

**Law No. (19) of 1378 FDP – 2010 AD  
on combatting illegal immigration**

**The General People’s Congress**

- In execution of the resolutions of the Basic People’s Congresses in the annual session of 1377 FDP;

**And upon review of:**

- The Declaration of the Establishment of the Authority of the People;
- The Great Green Charter of Human Rights of the Jamahiriya Era;
- Law No. (20) of 1991 AD on promoting freedom;
- Law No. (1) of 1375 FDP on the work system of People’s Congresses and People’s Committees;
- Law No. (6) of 1987 AD on organising the entry and residence of foreigners in Libya, and exit therefrom, and its amendments;

**drafted the following law:**

**Article (1)**

In application of the provisions of this law, an illegal immigrant shall be anyone who enters the territory of the Great Socialist People’s Libyan Arab Jamahiriya or resides therein without permission or authorisation from the competent bodies, with the intent to settle therein or cross to another country.

**Article (2)**

The following shall be deemed acts of illegal immigration:

- a. Admission of illegal immigrants into the country or removal therefrom by any means.
- b. Transportation of or facilitating the transportation of illegal immigrants inside the country with knowledge of their illegality.
- c. Harboursing illegal immigrants or concealing them in any way from the competent authorities or concealing information about them in order to enable them to reside in the country or depart therefrom.
- d. Preparing, providing, or acquiring counterfeit travel documents or IDs for them.
- e. Organising, assisting, or instructing other persons to perform any of the acts stipulated in the foregoing paragraphs.

**Article (3)**

Anyone who employs an illegal immigrant shall be penalised by a fine of no less than 1,000 LYD and not exceeding 3,000 LYD.

**Article (4)**

Anyone who deliberately obtains for himself or another person a material or non-material benefit, whether directly or indirectly, by commission of any of the acts considered illegal immigration shall be penalised by detention for a period not exceeding one year and a fine of no less than 5,000 LYD and not exceeding 10,000 LYD. If it is proven that the perpetrator

belonged to an organised gang for smuggling immigrants at the time the crime was committed, the penalty shall be imprisonment for a period of no less than five years and a fine of no less than 5,000 LYD and not exceeding 30,000 LYD.

The penalty shall be doubled if the perpetrator was entrusted to guard or monitor ports of entry, crossing points, ports, or borders, whether directly or indirectly.

#### **Article (5)**

If a permanent disability results from the transportation of illegal immigrants into or out of the country, the penalty shall be a fine of no less than 20,000 LYD and not exceeding 50,000 LYD. The penalty shall be life imprisonment if the act results in death.

#### **Article (6)**

Foreign illegal immigrants shall be penalized by detention with hard labour or by a fine not exceeding 1,000 LYD. In all cases, a foreigner convicted of any of the crimes set forth in this law shall be expelled from the territory of the Great Jamahiriya immediately upon execution of the sentence.

#### **Article (7)**

Anyone who deliberately refrains to carry out a legally prescribed measure for the crimes stipulated in this law immediately upon his notification or awareness thereof by virtue of his position shall be penalised by detention for a period of no less than one year and a fine of no less than 1,000 LYD and not exceeding 5,000 LYD. If the act was committed due to neglect, the penalty shall be a fine of no less than 500 LYD and not exceeding 3,000 LYD.

#### **Article (8)**

Anyone who notifies the competent authorities of information that enables the detection of a crime before its execution, that mitigates its effects, uncovers its perpetrators, or leads to their arrest, shall be exempted from the penalties.

#### **Article (9)**

If several distinct crimes are committed, the perpetrator shall be punished for each crime separately, even if the provisions for joinder of offences set forth in the Penal Code are satisfied.

#### **Article (10)**

The General People's Committee for Public Security shall control the crimes mentioned in this law. It may also seize the proceeds from the crime and the means of transport used in smuggling, and it shall refer the arrestees to the competent judicial authorities. In all cases, the court shall rule to confiscate the proceeds from the crime, even if they were falsified, substituted, or converted to legal resources. The court shall also rule to confiscate the means of transport, items, and tools used or prepared for use in the commission of the crimes stipulated in this law, except if they are proven to belong to a third party in good faith. When arresting illegal immigrants, the body mentioned in the foregoing paragraph shall treat them in a humanitarian manner that preserves their dignity and rights and that does not violate their money or moveable property.

### **Article (11)**

All persons who reside in the Great Jamahiriya in violation of the provisions of this law shall seek settlement of their status within a period not exceeding two months from the entry in force of this law. Otherwise, they shall be deemed illegal immigrants and the penalties prescribed in this law shall be applied.

### **Article (12)**

The amounts collected from the fines and funds confiscated under this law shall be deposited in a special account in the Public Treasury.

### **Article (13)**

Any provision contrary to the provisions of this law shall be repealed. Where there is not an applicable text in this law, the provisions of Law No. (6) of 1976 AD and the amendments thereof shall be applied.

### **Article (14)**

This law shall be published in the Legal Register and it shall enter into effect from its date of publication.

**General People's Congress – Libya**

**Issued in Sirte**

**On: 13 Safar 1378 FDP**

**Corresponding to: 28 January 2010 AD**