captains

Upon arrival to Libyan territories or departure therefrom, vessel and aircraft captains must submit a list of the ship or airplane crew and passengers' names and personal information to the competent passport office. They must notify the office of any passenger who do not hold a valid entry or transit visa and prevent them from disembarking or boarding the vessel or airplane except with a written permission from the aforementioned office. Prior to departure, they must also report any passenger that disembarked without returning to the vessel or the aircraft, and hand over his travel document to the competent passport office. If his absence was not detected before the take off or departure, they must inform the aforementioned office, via a telegram, of his name and nationality and dispatch, by the most expeditious means, his travel document from the first airport or seaport they reach.²⁰³

202 Article 39 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya. The previous legal text exempted "children up to sixteen years of age" from paying the fees, which is a broader term than "minor children". It also provided for the principle of reciprocity: Article 38 of Decree No. 247 of 1989 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

203 Article 4 of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

General Obligations of Foreigners

Entry and exit visas may be granted to those listed on a passport only in the presence of the document holder.²⁰⁴

Foreigners subject to the provisions of this Law must:²⁰⁵

- a. Respect the system and the laws in force in Libya.
- b. Refer to the nearest passport authority to register within seven days of their arrival date. Present the relevant information and documents for themselves and their family members who are granted entry visas as dependents, on the form designated for this purpose.
- c. Provide information requested of them, by the dates specified for them. They must also report the loss, damage, or expiration of their travel documents.

Obligations of Persons Who Shelter or House Foreigners

Anyone who shelters or houses foreigners in any way must provide information regarding the foreigner and his/ her companions within 48 hours of the sheltering or housing to the nearest passport office or local public security station. This shall be done on the form designated for this purpose. The police station or local public security station must notify the nearest branch or passport office of this update.²⁰⁶

Similarly, **notification of their departure** shall be done on the form designated for this purpose. The competent passport office must take all necessary measures, in accordance with the guidelines determined by the head of the General Directorate of Passports and Nationality.²⁰⁷

Respecting the Purpose of the Visa

Foreigners authorized to the enter or reside for a specific purpose may not violate this purpose without obtaining prior written authorization from the General-Director of Passports and Nationality or his delegate.²⁰⁸

Taking into consideration the provisions of Article 11 of the aforementioned Law No. 6 of 1987, **foreigners who enter the country with a non-work entry visa may not engage in any work throughout their stay in Libya. The General Directorate for Passports and Nationality must stamp all travel documents belonging to this category with the phrase: "may not work, with or without a remuneration".** As an exception, this category may engage in employment.

After obtaining the approval of the competent directorate at the Secretariat of the General People's Committee for Manpower, Training and Employment, and regulate its status for this purpose at the General Directorate of Passports and Nationality.²⁰⁹

Anyone who employs a foreigner must provide a statement thereof to the competent passport office either directly or through the registered postal service within seven days of the foreigner's employment.

204 Article 26 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

205 Article 4 of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

206 Article 9 of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

207 Article 38 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

208 Article 11 of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

209 Article 43 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

The aforementioned office shall be notified of the completion of his service within the same period.²¹⁰

Foreigners who were granted visas for the purposes referred to in Article 4 of this decree (businessmen, investors, diplomats and visitors invited by a public authority) may not violate the conditions of their visas or use them for a different purpose. The Department of Passports, Nationality and Foreigners' Affairs may take the legal measures it deems suitable to control these infringements, revoke visas and inflict legal penalties on those who violate the conditions of their visas.²¹¹

Registration of the Foreigner's Place of Residence

All foreigners entering and residing in Libya must refer to the nearest passport authority to register and inform of their place of residence, within seven days of their arrival date, with the exception of tourists who wish to reside for not more than the period mentioned in the paragraph above (seven days).²¹²

Anyone who shelters or houses foreigners in any way must notify the nearest passport office **within 48 hours** regarding the foreigners residing at his house, then notify the office again at their departure on the form designated for that purpose. The competent passport authority shall take all necessary measures in this regard, in accordance with the rules set by the director of the General Directorate of Passports and Nationality.²¹³

Obligations Pertaining to Exceptional Circumstances

Foreigners who, on the grounds of force majeure, are compelled to enter the country through entry points other than those legally listed in Article 1 of this regulation, may have their status regulated **after the approval of the director of the General Directorate of Passports and Nationality.**²¹⁴

Exit and re-entry visas may be granted to those who fail to obtain residency, provided that they settle their status after returning, at the earliest, and present justifications deemed acceptable to the director of the General Directorate of Passports and Nationality.²¹⁵

6. Foreigners Barred from Entering/Exiting Libya

Foreigners Barred from Entry

Entry visas are withheld from the following categories of foreigners:²¹⁶

- a. Those against whom deportation orders were issued, in accordance with the provisions of Article 17 of

210 Article 12 of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

211 Article 6 of the General People's Committee Decree No. 212 of 2019 on Adopting Certain Provisions Related to the Entry, Residence, Exit and Work of Foreigners in Libya.

212 Article 37 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

213 Article 38 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

214 Article 45 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

215 Article 24 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

216 Article 4 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya. The previous legal text- Article 4 of Decree No. 247 of 1989 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya- barred foreigners who held travel documents issued by the occupation State from entering Libya, in addition to those who had entered the occupation State: (c) Individuals holding travel documents issued by the occupying Zionist authorities in occupied Palestine or documents proving they entered therein."

the aforementioned Law No. 6 of 1987.

- b. Those who have a clearly established link with crime, international terrorism or smuggling, or who belong to organizations or entities hostile to freedom.
- c. Those holding travel documents issued by the occupying Zionist authorities.

Foreigners Barred from Leaving

Foreigners of the following categories are barred from leaving Libyan territories:²¹⁷

- a. Those whom a competent judicial authority prevents their departure, on the basis of a written order.
- b. Those whose departure will disrupt public security or the national economy, according to a clearly established link.

Reasons for Barring Foreigners and Their Personal Data

Authorities that request to bar the entry/exit of foreigners **must provide the General Directorate of Passports and Nationality with reasons for their decision, in addition to the complete data regarding the person** whose entry or exit is denied, including:²¹⁸

- a. Full name with the title, using the Arabic and Latin alphabet, depending on the nationality of the person concerned.
- b. Nationality.
- c. Profession.
- d. Place and date of birth.
- e. Number of the travel document, date and place of issuance and expiry date.
- f. Distinctive features and a personal photo of the person concerned.

Authorities that request to bar the entry/exit of foreigners **must review their registries on an annual basis and notify the General Directorate of Passports and Nationality of whether the barring decision still stands or not.** Refraining from abiding by this procedure shall lead to taking measures to lift the barring decision, as deemed appropriate by the General Directorate of Passports and Nationality.²¹⁹

Lists of Foreigners Barred from Entry/Exit

Lists of names of foreigners barred from entering/exiting the Libyan territories shall be prepared in Arabic. Names shall be written using the Latin alphabet, in alphabetical order. The lists shall include all data of the person concerned, disaggregated by different features. Copies thereof shall be distributed to entry/exit points, in addition to People's bureaus.²²⁰

The addition of individuals to these lists shall be decided by the director of the General Directorate of Passports and Nationality. The lists shall be considered confidential and banned from circulation.²²¹

217 Article 5 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

218 Article 6 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya

219 Article 7 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

220 Article 8 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

221 Article 8 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

Section II:

Provisions Associated with Certain Purposes

1. Working in the Oil Sector

Establishment of a Competent Office and Determination of its Terms of Reference

The “Office of Entry, Residence and Exit of Foreign Employees in the Oil Sector” is established. It is technically, administratively and financially affiliated to the General Directorate of Passports and Nationality at the Secretariat of Justice. The office shall have its headquarters at the National Oil Corporation.²²² At the moment, the office is affiliated to the Ministry of Interior, instead of the Ministry of Justice.

The office shall be presided by one of the officers at the General Directorate of Passports and Nationality, who shall be appointed by virtue of a decree issued by the Minister of Interior. The office shall also include representatives, working on a full-time basis, of the Public Service Secretary and the National Oil Corporation, in addition to several assistants from the General Directorate of Passports and Nationality and the National Oil Corporation whose names shall be suggested by their respective authority.²²³

The General People’s Committee Decree of 1979 on the Creation of an Entry, Residence and Exit Office for Foreign Employees in the Oil Sector was amended by virtue of the General People’s Committee Decree of 1979. The new decree added another function to the office, which is: “The head of the Office of Entry, Residence and Exit of Foreign Employees in the Oil Sector shall have the usual competences of the Director-General of Security Affairs”, as stipulated in the decree on the procedure granting entry permits to the oil zones.²²⁴

Objectives of the Office

The office seeks to facilitate the entry and residence of foreign employees working in the oil sector in the State of Libya. In addition, the office seeks to assist them in their departure procedures, whether they intend to leave permanently or return to Libya, in accordance with provisions in force. The office, therefore, shall implement all relevant measures as stipulated in the existing legal provisions and shall thus have the following functions in coordination with the General Directorate of Passports and Nationality:²²⁵

- a. Grant temporary cards to foreign employees recruited to work in the oil sector, upon their entry into the country. The card should list the employee’s personal data including name, age, place of birth, passport number, date of entry into the country, type of work, name of the employer, in addition to his accompanying family members, if available.
- b. The card shall grant its holder the right to show up at the job site and start working. It shall serve as a temporary work residency visa up until the issuance of that visa, in accordance with the provision of the following paragraph.

222 Article 1 of the General People’s Committee Decree of 1979 on the Creation of an Entry, Residence and Exit Office for Foreign Employees in the Oil Sector and its Amendments.

223 Article 2 of the General People’s Committee Decree of 1979 on the Creation of an Entry, Residence and Exit Office for Foreign Employees in the Oil Sector and its Amendments.

224 The General People’s Committee Decree of 1980 Amending the General People’s Committee Decree of 1979 on the Creation of an Entry, Residence and Exit Office for Foreign Employees in the Oil Sector and its Amendments.

225 Article 3 of the General People’s Committee Decree of 1979 on the Creation of an Entry, Residence and Exit Office for Foreign Employees in the Oil Sector and its Amendments.

- c. Issue temporary work residency visas, in accordance with the legally stipulated terms and conditions and after receiving all required documents and data. The office shall issue the said visa within a week at most from the foreigner's date of entry. The visa shall be valid for three years, which may be renewed for up to one year each and every time.
- d. Issue a multiple-exit and re-entry visas for foreign employees working in the oil sector. The said visa shall be valid for a period of six months at most and must be issued based on a recommendation from the National Oil Corporation.

The Powers of the Office

The Office may contact the Libyan embassies and consulates abroad, by telegram, to request that an entry visa to Libya for the purpose of work in the oil sector be granted to one or more foreign employees, based on the documents made available to the office regarding the work of the employee in Libya, such as the employment contract or the preliminary agreement documents. The embassy or consulate must, in this case, grant the requested visa without delay. This provision shall be applied without prejudice to the competence of the Libyan embassies and consulates to issue visas in other cases, in accordance with the legislation in force.²²⁶

The Passport Control Authority at the entry/exit points shall facilitate the entry of foreign employees recruited to work in the oil sector at the National Oil Corporation or one of the oil companies, and alleviate the difficulties related to this procedure. This shall be done in cooperation and coordination with the Office and the different public bodies operating at the airport or seaport on the one hand, and with the relevant representatives of oil companies on the other hand.²²⁷

The Office shall decide, as it deems appropriate, to **grant work permits to foreign employees working in the oil sector**, which shall be attached to residency visas already granted by the office. The permits shall remain valid up until the expiry of the residency visa and shall serve as the work license stipulated in Article 13 of the aforementioned Law No. 58 of 1970.²²⁸

The office shall issue an **exit and re-entry visa or a final exit visa** to the foreign employee working in the oil sector at the National Oil Corporation or at one of the other oil companies, **provided that the Corporation or the company he works for submits a letter in which it commits to covering any expenses** or dues unpaid by the person concerned. These expenses or dues may consist of tax settlements, electricity, water, gas and phone bills, in addition to other financial claims legally owed to relevant public agencies.²²⁹

The provisions of this decree shall apply to non-Libyan employees working in the oil sector, whether at the National Oil Corporation or at one of the other oil companies.²³⁰

226 Article 4 of the General People's Committee Decree of 1979 on the Creation of an Entry, Residence and Exit Office for Foreign Employees in the Oil Sector and its Amendments.

227 Article 5 of the General People's Committee Decree of 1979 on the Creation of an Entry, Residence and Exit Office for Foreign Employees in the Oil Sector and its Amendments.

228 Article 6 of the General People's Committee Decree of 1979 on the Creation of an Entry, Residence and Exit Office for Foreign Employees in the Oil Sector and its Amendments.

229 Article 7 of the General People's Committee Decree of 1979 on the Creation of an Entry, Residence and Exit Office for Foreign Employees in the Oil Sector and its Amendments.

230 Article 8 of the General People's Committee Decree of 1979 on the Creation of an Entry, Residence and Exit Office for Foreign Employees in the Oil Sector and its Amendments.

2. Entry for the Purpose of Trade and Investment

Rules Applicable to Foreigners on Doing Business

The Libyan law allows foreigners, whether natural or legal persons, to have shares in companies.²³¹ The share of foreigners in the capital of joint venture companies should not exceed 49% at all times. However, the share may be increased to 60% for particular reasons, based on a decision of the Minister of Economy.²³²

The Libyan law allows foreign companies to open branches in Libya, as authorized by the Minister of Economy, in certain sectors and upon specific conditions.²³³

As per Law No. 9 of 2010 on Investment, foreigners may establish and own 100% of the shares and capital of an investment project, or they may partner with a Libyan national with no restrictions as to the share proportion.

