ILLEGAL IMMIGRATION ACROSS LIBYA TO EUROPE: PATTERNS, CHALLENGES AND HUMAN RIGHTS IMPLICATIONS

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Abstract:

Illegal migration to Europe often takes place across the Mediterranean Sea or, in some cases, overland in the Italian boundaries and this has been the subject of international news. Many migrants are at risk of serious injury or death while travelling to Europe, and many who have not been granted asylum have also been forced to return to Africa. Libya is the biggest destination for illegal immigrants in Europe. As a result, many migrants have been arrested in Libya, and forced to remain in Libya while the conditions of detention centres remain substandard level. The poor migration-related conditions in detention centres and refugee camps have sparked international outrage. This study analyses the current situation of illegal migration of people from Libya to Europe and examines the migration of migrants who come to Libya to live in or move to Europe through Libya. This study provides compelling reasons why Libya has become a transit and refugee area and what regulations are in place to curb these conditions. The research employed both qualitative and quantitative methods, including interviews with migrants and statistical analysis of survey data. The results revealed significant challenges faced by migrants in detention centres, the impact of political instability on migration patterns, and the humanitarian implications of current policies. For best results, two methods were used to analyse these conditions: qualitative and quantitative analysis. The results and key findings were aggregated from interviews based on survey questions, and SPSS software was used for quantitative analysis, with the results described in percentages and frequency.

Keywords: illegal immigration, Libya, Europe, Mediterranean Sea, migration policy, human rights

1. Introduction

Migration is as old as humanity. People have always been in search of better living conditions for themselves and their loved ones or to save themselves from dramatic

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situations in their homeland. These two key factors formed the basis of Lee's push-and-pull theory first proposed in 1966, which included the economic, environmental, social, and political factors that forced them to leave their homeland and attract them to their destination country.

People from developing countries move to more developed countries and send remittances back to their home countries. However, migration from Libya to Europe has expanded significantly over the past decade (UN, 2013). According to the Migration Policy Institute (MPI), migration between developing countries is based on proximity, identity, income variability and migration over time. For these reasons, 80% per cent of migration takes place between states with adjacent borders where you find common cultural characteristics (Bee Liller X & Van den Brock K., 2011).

Since migration is an important step for most people and should not be overlooked, push and pull factors play a fundamental role. In migration, people look so negatively at their current place of residence that they feel alienated, and in another place that is so attractive that they feel like it. There are three main types of push and pull factors: economic, cultural and environmental. Migrants must take into account general factors such as travel and accommodation costs, employment opportunities and destination wage rates relative to the region of origin.

Migration between Africa and Europe is not a new topic. Despite the recent migration to Europe, three countries have become important migrants: Libya, Morocco and Tunisia. While all nations are known as major thoroughfares, there is one nation that is much more emphasized than others. The country with the highest migratory flows is Libya on the African continent and Italy on the European continent.

Stephen Castle and Mark Miller have stated over the last twenty years that we are living in an "*era of migration*" (Castles and Miller, 2009): a time when international migration is accelerating, globalizing, diversifying and increasingly politicized. In another sense, John Urry argued that static structures or structures of "sedarism" that traditionally characterized Western society had been replaced by a new defining feature: mobility (Urry, 2007).

After 2013, the number of migrants crossing the Mediterranean has more than quadrupled. The International Organization for Migration estimates that nearly 182,000 Libyan migrants have fled to Italy since the beginning of 2012, aggravating the refugee crisis that is already spreading from Syria and the rest of the Middle East. The European Union (UN) agreement with Turkey has significantly reduced the influx of immigrants into Europe from Greece and other Balkan countries. However, the influx of immigrants from Morocco has declined. As other routes were closed and strict measures were taken against cross-border migrants, the route from North Africa, mainly between Libya and Italy, played an important role in the arrival of illegal migrants in Europe.

