



ILLEGAL MIGRATION TO LIBYA: **TRAVEL ADVISORY FOR NIGERIANS**

The number of young Nigerians – men and women, travelling abroad as illegal immigrants has increased significantly in the past seven years. While the constitution of Nigeria guarantees certain fundamental rights, including that of movement and association, it is also important to note that if one is leaving Nigeria for another country either on transit, short-term visit or for work; one has to comply with both the Nigerian immigration laws and the laws of the country one is travelling to. In this regard, it is very important for Nigerians leaving their country to familiarize themselves with the laws and culture of the country to which they intend to travel. Failure to do this may result in unnecessary hardship, sometimes with undesirable consequences.

For many Nigerians, the only means of reaching Europe is by taking the risk of crossing the Sahara Desert to one of the North African countries. Recently, Libya has become the most preferred country of transit for illegal immigrants from the sub-Saharan Africa, from where they embark on a more suicidal journey of crossing the Mediterranean Sea into Italy. Many are making this arduous journey on their own volition; spending days and nights going through dunes and mountains, violence and suffering, risking their lives in temperatures sometimes reaching 50°C. Other hazards faced by the immigrants include possible abduction by several rebel groups, i.e. the Salafist, or the marauding Touareg gangs, who often rob, and rape their victims! Increasingly, among these migrants are young girls, who are lured into this journey under the pretext that they would work either in Libya or in Italy. Sadly, these girls end up in brothels, subjected to horrible sexual abuse, until they die in the hands of their captors. A few lucky ones are rescued by the police or the Nigerian Mission in one of the transit countries. Unfortunately, for most of them life would never be the same again, as they often contract HIV/AIDS while in these brothels.

Life in Libya for most Nigerian immigrants is pathetic. With almost no chance of crossing into Europe, no work or decent habitable place, in addition to the harsh reality of trying to adapt to a strange cultural and social environment, many resort to crimes, like drug trafficking, prostitution, brewing and selling of alcohol, theft, etc. These immigrants fail to understand that the Nigerian criminal justice system is fundamentally different from that of Libya, and what can pass for an individual's right in Nigeria may attract severe punishment in Libya. Therefore, sometimes out of ignorance, some Nigerian immigrants find themselves in serious problems. As an illegal immigrant, you literally have no

rights! Far away from home and your family, chances are that you would not be able to raise money for legal representation, leaving you pathetically facing long jail terms. This is one of the realities of life as an illegal immigrant almost everywhere in the world.

In the past two years, the Libyan authorities have repatriated thousands of illegal immigrants, including Nigerians. Because of the administrative implication of this exercise, sometimes the immigrants are put in detention camps for months before their deportation. This is not a pleasant experience for anybody, but the immigrants have to blame themselves for their plight. No matter how long you stay in Libya, as long as you do not have residence permit, you should consider yourself an illegal immigrant, and subject to be deported any time caught. The dream of going to Europe through the desert has remained an illusion for most of the immigrants, but in spite of this, the adventurers are undeterred. Sadly, many are unable to make the journey alive. "The desert is littered with the carcasses of our compatriots – men, women and children – whose families back home would never know their fate", one lucky survivor said.

Current Libyan laws make it illegal for employers to engage foreigners, who have no work permit and health certificate. Indeed, except in a few areas where there are no Libyans with the technical skills to do a job, it is extremely difficult for foreigners to be employed. Therefore, all Nigerians who wish to come and work in Libya must obtain valid work permits even before leaving their country. You will find at the end of this pamphlet subsisting Libyan law in respect of entry, exit, work and residence in the Great Jamahiriya. You are advised to familiarize yourself with the provisions of this law if you are already in Libya or thinking of coming to live and work in the country.

The pamphlet is also an attempt by the Nigerian Embassy in the Great Jamahiriya, to enlighten Nigerians on the legal requirements for coming to live and work in Libya, as well as provide valuable information to Nigerians who are already living in Libya. It is the Embassy's hope that Nigerians reading this pamphlet or its contents on the Internet, will ponder well before taking the risk of the ill-advised journey across the desert. For those already in Libya, you are advised to register with the Embassy, because we are here to assist you as much as we can.

Nigerians are advised to refrain from this suicidal journey – "Destination Disaster". A stitch in time saves nine!