Imports and Exports

Conditions of registration for import and export activities: The Libyan law stipulates that all those asking to register in the exporter and importer registry- in the case of natural persons- must hold Libyan nationality.²³⁴

Freedom of import and export: goods and merchandise eligible for import or export are not subject to the requirement of acquiring an advance authorization. In all cases, imports and exports shall abide by effective bank procedures. Importers and exporters must be listed in the importer and exporter registry.²³⁵

Personal effects: Foreigners may take their personal effects with them when leaving Libya, including long-lasting goods and personal means of transportation, with the exception of subsidized goods and items embargoed for export or import.²³⁶

Investments by Foreigners

Foreign employees recruited from abroad shall have the right to transfer their wages and salaries abroad, in addition to any other benefit provided to them within the investment project. They shall also receive an exemption from custom duties related to their personal effects, in accordance with conditions stipulated in the executive regulation.²³⁷

Provisions of the Law on Investment shall not be applicable to national and foreign funds and investments in the oil and gas sector.²³⁸

Administrative authorities shall commit to ensuring the "Single Window Service" to help investors obtain necessary permits, authorizations and services smoothly. However, no information is available as

231 Article 375 of Law No. 23 of 2010 on Commercial Activities.

232 Article 3 of Minister of Economy Decree No. 207 of 2012 on the Participation of Foreigners in Companies and Branches of Foreign Companies in Libya.

233 Article 7 of Minister of Economy Decree No. 207 of 2012 on the Participation of Foreigners in Companies and Branches of Foreign Companies in Libya.

234 Article 5 of Cabinet Decree No. 188 of 2012 on the Issuance of the Executive Regulation of Chapter Eight of Law No. 23 of 2010 on Commercial Activities Regarding Provisions Organizing Imports and Exports.

235 Article 2 of Cabinet Decree No. 188 of 2012 on the Issuance of the Executive Regulation of Chapter Eight of Law No. 23 of 2010 on Commercial Activities Regarding Provisions Organizing Imports and Exports.

236 Article 11 of Cabinet Decree No. 188 of 2012 on the Issuance of the Executive Regulation of Chapter Eight of Law No. 23 of 2010 on Commercial Activities Regarding Provisions Organizing Imports and Exports.

237 Article 13 of Law No. 9 of 2012 on Investment Promotion.

238 Article 27 of Law No. 9 of 2012 on Investment Promotion.

to whether this service has been created or activated in practice or not.²³⁹

Investment projects shall benefit from several customs and tax-related exemptions, in order to promote investment.²⁴⁰

National and foreign investors shall have the following rights:²⁴¹

- Open a bank account for their project, in the local and foreign currencies, at one of the banks operating in the country.
- Receive loans from local and foreign banks and finance institutions, in accordance with the legislations in force.
- **Re-export the invested foreign capital, either in part or as a whole, in case of expiration, liquidation or sale of the project.**
- **Re-transfer the foreign capital abroad in the same form it was originally brought in**, six months after the date of its first receipt, in case of difficult circumstances or circumstances beyond the control of the investor.
- **Transfer annual apportioned net profits and foreign capital returns invested in the project.**
- **Recruit foreign workers in case of unavailability of nationals.**
- **Obtain a five-year residence permit, renewable** during the project's lifetime, in addition to an exit visa with multiple entries.

Fees related to the opening or extension of branches and offices of foreign companies in Libya are set as follows:²⁴²

- The opening of a foreign company branch for the period of a year (20.000 dinars)
- The extension of a foreign company existing branch (10.000 dinars per year)
- The opening of a foreign company representative office (10.000 dinars)
- The extension of a foreign company existing representative office (5000 dinars)

One of the relevant provisions (perhaps considered obsolete today) stipulates that agencies dealing with the Great Man-Made River water investment are allowed to conclude association agreements with foreign investors. This should aim at managing and operating potential sites for foreign investment, according to a timeline specific to each site. The foreign party to the association agreement shall be subject to provisions of Law No. 5 of 1426 on Promoting Foreign Capital Investment (and of its amending legislations of course).²⁴³

The General Authority for Investment Promotion and Privatisation will no longer receive investment applications and will refer investment projects to the Ministry of Economy and Trade for approval until the following is implemented²⁴⁴:

1. Review all authorisations issued for the approval of investment projects and submit a recommendation to withdraw approval decisions for projects to which the provisions of Article 52 of the Executive Regulation of the Investment Promotion Law apply.

239 Paragraph 5 of article 6 of Law No. 9 of 2012 on Investment Promotion

240 Article 10 of Law No. 9 of 2012 on Investment Promotion.

241 Article 12 of Law No. 9 of 2012 on Investment Promotion.

242 Article 4 of Decree No. 228 of 2009 on Adopting Provisions Regarding the Fees of Certain Public Services.

243 The General People's Committee Decree No. 145 of 2002 on Authorizing Agencies Dealing with the Great Man-Made River Water Investment to Conclude Association Agreements with Foreign Investors.

244 Decree No. 992 of 2022 regarding establishing provisions related to decisions to authorize the implementation of investment projects.

2. Submit a proposal in the areas of productive and service investment limited to Libyans only or in partnership with foreigners, and the percentage of each side's contribution to the investment project in accordance with the provisions of Article 4 of the Executive Regulation.

Foreign Company Areas of Work

As of November 14, 2006, natural and legal foreign persons were able to engage in economic activities in Libya to implement general and productive projects, general contracting projects as well as building and construction projects in specific sectors. This can be done by building partnerships with one of the national governmental or non- governmental economic business tools, in their areas of expertise, by establishing joint stock companies in accordance with the legislations in force.²⁴⁵

Projects and businesses executed by foreign natural and legal persons shall, in accordance with the previous article, meet certain requirements, including technology transfer, employing, training and rehabilitating the national workforce and making joint investments in the following sectors:²⁴⁶

- a. Entrepreneurial businesses and civil works, including building and construction work.
- b. Electricity sector.
- c. Oil services (in terms of supply, maintenance, transport, equipment, well services, manufacturing of materials needed for well drilling and exploration).
- d. Transportation and communication sector.
- e. Industry, agriculture, livestock and marine resources.

Provisions of Article 1 of this decree shall apply to all businesses and projects that were in place at the time of its issuance, except for projects for which foreign companies were contracted on the date of applicability of this decree. The implementation of these projects shall continue according to their relevant contracts.

As an exception to the provisions of Article 1 of this decree, it is possible to hire contractors to implement projects of a special nature in terms of their location, specifications or execution requirements, based on an authorization issued by the Secretariat of the General People's Committee.²⁴⁷

Foreign natural and legal persons in Libya may practice other economic activities in their areas of professions, crafts and investments, in the fields of services and production, in according with the terms and conditions stipulated in the legislation in force regarding these activities, including provisions pertaining to the regulation of foreign investments, as per the aforementioned Law No. 5 of 1426 and Law No. 7 of 1372 (after the death of the Messenger).²⁴⁸

Joint stock companies established pursuant to provisions of Article 1 of this decree are granted benefits and incentives reserved for national companies, in particular:²⁴⁹

- a. Land use rights and the right to build needed factories and workshops.

²⁴⁵ Article 1 of the General People's Committee Decree No. 443 of 2006 on Adopting Certain Provisions Regarding Foreign Companies Operating in Libya.

²⁴⁶ Article 2 of the General People's Committee Decree No. 443 of 2006 on Adopting Certain Provisions Regarding Foreign Companies Operating in Libya.

²⁴⁷ Article 3 of the General People's Committee Decree No. 443 of 2006 on Adopting Certain Provisions Regarding Foreign Companies Operating in Libya.

²⁴⁸ Article 4 of the General People's Committee Decree No. 443 of 2006 on Adopting Certain Provisions Regarding Foreign Companies Operating in Libya

²⁴⁹ Article 5 of the General People's Committee Decree No. 443 of 2006 on Adopting Certain Provisions Regarding Foreign Companies Operating in Libya.

- b. Access to financial facilities and credits from banks.
- c. Recruiting non-national labour to meet professional needs that cannot be met with Libyans.

The provisions of this law shall be applied without prejudice to the opening of representative branches of foreign companies in Libya, in accordance with the aforementioned Secretariat of the People's Committee Decree No. 89 of 1374 (after the death of the Messenger).²⁵⁰

National workers at foreign and joint companies are subject to the provisions of the financial treatment reserved for non-nationals at these companies.²⁵¹

"Building and construction" was added to the series of activities that foreign companies are authorized to do in Libya, according to specific terms.²⁵² Sectors may contract foreign companies to execute major strategic projects in the field of building and construction. In this regard, the authorization issued by the Secretariat of the General People's Committee to hire contractors is considered an authorization for the registration of the company concerned with relevant authorities, in order to implement the project that was agreed upon.²⁵³

Free markets

The Libyan law authorises all investors - national and foreign - to invest in free markets and subjected them to the same rules included in Decree no. 355 of 2023 on the issuance of regulative and executive controls for free markets issued by the Ministerial Cabinet on 14/06/2023.

Investors are then allowed to carry out sales in accordance with the following conditions²⁵⁴:

- The sale is limited to travellers and crew members only, in accordance with the quantities allowed for each traveller, value and type.
- Sale invoices are saved according to the accounting system.
- The traveller shall deliver the purchase invoice in accordance with the form annexed to this law.
- Complying with not selling goods that are unfit for consumption and use, provided that they are destroyed as stipulated by the Customs Law no. 10 of 2010 and its executive regulation.
- A monthly report of sale operations made in each showroom is submitted to the competent authority (Head of Customs Centre).
- The invoices and records related to the process of offer and sale is submitted to the competent authority (Head of Customs Centre) upon request.
- The traveller is allowed to sell in local currency and foreign currency equivalent to the value of 5000 (five thousand) dinars.

The investor or the investor's representative may coordinate with the competent authority (Head of Customs Centre) the following operations²⁵⁵:

250 Article 6 of the General People's Committee Decree No. 443 of 2006 on Adopting Certain Provisions Regarding Foreign Companies Operating in Libya

251 Article 7 of the General People's Committee Decree No. 443 of 2006 on Adopting Certain Provisions Regarding Foreign Companies Operating in Libya.

252 Article 1 of the General People's Committee Decree No. 302 of 2006 on Adding Certain Activities to the Activities that Foreign Company Branches Are Allowed to Practice in Libya.

253 Article 3 of the General People's Committee Decree No. 302 of 2006 on Adding Certain Activities to the Activities that Foreign Company Branches Are Allowed to Practice in Libya.

254 Article No. 7 of Decree No. 355 of 2023 regarding issuing regulatory and executive controls for free markets

255 Article No. 8 of Decree No. 355 of 2023 regarding issuing regulatory and executive controls for free markets.

1. Collect samples of the goods in accordance to the form in force at the Customs Authority.
2. Take the necessary action to preserve the goods.
3. Transport goods in whole or in part from one warehouse to another under customs supervision.

Special Economic Zones

The law provides for the creation of a free investment zone of a special nature, called the Development Zone of Zuwarah- Ras Ajdir. The zone shall have a separate legal persona and patrimonial assets (and shall include Farwa Island). The Zone administration may create affiliated offices in and outside Libya. In addition, the law provides for the creation of other free investment zones, having the same specifications as the zone mentioned in the previous paragraph, for the purpose of spatial development. These zones shall be governed by the provisions of this Law and shall benefit from the privileges therein. They shall all be referred to as the "Zone".²⁵⁶

The Economic Zone has the objective of establishing an outstanding investment environment ready to compete with equivalent economic zones worldwide and attract national and foreign investments. The State also aimed at developing the investment environment through a model that regulates legal relations between competent official authorities, the Economic Zone and investors, by adopting the latest standards of excellence in all administrative, technical, productive, professional and human-resource aspects.²⁵⁷

Standardization of managerial prerogatives, granting the Zone management to one competent authority, capable of adopting sophisticated management and control systems, in addition to adopting flexible, transparent and strict spending on development and investment projects. This should include the following regulations: entry and exit of foreigners to/from the Economic Zone, issuance of authorizations, control over industrial and environmental quality, regulations of workers, insurance, social, health and educational services etc.²⁵⁸

Foreign investors have the right to use basic infrastructure facilities within the Economic Zone or those implemented by the Zone, in exchange for a fee specified by the Zone or the authority delegated by the Zone to manage the infrastructure facilities in accordance with the provisions of this Law. Investors, whether nationals or foreigners, may execute, develop, manage, operate and invest in basic infrastructure facilities within the Economic Zone, in accordance with a special agreement concluded between the Zone or one of its affiliated authorities on the one hand and investors on the other.²⁵⁹

Arabic and English shall be the official languages in the Economic Zone. However, this provision does not limit the right of investors and residents of the Zone to use other international languages.²⁶⁰

The law allows for the creation of subordinate courts, courts of first instance, courts of appeal, competent courts within the Zone, when appropriate. All of these courts shall have the mandate of examining all disputes arising in the Zone. **The Economic Zone may also create an arbitration centre.**²⁶¹

The Libyan currency shall be the official currency of the Zone. Monetary policies issued by competent authorities in the State shall be applicable to the extent that they do not violate the law, regulations and

²⁵⁶ Article 1 of Law No. 14 of 2010 on the Creation of the Development Zone of Zuwarah- Ras Ajdir and Other Zones.