During the migration process, several refugees died as they tried to migrate across the Mediterranean to Europe. More than 34,000 migrants and refugees have died since trying to enter Europe from 1993 to 2017 (UN Migration, 2019). More than 3,770 deaths were estimated in 2015, and it is said to be the deadliest in history for migrants and

refugees crossing the Mediterranean Sea to Europe. For comparison, in 2014, an estimated amount of 3,270 people died in the Mediterranean. According to IOM calculations, more than 5,350 migrants died globally in 2015.

This study aims to analyze the illegal migration of people from Libya to Europe and examine the migration of immigrants arriving in Libya to live in Libya or travel through Libya and immigrate to Europe. There will be clear reasons for Libya becoming a transit and asylum area, as well as an examination of how the Libyan nation has become the main route for African citizens to Europe today.

2. Literature Review

2.1 Libya's Demographic-Economic Framework of Migration
The 2011 war in Libya had a major impact on international migration, as Libya has been undergoing military action since the 1970s. Libya was an important country within the international south-south movement: 768,372 migrants left the country. Historically, immigration to Libya began in the 1970s, immediately after oil and hydrocarbons were found there. Over the next two decades, increased oil revenues coupled with ambitious economic and social programs and a lack of local labour continued to attract large numbers of immigrants, particularly from neighbouring Arab countries, in particular from Egypt and Tunisia (Bredeloup & Pliez, 2011).

To illustrate the escalation of the migration crisis in Libya, we must weave the instability left by the ousted dictator Muammar Gaddafi and a power vacuum full of rival factions trying to take their place. The chaos has allowed the smuggling networks to flourish, and suddenly, a lucrative market for human trafficking has opened up. The country's 1,100-mile coastline has become an open border without the government having to control what comes and goes.

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2.2 From a Destination Country to a Transit Nation
Since 1990 in the late North African countries (Algeria, Morocco and Tunisia), the number of migrants from sub-Saharan Africa has risen to work or move to North Africa (especially Libya). Around the year 2000, African sub-Saharan vessels attempted to cross the Strait of Gibraltar illegally to Spain or from Tunisia to Italy (Lampedusa, Pantaleria or Sicily) (Barros et al., 2002; Boubakri, 2004; Bubacry, 2006).

Scientists, activists and political analysts have agreed that the tightening of immigration and border controls has reduced legal channels for immigration into the EU and that in our time, illegality has become a structural feature of migration flows. In this regard, undocumented immigration camps in Italy (and Europe) should not be seen as deportation-oriented institutions, but as places that create conditions for "deportation"

and serve as a filtering mechanism that selectively segregates certain immigrant groups (Karakali & Cyanos, 2004; Metzadra, 2004).

2.3 The Libyan Uprising and Its Implications

The uprising in Libya, triggered by a series of demonstrations to combat political corruption and housing shortages, started in 2011. On 15 February, massive protests broke out against the 42-year-old dictatorship of Colonel Gaddafi, including furious clashes between Gaddafi supporters and Gaddafi Forces (Fiddian-Qasmiyeh, 2011; Mawinwaring, 2011). Several rebels took control of the city of Benghashi and founded the National Transitional Council, which called for an end to the Gaddafi government and the holding of democratic elections.

The war displaced both citizens and foreigners, and the International Organization for Migration evacuated some 150,000 people of different nationalities (IOM) until 2011 June 30 (Dominguez & Pitt-Rashid, 2012). Official estimates of refugees from the Middle East coming to Europe show that a total of 850,230 people of Syrian and Iraqi origin did not apply for asylum until 2015 in several Member States of the European Union (EU).

2.4 Role of International Organizations

The need to ensure the security of Member States' EU borders and legitimate cross-border mobility and the urgent need to promote illegal migration and trafficking have led to several institutional experiments and political innovations. Given current events, this has an ambitious balance; however, its structural weaknesses are shown. According to Barnett and Finnemore (1999, 700), international organizations have power because they "create the social world": by providing data, normative documentation of world problems and policy recommendations, they create an influential cognitive and political system.

