

## **Draft Law Proposed by the Council of Ministers – The Government, Presented by Members of Parliament**

We are honored to submit to your esteemed authority a draft law listed below, aimed at criminalizing irregular (illegal) immigration. The following articles shall apply to these crimes, in accordance with the United Nations Convention against Transnational Organized Crime (No. 39574, effective as of September 29, 2003) and the two Protocols emerging from it, which deal with the smuggling of migrants by land, sea, and air (No. 39574, effective as of December 28, 2004), and the other Protocol concerning the prevention, suppression, and punishment of trafficking in persons, especially women and children (No. 39574, effective as of December 25, 2003), to which Lebanon acceded on October 5, 2005 and is obligated to implement. We request your government to include this on the agenda of the first legislative session for voting and adoption, taking into consideration the reasons stated herein.

Beirut on ....

With utmost respect,  
Greetings,

### **Proposed Law Aimed at Criminalizing Illegal Immigration**

Article 1: A new Chapter Four titled "Illegal Immigration" shall be added to Title Eight of Book Two of the Legislative Decree No. 340 dated March 1, 1943 (Penal Code), as follows:

[Chapter Four: Illegal Immigration

Article 586 repeated1: Illegal immigration is the entry or exit of persons to and from a country in an irregular manner, through legal or illegal crossings, either by land, sea, or air.

The following cases, among others, are considered illegal immigration:

- Unlawfully bringing illegal immigrants into or out of the country.
- Entry into a country without completing legal procedures.
- Arranging illegal entry for a foreigner into the state territory.
- Arranging illegal exit for a foreigner or citizen from the state territory.
- Preparing, providing, or possessing forged travel or identity documents for immigrants or arranging their acquisition.
- Transporting, facilitating the transport of, harboring, or hiding illegal immigrants, knowing their presence or destination in the country is illegal.
- Enabling a foreigner to stay in another country unlawfully.

Article 586 repeated2: Persons involved in illegal immigration include:

- Foreigners entering host countries illegally and not regularizing their legal status.
- Foreigners entering legally but overstaying beyond the legally permitted period.
- Lebanese citizens or foreigners exiting the country illegally by any means.

### **Article 586 repeated3:**

Punishment of imprisonment from three to seven years and a fine up to five hundred million Lebanese pounds for anyone intending to gain directly or indirectly material or immaterial benefits by committing acts considered illegal immigration.

The penalty is doubled if the migrant is exploited or in need, or if the perpetrator belongs to an organized gang involved in migrant smuggling or human trafficking.

**Article 586 repeated4:**

Punishment with hard labor from ten to fifteen years if the transportation of illegal migrants results in permanent disability, and life imprisonment with hard labor if it results in the death of a migrant.

**Article 586 repeated5:**

The maximum penalty mentioned in Article 351 and following of the Penal Code shall be applied to anyone who intentionally fails to take a legally required action upon being informed of crimes stipulated in this law, intending to obtain material benefits or harm a migrant.

**Article 586 repeated6:**

Exemption from punishment for those who report to administrative or judicial authorities or inform competent local authorities about the crime mentioned in this chapter, providing information that either prevents the crime or leads to the arrest of its perpetrators or accomplices, provided the informant is not the perpetrator.

**Article 586 repeated7:**

Contrary to Article 205 of the Penal Code, in cases of multiple offenses including illegal immigration, penalties are cumulative without the benefit of merger provisions.

**Article 586 repeated8:**

Competent courts must issue protection orders for individuals providing information leading to the discovery and prevention of the crime and the arrest of the perpetrators and contributors.

**Article 586 repeated9:**

In cases of death or physical or psychological harm resulting from illegal immigration, the Ministries of Social Affairs and Public Health must provide free health care, material assistance, and psychological support to the victims.

**Article 586 repeated10:**

All proceeds from crimes mentioned in this chapter shall be confiscated and deposited in a special account created in the Ministry of Social Affairs by law, with funding sources and regulations determined by decree taken in the Council of Ministers based on the proposal of the Minister of Social Affairs, to assist victims of these crimes.

**Article 586 repeated11:**

Consent of victims of illegal immigration is not considered a mitigating factor in the punishment of those accused of committing acts of illegal immigration under this law.

**Article 686 repeated12:**

Judicial officers are not authorized to confiscate documents and records of victims of illegal immigration, subject to disciplinary action.

**Article 586 repeated13:**

In disputes between two or more countries regarding responsibility for illegal migrants or their punishment or repatriation, the Lebanese State undertakes to apply the human rights agreements it has ratified in accordance with the proper procedures.

#### **Article 586 repeated14: General Provisions**

- The Lebanese courts shall have jurisdiction in cases where any of the acts constituting the crime are committed on Lebanese territory.

**Article 2:** This law shall be effective immediately upon its publication in the Official Gazette.

- Victims who are coerced into committing punishable acts under this law or violate residence or work conditions shall be exempted from punishment. The investigating judge or judge handling the case may, by decision, allow the victim to stay in Lebanon for the duration necessary for the investigation.
- The Minister of Justice may enter into agreements with specialized institutions or associations to provide assistance and protection to victims of the crimes stipulated in this chapter.
- The conditions required for these institutions and associations, and the procedures for providing assistance and protection, shall be determined by a decree taken in the Council of Ministers based on the proposal of the Minister of Justice.

#### **Reasons for the Law**

Illegal immigration represents a journey into the unknown, especially when it occurs by sea or land, exposing migrants to significant risks, the greatest being the loss of life for themselves and their families. If they arrive safely in the destination country, they face legal accountability, imprisonment, and unknown risks, or otherwise, repatriation to their home countries, which is the least of the losses.

Among the negative effects of illegal immigration are the loss of many young migrants and their exposure to numerous dangers such as the risk of drowning, disappearance, and death. In such cases, they leave behind great sorrow for their families and loved ones, in addition to humiliation, extortion, deception, arrest, imprisonment, various penalties, and subsequent deportation, resulting in the loss of their future, as well as significant financial and psychological damage.

They may also fall victim to highly dangerous human and organ trafficking gangs, facing severe risks, including various assaults and the necessity of living in subhuman conditions.

There are many reasons and motivations for illegal immigration, often driven by the pursuit of a better life and more successful opportunities.

In Lebanon, especially, the decline in the economic situation, the devaluation of the currency, the recent restriction on issuing passports to Lebanese citizens, as well as significant pressures on Syrian refugees fearing forced unsafe return to their homeland and the reduction of United Nations aid, have all contributed to the increase in the number of illegal migrants.

This category of people, in addition to suffering the worst forms of injustice in their homeland, including poverty, unemployment, lack of job opportunities, and inability to obtain passports, are willing to risk life and death for a better life and future, risking their and their families' lives by traveling illegally to secure livelihood.

Therefore, it was imperative for us to propose the current law aimed at criminalizing the exploitation of people's needs and simultaneously ensuring the accountability and combating of life and human traffickers, ensuring fair treatment of these migrants as they are often victims.

What is necessary is to address the root causes of illegal immigration, especially those related to poverty, and our conviction of the need to treat illegal migrants humanely and fully protect their fundamental rights. As Lebanese, we belong to a category of countries from which people migrate, not to which they migrate. For all these reasons, it is essential to empathize with the victims, raise their awareness, and punish those who exploit their needs for base purposes.

For all the above reasons, we have prepared the attached draft law aimed at amending Article 586 to criminalize illegal immigration, in line with the aforementioned international conventions, hoping for its adoption in the first legislative session.