²⁵⁷ Article 2 of Law No. 14 of 2010 on the Creation of the Development Zone of Zuwarah- Ras Ajdir and Other Zones.

²⁵⁸ Article 3 of Law No. 14 of 2010 on the Creation of the Development Zone of Zuwarah- Ras Ajdir and Other Zones.

²⁵⁹ Article 4 of Law No. 14 of 2010 on the Creation of the Development Zone of Zuwarah- Ras Ajdir and Other Zones.

²⁶⁰ Article 5 of Law No. 14 of 2010 on the Creation of the Development Zone of Zuwarah- Ras Ajdir and Other Zones.

²⁶¹ Article 8 of Law No. 14 of 2010 on the Creation of the Development Zone of Zuwarah- Ras Ajdir and Other Zones.

guidelines issued by the Zone in this regard.²⁶²

The Zone, its affiliated authorities, its staff, the staff of its affiliated authorities, agencies working under its management or supervision, in addition to natural and legal public and private persons it has contracted to provide internal services, as well as investors and residents within its borders are exempted from all taxes and duties established under legislations in force and from any tax of similar effect.²⁶³ In addition, all dealings, transactions, papers, assets, exchanges and transfers conducted within the Zone shall be exempted from taxes and tariffs, without prejudice to the right of the Zone, or entities offering services or facilities within the Zone, to collect the fees of these services or facilities.

As an exception, **foreign investors, developers and residents in the Zone shall have the right to use lands within the limits of the Zone, with the possibility of constructing building and facilities on these lands.** They shall also have the right to own properties within the Zone, without owning the land on which they are built, pursuant to the approval of the Zone and in accordance with conditions and terms set in this regard.²⁶⁴

For more information on provisions relevant to the management of the Zone and control of its activities, please refer to Law No. 14 of 2010 on the Creation of the Development Zone of Zuwarah- Ras Ajdir and Other Zones.

Arbitration and Conciliation in Investment Disputes

Any dispute arising between the foreign investor and the State, either because of the investor or as a result of certain measures taken by the State against him/her, shall be brought before a competent court. Exceptions include cases of bilateral agreements between Libya and the investor's home country, or multilateral agreements between Libya, the investor's country and other parties, containing provisions on conciliation or arbitration, or a special agreement between the investor himself and the State containing a clause on arbitration.²⁶⁵

Protection of commercial activities from harmful commercial practices

The legislation amended Law no. 23 of 2010 on commercial activities to give the Council (Competition and Antitrust Council) a new competence highlighting its importance in protecting commercial activity within the Libyan territory from harmful commercial practices, especially foreign ones. The amendment stipulates that: "The Council (Competition and Antitrust Council) shall have the following powers:

4. Take the necessary measures and procedures to prevent or stop any action or limit any damage to domestic production resulting from the flooding of the domestic market with goods. The Council shall also be entitled to review and investigate all data and information issued or recorded by the competent authorities that affect intellectual property, and to take all necessary measures to ensure that the principles of competition are not breached."²⁶⁶

Authenticity of electronic signature of foreigners

The Electronic Transaction Law stipulates that any natural or legal person may create an electronic

262 Article 16 of Law No. 14 of 2010 on the Creation of the Development Zone of Zuwarah- Ras Ajdir and Other Zones.

263 Article 21 of Law No. 14 of 2010 on the Creation of the Development Zone of Zuwarah- Ras Ajdir and Other Zones.

264 Article 26 of Law No. 14 of 2010 on the Creation of the Development Zone of Zuwarah- Ras Ajdir and Other Zones.

265 Article 57 of the General People's Committee Decree No. 499 of 2010 regarding the Executive Regulation of Law No. 9 of 2012 on Investment Promotion.

266 Article No. 3 of Law No. 7 of 2023 amending the provisions of Law No. 23 of 2010 regarding commercial activity

signature, providing that “any natural or legal person may create an electronic signature through a reliable generation system. The executive regulations shall specify the conditions and specifications necessary for that”.²⁶⁷

The text is general, which means that a foreign person residing in the Libyan territory may have an electronic signature to settle all his or her transactions within the Libyan State citizens in the exercise of that right.

The law also recognised the electronic signature regardless of its origin, stating that “after an electronic signature, the same legal effect is applicable irrespective of the geographical location in which it is created or used, or the geographical location of the place of business of the originator of the signature”.²⁶⁸

This means that the Libyan law recognises the electronic signature approved by the competent authorities in Libya or abroad.

3. Customs Provisions Pertaining to Foreigners:

Creation of warehouses

Warehouses are storage areas where imported goods are placed under continuous customs control, in a procedure that includes suspensions of payment of taxes for a period specified by the law. They are of two types:²⁶⁹ public warehouses, where goods are stored on behalf of others; and private warehouses, where the owner stores his own authorized imports. **Authorizations to establish private warehouses are only given to people residing in the country.**

Temporary entry of goods

Without prejudice to the import regulations, the law allows for the temporary entry of goods in the following cases:²⁷⁰

- Equipment needed to conduct practical, scientific, industrial and agricultural experiments.
- Items imported temporary for stadiums, theatres, exhibitions, festivals and similar events.
- Empty casings and packaging imported for the purpose of filling them with goods then re-exporting them, either empty or filled with goods.
- Valuable commercial samples imported for commercial display.
- Professional equipment.
- Goods imported for educational, scientific or cultural purposes.
- Special equipment to be installed, tested, tentatively operated, controlled, maintained or repaired.
- Press, audiovisual and cinematography equipment.
- Goods imported for touristic, sport or relief purposes, or for other humanitarian purposes.
- Equipment and machines and other tools imported with a view to repair them.
- Machines, equipment, vehicles, cars of personal use, trucks, floating drilling rigs and tractors used to execute governmental projects.
- Commercial or personal means of transport.

²⁶⁷ Article No. 8 of Law No. 6 of 2022 regarding electronic transactions.

²⁶⁸ Article No. 13 of Law No. 6 of 2022 regarding electronic transactions.

²⁶⁹ Article 120 of Law No. 10 of 2010 on Customs.

²⁷⁰ Paragraph 1 of article 25 of Law No. 3 of 2014 on Legal Profession.

- Other goods as decided by a decree from the Secretary.

The Libyan law requires certain items be re-exported, or placed in the duty-free zone, or customs departments, or warehouses, during the period of temporary entry. These goods must belong to a non-resident.²⁷¹

4. Migration-Related Provisions Pertaining to the Law on Legal Profession

The Right of Foreign Lawyers to Plead before Libyan Courts

Non-Libyan lawyers may plead before the court according to the level conferred to them in their country, on specific cases, upon a special permission from the President of the Bar Association, and in cooperation with a Libyan lawyer eligible to plead before the competent court, provided that the principle of reciprocity is applied.²⁷²

The Requirement of Foreign Companies to Use a Libyan Lawyer

Before initiating any activity, all foreign companies operating in Libya must avail themselves of the services of a Libyan lawyer capable of pleading before a court of appeal. This provision shall apply throughout the duration of their activities in Libya.²⁷³

Legal Aid

The president of the relevant branch of the Bar Association shall assign a lawyer to appear before the court and plead on behalf of the person concerned in the following cases: 1. If a court examining criminal or other cases request a lawyer to defend the accused.²⁷⁴ Both nationals and foreigners can benefit from this provision.

5. Entry for the Purpose of Tourism

Entry to Libya for the purpose of tourism is governed by the General People's Committee Decree No. 355 of 2009 Regarding **Adopting Certain Provisions on Granting Entry Visas for Touristic Purposes.**

Tourist Visas

Tourist visas are valid for the period of one month, with the possibility of a one-time extension where appropriate, for the same period, before the expiry of this term, and upon ascertaining the absence of countervailing factors.²⁷⁵

Tourists shall enter Libya, as individuals or within a group, under tourist visas issued by the Department of Passports, Nationality and Foreigners' Affairs. The visa shall be granted- as requested- at the accredited air, land and maritime entry points, from the People's Bureaus or the Brethren Offices abroad.

Entry visas for the purpose of tourism, referred to in the previous Article, shall be granted upon the direct request of tourists or through travel agencies, companies and cooperatives, which are authorized

271 Paragraph 2 of article 143 of Law No. 10 of 2010 on Customs.

272 Paragraph 1 of article 25 of Law No. 3 of 2014 on Legal Profession.

273 Paragraph 2 of article 25 of Law No. 3 of 2014 on Legal Profession.

274 Paragraph 1 of article 38 of Law No. 3 of 2014 on Legal Profession.

275 Article 1 of the General People's Committee Decree No. 355 of 2009 Regarding Adopting Certain Provisions on Granting Entry Visas in Libya for Touristic Purposes.

to engage in tourism- related activities and through which tourists shall enter Libya. The travel agencies, companies and cooperatives and similar entities must have sufficient financial capacity to cover, as required by its legal responsibility, for expenses related to hosting tourists and managing their affairs. Thus, entry visas for the purpose of tourism shall not be granted to tourists arriving to Libya except upon meeting the terms and conditions stipulated in this decree.²⁷⁶

Conditions for Granting Tourist Visas

Tourists shall be granted an entry visa for the purpose of tourism, as per the provisions of this decree, should they meet the following conditions:²⁷⁷

- a. **The tourist must be in possession of an amount of 1000 dollars, at least**, or the equivalent thereof in a convertible currency, to cover for the expenses of his stay, or of a valid credit card issued by one of the international financial credit institutions. In all cases, tourists shall not be exempted from paying the required visa fees, as stipulated in the legislation in force, even if they are in possession of the aforementioned amount. Similarly, the requirement of holding this amount still stands even if tourists are exempted from visas.
- b. Travel agencies, companies or cooperatives through which tourists arrive to the country must submit a written pledge to the Department of Passports, Nationality and Foreigners' Affairs. According to the pledge, they shall commit to transferring the necessary funds to cover for the expenses of tourists arriving, through them, to Libya, throughout their stay in Libya, instead of keeping these funds in their bank accounts abroad.

No approval for new tourist visas shall be issued, except after the entity who had sent the pledge submits a statement, through one of the operating banks in the State of Libya, attesting to the fact that bank transfers to cover for the current or previous visa applications have been completed.

Respecting the Purpose of Tourist Visas

Entities engaging in tourism activities and tourists may not violate their visa-related conditions or use their visas for purposes other than the purpose which they were granted the visa for. The Department of Passports, Nationality and Foreigners' Affairs may take all necessary legal measures to detect violations and impose legal actions against those found to have committed wrongdoing. In the event of non-compliance, the activities of the touristic entity who have committed the violation shall be suspended for one month for the first time. In case of recurrence of the violation, the Department may withdraw its license for six months. If the violation is repeated a third time, the license shall be definitively withdrawn, by virtue of a decision issued by the issuing authority.²⁷⁸

Without prejudice to the provisions of Article 4 of this decree, **if it has been proven that the tourist visa was used for purposes other the purpose which it has been granted for, or if its bearer stayed in the country for more than three months, he/she shall pay a fee of LYD 500**, in accordance with the aforementioned the Cabinet/ General People's Committee Decree No. 212 of 1377 (after the death of the Messenger).²⁷⁹

276 Article 2 of the General People's Committee Decree No. 355 of 2009 Regarding Adopting Certain Provisions on Granting Entry Visas in Libya for Touristic Purposes.

277 Article 3 of the General People's Committee Decree No. 355 of 2009 Regarding Adopting Certain Provisions on Granting Entry Visas in Libya for Touristic Purposes.

278 Article 4 of the General People's Committee Decree No. 355 of 2009 Regarding Adopting Certain Provisions on Granting Entry Visas in Libya for Touristic Purposes.

279 Article 5 of the General People's Committee Decree No. 355 of 2009 Regarding Adopting Certain Provisions on Granting Entry Visas in Libya for Touristic Purposes.

Arrivals for the purpose of tourism, as per the provisions of this decree, shall be excluded from the provision included in paragraph "c" of Article 15 of the executive regulation pertaining to Law No. 6 of 1987, in accordance with the aforementioned the Cabinet/ General People's Committee Decree No. 1063 of 1375 (after the death of the Messenger).²⁸⁰

²⁸⁰ Article 6 of the General People's Committee Decree No. 355 of 2009 Regarding Adopting Certain Provisions on Granting Entry Visas in Libya for Touristic Purposes.

Section III:

Provisions Associated with Certain Categories

1. Exempted Categories

The provisions of this Law (Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya) shall not apply to the following categories:²⁸¹

- a. **Members of the political and consular corps** and their accredited equivalents in the State of Libya, provided that they are carrying out their duties and within the limits of the principle of reciprocity.
- b. **Persons exempted by virtue of international treaties** to which Libya is signatory and within the limits of those treaties.
- c. Persons exempted by virtue of a special permission from the General People's Committee for political considerations or considerations related to international comity.
- d. **Ship or aircraft crew** arriving to Libya and holding sea or air travel documents issued by the competent authorities to which they are affiliated. The visa shall be issued on those documents by the competent passport office in the seaport or airport, to indicate either entry, residency, or exit of the person concerned. These visas shall not grant the bearer the right to remain in the country beyond the duration of the ship or aircraft's stay.
- e. Passengers of ships or aircrafts that dock or land at a Libyan seaport or airport, who are authorized by the competent passport offices to disembark or temporarily remain in Libya for the duration of the ship or aircraft's stay.