The main elements of this structure include:
1) A description of migration as a "global" problem that should be tackled "globally" through international cooperation,
2) A practical assessment of migration as a regular process that should benefit sending and receiving countries and migrants,
3) The desire to "manage" or "streamline" migratory flows (as opposed to illegal migration),
4) The relationship between migration and other policies (such as development or climate change),
5) Adherence to universal principles, including human rights and the free market (Geiger and Pécoud, 2010).

2.5 Current Challenges and Human Rights Concerns

Under Libyan law, illegal entry, stay or illegal exit are punishable irrespective of individual circumstances or protection needs. Endangered foreigners, including victims of trafficking and refugees, are forcibly and arbitrarily detained. Libya has no asylum

system and has not ratified the 1951 Convention. The Convention on the Status of Refugees does not officially recognize the United Nations High Commissioner for Refugees (UNHCR), although it does allow the Agency to register some asylum seekers and refugees from a limited number of countries.

The experience of refugees and migrants is characterized by the fact that the state, despite its legal status, does not have adequate protection in the country. They run the risk of being arrested for wrongdoing after being arrested. Sub-Saharan Africa faces other racist challenges, both from government officials and from Libyan society. Studies show that about half of Libya, travelers believe they will find work there but will eventually flee to Europe to prevent fatal risks and difficult economic conditions, as well as widespread exploitation and abuse.

This literature review demonstrates the complex interplay of historical, political, and social factors that have shaped Libya's role in irregular migration to Europe while highlighting the significant humanitarian challenges that persist in the region.

3. Methodology

3.1 Research Design
This study employed two types of methods to get the best results: qualitative and quantitative analysis. Fundamental analysis refers to the fundamental evaluation of something in terms of quality, not quantity. In the qualitative analysis, we examine how it describes something. When we work with quality, we work with descriptions, feelings, thoughts, and perceptions. We try to understand motives and behaviour.

In the quantitative analysis, we look for facts, indicators, numbers and percentages. The quantitative analysis is more objective and tries to understand events and describe those using statistical methods. However, greater clarity can be achieved through combining qualitative and quantitative methods. The quantitative analysis typically excludes random and rare events from the study results, while the qualitative analysis takes them into account.

3.2 Sample and Data Collection
Random samples were used in this study. A total of 400 people participated in this study, 350 of which were randomized, and the remaining 50 were semi-structured and purposive. A purposive sampling method was applied to include all possible nationalities of refugees and asylum seekers.

The interviews were carried out in three cities -- Sebha, Tripoli and Missouri - where a total of 109 refugees, asylum seekers and migrants were interviewed, as well as eleven people whose relatives had disappeared from Libya after a trip to Italy. Misrata is on the north coast and was an important trading centre in the past. Tripoli is the largest city in the country and is geographically located off the coast of Libya at key points of reference. Finally, due to its seasonal and often circular migration patterns, Sebha is the most important migration centre in southern Libya.

3.3 Research Instruments

The study collected and analysed data from questions and interviews. The questionnaire was used to collect quantitative data on respondents at lower levels and interviews with employees at higher and higher levels. Information about cross-comparisons with other employees was collected and checked for more reliable data.

The questionnaire utilized a 5-point Likert scale:
- Strongly disagree,
- Disagree,
- Neither disagree nor agree,
- Agree,
- Strongly agree.

3.4 Validity and Reliability

Cronbach's Alpha was used to assess the reliability of research constructs. The value of Cronbach's alpha for deficient and misfit laws was 0.80, for historical circumstances was 0.82, and for immigration, laws and abuses was 0.79. The reliability of the entire questionnaire was 0.86. Cronbach's alpha value for three of the variables was above 0.7, which signifies the high reliability of the variables.

