

# 2017 ANNUAL REPORT ON MIGRATION AND ASYLUM





## EXECUTIVE SUMMARY

The present report provides an overview of the main developments and debates in relation to migration and asylum in Luxembourg in 2017.

The number of people applying for international protection remained high in 2017 (2.322 applications) compared to the levels registered pre- ‘migration crisis’ (1.091 in 2014). However, the number of registrations remained relatively stable if compared to the two preceding years (2.447 in 2015 and 2.035 in 2016).

This relative stability in numbers also reflected on the general public and policy debate in the field of migration and asylum. Since 2016, its focus has continuously shifted from an ‘emergency’ discourse axed on the implementation of reception measures and conditions towards discussions on longer-term integration measures and policies.

In this regard, the newly introduced Guided Integration Trail (*parcours d’intégration accompagné* - PIA) can be considered a flagship project of OLAI, the national agency responsible for the reception and integration of foreigners. This multidisciplinary package of measures aims to empower applicants and beneficiaries of international protection and to support them in developing their life project. The trail, compulsory for all adult applicants for international protection, consists of a linguistic component and a civic component and is split into three phases.

Although increasing housing capacities for the reception of applicants for international protection was high on national authorities’ agenda, housing remained a challenging aspect of the asylum system and triggered debate on a national scale. Alongside access to training, problems related to housing were among the issues most frequently raised by applicants for international protection in 2017. The lack of affordable housing on the private market, an increasing number of family reunifications as well as the increasing number of beneficiaries and persons who have been issued a return decision who remain housed in structures of OLAI were all identified as interplaying barriers for finding available accommodation for applicants for international protection.

The difficulties with the construction of modular housing structures also persisted in 2017. A certain reticence of the population towards the construction of these so-called ‘container villages, planned in response to the increasing influx that started in August 2015, was visible in the appeals introduced into Luxembourg’s First Instance Administrative Courts to annul the land-use plans related to the projects.

Living conditions in the various reception facilities were also one of the subjects of discussion in 2017. This included a debate on the (lack of) kitchen infrastructure in reception facilities and the varying systems for provision of food, the types of food available, as well as the availability of internet.

As an answer to the resurgence of an increased influx of applicants of international protection from the Western Balkans in early 2017, a new ‘ultra-accelerated procedure’ was put in place for applicants of international protection stemming from the Western Balkans. According to the state

authorities, the ultra-accelerated procedure was set up to take pressure off the reception facilities, but also as a deterrent to avoid creating false hopes for long-term stay.

In April 2017, a ‘semi-open return structure’ (*Structure d’hébergement d’urgence au Kirchberg – SHUK*) was put in place, from which people are transferred to states applying the Dublin regulation. Due to home custody (*assignation à résidence*), the SHUK is considered to be an alternative to detention by national authorities. The newly created structure as well as the related conditions for assignment, were nevertheless criticised by civil society.

The outcry among civil society was equally high during and after the adoption the Law of 8 March 2017, which endorses the extension of the permitted period of detention of adults or families with children from 72 hours to 7 days, in order to improve the organisation of the return and ensures that it is carried out successfully.

A commission in charge of determining the best interests of unaccompanied minors applying for international protection was decided at the end of 2017. The commission is in charge of carrying out individual assessments regarding the best interest of the child with the aim of delivering an authorisation of stay or a return decision. Among the elements taken into consideration when the best interest of the child is evaluated in the context of a potential return decision is information provided by the International Organization for Migration (IOM). The latter made an agreement with the Directorate of Immigration in 2017 to search for the parents of UAMs in the country of origin.

With the focus of debates having slowly shifted towards long-term integration issues, the Council of Government also approved the elaboration of a new multiannual national action plan on integration. The plan will be based on two axes: (1) the reception and follow-up of applicants for international protection and (2) the integration of Luxembourg’s non-Luxembourgish residents.

Luxembourg’s National Employment Agency (ADEM) set up a “*cellule BPP*” (beneficiaries of international protection cell) in its Employer Service in early 2017. This cell provides employers with information regarding job applications and evaluations of the competences of beneficiaries of international protection.

A new law on the Luxembourgish nationality entered into force on 1 April 2017. Given the particular demographic situation of Luxembourg characterised by a significant increase in the total population and a decrease in the proportion of Luxembourgers in the total population, the reform intends to promote the societal and political integration of non-Luxembourgish citizens and to strengthen cohesion within the national community. The main changes introduced by the law include a decreased length of residence requirement for naturalisation (from 7 to 5 years), the right of birthplace (*jus soli*) of the first generation, a simplified way of acquiring Luxembourgish nationality by ‘option’, as well as new scenarios to avoid cases of statelessness. The law maintains previous linguistic requirements but makes some adjustments in order to prevent the language condition from becoming an insurmountable obstacle.