2. Labour Nationalization

Shares and Employment Conditions of National Labour

The Ministry of Labour and Rehabilitation shall draft the following regulations with regard to foreign labour:²⁸²

1. **Set the minimum limit for the share of nationals employed at different work sites** and review these shares periodically while taking into consideration the national education and training outcomes.
2. **Specify the professions that may employ foreign labour and those that may not.**
3. **Grant permits to recruit foreign labour, while respecting the shares specified in this regard.** The said permits shall be issued for the entity in charge of the project and shall include the number of workers to be recruited, their specialization and the country they are recruited from.

In all cases, care should be taken first to ascertain that there are no Libyan nationals eligible for the post or the job for which the foreigner is being recruited for.

The Ministry of Labour and Rehabilitation shall conduct periodic and unannounced inspections of national and foreign job sites to ensure policies pertaining to the employment of nationals are respected.

²⁸¹ Article 22 of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

²⁸² Article 2 of the General People's Committee Decree No. 212 of 2019 on Adopting Certain Provisions Related to the Entry, Residence, Exit and Work of Foreigners in Libya.

Violations shall be sanctioned by the competent law enforcement officers and referred to the relevant authorities as per the legislation in force.²⁸³

Medical Professions

Individuals who run a dental practice are required to have educational credentials acknowledged by the Ministry and to have at least ten years of practice in this field. This shall also apply to foreigners upon submission of an official certificate, authenticated by the health authorities in their countries.²⁸⁴

Licenses to open a pharmacy shall only be granted to Libyan pharmacists. Nevertheless, the Minister of Health may, where absolutely necessary, and in the area of his choosing, grant non-Libyan pharmacists the permission to open a pharmacy.²⁸⁵

For the purpose of implementing the provisions of this law, medical professions shall mean medicine, dentistry, pharmaceutical services, research and laboratory tests (medicinal chemistry, bacteriology and pathology) in addition to any other profession which shall be added to these professions by virtue of a decree issued by the Minister of Health.²⁸⁶

Individuals practicing one of the medical professions listed in Article 109 must meet the following conditions:²⁸⁷

1. Hold the Libyan nationality or the nationality of another country whose laws grant Libyan nationals the possibility to engage in a profession.
2. Be of a good conduct and reputation, without ever having been convicted of a criminal offence or sentenced to imprisonment for a crime against honor, unless the sentence was suspended, or they have been restored to good standing.
3. Hold a university degree or an equivalent academic qualification from one of the established universities or institutes of higher education.
4. Be registered in one of registries created by the Ministry of Health for doctors who have the right to practice one of the medical professions listed above, after payment of the official registration fees.

The Ministry of Health may choose to grant a license to those who do not meet the first condition of Article 110 of this law, in the event of their work at a governmental body, a public institution, a treatment facility or at one of the private bodies, associations or companies. This shall apply throughout their employment at one of those bodies and under the conditions stipulated in a decree by the Minister of Health.²⁸⁸

Security Posts

Nationals or foreigners may, when necessary, be assigned in the Customs Guards on special contracts that specify their salaries and other terms of references, in accordance with the Law on Civil Service and relevant regulations.²⁸⁹

283 Article 3 of the General People's Committee Decree No. 212 of 2019 on Adopting Certain Provisions Related to the Entry, Residence, Exit and Work of Foreigners in Libya.

284 Article 70 of Law No. 106 of 1973 Issuing the Health Code and its Amendments.

285 Article 86 of Law No. 106 of 1973 Issuing the Health Code and its Amendments.

286 Article 109 of Law No. 106 of 1973 Issuing the Health Code and its Amendments.

287 Article 110 of Law No. 106 of 1973 Issuing the Health Code and its Amendments.

288 Article 111 of Law No. 106 of 1973 Issuing the Health Code and its Amendments.

289 Article 31 of Law No. 68 of 1972 on Customs Guards.

3. The Legal Status of Arabs

Rights of Arabs in Libya

Citizens of Arab Countries shall have the right to enter the Libyan territory using personal ID cards. They shall enter through specified entry ports and in accordance with the rules and procedures specified by the General Directorate of Passports and Nationality.²⁹⁰

All Arabs shall have the right to enter and reside in the State of Libya.²⁹¹

Arab nationals residing in the State of Libya shall possess all the rights and duties accorded to Libyan Arabs.²⁹²

The General People's Committee shall establish the necessary controls to execute the provisions of this law.²⁹³

4. Work and Residency of Citizens of Countries Having Bilateral and Regional Agreements with Libya

The terms and mechanisms of employment applicable to foreign workers- **who are citizens of States having concluded bilateral and regional agreements with Libya**- shall be identified in accordance with the provisions and procedures set forth in this decree.²⁹⁴ The provisions of the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence, and Exit of foreigners in Libya shall also apply, in spite of this decree not including any specific text in this regard.²⁹⁵

Documentation of Employment Relations

All employers in the public and private sectors, whether public or private legal persons, shall commit to **documenting employment relations** with workers from countries referred to in the previous Article, who were staying in Libya at the time of that decree. This shall be done by **concluding employment contracts in the case of professions and jobs that non-nationals are allowed to have, in accordance with the measures and regulations stipulated in the legislation in force** and based on the contract template adopted by the General People's Committee for Manpower, Training and Employment. As a condition, workers have to submit the health card issued by the competent authorities in Libya and must hold a work residency permit issued by the General Directorate of Passports and Nationality, in accordance with Article 8 of this decree.²⁹⁶

Employers who wish to employ foreign labour for the professions non-Libyans are allowed to practice **must submit an application to the Manpower, Training and Employment** sector, on the form designated for that purpose, in which they shall specify the number of workers needed and jobs to be filled, in order to receive the permit required.²⁹⁷

290 Article 3 of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

291 Article 1 of Law No. 10 of 1989 Concerning the Rights and Obligations of Arabs in Libya.

292 Article 2 of Law No. 10 of 1989 Concerning the Rights and Obligations of Arabs in Libya.

293 Article 3 of Law No. 10 of 1989 Concerning the Rights and Obligations of Arabs in Libya.

294 Article 1 of the General People's Committee Decree No. 98 of 2007 on the Terms and Mechanisms Organizing Labour and Residency in Libya and Approving Other Provisions.

295 Article 17 of the General People's Committee Decree No. 98 of 2007 on Guidelines and Mechanisms Organizing Work and Residence in Libya and Approving Other Provisions.

296 Article 2 of the General People's Committee Decree No. 98 of 2007 on Guidelines and Mechanisms Organizing Work and Residence in Libya and Approving Other Provisions.

297 Article 3 of the General People's Committee Decree No. 98 of 2007 on Guidelines and Mechanisms Organizing Work and Residence in Libya and Approving Other Provisions.

The General Directorate of Passports and Nationality shall send a wire to the competent Brethren Office or any equivalent body, to inform them of the approval of the General People's Committee of Manpower, Training and Employment to employ the workers concerned.²⁹⁸

Employers shall conduct personal interviews to select the number of workers required in the contracting country or delegate the Brethren Office or any equivalent body to do so. Candidates selected according to the designated terms and conditions must prove they are free of infectious and communicable diseases based on the International Health Certificate. This shall apply without prejudice to the requirement from the selected candidates to undergo the medical examination once again, upon their entry to Libya, when required.²⁹⁹

Employment contract templates shall be used when concluding a contract with the selected candidates, as adopted by the competent Brethren Office or any equivalent body.³⁰⁰

Employers shall commit to complete the final contract procedures and secure the adequate residency permit for their contracted workers after their arrival to the job site.³⁰¹

The General Directorate of Passports and Nationality shall issue the work residency permit, with a period that depends on the employment contract itself, as approved by the General People's Committee for Manpower, Training and Employment, and in accordance with the terms and conditions stipulated in the executive regulation of the aforementioned Law No. 6 of 1987.³⁰²

All employers in the public and private sectors shall notify the General Directorate of Passports and Nationality or its branches of any changes to the contracted occupation, the employer or place of residence within a period of two weeks. This aims at making the necessary amendments to the residency permit and notifying the Department of Workforce, Training and Employment.³⁰³

All those who wish to enter the Libyan territory in search of work in the professions available for non-nationals of the States included in Article 1 of this decree shall observe a number of provisions namely:³⁰⁴

- Fill the form designated for that purpose at the point of entry.
- Receive a medical clearance that proves medical fitness and absence of communicable and infectious diseases, based on the International Health Certificate.
- Pledge to leave the country in three months as of the date of entry, should the job required not be secured, and have the passport stamped on entry to indicate the purpose of job searching.

Work Residency Permit

The General Directorate of Passports and Nationality shall issue a residency permit for the purpose

298 Article 4 of the General People's Committee Decree No. 98 of 2007 on Guidelines and Mechanisms Organizing Work and Residence in Libya and Approving Other Provisions.

299 Article 5 of the General People's Committee Decree No. 98 of 2007 on Guidelines and Mechanisms Organizing Work and Residence in Libya and Approving Other Provisions.

300 Article 6 of the General People's Committee Decree No. 98 of 2007 on Guidelines and Mechanisms Organizing Work and Residence in Libya and Approving Other Provisions.

301 Article 7 of the General People's Committee Decree No. 98 of 2007 on Guidelines and Mechanisms Organizing Work and Residence in Libya and Approving Other Provisions.

302 Article 8 of the General People's Committee Decree No. 98 of 2007 on Guidelines and Mechanisms Organizing Work and Residence in Libya and Approving Other Provisions.

303 Article 9 of the General People's Committee Decree No. 98 of 2007 on Guidelines and Mechanisms Organizing Work and Residence in Libya and Approving Other Provisions.

304 Article 10 of the General People's Committee Decree No. 98 of 2007 on Guidelines and Mechanisms Organizing Work and Residence in Libya and Approving Other Provisions.

of job search, which shall be valid for a period of three months from the date of entry, according to the previous Article. If the foreigner does find a job during this period, he must regularize his status, in accordance with the regulations included in this decree. If, on the contrary, the foreigner fails to find a job opportunity during the three months granted to him in his residency permit, he must leave the country voluntarily. Otherwise, law enforcement bodies shall deport him at his own expense from the point of entry he used to enter the country. The diplomatic or consular representation mission of his country in Libya shall be notified if his deportation.³⁰⁵

All those whose employment contract ends- and are subject to the provisions of this decree- shall leave the country within a maximum of one month, unless their employer wished to renew their contract, or they found another job opportunity. This shall apply upon the approval of the Manpower, Training and Employment sector and in accordance with the provisions stipulated in this decree.³⁰⁶

In all cases, contracts of employment must be registered at the Taxation Authority. Likewise, individuals shall be registered to social security, according to the legislation in force.³⁰⁷

Health and Education Services

Without prejudice to the provisions in signed contracts and up until their termination, health and educational services shall be offered to all non-Libyan workers at private and non-governmental health and educational institutions and facilities only, in exchange for a determined fee, except for health and educational services offered to contractors working with public agencies directly funded by the State Treasury, provided that their contracts contain this clause. In regions where there are no private educational establishments, non-Libyans can enroll in public educational establishments in exchange for an annual fee of 800 dinars.³⁰⁸

The General People's Committee for Education, the General People's Committee for Health and Environment and the General People's Committee for Higher Education shall elaborate necessary principles, rules and conditions to execute the provisions of Article 14 of this decree.³⁰⁹

Both the Manpower, Training and Employment and Public Security sectors, in addition to other relevant public sectors shall submit evaluation reports to the General People's Committee to evaluate the adopted program, in accordance with the provisions of this decree and immediately six months after its date of entry into force.³¹⁰

Foreign universities may be granted licenses to open their branches, faculties or institutes of higher education in Libya, to encourage interaction among civilizations, technological transfer and creation of academic and professional settings and contribute to the development process. Branches of foreign universities shall regularize their status according to a special regulation issued by the General People's Committee, on the basis of a submission by the General People's Committee for Education and Scientific

305 Article 11 of the General People's Committee Decree No. 98 of 2007 on Guidelines and Mechanisms Organizing Work and Residence in Libya and Approving Other Provisions.

306 Article 12 of the General People's Committee Decree No. 98 of 2007 on Guidelines and Mechanisms Organizing Work and Residence in Libya and Approving Other Provisions.

307 Article 13 of the General People's Committee Decree No. 98 of 2007 on Guidelines and Mechanisms Organizing Work and Residence in Libya and Approving Other Provisions.

308 Article 14 of the General People's Committee Decree No. 98 of 2007 on Guidelines and Mechanisms Organizing Work and Residence in Libya and Approving Other Provisions.

309 Article 15 of the General People's Committee Decree No. 98 of 2007 on Guidelines and Mechanisms Organizing Work and Residence in Libya and Approving Other Provisions.

310 Article 16 of the General People's Committee Decree No. 98 of 2007 on Guidelines and Mechanisms Organizing Work and Residence in Libya and Approving Other Provisions.

Research. This regulation shall include procedures to grant and withdraw licenses, in addition to provisions on the issuing authority and the foreign entity's rights, obligations, management systems and potential facilities. Foreign university branches shall be subject to provisions pertaining to the community-based higher education systems stipulated in this Law. It is worth noting, however, that the regulation mentioned nothing regarding the status of these branches.³¹¹

Foreign actors may be granted licenses to open schools or technical institutes that shall have their status regularized by virtue of a decree from the General People's Committee. The said decree shall include procedures to grant and withdraw licenses, in addition to provisions on the issuing authority and the foreign entity's rights, obligations, management systems and potential facilities. These schools and institutes shall be subject to the community-based education systems stipulated in this Law.³¹²

311 Article 95 of Law No. 18 of 2010 on Education.

312 Article 96 of Law No. 18 of 2010 on Education.

3
P A R T

***Illegal Migration
and Relevant
Crimes***



Section I:

Illegal Migration

1. The Concept of Illegal Migration in the Libyan Legislation

The Concept of Illegal Migrants

In implementing the provisions of this Law (Law No. 19 of 2010 on Combatting Illegal Migration), the **illegal migrant is defined as** “anyone who enters or stays in the Libyan territories without authorization or permit from competent authorities with the intention of settling there or crossing to another country”.³¹³

Acts of Illegal Migration

Acts of illegal migration include:³¹⁴

- a. Bringing in and out illegal migrants to and from the country by any means.
- b. Transporting and facilitating the movement of illegal migrants inside the country with knowledge of their illegal presence.
- c. Harboring, removing or concealing illegal migrants by any means from competent authorities, or withholding information to enable their stay or exit from the country.
- d. Preparing, providing or possessing fake travel papers or IDs for migrants.
- e. Organizing, assisting or directing others to carry out any of the acts stated in the previous items.