3.5 Data Analysis

The data obtained from the respondents were analysed using quantitative and qualitative methods. SPSS was used for the quantitative analysis, which mainly describes the results in percentage and frequency. The description helps to explain complex social events that involve variable relationships. For the qualitative data, interview responses were analysed thematically to identify patterns and key findings.

3.6 Hypotheses

The study tested the following hypotheses:
- **H1:** Deficient and Misfit Libyan laws are circumstances that have led to the current situation,
- **H2:** The historical circumstances in Libya have a significant effect on the current illegal immigration,
- **H3:** Immigration laws, Abuses, detention facilities, and deportation policies are the problems faced by migrants crossing the border and the ones imprisoned in Libya,
- **H4:** Long-term solutions developed and delivered with and by local people are the best solutions to deal with the refugee crisis.

The received data was checked again for errors. Conflict data were tracked and resolved by cross-checking with the respondents. Each profile has a badge that is easy to identify, display and track. The demographical profile of the respondents shows that 55% of all participants were male and 45% were female, with around two-thirds of the sample (67%) being above the age of 35.

This methodology allowed for a comprehensive examination of both the quantitative patterns and qualitative experiences of illegal migration across Libya to Europe while maintaining rigorous standards of data collection and analysis.

4. Results

4.1 Demographic Profile of Respondents
The demographic analysis revealed that 52% of participants were male and 48% were female, showing a relatively balanced gender distribution. Age distribution indicated that the majority of participants (67%) were above age 35, with specific breakdowns as follows:

- 25 and below: 3.2%,
- 25-34: 27.3%,
- 35-44: 12.2%,
- 45-54: 27.0%,
- 55-64: 5.8%.

Regarding marital status, 54% were married, 38% were single, and 8% were divorced.

4.2 Qualitative Findings
4.2.1 Pre-Migration Circumstances
Interviews revealed that citizens from neighbouring countries (Niger, Chad, Sudan, Rwanda and Tunisia) visited Libya mainly for economic reasons. Most respondents from war and conflict countries such as Sudan were reluctant to find a peaceful place for themselves and their families, while others were driven by economic insecurity.

4.2.2 Post-Migration Experiences
The study found that around half of people travelling to Libya believe they can find work there but eventually flee to Europe to prevent fatal risks and harsh economic conditions, as well as widespread exploitation and abuse. Almost all refugees and migrants arriving in Libya do not regularly seek help from smugglers or criminal networks, which require around $5,000 in the country.

Region-specific findings from interviews showed:

Region of origin	Less than 12 months	12 months or more	Total
MENA	11	17	28
West Africa	4	5	9
East Africa	9	4	13
Total	24	26	50

4.3 Quantitative Analysis
4.3.1 Reliability Testing
Factor analysis and reliability testing revealed strong internal consistency:

- Deficient and Misfit laws: α = 0.80,
- Historical Circumstances: α = 0.82,
- Immigration Laws and Abuses: α = 0.79,
- Overall questionnaire reliability: α = 0.863.

4.3.2 Hypothesis Testing

Linear regression analysis revealed significant relationships:

1) H1- Deficient and Misfit Libyan laws impact on the current situation $F(1, 348)$ = 47.097, Adjusted R^2 = .104, β = .325, t = 6.863, p < .001
2) H2- The historical circumstances in Libya have a significant effect on the current illegal immigration $F(1, 348)$ = 26.832, Adjusted R^2 = .097, β = .168, t = 3.062, p < .001
3) H3- Immigration laws, Abuses, detention facilities, and deportation policies are the problems faced by migrants crossing the border and the ones imprisoned in Libya $F(1, 348)$ = 16.432, Adjusted R^2 = .037, β = .199, t = 4.054, p < .001

The results indicate that deficient and misfit Libyan laws have led to the current situation. Historical circumstances in Libya have significantly affected current illegal immigration, and immigration laws, abuses, detention facilities and deportation policies significantly impact migrants crossing borders and those imprisoned in Libya. All hypotheses were supported with statistical significance.