Ahead of the local elections held on 8 October 2017, the Ministry of Family, Integration and the Greater Region launched a national information and awareness-raising campaign titled “*Je peux voter*” (I can vote) in January 2017. This campaign aimed to motivate Luxembourg’s foreign population to register on the electoral roll for the local elections.

The government's intention to legislate face concealment was arguably one of the most debated topics in the field related to community life and integration in the broader sense, both in parliament as well as in the media and public sphere. Bill n°7179 aims to modify article 563 of the Penal Code and to create the prohibition of face concealment in certain public spaces. The bill defines face concealment as the action of covering part of or all of the face in a way of rendering the identification of the person impossible and provides a wide variety of examples, such as the wearing of a motor cycle helmet, a balaclava or a full-face veil. Opposing views among stakeholders, whether political parties, public institutions, civil society or the media, emerged with regard to the necessity to legislate in the matter and if so, on the basis of which grounds and to what extent.

The phenomenon of migration has also led to a more heterogeneous population in Luxembourg's schools. To face this situation, the education authorities continued to diversify Luxembourg's offer in education and training, creating for instance a bigger offer for youngsters and adults who do not master any of Luxembourg's vehicular languages, offering more alphabetisation courses or basic instruction courses. The Minister for National Education continued to develop and adapt the school offer to the increased heterogeneity by increasing the international and European school offer, introducing of a new mediation service and putting in place a plurilingual education programme.

In the area of legal migration, the most significant changes concerned admission policies of specific categories of third-country nationals. In this respect, bill n°7188 mainly aims to transpose Directive (EU) 2016/801 of the European Parliament and the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing. The directive aims to make the European Union a world centre of excellence for studies and training, while favouring contacts between people and favouring their mobility, these two being important elements of the European Union's external policy. Bill N°7188 intends to facilitate and simplify the procedures for intra-European mobility of TCN researchers and students. Moreover, the proposed changes include incentive mechanisms to retain students and researchers. To this end, it proposes that students and researchers, once they have completed their studies/research, can be issued a residence permit for "private reasons" for a duration of 9 months at most in view of finding employment or creating a business. Finally, bill n°7188 also foresees provisions to regulate the family reunification of a researcher staying in Luxembourg in the context of short- and long-term mobility with his/her nuclear family. The legislator furthermore transposed Directive 2014/36 on seasonal workers and Directive 2014/66 on temporary intragroup transfer into national law, and adapted Luxembourg's immigration law to the needs to the economy, by introducing, amongst other things, and authorisation of stay for investors.

Organising the admission of stay and the issuance of authorisations of stay was also a key component within the agreement between Luxembourg and Cape Verde on the concerted management of migratory flows and solidary development. Other objectives of the agreement include the promotion of the movement of people, detailing readmission procedures, fighting against irregular migration, strengthening the legal establishment and integration of the concerned nationals, as well as the mobilisation of skills and resources of migrants in favour of solidary development.

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## **PREFACE**

The opinions and interpretations expressed in this report belong exclusively to their authors. They do not necessarily reflect the positions of the Ministry of Family, Integration and the Greater Region, nor of the Ministry of Foreign and European Affairs.

The present report was drawn up by Sarah Jacobs, Kelly Adao and David Petry, members of the National Contact Point Luxembourg within the European Migration Network (LU EMN NCP) under the responsibility of the coordinator Associate Prof. Dr. Birte Nienaber, University of Luxembourg, with the ongoing support of Sylvain Besch, CEFIS - Centre for Intercultural and Social Study and Training; Marc Hayot, Luxembourg Reception and Integration Agency, Ministry of Family, Integration and the Greater Region; Christiane Martin, Directorate of Immigration, Ministry of Foreign and European Affairs and François Peltier, STATEC - National Statistics and Economic Studies Institute.

## **METHODOLOGY**

In order to determine the significance of the events or debates, account has been taken of the following criteria:

- Impact of the debate on the political discussions accompanying the legislative process;
- Media coverage;
- Number and type of actors (non-governmental organisations, trade unions, political parties, deputies, parliamentary groups, media, members of government, etc.) intervening or involved in the debate.