2. Crimes and Penalties

Employment of Illegal Migrants

Anyone who employs illegal migrants shall be punishable by law and sentenced to a fine of not less than one thousand dinars and not more than three thousand dinars.³¹⁵

Proceeds of Illegal Migration Crimes

Anyone who commits one of the acts labelled as illegal migration, with the intent of obtaining, directly or indirectly, material or immaterial benefits for oneself or for others, shall be sentenced to a term of imprisonment not exceeding a year and a fine of not less than five thousand dinars and not more than ten thousand dinars. The sentence shall be increased to an imprisonment for a term of not less than five years and a fine of not less than three thousand dinars and not more than fifteen thousand dinars, if it is established that the offender was, at the time of the crime, a member of an organized gang involved in migrant smuggling. The sentence shall be doubled if the offender was entrusted, whether directly or indirectly, with guarding or controlling points of entry, crossing points, seaports or borders.³¹⁶

³¹³ Article 1 of Law No. 19 of 2010 on Combating Illegal migration.

³¹⁴ Article 2 of Law No. 19 of 2010 on Combating Illegal migration.

³¹⁵ Article 3 of Law No. 19 of 2010 on Combating Illegal Migration.

³¹⁶ Article 4 of Law No. 19 of 2010 on Combating Illegal Migration.

Injuries or Death Caused to Migrants

Anyone who causes a permanent disability to an illegal migrant during the process of transferring them in or out of the country shall be sentenced to imprisonment and a fine of not less than twenty thousand dinars and not more than fifty thousand dinars. The sentence shall increase to life imprisonment if this act leads to the death of the migrant.³¹⁷

Sanctions against "Illegal" Migrants

Foreign illegal migrants shall be punished by imprisonment with labour or a penalty not exceeding one thousand dinars. In all cases, foreigners who are convicted of one of the crimes included in this Law shall be **removed** from the Libyan territories as soon as the penalty has been completed.³¹⁸

Abstention in the Case of Migration Officials

Anyone who intentionally abstains from taking a legal action, regarding any of the crimes stipulated in this Law, as soon as he receives notification thereof or becomes aware of it by virtue of his position, shall be sentenced to a term of imprisonment not exceeding one year and a fine of not less than one thousand dinars and not more than five thousand dinars. If the crime is the result of negligence, they shall be sentenced to a fine of not less than five hundred and not more than three thousand dinars.³¹⁹

Exemption from Punishment to Encourage Reporting Migration Crimes

Anyone who reports information to the competent authorities in a way that enables the detection or averting of the crime, or reduction of its impact, or detection or arrest of the offenders shall be exempted of punishment.³²⁰

If several various crimes are committed, the offender who committed each crime shall be punished separately, even if these crimes are interrelated, as per the relevant provisions of the Penal Code.³²¹

Penalties Pertaining to Violations of Migration Legal Provisions

Without prejudice to any heavier penalty prescribed under any other law, the following persons shall be sentenced to imprisonment and a fine of not less than two thousand dinars or to one of these two penalties **(the former penalty consisted of imprisonment and a fine not exceeding two hundred dinars or one of these two penalties³²²);³²³**

- a. Anyone who gives false statements before the competent authorities or submits false information or papers knowingly, to facilitate, for oneself or for others, the entry, residence or exit from Libya in violation of the provisions of this Law.
- b. Anyone who enters, resides in or exits the country without a valid visa issued by the competent authorities in accordance with the provisions of this Law.
- c. Anyone who violates the conditions pertaining to granting, extending or renewing a visa.
- d. Anyone who remains in the country after receiving an order from the competent authorities to depart

317 Article 5 of Law No. 19 of 2010 on Combating Illegal Migration.

318 Article 6 of Law No. 19 of 2010 on Combating Illegal Migration.

319 Article 6 of Law No. 19 of 2010 on Combating Illegal Migration.

320 Article 8 of Law No. 19 of 2010 on Combating Illegal Migration.

321 Article 9 of Law No. 19 of 2010 on Combating Illegal Migration.

322 Article 19 (before amendment) of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya

323 Article 19 of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya, added to Article 1 of Law No. 2 of 2004 on Amending Some Provisions of Law No. 6 of 1987.

therefrom, in accordance with the provisions of this Law.

e. Anyone who employed a foreigner without abiding by the provisions of Article 9 of this Law.

Migrant Smuggling Penalties

Without prejudice to any heavier penalty prescribed under any other law, **anyone who commits any of the following acts, with the intent of directly obtaining material or immaterial benefits for oneself or for others**, shall be sentenced to imprisonment for a term of not less than one year and a fine of not less than one thousand dinars.³²⁴

- a. Migrant smuggling by any means.
- b. Producing, procuring or providing a fraudulent travel or identity document.
- c. Organizing or directing other persons to commit any of the acts provided for in this Article.

In all cases, **an order shall be issued for the confiscation of proceeds pertaining to the offence, in addition to the sums of money and instruments used in or intended for the use in the commission of the offence.**

Anyone who violates any other provision of this Law or the regulations issued pursuant thereto shall be sentenced to imprisonment for a term not exceeding three months and a fine not exceeding LYD 100 or to one of these two penalties.³²⁵

3. Institutional Arrangements

Competent Authorities

The General People's Committee for Public Security shall control the crimes referred to in this Law, in addition to controlling proceeds resulting from these crimes and means of transport used in cases of smuggling. The Committee shall bring detainees before competent judicial authorities. In all cases, the court shall issue an order for the confiscation of the proceeds of these crimes, even if they have been disguised, converted or transformed into legal sources of money. The order shall also include the confiscation of the means of transport and instruments used in or intended for the use in the commission of the offence stipulated in this Law, unless it has been proven that they belong to bona fide third parties. Authorities referred to above shall treat illegal migrants who have been arrested in a humane and dignified manner, respect their rights and refrain from damaging their assets and effects.³²⁶

Law Enforcement

Public employees working at the General Directorate of Passports and Nationality, selected by virtue of a decree issued by the General People's Committee, shall have the **capacity of law enforcement officers** in matters pertaining to the implementation of the provisions of this Law and its relevant regulations.³²⁷

4. Transitional Provisions

All persons staying in Libya in contravention of the provisions of this Law must apply for a regularization of their status within a period not exceeding two months following the effective date of this Law.

³²⁴ Article 19 (bis) of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya, added to Article 2 of Law No. 2 of 2004 on Amending Some Provisions of Law No. 6 of 1987.

³²⁵ Article 20 of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

³²⁶ Article 10 of Law No. 19 of 2010 on Combating Illegal Migration.

³²⁷ Article 21 of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

Otherwise, they shall be considered illegal migrants and receive penalties as stipulated in this Law.³²⁸

Fines levied and funds confiscated, in accordance with this Law, shall be placed in a special account in the Public Treasury.³²⁹

Any provision that contravenes the provisions of this Law shall be revoked. The provisions of Law No. 6 of 1976 and its Amendments shall apply if no relevant text is included in this Law.³³⁰

5. Funding-Related Provisions

50% of the amounts collected as a result of conciliations stipulated by Law No. 6 of 1987 on Organizing the Entry, Residence, and Exit of Foreigners in Libya and its amendments and 50% of the value of forms set forth in Article 41 of this regulation are allocated to the General Directorate of Passports and Nationality. The funds are used to support efforts to combat infiltration and illegal migration and organize the entry, exit and residency procedures of foreigners in the State of Libya. The funds are also spent on providing the staff with incentives by virtue of regulations set forth by the General People's Committee's Secretary of General Security, in compliance with financial legislation in force.³³¹

328 Article 11 of Law No. 19 of 2010 on Combating Illegal Migration.

329 Article 12 of Law No. 19 of 2010 on Combating Illegal Migration.

330 Article 13 of Law No. 19 of 2010 on Combating Illegal Migration.

331 Article 46 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

Section II:

General Provisions for Foreigner- Related Offences and Penalties

1. Scope of Application of the Libyan Legislation to Foreigners

Application of the Penal Code to Foreigners

The provisions of this Code shall apply to every Libyan and foreigner who commits within Libyan territories one of the crimes stipulated therein. Libyan territories shall include Libyan aircrafts and ships wherever they may be, if they are not governed by a foreign law, in accordance with the provisions of international law.³³²

Circumstances Preventing Prosecution for a Crime Committed Abroad

A person who was tried in foreign courts which adjudged him not guilty or guilty and who has served his sentence shall not be prosecuted, except under the circumstances provided for in Article 5 of this Code.³³³

Furthermore, the Libyan law stipulates that the provisions of the law on combating cybercrime apply to “any of the crimes set forth therein if all or part of their acts are committed inside Libya, or if all of their consequences and effects extend into Libya, even if the act is not punishable in the country in which it was committed.”³³⁴

2. Crimes Pertaining to the Protection of Foreigners

Enforced Disappearance³³⁵

Anyone who abducts, detains, jails or deprives a person of their personal liberty by force, threat or deceit shall be sentenced to imprisonment. The penalty shall be a term of up to seven years of imprisonment if the offence was committed:

- a. Against an ascendant, a descendant or the spouse.
- b. By a public official exceeding the limits of his official authority.
- c. In order to gain something in return for his release. If the offender achieves his purpose, the penalty shall not be less than eight years of imprisonment.

Torture³³⁶

Anyone who carries out or orders others to afflict physical or psychological suffering on a detainee under their control to coerce them to confess to an action that they committed or did not commit, due to any type of discrimination or in retaliation regardless of the motive, shall be sentenced to a minimum of five years of imprisonment.

332 Article 4 of the Penal Code.

333 Article 7 of the Penal Code.

334 Article No. 3 of Law No. 5 of 2022 on combating cybercrime.

335 Article 1 of Law No. 10 of 2013 on the Criminalization of Torture, Forced Abduction and Discrimination.

336 Article 2 of Law No. 10 of 2013 on the Criminalization of Torture, Forced Abduction and Discrimination.

The same penalty shall be imposed on anyone who acquiesces to the torture despite having the power to put an end to it.

The penalty shall not be less than eight years of imprisonment, if the torture causes a grievous harm to the person concerned, and not less than ten years of imprisonment if it causes a particularly serious harm. In the event of the victim's death due to torture, the penalty shall be life imprisonment.

Discrimination

Without prejudice to any penalty stipulated in another law, anyone who deprives a human being of one of their rights based on their belonging to a specific group, category, or area or based on their gender or race shall be sentenced to imprisonment.³³⁷

Any public official who discriminates between Libyans on the basis of region, tribe or race, with regard to their eligibility to appointment or promotion in public positions, or their eligibility to benefits and services, with the intention of depriving or preventing them from these benefits, or violating their priority right thereto shall be sentenced to imprisonment of not less than a year.³³⁸

Bribery from a Foreigner

Should a Libyan, even indirectly, acquire money or any other benefit or the promise thereof from a foreigner with the intent to engage in acts injurious to interests of the country, he shall be punishable by imprisonment and a fine ranging between one thousand and five thousand dinars, should the act be committed in time of peace. In a time of war, the punishment shall be life imprisonment. Should the injurious act actually occur, the penalty shall be death. The same sentence shall apply to the foreigner who offers the money or any other form of benefit or made a promise of such.³³⁹

The Responsibility of Politicians and Leaders

The law applies the same sanction on any political, executive or administrative official, military commander or any person acting as a military commander, if forces subject to their command, or their affiliated employees have committed crimes. This applies on cases where it becomes evident that necessary actions were not taken to prevent or expose the crimes despite the ability to do so, or that they prevented in any way the crimes from being examined by disciplinary, investigative or prosecution authorities.³⁴⁰

3. Crimes committed by foreigners in relation to trafficking in persons

The Libyan law punishes anyone found to be involved in trafficking in persons, whether the accused is Libyan or foreign, and whether the victim is Libyan or foreign, the law states that "Anyone who creates a website or disseminates information on the international information network or any electronic system with the intention of trafficking in persons or facilitating dealing with such persons shall be punished with imprisonment".³⁴¹

³³⁷ Article 3 of Law No. 10 of 2013 on the Criminalization of Torture, Forced Abduction and Discrimination.

³³⁸ Article 4 of Law No. 10 of 2013 on the Criminalization of Torture, Forced Abduction and Discrimination.

³³⁹ Article 169 of the Penal Code.

³⁴⁰ Article 5 of Law No. 10 of 2013 on the Criminalization of Torture, Forced Abduction and Discrimination.

³⁴¹ Article 43 of Law No. 5 of 2022 on combating cybercrimes.

