

NATIONALITY: Libya

In May 2010 'Law number (24) on The Libyan Nationality' was adopted. This law is currently still in force.

2.1 Right to Nationality

Article 2 of the Nationality Law stipulates that:

Every person with regular residency in Libya since 7 October 1951, without any other foreign nationality, is considered Libyan if one of the following conditions is applicable to him/her:

- He/she is born in Libya
- He/she is born outside Libya but one of his/her parents is born in Libya
- He/she is born outside Libya but resided regularly in Libya for a period not less than 10 years before 07/10/1951

Article 3 adds that a person is also considered Libyan if:

- He/she is born in Libya to a Libyan father
- He/she is born outside Libya to a Libyan father
- He/she is born in Libya to a Libyan mother and a father that either has an unknown nationality or who's stateless. Or his/her parents are unknown

2.2 Renunciation and Loss of Nationality

No articles in the Libyan Nationality Law concern renunciation of Libyan nationality.

The Nationality Law states that a Libyan citizen can lose his/her nationality if he/she obtains a foreign nationality without prior permission of the Libyan authorities. Further information on how to obtain permission from the authorities is not provided in the law and has not been found elsewhere. Also, obtaining the Libyan nationality based on false information, forged documents and/or withholding relevant information concerning one's nationality is one of the reasons mentioned that could lead to revoking the Libyan nationality by the authorities. Furthermore, if a father loses his Libyan nationality, consequently so do his children. What happens if the mother is Libyan as well and how this relates to the last bullet under article 3, as mentioned in the section above, remains unclear. Article 13 of the Nationality Law states two more reasons for Libyan nationality to be revoked: 1) if within ten years of obtaining nationality the person has acted against the interests of Libya, 2) if the person within those ten years has resided outside Libya for reasons that were not approved by the authorities. Possible reasons that could be approved or disapproved of are not listed in the law.

2.3 Reacquisition of Nationality

According to article 8 of the Law on Nationality, it is possible to reacquire the Libyan nationality for a person who obtained nationality of the country he/she emigrated to. The person needs to submit documents that prove his/her Libyan origin.

Article 7 lists the following conditions for establishing Libyan origin:

- Proof of Libyan origin depends on authenticated documents
 - Libyan authorities will issue a decision on the needed documents to prove Libyan origin; witness testimonies are not considered proof.
 - The applicant for Libyan nationality must be registered in the registry of Libyan authorities in the country that he immigrated to and resided in.
- More information on the exact procedure to reacquire Libyan nationality has not been found.

Dual Nationality

It is legally possible for Libyans to have dual nationality. The Nationality Law stipulates that a Libyan citizen can obtain permission from the Libyan government to acquire a foreign nationality. No articles in the Nationality Law concern renunciation of Libyan nationality. Article 11 might be interpreted as a possibility for dual nationality for children of a Libyan mother who is married to a non-Libyan father. Dual nationality is in fact very common in Libya. Many ministers and other influential people are dual nationals. One source speaks of tens of thousands of dual nationals who were forced to flee Libya during the Qadhafi regime because they faced persecution. Currently there seems to be a national discussion regarding the position in post-Qadhafi Libya of those Libyans who do have dual nationality. The discussion is about whether or not dual nationals should be allowed to acquire important positions. In August 2014 a law was passed by the National Congress that disallows people with dual nationality to hold the position of speaker of congress or that of his deputy. Also, members of Congress with non-Libyan spouses cannot occupy high posts, according to the new law. Congress wishes to extend this law to include government officials and officials in the near future. One source mentions that dual Libyan-American nationals may not enter or leave Libya on their U.S. passports and must obtain a Libyan travel document before travelling to Libya. This automatically means that the local authorities will treat them as Libyans despite their other nationality. It seems likely that the same goes for people with other than American nationalities, but no information was found to corroborate this.

2.5 Right for Libyan Women to Pass on Nationality

According to article 3 of the Nationality Law, a Libyan mother can only pass on her nationality to her child if the child is born in Libya and the father's nationality is either unknown or he is stateless. This article in fact excludes children of Libyan mothers and non-Libyan fathers from Libyan citizenship. This, however, seems to contradict article 11 which states that the children of a Libyan mother who is married to a non-Libyan can obtain Libyan nationality. No information has been found on what happens in a situation like this in practise. It remains ambiguous what the actual rights of Libyan women are regarding the possibility to pass on their nationality to their children if their husbands are not Libyan. Different sources have different interpretations of these articles. No information regarding the actual implementation of these articles has been found. This seems to support the suggestion by one media source that the Ministry of Interior is so far refusing to put the law in this regard into practise.

2.6 Mixed Marriages

2.6.1 Libyan Men with Foreign Spouses

Libyan men can get married to non-Libyan women without restrictions. Their children are automatically considered Libyan. This is even the case if they are born abroad and never obtained a Libyan birth certificate or passport, according to one source. Foreign women married to Libyan men can apply for Libyan nationality when they have been married for more than two years. Several sources mention that foreign women (used to) have to renounce their nationality before acquiring the Libyan one. Palestinian women married to Libyan men can also acquire Libyan nationality (unlike Palestinian men married to Libyan women).

2.6.2 Libyan Women with Foreign Spouses

Libyan women must obtain permission from the government to marry non-Libyan men, according to one source. It also states that they are often confronted with difficulties and harassment when trying to get the permission. Information on the procedure of obtaining the government permission has not been found. In 2013 the grand mufti, Sheikh Sadeq al-Ghariani, issued a fatwa against Libyan women marrying foreigners, claiming the foreigners married Libyan women and made them convert to other religions. The Ministry of Social Affairs endorsed the fatwa by suspending issuance of marriage licences. Suspension of the marriage licences is meant to be a temporary measure until proper laws and regulations are in place. No information was found regarding cancellation of it which suggests there are still no marriage licences issued until today. The previous nationality law and its amendments made it possible for Libyan women to marry foreigners without losing their Libyan nationality, but they could not pass it on to their children, according to Human Rights Watch. This made it impossible for these families to obtain the official documentation they needed to gain access to state services like medical care, subsidized food and allowances the state would grant after a child was born. As stated above, Libyan women cannot pass their nationality on to their husbands, and it remains unclear whether or not they can give their children Libyan nationality. Palestinian men are specifically mentioned in the Nationality law as being unable to obtain Libyan nationality even if they are married to Libyan women.