4.3.3 Key Correlations

Variables showed significant correlations:

- Deficient and Misfit measures (Mean = 3.6980, SD = 0.45267)
- Historical Circumstances (Mean = 3.7942, SD = 0.46506)
- Immigration Laws Abuses (Mean = 3.8097, SD = 0.42690)

4.3.4 Migration Patterns and Challenges

The study identified several key patterns:

1) Most migrants typically leave their homes for multiple reasons, making it difficult to determine the specific conditions for those with and without choice.
2) Employment sectors were linked to regions of origin:
   o MENA region and East Africa: Highly skilled occupations, including health and education,
   o West Africa: Less qualified positions, cleaning and farming,
   o East Africa: More diverse, medium-employment sector roles.
3) Key challenges identified:
   o Lack of adequate protection despite legal status,
   o Risk of arbitrary arrest,
   o Racial discrimination, particularly for sub-Saharan Africans,
   o Economic difficulties, including irregular payment of wages,
   o Basic needs challenges, particularly food, housing, and healthcare.

These results demonstrate the complex interplay between legal frameworks, historical circumstances, and current policies in shaping the experiences of migrants travelling through Libya to Europe. The findings support all three hypotheses, indicating that legal deficiencies, historical circumstances, and current immigration policies significantly impact migration patterns and experiences.

5. Discussion

Migration between Africa and Europe is not a new topic. One of the biggest migrations between Africa and Europe is the 20th century. Despite the recent migration to Europe, three countries have become important migrants: Libya, Morocco and Tunisia. While all nations are known as major thoroughfares, Libya has become the country with the highest migratory flows on the African continent and Italy on the European continent.

After 2013, the number of migrants crossing the Mediterranean has more than quadrupled. The International Organization for Migration estimates that nearly 182,000 Libyan migrants have fled to Italy since the beginning of 2012, aggravating the refugee crisis that is already spreading from Syria and the rest of the Middle East. During the migration process, several refugees died as they tried to migrate across the Mediterranean to Europe. More than 34,000 migrants and refugees have died since trying to enter Europe from 1993 to 2017 (UN Migration, 2019).

The 2011 war in Libya had a major impact on international migration, as Libya has been undergoing military action since the 1970s. Libya was an important country within the international south-south movement: 768,372 migrants left the country. The chaos has allowed the smuggling networks to flourish, and suddenly, a lucrative market for human trafficking has opened up. The country's 1,100-mile coastline has become an open border without the government having to control what comes and goes.

Under Libyan law, illegal entry, stay or illegal exit are punishable irrespective of individual circumstances or protection needs. Endangered foreigners, including victims of trafficking and refugees, are forcibly and arbitrarily detained. Libya has no asylum system and has not ratified the 1951 Convention. The findings support quantitative analysis showing that deficient and misfit Libyan laws [$F_{(1, 348)} = 47.097$, $p < .001$] have contributed significantly to the current crisis. This analysis demonstrates that the legal framework's deficiencies explain 10.4% of the variance in current migration challenges (Adjusted $R^2 = .104$, $\beta = .325$).

The experience of refugees and migrants is characterized by the fact that the state, despite its legal status, does not have adequate protection in the country. They run the risk of being arrested for wrongdoing after being arrested. Sub-Saharan Africa faces other racist challenges, both from government officials and from Libyan society. A quarter of respondents said that their employers do not receive regular benefits, in part because of employers' difficulties in getting cash, paying staff, and possibly protecting refugees and migrants.

For most migrants, the decision-making process seems to be, to some extent, an element of coercion and choice. The causes of involuntary and economic migration are often closely related: countries affected by armed conflicts and human rights violations often suffer from poor economic conditions, while those who are fleeing physical security also want to protect their economic security.

Studies show that about half of Libya travelers believe they will find work there, but will eventually flee to Europe to prevent fatal risks and difficult economic conditions, as well as widespread exploitation and abuse. Due to the economic crisis, more than half of the refugees and migrants surveyed indicated that they had to meet basic needs. Overall, food consumption remains an important issue, followed by questions about housing and healthcare.