The principal sources of information that were used are:

- Information provided by national governmental and non-governmental experts;
- Information provided by non-governmental organisations active in the field of migration and asylum;
- Systematic monitoring of parliamentary debates and questions;
- Systematic consultation of all the press articles written in the main daily and weekly newspapers in Luxembourg;
- Systematic consultation of relevant internet sites (ministries, non-governmental organisations, etc.);
- Consultation of reference documents such as studies and activity reports from various actors, etc., which have fed the debate on asylum and migration policies in Luxembourg;
- Consultation of the positions taken by non-governmental organisations;
- Consultation of the database on administrative case law regarding migration and

international protection established by the Luxembourg National Contact Point within the European Migration Network.<sup>1</sup>

## **TERMINOLOGY AND DEFINITIONS**

As for terminology, we refer to the terms used in the Asylum and Migration Glossary 6.0 of the European Migration Network<sup>2</sup>.

The term *foreigner* is the one defined in Article 3(a) of the amended law of 29 August 2008 on the free movement of people and immigration, which stipulates that a foreigner is “*any person who does not possess the Luxembourg nationality, who either exclusively possesses another nationality, or who possesses none*”<sup>3</sup>.

## DEMOGRAPHIC EVOLUTIONS

On 1 January 2018, Luxembourg had a population of 602.005 inhabitants. This signifies that since 1 January 2017, Luxembourg has grown by 11.339 people, consisting of 4.601 Luxembourgish nationals (40,6%) and 6.737 foreign nationals (59,4%).

Of the 602.005 inhabitants, 52,1% are Luxembourgish nationals and 47,9% are foreign nationals (compared to 47,7% in 2016 and 46,7% in 2015), of which 40,6% are EU citizens and 7,3% are third-country nationals.

83,1% of the increase can be attributed to the migratory surplus (+10.548 persons) and 16,9% to the natural surplus (births-deaths, +1.911 persons).<sup>4</sup>

Net migration is largely positive for foreign nationals (+11.597). 63,8% of this surplus is attributable to EU citizens and 36,2% to third-country nationals. It is largely negative for Luxembourgish nationals (-1.049).

Among the largest national groups residing in Luxembourg, the first ten are all from EU Member States. Montenegrins constitute the first group of nationals from a third country (11<sup>th</sup> position) ahead of the Chinese (12<sup>th</sup>), the Cape Verdeans (14<sup>th</sup>) and the Serbs (15<sup>th</sup>).

Table 1: Top-20 national groups residing in Luxembourg on 1 January 2018

Nationality	Number on 1 January 2018	% of the total population
Portugal	96.544	16,0
France	45.822	7,6
Italy	21.962	3,6
Belgium	20.212	3,4
Germany	13.146	2,2
Spain	6.545	1,1
United Kingdom	5.941	1,0
Romania	4.662	0,8
Poland	4.489	0,7
Netherlands	4.294	0,7
Montenegro	4.197	0,7
China	3.512	0,6
Greece	3.250	0,5
Cape Verde	2.778	0,5
Serbia	2.297	0,4
United States	2.103	0,3
Bosnia Herzegovina	2.036	0,3
Brazil	1.999	0,3
India	1.872	0,3
Ireland	1.865	0,3

Source : Statec, CTIE

## 1. LEGAL MIGRATION AND MOBILITY

Over the course of 2017, the Directorate of Immigration issued 5.759 first residence permits and renewed 7.563 residence permits, compared to 4.210 first issuances and 5.931 renewals the preceding year. The number of first residence permits issued increased thus by 36,8% when compared to 2016 and by 55,2 % when compared to 2015.

The table below provides more detail regarding the number of first residence permits issued in 2017 and details the nationalities of the people that these were issued to.<sup>5</sup>

Table 2: First deliveries of residence permits with a validity of more than 3 months (2017)

Category	Permits issued 2016	Permits issued 2017	Rate of increase /decrease compared to 2016	Top-3 nationalities
European Blue Card	335	494	47,46%	India (138), USA (66), Russia (53)
Researcher	44	61	38,64%	China (13), India (10), USA (4)
Pupil	191	175	-8,38%	USA (169), China (6)
Student	208	375	80,29%	China (47), India (38), USA (32)
Young Au pair	70	90	28,57%	Philippines (18), USA (9), Cameroon (7)
Family member	1.209	1.595	31,93%	India (248) China (209), USA (122)
Community Service Provider	0	1		Singapore (1)
Athlete or trainer	32	45	40,63%	USA (36), Bosnia (4)
Intern	20	32	60,00%	Tunisia (10), India (4), Morocco (3)
Posted worker	15	22	46,67%	China (9), Turkey (4)
Intra-corporate transfer – expert / management	-	90	/	India (35), China (20), USA (14)
Intra-corporate transfer – employee-intern	-	2	/	Japan (1), China (1)
Intra-corporate transfer – mobile expert / management	-	2	/	China (1), USA (1)
Intra-corporate transfer – mobile employee-intern	-	-	/	Singapore (1)
Employee of a Community Service Provider	1	1	0%	Cameroon (1)
Self-employed person	36	36	0%	China/Russia (5), India/Argentina (3) Canada/Iran (3)
Salaried worker	739	955	29,23%	India (113), China (99), Turkey (46)
Transferred worker	140	85	-39,29%	India (36), China (17), USA (11)