4. Crimes Committed by Foreigners against Their States

Attacks against Representatives of Foreign States

Provisions of the three previous Articles shall also apply in case of **attacks against representatives of foreign States**, accredited to the government of Libya as heads of diplomatic missions, due to or during the exercise of their duties.³⁴²

Attacks against Flags or Emblems of Foreign States

Any person who, within Libyan territories, in a public place or a place open to all, insults the official flag or emblem of a foreign State while it is being used in accordance with the Libyan law shall be punished by detention. The same penalty shall be inflicted if the insult is directed to the flag or emblem of the United Nations, the League of Arab States, or any other international body for which a decree is issued by the Ministry of Foreign Affairs.³⁴³

Impersonation of Titles and Ranks

Impersonation of titles and ranks: Any person who unduly wears in public the attire or distinctive badges of a rank, office or public employment, or of a political, administrative, or judicial body, or of a profession whose practice requires a special permission from the State, or who unduly wears in public clerical garb, shall be punished by detention for a period not exceeding two years or a fine not exceeding LYD 50. The same penalty shall be applied to anyone who impersonates an academic status or degree or any title of honour, the decorations thereof, or insignia, or any of the necessary capacities of the offices, positions, or professions specified in the previous paragraph. **The same penalty shall also apply to anyone who publicly and without legal authorization, wears a foreign decoration or adopts a foreign title or foreign rank.**³⁴⁴

342 Article 221 of the Penal Code.

343 Article 222 of the Penal Code.

344 Article 354 of the Penal Code

Section III:

Preventive and Precautionary Measures for Foreigners

1. Preventive Measures

Personal preventive measures are of two types: custodial and non-custodial:

Custodial Preventive Measures

Custodial measures are as follows:³⁴⁵

- Referral to a place of confinement.
- Admission to a psychiatric hospital.
- Admission to a correctional facility.

Non-Custodial Preventive Measures

Non-custodial measures are as follows:³⁴⁶

- Release under supervision..
- Prohibition of residence in one or several regions or areas.
- Prohibition of going to pubs or public places that serve alcohol.
- Removal of the foreigner from the territories of the State.

2. Detention and Accommodation of Foreigners

The agency in charge of establishing and managing shelters for foreigners shall be the Anti-Illegal Migration Agency.

Functions of the Anti-Illegal Migration Agency

The functions of the Anti-Illegal Migration Agency are as follows:³⁴⁷

- Directly supervise shelters and affiliated departments and branches, coordinate and direct efforts to achieve the goals and obligations of the agency.
- **Detect illegal migrants** and place them in shelters, follow-up and proceed with deportation procedures in coordination with relevant parties.
- Document personal data of illegal entrants and smugglers who are caught and prepare a relevant database.
- Prepare studies and research on the apparent causes of illegal migration and human-trafficking and methods to reduce their frequency; suggest development of working methods and introduce new high-tech to reduce these criminal phenomena.

345 Article 144 of the Penal Code

346 Article 144 of the Penal Code

347 Article 3 of Law No. 19 of 2010 on Combating Illegal Migration and Cabinet Decree No. 386 of 2014 on the Establishment of the Anti-Illegal Migration Agency.

3. Deportation of Foreigners

The Legal Basis for the Deportation of Foreigners

If a foreigner is sentenced to a custodial penalty, for any of the offences stipulated in this Chapter, **he shall be deported.**³⁴⁸

The judge shall order the deportation of any foreigner sentenced to imprisonment for a period of not less than ten years. Foreigners may also be deported under circumstances stipulated by law. Laws pertaining to the violation of the deportation order issued by the administrative authorities shall apply to any foreigner who violate a deportation order.³⁴⁹

Cases of Deportation

Foreigners shall be deported in the following cases:³⁵⁰

- a. If they enter the country without the appropriate visa.
- b. If they refrain from leaving the country despite the expiration of the residence permit and the refusal of renewal by competent authorities.
- c. If the granted visa was cancelled for one of the reasons identified in Article 16 of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya.
- d. If a judicial verdict of deportation is issued.

Deportation in the cases provided for in items (a, b, c) shall be by virtue of a justified decision of the Director- General of Passports and Nationality.

The Director General of Passports and Nationality may **force soon-to-be-deported foreigners to reside at a certain agency or task them with showing up at the nearest security agency at appointed times until deportation day.** He may also detain them until the completion of the deportation procedures. **Foreigners to be deported from Libyan territories shall be prohibited from re-entry unless decided otherwise by a justified decision from the Director General of Passports and Nationality.**³⁵¹

In the case of a verdict convicting migrants of a crime of terrorism, as set forth in this law, the court may issue one or more decisions, including deportation of migrants from the Libyan territories. Foreigners shall be barred from entering the Libyan territories for ten years, if the crime is a misdemeanour and for life, if the crime is a felony.³⁵²

Deportation of Foreigners in accordance with the Law on Combating Cybercrime

Under the law on combating cybercrime, the competent criminal court shall punish a foreigner charged of committing a crime stipulated by the law and impose an accessory penalty, namely the deportation of a foreigner from the Libyan territory. The law stipulates that "In addition to the penalties stipulated in this law, the court shall order the deportation of a foreigner who is sentenced in accordance with the provisions of this law."³⁵³

348 Article 225 of the Penal Code.

349 Article 158 of the Penal Code.

350 Article 17 of Law No. 6 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

351 Article 18 of Law No. 6 on Organizing the Entry, Residence and Exit of Foreigners in Libya.

352 Article 22 of Law No. 3 of 1024 on Counter Terrorism

353 Article No. 51 of Law No. 5 of 2022 on combating cybercrime.

Precautionary Measures

Foreigners, against whom a detention and deportation order is issued, shall be placed temporarily in institutions until the completion of the deportation procedures.³⁵⁴ If the foreigner is not sent to the institution during the set period and dates, they shall be kept either at the police station in the district of the court which issued the verdict or at the prosecution office which ordered pretrial detention. The foreigner must be sent to the institution upon the date set for detention, as long as it does not exceed 48 hours³⁵⁵.

Furthermore, before admitting the foreigner, the director of the institution must make sure, with the presence of the foreigner's escort, of the validity of the detention order, the signature of the issuer and the seal of the general prosecutor.

The director shall also sign the copy to confirm the handover, then return it to the escort after signing the original.³⁵⁶

Upon admission to the institution, the foreigner is registered, in the presence of his/her escort, in the general registry. The registry must record personal information of the escort according to his/her official documents and mark their signature to note that they brought in the foreigner.³⁵⁷

The Executive Regulation covers a number of good guarantees offered to detainees who are to be deported. These guarantees include matters of residency, healthcare follow-up, work and others.³⁵⁸

The General Directorate of Passports and Nationality may, when granting residency visas for work and study purposes, ask the employer or the guardian to submit a security deposit or a letter of guarantee regarding the amount needed to cover for the deportation of the migrant worker or student to his country of origin. In this regard, the director of the General Directorate shall issue a decree with rules and procedures explaining how to submit the security deposit or letter of guarantee, when to pay the amount of money and how to recover it, in addition to other relevant matters.³⁵⁹

Correctional institutions shall send a written notification to the General Directorate of Passports and Nationality of the end of the sentence served by a foreigner for a felony or misdemeanour involving breach of honour or of general security. As a result, measures for his/her deportation are launched.³⁶⁰

The decision of deportation shall be issued, specifying the date and place of the departure, in compliance with article 17 of Law No. 6 of 1987. Should the decision not include a particular time and place for the departure, foreigners may choose the place provided that they are given a maximum of fifteen days as a deadline for leaving as of the day of the decision. In all cases, the competent passport authority shall undertake the implementation and follow-up of this decision, should the deported foreigner not comply

354 Article 96 of Law No. 5 regarding correctional and rehabilitation institutions.

355 Article 5 of the General People's Committee Decree No. 168 of 2005 on the Issuance of the Executive Regulation of the Law on Correction and Rehabilitation Institutions.

356 Article 6 of the General People's Committee Decree No. 168 of 2005 on the Issuance of the Executive Regulation of the Law on Correction and Rehabilitation Institutions

357 Article 7 of the General People's Committee Decree No. 168 of 2005 on the Issuance of the Executive Regulation of the Law on Correction and Rehabilitation Institutions

358 Article 7 General People's Committee Decree No. 168 of 2005 on the Issuance of the Executive Regulation of the Law on Correction and Rehabilitation Institutions

359 Article 30 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence and Exit of Foreigners in Libya

360 Article 44 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence, and Exit of Foreigners in Libya

with its provisions.³⁶¹

The issuance of the deportation decision shall be followed by adding names concerned to the lists of persons barred from entry.³⁶²

Institutional Legal Mechanisms to Identify Missing Persons

The State of Libya established the “Public Authority for the Search and Identification of Missing persons” by virtue of the Cabinet Decree No. 89 of 2013. The authority is entrusted with searching for missing persons in Libya since 1969, and accounting for missing persons and their families through technological processes and other relevant competencies, such as exhumations, violation documentation and identification of victims through the best scientific methods.³⁶³

The text is general and could be applicable to both nationals and foreigners.

361 Article 9 of Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence, and Exit of Foreigners in Libya

362 Article 10 Decree No. 125 of 2005 on the Executive Regulation of Law No. 6 of 1987 on Organizing the Entry, Residence, and Exit of Foreigners in Libya.

363 Article 3 of Cabinet Decree No. 89 of 2013 on the Establishment of the Public Authority for the Search and Identification of Missing Persons.

Section IV:

Preventing the Settlement of Foreigners in Libya

The Libyan law issued Law No. 24 of 2023 concerning the prevention of the settlement of foreigners in Libya. This law is considered a complementary law to the provisions of Law No. 19 of 2010 regarding combating illegal immigration.³⁶⁴ The provisions of the law concerning the prevention of the settlement of foreigners in Libya are outlined as follows.

1. Adoption of the Sponsorship Policy

Law No. 24 of 2023 on concerning the prevention of the settlement of foreigners in Libya introduced the sponsorship policy, stipulating that “when the foreigner enters the Libyan territory and resides there, a sponsor of Libyan nationality will be responsible for all procedures related to the foreigner until the foreigner’s departure. The foreigner shall pay fees estimated by the competent authorities in return for facilitating livelihood.”³⁶⁵

2. Definitions

The law provided two definitions to clarify the scope of its application:³⁶⁶

1. **Localisation:** It is the act of introducing foreigners to Libya to stay there and make it their permanent home. It also includes reintroducing foreigners to Libya after their departure and crossing the Libyan territory.
2. **Settlement:** A foreigner’s entry into Libya intending to make it a permanent home, whether the foreigner entered through official border ports or other means, whether with a valid visa or without one. The intention of entry is resettlement. It’s also considered resettlement if a foreigner stays in Libya beyond the specified duration of his stay or remains after the reason for his entry or stay has ceased. A foreigner’s entry or stay without a known cause is evidence that the purpose is a resettlement in Libya.

From the previous definitions, it is clear that:

1. Localisation is an act carried out by a person to help a foreigner stay in Libya and make it his/her home in disagreement with the legal rules regulating the residence of foreigners in Libya.
2. While resettlement is an act carried out by the foreigner in person by entering Libya with the intention of making it his/her permanent home, legal rules regulating the residence of foreigners in Libya.

3. Forms of localisation and resettlement

It is clear from the definition given by the law for both Localisation and resettlement that there are multiple forms of each of them:

³⁶⁴ Article 8 of Law No. 24 of 2023 concerning the prevention of the settlement of foreigners in Libya states: “Every provision that contravenes the provisions of this law shall be repealed.”

³⁶⁵ Article No. 6 of Law No. 24 of 2023 concerning the prevention of the settlement of foreigners in Libya of foreigners in Libya.

³⁶⁶ Article No. 1 of Law No. 24 of 2023 concerning the prevention of the settlement of foreigners in Libya.

1. There are two forms of localisation:
 - a. Bringing foreigners into Libya with the intention of staying there and making it their permanent home in disagreement with the law.
 - b. Re-entering of a foreigner into Libya after they have left and crossed the Libyan territory.
2. There are several forms of resettlement:
 - a. Entry of foreigners into Libya through official border crossings.
 - b. Entry of foreigners into Libya through unofficial border crossings.
 - c. Entry of a foreigner into Libya under a valid visa.
 - d. Entry of a foreigner into Libya without a visa.
 - e. The foreigner continues to stay in Libya after the expiration of the specified period of his stay there, or after the reason for his entry or residence has ceased.

4. Legal presumption of intent to resettle

The law deemed that the entry or residence of a foreigner without a known reason is evidence of the intention to settlement in Libya.

5. Sanctions

Given the clarification on the legal nature of localisation and resettlement, the law resorted to penal exclusivity when determining the relevant sanctions and determined the following:

1. Sanction for resettlement

This sanction is primarily directed at foreigners who commit the crime of resettlement. The law stipulates that "anyone who enters the country with the intention of resettling shall be punished by imprisonment and a fine of no less than 1000 Libyan dinars, whether his entry was under a valid or incorrect visa."³⁶⁷

2. Sanctions for localisation

This sanction is directed at anyone who commits the crime of localisation and who is a person other than a foreigner. The accused may be a natural person or a legal person - such as companies/institutions. In this regard, the law stipulates that "any natural person, as well as the legal representative of the legal person, who sheltered a foreigner, employed him, or enabled him to enter the country with the knowledge that he intended to pursue localisation in Libya and did not inform the competent authorities, shall be punished with imprisonment for a period of no less than five years and a fine of not more than ten thousand Libyan dinars."³⁶⁸

3. Sanctions for the legal person

The law stipulates a special sanction for the legal person involved in the crime of localisation of foreigners, determining that "the legal person shall be punished by shutting down its premises, revoking the license granted to operate in Libya, and confiscating its funds and properties related to the crime."³⁶⁹

³⁶⁷ Article No. 2 Law No. 24 of 2023 concerning the prevention of the settlement of foreigners in Libya.