The proliferation of non-state detainees in Libya raises a number of issues related to oversight, jurisdiction and accountability. According to one of the authors, the close connection between detention and crime in the country leads to alarming consequences. European Migration Control Fund stated: "*In many countries that want to help manage migration, such as in Libya, there is a clear link between legal and illegal forms of detention and expulsion.*"

Italy and the EU need to continue finding lasting political solutions in Libya. For several years, political experts have advocated a pragmatic national dialogue in the country, involving important factors such as their involvement in human rights violations. A realistic approach is needed that ensures attempts to involve the militia in the process of national reconciliation are accompanied by conditions that help to disarm these groups and turn them into mere political actors.

These findings contribute to our understanding of the complex dynamics of irregular migration through Libya while highlighting the urgent need for comprehensive policy responses. Without meaningful reforms to legal frameworks and protection mechanisms, migrants will continue facing severe risks in their journey from Libya to Europe.

6. Conclusion

After 2011, the situation of migrants working in Libya continued to deteriorate after Gaddafi's collapse and the outbreak of the civil war. The country has been destroyed by armed conflict as competing governments and militias fight for control and the collapse of public services. Most migrants do not have a residence permit or other documents and are, therefore, at risk of being arbitrarily arrested and detained.

So far, there has been broad consensus among scientists, activists and political analysts that stricter immigration policies and border controls have restricted legitimate migration channels to the EU and made them illegal in our day. This has become a structural feature of migration flows. In this sense, the camps of illegal immigrants in Italy (and Europe) should not be seen as deportation institutions but as places that create conditions for "deportation" and act as a filtering mechanism that is selectively included.

Libyan refugee camps are simply overcrowded, with strict hygiene, and difficult access to water, and the people in the camps continue to die and starve until the situation is "catastrophic". There are cases of torture, serious violence and exploitation, including sexual and forced labour. Amnesty also confirmed the death of people trying to escape. But the first militias and traffickers are using refugees to make money by threatening violence or death. In some cases, tortured videos are made to be sent to families.

The reform of asylum and refugee policies has been the subject of intense international debate in recent years. Given that the current influx of asylum seekers may be larger than that which would be optimal even under a cooperative policy, the asylum policy is unlikely to be significantly weakened. In addition, asylum applications for resettlement applications are also unsuccessful. Resources that invest more in such programs can help displaced people at home and create conditions that reduce the chances of civil war.

Due to the economic crises and political instability, the statistics show that illegal immigrants migrate in search of greener pastures that can provide all their needs, undermining the risks and dangers involved. Thus, illegal migration is carried out by every member of a household without leaving anyone behind. Nevertheless, measures have been taken to tighten the border and migration policies and patterns have been put in place to reduce the number of illegal migrants entering the country.

A profound transformation was examined to influence the institutionalization of borders and the concept of state sovereignty in modern Europe. Instead of proposing to set up transit treatment centres in North Africa, consider a joint EU-Libya action plan, co-funding from the European Commission, and implementation of IOM programs. The Mediterranean crossings have fallen sharply since 2017, but the humanitarian crisis persists within Libya's borders.

Humanitarian aid urgently needs to be made more comprehensive and transparent for migrants and refugees in Libya. The arbitrary detention of migrants and refugees must be stopped immediately. Being in places where basic human rights cannot be guaranteed is not a human decision to bring people to the coast of Europe. Instead, shelters should be set up as soon as possible to provide security and support to people and evacuation facilities.

In general, the EU and its Member States must take a new, comprehensive approach. Human rights and humanitarian principles are at the heart of every political decision, approach and agreement with third countries. A few human rights treaties and conventions signed and signed by the EU and its member states must be enforced strictly and bindingly so that they can serve as a guide for compliance with other laws.

Conflict of Interest Statement
The authors declare no conflicts of interest.

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