Category	Permits issued 2016	Permits issued 2017	Rate of increase /decrease compared to 2016	Top-3 nationalities
Private reasons – 78 (1) a (sufficient resources)	32	69	115,63%	no information available <sup>1</sup>
Private reasons – 78 (1) b (autonomous basis)	0	5	/	no information available <sup>1</sup>
Private reasons – 78 (1) c (family or personal ties)	318	216	-32,08%	no information available <sup>1</sup>
Private reasons – 78 (3) a (humanitarian reasons)	7	24	242,86%	no information available <sup>1</sup>
Private reasons – 95 (victims of trafficking)	-	2	/	no information available <sup>1</sup>
Private reasons – 131 (medical reasons)	-	1	/	no information available <sup>1</sup>
Private reasons - other	78	65	-16,67%	no information available <sup>1</sup>
Volunteer	4	1	-75,00%	Belarus (1)
International protection – refugee status	716	1.286	79,61%	Syria (634), Iraq (322), Afghanistan (144)
International protection – subsidiary protection	15	30	100%	Iraq (11), Afghanistan (7), Ukraine (5)
<b>TOTAL</b>	<b>4.210</b>	<b>5.759</b>		

Source: Directorate of Immigration, 2018

The most frequently issued residence permit remained the ‘family member’ permit: 1.595 (27,7%) of the total 5.759 first delivery residence permits issued were of this category. This permit is followed by the ‘international protection - refugee status’ (1.286) and the ‘salaried worker’ (955) residence permits.

Across all permits outlined in Table 1, permits were most frequently issued to Syrians, followed by nationals of India, the USA and China.

In addition to the residence permits issued in the categories listed above, the Directorate of Immigration attributed the ‘long-term resident’ permit to 741 individuals in 2017, marking a slight decrease when compared to the 794 issued the previous year.<sup>6</sup>

It should be noted that added to the 1.595 residence permits issued to family members of third-country nationals listed above are another 2.368 documents, which were delivered to third-country national family members of EU citizens. Of these cards issued to third-country national family members of citizens of the EU and assimilated countries, 891 were permanent residence cards for

<sup>1</sup> Information is available for all categories of ‘private reasons’ cumulatively: China (37), Japan (35), Albania (27).

individuals who had acquired permanent residence status.<sup>7</sup> Of the remaining 1.477 residence cards, most were issued to Brazilian nationals (145), followed by Cap Verdeans (107) and Serbians (83).

Table 3: Documents treated / issued to family members of citizens of the EU or assimilated countries (2017)

	Permits issued 2016	Permits issued 2017	Rate of increase /decrease (2016 to 2017)
Residence card for family member of a EU citizen	1507	1477	-2%
Permanent residence card for family member of a EU citizen	813	891	9,6%
<b>TOTAL</b>	<b>2.320</b>	<b>2.368</b>	<b>2,1%</b>

Source: Directorate of Immigration, 2018

Statistics regarding the free movement of EU citizens (including nationals of assimilated countries) put the numbers regarding documents issued to third-country nationals in perspective. In 2017, the Directorate of Immigration processed a total of 15.840 registration certificates and 11.521 permanent registration certificates to these nationals.<sup>8</sup>

Enabling a better overview of the number of third-country nationals present in Luxembourg and their motives for moving to Luxembourg, the table below provides a statistical snapshot of the total number of valid residence permits in the categories provided above in circulation on 31 December 2017.<sup>9</sup>

Table 4: Residence permits valid on 31 December 2017 (first issuance and renewals)