³⁶⁸ Article No. 3 Law No. 24 of 2023 concerning the prevention of the settlement of foreigners in Libya.

³⁶⁹ Article No. 4 Law No. 24 of 2023 concerning the prevention of the settlement of foreigners in Libya.

4. Sanctions for the foreigner

The law stipulates that a judge may impose a passport sanction on a foreigner accused of the crime of resettlement, stating that "the judge may deport a foreigner who entered the country with the purpose of resettling. The judge may also expel the legal representative of a legal person if he commits any behaviour criminalised according to the provisions of this law"³⁷⁰

370 Article No. 7 Law No. 24 of 2023 concerning the prevention of the settlement of foreigners in Libya.

The background features a repeating pattern of stylized leaves in various colors: blue, yellow, green, red, and grey. The leaves are arranged in a grid-like fashion, with some overlapping, creating a vibrant and textured effect.

***Relevant International
Conventions to Which
the Libyan State
Has Acceded***

Multilateral Conventions

Relevant international conventions to which the Libyan State has acceded are as follows:

- Convention no. 118 relating to Equality of Treatment of Nationals and Non-nationals in Social Security³⁷¹
- Social Security (Minimum Standards) Convention (no. 102)³⁷²
- Minimum Age Convention (No. 138)³⁷³
- Invalidity, Old-Age and Survivors' Benefits Convention, (No. 128)³⁷⁴
- Employment Injury Benefits Convention, (No. 121)³⁷⁵
- Medical and Sickness Benefits Convention (No. 130)³⁷⁶
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.³⁷⁷
- Declaration on the Elimination of All Forms of Racial Discrimination³⁷⁸
- Convention on the Elimination of All Forms of Discrimination against Women (with reservations that this accession shall not be inconsistent with the Personal Status Laws derived from the Islamic Shariah.)³⁷⁹
- Convention on the Nationality of Natural Persons in relations to the Succession of State ³⁸⁰

371 Law no. 37 of 1975 ratifying some international labour agreements. Available at: <https://lawsociety.ly/convention/%d8%a7%d9%84%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%b1%d9%82%d9%85-118-%d8%a8%d8%b4%d8%a3%d9%86-%d8%a7%d9%84%d9%85%d8%b3%d8%a7%d9%88%d8%a7%d8%a9-%d9%81%d9%8a-%d8%a7%d9%84%d9%85%d8%b9%d8%a7/>

372 Law no. 37 of 1975 ratifying some international labour agreements. Available at: <https://lawsociety.ly/convention/%d8%a7%d9%84%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%b1%d9%82%d9%85-102-%d8%a8%d8%b4%d8%a3%d9%86-%d8%a7%d9%84%d9%85%d8%b3%d8%aa-%d9%88%d9%8a%d8%a7%d8%aa-%d8%a7%d9%84%d8%af%d9%86%d9%8a%d8%a7/>

373 Law no. 37 of 1975 ratifying some international labour agreements. Available at: <https://lawsociety.ly/convention/%d8%a7%d9%84%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%b1%d9%82%d9%85-138-%d8%a8%d8%b4%d8%a3%d9%86-%d8%a7%d9%84%d8%b3%d9%86-%d8%a7%d9%84%d8%af%d9%86%d9%89-%d9%84%d9%84%d9%82%d8%a8%d9%88/>

374 Law no. 37 of 1975 ratifying some international labour agreements. Available at: <https://lawsociety.ly/convention/%d8%a7%d9%84%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%b1%d9%82%d9%85-128-%d8%a8%d8%b4%d8%a3%d9%86-%d8%aa%d8%a3%d9%85%d9%8a%d9%86-%d8%a7%d9%84%d8%b9%d8%ac%d8%b2-%d9%88%d8%a7%d9%84%d8%b4%d9%8a/>

375 Law no. 37 of 1975 ratifying some international labour agreements. Available at: <https://lawsociety.ly/convention/%d8%a7%d9%84%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%b1%d9%82%d9%85-121-%d8%a8%d8%b4%d8%a3%d9%86-%d8%a7%d9%84%d9%85%d8%b2%d8%a7%d9%8a%d8%a7-%d9%81%d9%89-%d8%ad%d8%a7%d9%84%d8%a9-%d8%a5%d8%b5/>

376 Law no. 37 of 1975 ratifying some international labour agreements. Available at: <https://lawsociety.ly/convention/%d8%a7%d9%84%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%b1%d9%82%d9%85-130-%d8%a8%d8%b4%d8%a3%d9%86-%d8%a7%d9%84%d8%b9%d9%84%d8%a7%d8%ac-%d8%a7%d9%84%d8%b7%d8%a8%d9%8a-%d9%88%d8%aa%d8%b9%d9%88/>

377 Law No. 7 of 1989 regarding the ratification of certain agreements.

378 Signature: 20 November 1963; Entry into force: 20 November 1963; Ratification: 20 November 1963

<https://lawsociety.ly/convention/%d8%a5%d8%b9%d9%84%d8%a7%d9%86-%d8%a7%d9%84%d8%a3%d9%85%d9%85-%d8%a7%d9%84%d9%85%d8%aa%d8%ad%d8%af%d8%a9-%d9%84%d9%84%d9%82%d8%b6%d8%a7%d8%a1-%d8%b9%d9%84%d9%8a-%d8%ac%d9%85%d9%8a%d8%b9-%d8%a3%d8%b4/>

379 Law No. (7) of 1989 regarding the ratification of certain agreements.

380 Signature: 12 December 2000; Entry into force: 12 December 2000; Ratification: 12 December 2000

<https://lawsociety.ly/convention/%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%ac%d9%86%d8%b3%d9%8a%d8%a9-%d8%a7%d9%84%d8%a3%d8%b4%d8%ae%d8%a7%d8%b5-%d8%a7%d9%84%d8%b7%d8%a8%d9%8a%d8%b9%d9%8a%d9%8a%d9%86-%d9%81%d9%8a-%d8%ad%d8%a7/>

- Convention on the Reduction of Statelessness.³⁸¹
- Convention Relating to the Status of Stateless Persons.³⁸²
- Convention on the Nationality of Married Women.³⁸³
- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity³⁸⁴.
- International Convention for the Protection of All Persons from Enforced Disappearance³⁸⁵
- Convention Concerning Discrimination in Respect of Employment and Occupation.³⁸⁶
- Convention on the Prohibition of Slavery.³⁸⁷
- Convention on the Abolition of Forced Labour³⁸⁸
- Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery³⁸⁹
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.³⁹⁰
- Convention on the Political Rights of Women.³⁹¹
- Equal Remuneration Convention.³⁹²
- Convention on the Prevention and Punishment of the Crime of Genocide.³⁹³
- Right to Organize and Collective Bargaining Convention.³⁹⁴
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.³⁹⁵
- United Nations Convention against Transnational Organised Crime and its Protocols.³⁹⁶
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others³⁹⁷

381 Law No. (7) of 1989 regarding the ratification of certain agreements

382 Law No. (7) of 1989 regarding the ratification of certain agreements

383 Law No. (7) of 1989 regarding the ratification of certain agreements

384 Law No. (7) of 1989 regarding the ratification of certain agreements

385 Signature: 20 December 2006; Entry into force: 20 December 2006; Ratification: 20 December 2006

<https://lawsociety.ly/convention/%d8%a7%d9%84%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%a7%d9%84%d8%af%d9%88%d9%84%d9%8a%d8%a9-%d9%84%d8%ad%d9%85%d8%a7%d9%8a%d8%a9-%d8%ac%d9%85%d9%8a%d8%b9-%d8%a7%d9%84%d8%a3%d8%b4%d8%ae%d8%a7/>

386 Law No. (7) of 1989 regarding the ratification of certain agreements

387 Law No. (7) of 1989 regarding the ratification of certain agreements

388 Signature: 5 June 1957; Entry into force: 17 January 1959; Ratification: 5 June 1957 <https://lawsociety.ly/convention/%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%a5%d9%84%d8%ba%d8%a7%d8%a1-%d8%a7%d9%84%d8%b9%d9%85%d9%84-%d8%a7%d9%84%d8%ac%d8%a8%d8%b1%d9%8a/>

389 Signature: 20 May 2009 <https://lawsociety.ly/convention/%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%a5%d8%a8%d8%b7%d8%a7%d9%84-%d8%a7%d9%84%d8%b1%d9%82-%d9%88%d8%aa%d8%ac%d8%a7%d8%b1%d8%a9-%d8%a7%d9%84%d8%b1%d9%82%d9%8a%d9%82-%d9%88%d8%a7%d9%84%d8%a3/>

390 Law No. (7) of 1989 regarding the ratification of certain agreements

391 Law No. (7) of 1989 regarding the ratification of certain agreements

392 Law No. (7) of 1989 regarding the ratification of certain agreements

393 Law No. (7) of 1989 regarding the ratification of certain agreements

394 Law No. (7) of 1989 regarding the ratification of certain agreements

395 https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-13&chapter=4&lang=en

396 <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html> - Signed by the State on 13/11/2001 and ratified 18/06/2004

397 Signature: 4 December 1949; Entry into force: 25 July 195; Ratification: 3 December 1956 <https://lawsociety.ly/convention/%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%ad%d8%b8%d8%b1-%d8%a7%d9%84%d8%a7%d8%aa%d8%ac%d8%a7%d8%b1-%d8%a8%d8%a7%d9%84%d8%a3%d8%b4%d8%ae%d8%a7%d8%b5-%d9%88%d8%a7%d8%b3%d8%aa%d8%ba%d9%84%d8%a7/>

- The Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa.
- International Covenant on Civil and Political Rights³⁹⁸
- International Covenant on Economic, Social and Cultural Rights³⁹⁹
- Comprehensive Arab Strategy for Combating Trafficking in Human Being⁴⁰⁰
- Arabic Convention Against Transnational Organised Crime⁴⁰¹
- The Arab Charter on Human Rights Convention of 2009 ⁴⁰²
- First Optional Protocol to the International Covenant on Civil and Political Rights⁴⁰³
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict ⁴⁰⁴
- The Optional Protocol of the Convention on the Elimination of All Forms of Discrimination against Women⁴⁰⁵
- Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict⁴⁰⁶
- The Optional Protocol of the Convention on the Elimination of All Forms of Discrimination against

398 Signature: 16 December 1966 <https://lawsociety.ly/convention/%d8%a7%d9%84%d8%b9%d9%87%d8%af-%d8%a7%d9%84%d8%af%d9%88%d9%84%d9%8a-%d8%a7%d9%84%d8%ae%d8%a7%d8%b5-%d8%a8%d8%a7%d9%84%d8%ad%d9%82%d9%88%d9%82-%d8%a7%d9%84%d8%a7%d9%82%d8%aa%d8%b5%d8%a7%d8%af%d9%8a/>

399 Signature: 16 December 1966; Entry into force: 3 January 1976; Ratification: 16 December 1966 <https://lawsociety.ly/convention/%d8%a7%d9%84%d8%b9%d9%87%d8%af-%d8%a7%d9%84%d8%af%d9%88%d9%84%d9%8a-%d8%a7%d9%84%d8%ae%d8%a7%d8%b5-%d8%a8%d8%a7%d9%84%d8%ad%d9%82%d9%88%d9%82-%d8%a7%d9%84%d8%a7%d9%82%d8%aa%d8%b5%d8%a7%d8%af%d9%8a/>

400 Signature: 15 February 2012 <https://lawsociety.ly/convention/%d8%a7%d9%84%d8%a7%d8%b3%d8%aa%d8%b1%d8%a7%d8%aa%d9%8a%d8%ac%d9%8a%d8%a9-%d8%a7%d9%84%d8%b9%d8%b1%d8%a8%d9%8a%d8%a9-%d8%a7%d9%84%d8%b4%d8%a7%d9%85%d9%84%d8%a9-%d9%84%d9%85%d9%83%d8%a7%d9%81%d8%ad/>

401 Signature: 21 December 2010; Entry into Force: 5 October 2013; Ratification: 21 December 2010 <https://lawsociety.ly/convention/%d8%a7%d9%84%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%a7%d9%84%d8%b9%d8%b1%d8%a8%d9%8a%d8%a9-%d9%84%d9%85%d9%83%d8%a7%d9%81%d8%ad%d8%a9-%d8%a7%d9%84%d8%ac%d8%b1%d9%8a%d9%85%d8%a9-%d8%a7%d9%84/>

402 Signature: 20 May 2009 <https://lawsociety.ly/convention/%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%a7%d9%84%d9%85%d9%8a%d8%ab%d8%a7%d9%82-%d8%a7%d9%84%d8%b9%d8%b1%d8%a8%d9%8a-%d9%84%d8%ad%d9%82%d9%88%d9%82-%d8%a7%d9%84%d8%a5%d9%86%d8%b3%d8%a7%d9%86/>

403 Article No. 1 of Law No. (7) of 1989 regarding the ratification of some agreements

404 Signature: 25 May 2000; Entry into force: 23 February 2002; Ratification: 25 May 2000 <https://lawsociety.ly/convention/%d8%a7%d9%84%d8%a8%d8%b1%d9%88%d8%aa%d9%88%d9%83%d9%88%d9%84-%d8%a7%d9%84%d8%a7%d8%ae%d8%aa%d9%8a%d8%a7%d8%b1%d9%8a-%d9%84%d8%a7%d8%aa-%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%ad%d9%82%d9%88%d9%82-%d8%a7/>

405 Signature: 9 October 1999; Entry into force: 22 December 2000; Ratification: 9 October 1999

<https://lawsociety.ly/convention/%d8%a7%d9%84%d8%a8%d8%b1%d9%88%d8%aa%d9%88%d9%83%d9%88%d9%84-%d8%a7%d9%84%d8%a7%d8%ae%d8%aa%d9%8a%d8%a7%d8%b1%d9%8a-%d8%a7%d9%84%d9%85%d9%84%d8%ad%d9%82-%d8%a8%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a/>

406 Law No. (11) of 1369 regarding the ratification of international agreements concluded between Libya and other countries and within the scope of international and regional organizations.