Embassy of Nigeria,
Tripoli,
Libya.
April, 2007

ADVICE TO NIGERIANS IN LIBYA

- ***Passport:*** The passport you carry defines your citizenship. You should, therefore, make sure you have a valid Nigerian passport. If you are fraudulently carrying the passport of another country, you may unwittingly deny yourself the consular assistance of the Embassy, especially if the country whose passport you are carrying does not have a diplomatic representation in Libya. You may also find yourself being deported to a strange country, where you would face very serious charges.
- ***Identity Card:*** If you do not have a passport, please ensure that you at least carry a document that would show your identity, including your nationality.
- ***Registration:*** The first thing you should do on arriving in Libya is to register with the Embassy. It is only by doing so that the Embassy will know you are in the country, and also be able to render to you the consular assistance you may need. The Nigerian local community leaders will assist you, especially if you are not in Tripoli;
- ***"Desert Name":*** It is very common for some Nigerians to drop their real names – native or Christian - in favour of a fake one, usually Islamic, erroneously thinking that this would facilitate the process of their settling in Libya. In the event of emergency, especially if it involves death, people who bear fake names make it impossible for the Embassy to know their true identity, let alone report to their next of kin. In addition, those bearing fake Islamic names, sometimes end up facing the Islamic Sharia Law, and their protest may carry very little weight;
- ***Health Problems:*** There are some quack doctors in the immigrant communities, who prescribe medicine and even carry out minor operations illegally. Please do not endanger your life by consulting quack doctors. Appropriate Libyan health authorities or the Embassy can assist you in getting emergency health care. If you know any Nigerian who has serious medical condition, please inform the Embassy accordingly;
- ***Consular Assistance:*** The Embassy is here for all Nigerians. Please seek the assistance of the Consular Officer for all your difficulties in Libya, including civil matters between you and other Nigerians. You will find the embassy's telephone numbers, website and e-mail addresses in this booklet.

WORK AND RESIDENCE REQUIREMENTS

Many Nigerians have found themselves in serious problems with the law enforcement agencies either for deliberately trying to break the laws of their host country, or out of sheer ignorance. If you are a Nigerian in Libya, no matter your status, it is important to heed the following advice in order to save yourself from problems with the authorities:

- Immigration Requirements: Please observe all the Libyan immigration laws, including residence/work permit, health certificate, etc

- Legal Advice:
 - (i) Nigerians in Libya are strongly advised to refrain from criminal activities, like drug trafficking, human trafficking, illegal currency deals, prostitution, theft, etc. Many Nigerians have tarnished the image of Nigeria in Libya by engaging in the above criminal acts.

 - (ii) It is very important to note that possession, consumption or sale of alcohol is not allowed in Libya. You can get into serious problem with the authorities if found with alcohol;

 - (iii) Possession of pornographic publications in whatever form is not allowed in Libya. Similarly, you should avoid carrying publications that do not show respect to the Libyan leadership, its people, politics, religion or culture. You cannot plead ignorance as an excuse if found with the above mentioned materials;

 - (iv) Operating a brothel and prostitution are serious criminal offence in Libya. All Nigerian immigrants are, therefore, warned to avoid this risky business. Owing to the rough life many immigrants go through, the incidence of HIV/AIDS and other communicable diseases in the immigrant community is very high;

 - (v) Drugs: Trafficking in illicit drugs attracts very severe punishment in Libya. While it is easy to cross the desert with drugs, it has proved more difficult for the traffickers to dispose of such illicit materials in Libyan cities. Most of the Nigerians in Libyan prisons were convicted of drug

trafficking. You are, therefore, advised to avoid dealing in drugs;

- (vi) Currency Duping: The most frequent "419" in Libya is currency duping. Many of our citizens have been convicted of this criminal activity. Please note that you stand the risk of a very long jail term if convicted of currency duping or any related "419" activity; and
- (vii) Religious activities: In Libya all religious activities, especially evangelical ones are only allowed in designated places. Please be beware, your religious activities should not have any political coloration.

USEFUL CONTACTS

Address of the Embassy: P.O. Box 4417,
Shara Narjis,
Hal Al-Zuhour,
(off Shara Naser)
Tripoli.

Working Hours: Sunday – Thursday
9am – 4 pm

Visa Section: 10am – 1 pm

Telephone Numbers: 4443036;
4443037;

Fax No: 4443035

Emergency No. (24 hrs) 4443036

International code for Libya: 218; City code for Tripoli 21

Website: www.nigeriantripoli.org

E-mail: nigeria@nigeriantripoli.org

REGULATIONS AND MECHANISM FOR WORK AND RESIDENCE IN THE GREAT JAMAHIRIYA

(UNOFFICIAL TRANSLATION):

Article (1)

Regulations and mechanism for employment of foreign labour – nationals of countries which have bilateral and regional agreements with the Great Jamahiriya, will be specified according to the laws and procedures stipulated in this act;

Article (2)

All employers both in the public and private sectors shall comply with the requirement to document their work relationship with their employees who are in the Great Jamahiriya at the time this act comes into force. Work contracts for foreign employees will be concluded for the jobs allowed for non-Libyans and in compliance with:

- the regulations and procedures stipulated in subsisting laws;
- the work contract forms duly approved by the General People's Committee for Labour Force, Training and Employment;
- Health Certificate approved by the concerned authorities in Great Jamahiriya;
- Issuance of residence permits for the purpose of work from the Immigration Authority according to article (8) of this act.

