

Cabinet
Decree No. (386) of 2014
on the establishment of an anti-illegal migration agency

The Cabinet

Upon review of:

- The Constitutional Declaration and the amendments thereof;
- The Law of the Financial System of the State and the budget, accounts, and warehouse regulation, and the amendments thereof;
- Law No. (10) of 1992 on security and police;
- Law No. (12) of 1992 on issuing the Law of Labor Relations and the executive regulation thereof;
- Law No. (19) of 2010 on combating illegal migration;
- General National Congress Decree No. (10) of 2013 on granting trust to the interim government;
- General National Congress Decree No. (23) of 2014 on withdrawing trust from the President of the interim government;
- Cabinet Decree No. (145) of 2012 on adopting the organisational structure and competencies of the Ministry of Interior and the organisation of its administrative apparatus;
- Cabinet Decree No. (81) of 2014 on naming a deputy for the Ministry of Interior and assigning tasks thereto;
- Deputy Minister of Interior entrusted with administering Ministry tasks Letter No. (4822) of 13/05/2014;
- The decisions of the Cabinet during its 17th regular session of 2014;
- The Letter of the Secretary of Cabinet Affairs / Designate No. (352) of 28/05/2014;

has decreed:

Article (1)

A public agency shall be established by virtue of the provisions of this Decree under the name “Anti-Illegal Migration Agency,” which shall enjoy legal personality and independent financial liability and be subordinate to the Ministry of Interior.

Article (2)

The headquarters of the Agency shall be in the city of Tripoli. It shall have branches and offices in areas that request the same by virtue of a decree issued by the Minister of Interior on the basis of the proposal of the Head of the Agency.

Article (3)

The Agency shall be responsible for exercising the following competencies:

1. Participate in preparing and implementing joint security plans to ensure maintenance of security and public order in the country.
2. Study and draft strategic plans to limit the phenomenon of illegal migration in Libya.
3. Prepare and implement security plans to combat crimes of smuggling persons and infiltration.

4. Apprehend illegal migrants in Libya and place them in shelters to monitor them and complete the procedures necessary for deporting them to their countries of origin in coordination with the relevant authorities.
5. Document records pertaining to apprehended infiltrators and smugglers and create a database in this regard.
6. Collect information and investigate, sort, and classify cases of human trafficking, organised crime, the smuggling of persons, and infiltration; coordinate with the relevant security agencies to prosecute the perpetrators and suspects.
7. Prepare studies and conduct research on the reasons behind the phenomena of illegal migration and trafficking; limit the same and propose the development of work methods; espouse advanced scientific technology to limit these criminal phenomena.
8. Tally and locate security centres; study the problems and difficulties they are facing and draft solutions to ensure that they are solved.
9. Directly supervise all branches, offices, shelters, departments, and centres affiliated therewith; coordinate their efforts and guide them in accomplishing the goals and duties assigned to the Agency.
10. Monitor desert stations and posts to manage motor patrols combat illegal migration and smuggling in general along the second ring.
11. Perform all components of the Agency's daily administrative tasks; inspect and oversee persons affiliated therewith to verify that they are performing their duties and abiding by the laws, regulations, decrees, and systems in effect therein.
12. Work on providing all technical and advanced means and tools required by the Agency to implement the tasks assigned thereto.
13. Prepare a yearly plan to train persons affiliated therewith and improve the level of their security and professional performance through local and foreign courses.
14. Attend forums, seminars, and local, Arab, and international meetings related to combatting the phenomena of illegal migration, smuggling of persons, and border security.
15. Coordinate with the relevant regional security agencies and cooperate with equivalent Arab authorities, including Arab and international organisations, in order to make use of their experience and capabilities in the field of addressing and limiting the said criminal phenomena.
16. Any other tasks assigned thereto or in which the Agency is competent in accordance with the legislation in force.

Article (4)

When executing its competencies, the Agency shall observe the legislative texts, charters, and treaties pertaining to human rights. It shall also observe the stipulations of international treaties to which Libya is a party.

Article (5)

A Head shall be assigned to the Agency by virtue of a decree issued by the Minister of Interior.

Article (6)

The Head of the Agency shall be responsible for the workflow and direct supervision over the components of the organisational structure thereof. He shall have the following specific competencies:

1. Propose administrative, financial, and technical regulations for the Agency; and refer the same to the Minister for Interior to take measures in this regard in accordance with the legislation in force.
2. Issue decrees related to employee affairs for Agency employees within the limits of the prescribed powers stipulated in the legislation in force.
3. Propose decrees related to official tasks and internal and external training courses related to the Agency's work in accordance with the provisions of the relevant legislation in force.
4. Prepare a draft budget and final account for the Agency.
5. Represent the Agency before the court and in its correspondences with others.

Article (7)

The Agency shall have an independent budget that shall be prepared in accordance with the accounting regulations in effect in the State. The Agency's fiscal year shall begin with the beginning of the State's fiscal year.

Article (8)

The Agency shall have a bank account in one of the national banks operating in the State. Money shall be deposited therein and dispensed therefrom in accordance with the provisions of the legislation in force.

Article (9)

The financial resources of the Agency shall be comprised of the following:

1. The resources allocated therefor in the State's general budget.
2. Any other resources it is licensed to obtain.

Article (10)

The General Directorate for Illegal Migration affiliated with the Ministry of Interior shall be integrated into the Agency. Employees of the said Directorate shall be moved to work in the Agency with their same positions. The Minister of Interior shall issue the necessary decrees therefor.

Article (11)

The Audit Office shall be responsible for inspection and review of the Agency's accounts in accordance with the provisions of the legislation in force.

Article (12)

This decree shall enter into effect from its date of issuance. Any contrary provision shall be repealed and the competent bodies shall implement it. It shall be published in the Official Gazette.

The Cabinet – Libya

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