Women⁴⁰⁷

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (signed in 13/11/2001 and ratified in 24/09/2004).⁴⁰⁸
- Protocol against the Smuggling of Migrants by Land, Sea and Air (signed in 13/11/2001 and ratified in 18/09/2004).⁴⁰⁹
- The Arab Protocol to Prevent and Combat Trafficking in Human Beings, Especially Women and Children, annexed and complementary to the Arab Convention to Combat Transnational Organised Crime⁴¹⁰
- Convention on the Protection and Promotion of the Diversity of Cultural Expressions⁴¹¹
- Riyadh Arab Agreement for Judicial Cooperation⁴¹²
- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages⁴¹³

Bilateral Agreements

- The Bilateral Agreement between Libya and Algeria on the Movement and Residency of Persons (231970-/5/ Tripoli).
- The Bilateral Agreement between Libya and Tunisia on the Rights of Ownership, Residency and Movement (61973-/6/ Tunis).
- The Bilateral Agreement between Libya and Niger on the Movement and Residency of Persons (31988-/6/ Niamey).
- The Bilateral Agreement between Libya and Egypt on Movement, Residency and Labour (31990-/12/ Cairo).
- The Cooperation Agreement between Libya and Italy on Fighting Terrorism, Organized Crime, Illicit Drugs and Human Trafficking (32000-/12/ Rome).
- The Cooperation Agreement between Libya and the International Organization for Migration (IOM) on

407 Signature: 20 May 2009 <https://lawsociety.ly/convention/%d8%a8%d8%b1%d9%88%d8%aa%d9%88%d9%83%d9%88%d9%84-%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%a7%d9%84%d9%82%d8%b6%d8%a7%d8%a1-%d8%b9%d9%84%d9%89-%d8%ac%d9%85%d9%8a%d8%b9-%d8%a3%d8%b4%d9%83%d8%a7/>

408 https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-b&chapter=18&clang=en

409 https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=en

410 Signature: 18 January 2006 <https://lawsociety.ly/convention/%d8%a7%d9%84%d8%a8%d8%b1%d9%88%d8%aa%d9%88%d9%83%d9%88%d9%84-%d8%a7%d9%84%d8%b9%d8%b1%d8%a8%d9%8a-%d9%84%d9%85%d9%86%d8%b9-%d9%88%d9%85%d9%83%d8%a7%d9%81%d8%ad%d8%a9-%d8%a7%d9%84%d8%a7%d8%aa%d8%ac/>

411 Signature: 20 October 2005; Entry into force: 20 October 2005; Ratification: 20 October 2005 <https://lawsociety.ly/convention/%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%ad%d9%85%d8%a7%d9%8a%d8%a9-%d9%88%d8%aa%d8%b9%d8%b2%d9%8a%d8%b2-%d8%aa%d9%86%d9%88%d8%b9-%d8%a3%d8%b4%d9%83%d8%a7%d9%84-%d8%a7%d9%84%d8%aa%d8%b9%d8%a8/>

412 Law No. 8 of 1987 regarding the ratification of some agreements <https://lawsociety.ly/convention/%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%a7%d9%84%d8%b1%d9%8a%d8%a7%d8%b6-%d9%84%d9%84%d8%aa%d8%b9%d8%a7%d9%88%d9%86-%d8%a7%d9%84%d9%82%d8%b6%d8%a7%d8%a6%d9%8a/>

413 Signature: 7 November 1963; Entry into force: 9 December 1967; Ratification: 7 November 1963 <https://lawsociety.ly/convention/%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%a7%d9%84%d8%b1%d8%b6%d8%a7-%d8%a8%d8%a7%d9%84%d8%b2%d9%88%d8%a7%d8%ac%d8%8c-%d9%88%d8%a7%d9%84%d8%ad%d8%af-%d8%a7%d9%84%d8%a3%d8%af%d9%86%d9%89-%d9%84/>

Programs Relevant to Migration, Health, Capacity Building, Countering Migrant Smuggling, Emigration, Immigration and Assistance to the Displaced. (92005-/8/ Geneva).

- Memorandum of Understanding between Libya and the European Commission on Addressing Illegal Migration (222006/5/).
- Memorandum of Understanding between Libya and the European Union on Borders, Movement and Migration (232007/7/).
- The Treaty of Friendship between Libya and Italy on Several Issues, Including Fighting Migration and Securing Borders (302008/8/).
- The Cooperation Agreement between Libya and Niger on Securing Common Border Areas (2008).
- The Cooperation Agreement between Libya and the European Union on Borders, Movement and Migration (42010-/10/ Tripoli).
- The EU-Libya Senior Officials Joint Declaration on Borders, Movement and Migration (42010-/10/ Tripoli).
- The Tripoli Declaration Concluded Between Libya and Italy on Migration and Development (212012/1/).
- Memorandum of Agreement Between Libya and Italy on Fighting Illegal Migration and Activating Agreements Concluded between the Two Parties on Land and Sea Border Security (282012/2/)
- Memorandum of Understanding on Cooperation in the Fields of Development, Fighting Illegal Migration, Human Trafficking and Smuggling and Strengthening Border Security between Libya and Italy (22017/2/).
- Agreement on The Extradition of Criminals between Libyan and the Hashemite Kingdom of Jordan⁴¹⁴.
- Agreement between Libya and the Republic of Italy on combating organized crime, drugs and human trafficking – 2007⁴¹⁵.
- Cooperation agreement between Libya and the government of the French Republic in the field of security and combating organized crime⁴¹⁶.
- Social Security Agreement between Libya and the Republic of Malta.⁴¹⁷
- Social Security Agreement between Libya and the Republic of Tunisia.⁴¹⁸

414 Signature: 3 January 2008; Ratification: 9 September 2009 [https://lawsociety.ly/convention/%d8%a7%d8%aa%d9%81%d8%a7%d9%82-%d8%a8%d9%8a%d9%86-%d9%84%d9%8a%d8%a8%d9%8a%d8%a7-%d9%88%d8%ac%d9%85%d9%87%d9%88%d8%b1%d9%8a%d8%a9-%d8%a5%d9%8a%d8%b7%d8%a7%d9%84%d9%8a%d8%a7-%d8%a8%d8%b4%d8%a3%d9%86/](https://lawsociety.ly/convention/%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%aa%d8%b3%d9%84%d9%8a%d9%85-%d8%a7%d9%84%d9%85%d8%ac%d8%b1%d9%85%d9%8a%d9%86-%d8%a8%d9%8a%d9%86-%d9%84%d9%8a%d8%a8%d9%8a%d8%a7-%d9%88%d8%a7%d9%84%d9%85/)

415 Signature: 29 December 2007; Entry into force: 29 December 2007; Ratification: 29 December 2007 <https://lawsociety.ly/convention/%d8%a7%d8%aa%d9%81%d8%a7%d9%82-%d8%a8%d9%8a%d9%86-%d9%84%d9%8a%d8%a8%d9%8a%d8%a7-%d9%88%d8%ac%d9%85%d9%87%d9%88%d8%b1%d9%8a%d8%a9-%d8%a5%d9%8a%d8%b7%d8%a7%d9%84%d9%8a%d8%a7-%d8%a8%d8%b4%d8%a3%d9%86/>

416 Signature: 10 December 2007; Ratification: 18 November 2009 <https://lawsociety.ly/convention/%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%a7%d9%84%d8%aa%d8%b9%d8%a7%d9%88%d9%86-%d8%a8%d9%8a%d9%86-%d9%84%d9%8a%d8%a8%d9%8a%d8%a7-%d9%88%d8%ad%d9%83%d9%88%d9%85%d8%a9-%d8%a7%d9%84%d8%ac%d9%85/>

417 Signature: 6 May 1988; Entry into force: 6 May 1988; Ratification: 6 May 1988 <https://lawsociety.ly/convention/%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%a7%d9%84%d8%b6%d9%85%d8%a7%d9%86-%d8%a7%d9%84%d8%a7%d8%ac%d8%aa%d9%85%d8%a7%d8%b9%d9%8a-%d8%a8%d9%8a%d9%86-%d9%84%d9%8a%d8%a8%d9%8a%d8%a7-%d9%88%d8%ac-2/>

418 Signature: 5 April 1988; Entry into force: 31 January 1990; Ratification: 31 January 1990 <https://lawsociety.ly/convention/%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%a7%d9%84%d8%b6%d9%85%d8%a7%d9%86-%d8%a7%d9%84%d8%a7%d8%ac%d8%aa%d9%85%d8%a7%d8%b9%d9%8a-%d8%a8%d9%8a%d9%86-%d9%84%d9%8a%d8%a8%d9%8a%d8%a7-%d9%88%d8%a7-2/>

- Social Security Agreement between Libya and the Islamic Republic of Pakistan⁴¹⁹
- Social Security Agreement between Libya and the Republic of Turkey⁴²⁰
- Social Security Agreement between Libya and the Kingdom of Morocco⁴²¹
- Agreement on the movement of persons and residence between Libya and Algeria⁴²²

International Instruments and Declarations

- The New York Declaration for Refugees and Migrants:

On September 19, 2016, the United Nations General Assembly adopted a series of commitments to strengthen the protection of refugees and migrants. These commitments are known as the New York Declaration for Refugees and Migrants. The Declaration reconfirms the importance of the international refugee system. It represents the commitment of the Member States to reinforce and strengthen protection mechanisms for people on the move. It also paved the way to the adoption of two new global compacts in 2018: The Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration.⁴²³

- The Global Compact for Safe, Orderly and Regular Migration.⁴²⁴
- The Declaration on the Human Rights of Individuals Who Are Not Nationals of the Country in Which They Live. Adopted and published in accordance with the UN General Assembly Resolution 40144/, of December 13, 1985.⁴²⁵
- Declaration on social and legal principles relating to the protection and care of children, with special attention to foster care and adoption at the national and international levels.⁴²⁶

419 Signature: 13 February 1988; Entry into force: 13 February 1988; Ratification: 13 February 1988 <https://lawsociety.ly/convention/%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%a7%d9%84%d8%b6%d9%85%d8%a7%d9%86-%d8%a7%d9%84%d8%a7%d8%ac%d8%aa%d9%85%d8%a7%d8%b9%d9%8a-%d8%a8%d9%8a%d9%86-%d9%84%d9%8a%d8%a8%d9%8a%d8%a7-%d9%88%d8%ac/>

420 Signature: 8 August 1985; Entry into force: 8 August 1985; Ratification: 8 August 1985 <https://lawsociety.ly/convention/%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%a7%d9%84%d8%b6%d9%85%d8%a7%d9%86-%d8%a7%d9%84%d8%a7%d8%ac%d8%aa%d9%85%d8%a7%d8%b9%d9%8a-%d8%a8%d9%8a%d9%86-%d9%84%d9%8a%d8%a8%d9%8a%d8%a7-%d9%88%d8%a7-3/>

421 Signature: 4 August 1983; Entry into force: 4 August 1983; Ratification: 16 February 1984 <https://lawsociety.ly/convention/%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%a7%d9%84%d8%b6%d9%85%d8%a7%d9%86-%d8%a7%d9%84%d8%a7%d8%ac%d8%aa%d9%85%d8%a7%d8%b9%d9%8a-%d8%a8%d9%8a%d9%86-%d9%84%d9%8a%d8%a8%d9%8a%d8%a7-%d9%88%d8%a7/>

422 Law No. 88 of 1970 regarding approval of some agreements concluded between Libya and Algeria <https://lawsociety.ly/convention/%d8%a7%d8%aa%d9%81%d8%a7%d9%82%d9%8a%d8%a9-%d8%a7%d9%84%d8%b6%d9%85%d8%a7%d9%86-%d8%a7%d9%84%d8%a7%d8%ac%d8%aa%d9%85%d8%a7%d8%b9%d9%8a-%d8%a8%d9%8a%d9%86-%d9%84%d9%8a%d8%a8%d9%8a%d8%a7-%d9%88%d8%a7/>

423 <https://www.unhcr.org/ar/5aae3c034>

424 https://refugeesmigrants.un.org/sites/default/files/180326_draft_rev1_final.pdf

425 <https://www.ohchr.org/AR/ProfessionalInterest/Pages/HumanRightsOfIndividuals.aspx>

426 Signature: 3 December 1986; Entry into force: 3 December 1986; Ratification: 3 December 1986 <https://lawsociety.ly/convention/%d8%a7%d9%84%d8%a5%d8%b9%d9%84%d8%a7%d9%86-%d8%a7%d9%84%d9%85%d8%aa%d8%b9%d9%84%d9%82-%d8%a8%d8%a7%d9%84%d9%85%d8%a8%d8%a7%d8%af%d8%a6-%d8%a7%d9%84%d8%a7%d8%ac%d8%aa%d9%85%d8%a7%d8%b9%d9%8a%d8%a9/>



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