ARTICLE (3)

Employers who wish to employ foreign labour in jobs allowed for non-Libyans shall apply for permit from the Labour Force, Training and Employment Office, using the approved forms and specifying the jobs and number of persons to be employed;

ARTICLE (4)

The immigration authority will undertake to send a cable to the relevant Libyan Embassy or its representative upon approval granted by the General People's Committee for Labour Force Training and Employment;

ARTICLE (5)

Employers shall conduct personal interviews to choose the required employees at the country of contracting or will authorize the concerned Libyan Embassy or its representative to carry out the interviews on their behalf. The persons selected according to the conditions and regulations specified, shall present a certificate

proving they are free from any infectious diseases, in compliance with the international health certificate requirement. This does not exempt any prospective foreign employee from additional medical check-up, if necessary, upon arrival in Libya;

ARTICLE (6)

Work contracts concluded with those selected are to be approved and authenticated by the Libyan Embassy or its representative;

ARTICLE (7)

The employer shall undertake to finalize all required contract procedures in respect of foreign employees, including the provision of appropriate housing;

ARTICLE (8)

The immigration authority will issue work and residence permits for the period specified in the contract and which will be approved by the General People's Committee for Labour Force, Training and Employment, taking into consideration the conditions and regulations stipulated in Law No. (6) of 1987;

ARTICLE (9)

All employers, in both public and private sectors, are to notify the immigration authority of any changes of the employee's job nature, or his residence place within 2 weeks, to enable the authorities make the necessary alterations on the residence permit and notify the Labour Force, Training and Employment Authority;

ARTICLE (10)

Any national of the countries mentioned in Article (1) who wishes to enter the Great Jamahiriya for the purpose of job search, in sectors allowed for non-Libyans, shall comply with the following:

- Fill up the relevant application form at the point of entry;
- Prove his medical fitness and his being free of any contagious or infectious diseases by presenting an international health certificate;
- Present his qualifications in the field he wishes to work in Libya, which shall be duly authenticated by relevant authorities in his country of origin;
- Undertake to leave the country within 3 months of the date of entry in case he does not find the required employment. On entry his passport will be stamped with a visa indicating that his entry is for the purpose of work search.

ARTICLE (11)

The immigration authority will issue a residence permit for the purpose of work search valid for 3 months from the date of entry on basis of previous article. If the person succeeds in getting an employment, he will then regularize his residence permit in accordance with the relevant article in this act. If he fails to find employment within the specified 3 months period, he will voluntarily leave the country. If he fails to do so, the authorities will deport him at his own expense via the same entry point he came through and will inform his embassy in the Great Jamahiriya.

ARTICLE (12)

All those affected by this decision, whose work contracts are finished will leave the country within a maximum period of (1) month unless their employers renew their work contract or find a job in another place. This is on condition they acquire approval from the Labour Force, Training and Employment Authority and in compliance with the regulations stipulated in this decision.

ARTICLE (13)

All work contracts shall be registered with the Taxation Authority, and employees under such contracts shall have social security status in accordance with the existing labour laws;

ARTICLE (14)

Matters relating to health and education of foreign contract workers and their ward shall be referred to private health and educational institutions, except for foreigners who are working in the public sector, financed by the public treasurer, and stipulated in their contract;

ARTICLE (15)

The General People's Committee for Health; Education and Higher Education will undertake to put the basis and regulations to execute Article (14);

ARTICLE (16)

The Labour Force, Training and Employment sector and any other relevant public sector will furnish the General People's Committee with evaluation reports of the approved program according to this act, immediately after (6) six months from the date of putting it into force;

ARTICLE (17)

Law No (6) for the year 1987 concerning entry, exit and residence of foreigners will remain valid, except if otherwise specifically stipulated in this decision;

ARTICLE (18)

All decisions in respect of entry, exit and residence of foreigners contrary to the stipulations mentioned above are invalid;

The General People's Committee
28/2/07