

Protection for migrants after the Libyan Revolution

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Irregular and mixed migration is still of great concern in post-revolutionary Libya, made more complex by the securitisation of border control issues and the inherent challenges of an interim government consolidating its authority.

At the time of writing, de facto authority continues to lie with the armed brigades who physically control numerous sites, facilities and installations. For example, of the more than 20 migrant detention centres which existed in Libya before the revolution, virtually all of them are now under the control of different brigades. Numerous other unofficial detention facilities for migrants are also under the control of brigades, most of which do not receive any official guidance or financial support. Without financial support, detained migrants are often held in inadequate facilities, giving rise to concerns over access to food, water, health and labour exploitation. Other brigades remain responsible for some border points, ports and other facilities where migrants are being held. Until members of the brigades – who played such a crucial role in the success of the revolution – are integrated into national forces or demobilised, migration policymaking will continue to be extremely ad hoc and decentralised in this way.

While the reviving economy has helped to normalise the situation for some migrants, a significant number continue to face the risk of arrest and detention. For both the government ministries and brigades alike, the gradual return to normalcy after the conflict has thus far been accompanied by strict migration control approaches, focusing on detention of irregular migrants and return or deportation. There remains the need to ensure that a proper legal framework exists to protect the rights of sub-Saharan migrants in

particular, which does not confuse irregular migration status with suspicion of being a mercenary, as well as practical guidelines for local brigades on their dealings with irregular migrants, including increased oversight, proper legal review and accountability.

The post-conflict transition will take time, yet these early stages of how post-revolutionary Libya deals with foreigners may set the precedent for future migration and asylum policies in the country. As policies and practices under the previous regime are reviewed for their applicability, new opportunities exist for the development of a migration policy that is protection-sensitive and cognisant of the specific needs of migrants and asylum seekers. While voluntary return would be a solution for some willing migrants, it is not a comprehensive solution for the estimated million or so irregular migrants present in Libya, many of whom wish to remain there or fear to return home. The international community has recommended possible alternatives to detention, such as a registration scheme giving provisional documentation to foreigners under a temporary immigration amnesty. Registration, rather than circular detention, would allow the Libyan authorities to stabilise the migration situation and plan better for longer-term decisions on migration policies and enforcement.

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