Category	Permits issued	%
European Blue Card	1.357	5,25 %
Researcher	117	0,45 %
Pupil	83	0,32 %
Student	552	2,14 %
Intra-corporate transfer – employee-intern	2	0,01 %
Intra-corporate transfer – expert/management	126	0,49 %
Young Au Pair	63	0,24 %
Family Member <sup>10</sup>	6.948	26,9 %
Mobile intra-corporate transfer - expert/management	2	0,01 %
Long-term resident <sup>11</sup>	7.497	29,03 %
Sportsperson or trainer	54	0,21 %
Intern	5	0,02 %
Posted worker	29	0,11 %
Self-employer person	160	0,62 %
Salaried worker	4.085	15,82 %
Transferred worker	169	0,65 %

Category	Permits issued	%
Private reasons <sup>12</sup>	1.323	5,12 %
Volunteer	1	0,004 %
International protection <sup>13</sup>	3.252	12,59 %
Community Service Provider	1	0,004 %
<b>TOTAL</b>	<b>25.826</b>	

Source: Directorate of Immigration, 2018

This snapshot of permits that were valid at the end of 2017 underlines the importance of family reunification as legal route of migration to Luxembourg, but also the significant share of the most favourable legal status for third-country nationals: the long-residence status. On 31 December 2017, most numerous were ‘long-term resident’ residence permits (29,03%), followed by ‘family member’ permits (26,9%), both combined covering more than half of the total considered permits. Next most frequently held permit is the ‘salaried worker’ permit, followed by the international protection permit, with 15,82% and 12,59% respectively.

Aside from these numbers, one should not forget the 8.269 residence cards and 6.417 permanent residence cards (first issues and renewals combined) of third-country national family members of EU national.<sup>14</sup>

### 1.1. Economic migration

In 2017, the number of first residence permits issued for economic reasons increased by 29,4% when compared to the previous year. Much like the previous year, this is largely due the increase in the two largest categories of permits for economic migration: the ‘salaried worker’ category (955) increased by just under 30% and the ‘European Blue Card’ (494) category increased by 47,64%. While the number of permits issued in the ‘transferred worker’ category decreased by more than half when compared to the previous year, 94 permits were issued in the context of the newly established ‘intra-corporate transferee’ permit since its creation with the entry into force of the Law of 8 March 2017 modifying the Immigration Law. The ‘intra-corporate transfer’ residence permit for experts and management, with 90 permits issued, was the third most frequently issued residence permit.

Table 5: Residence permits issued for economic motives in 2017 (first deliveries)

Category	2016	2017	Rate of increase/ decrease (2016 to 2017)
European Blue Card	335	494	47,46%
Community Service Provider	-	1	
Athlete or trainer	32	45	40,63%
Posted worker	15	22	46,67%
Intra-corporate transfer – expert/ management	-	90	/
Intra-corporate transfer – employee- intern	-	2	/
Intra-corporate transfer – mobile	-	2	/

Category	2016	2017	Rate of increase/ decrease (2016 to 2017)
expert/ management			
Intra-corporate transfer – mobile employee-intern	-	-	/
Employee of a Community Service Provider	1	1	0,00%
Self-employed person	36	36	0,00%
Salaried worker	739	955	29,23%
Transferred worker	140	85	-53,04%
<b>TOTAL</b>	<b>1.298</b>	<b>1.733</b>	<b>29,42%</b>

Source: Directorate of Immigration 2017, 2018

### 1.1.1. Admission policies of specific categories of third-country nationals

In 2017, two laws were approved by Parliament that introduced significant changes to Luxembourg's admission policies, notably with regard to economic migration. The first concerns the Law of 20 July 2017 approving the agreement between Luxembourg and Cape Verde and the second the Law of 8 March 2017, which transposed the Directive on seasonal workers and the Directive on temporary intra-corporate transfer into national law.

In addition, one should note bill n°7188, which entered into the legislative procedure in 2017 and intends to modify the law on immigration and the law on the reception of young au pairs.

The agreement between the Grand Duchy of Luxembourg and the Republic of Cape Verde on the concerted management of migratory flows and solidary development, made in Luxembourg on 13 October 2015<sup>15</sup> (hereafter 'Agreement with Cape Verde'), has multiple aims: to promote the movement of people, organise the admission of stay and the issuance of authorisations of stay, detail readmission procedures, fight against irregular migration, strengthen the integration of nationals of one party, legally established on the territory of another party, as well as mobilise the skills and resources of migrants in favour of solidary development.<sup>16</sup>

The bill n°6992<sup>17</sup> was adopted on 8 February 2017, becoming the Law of 8 March 2017<sup>18</sup>. This law transposes the Directive 2014/36/EU on seasonal workers<sup>19</sup>, and the Directive 2014/66/EU on intra-corporate transfers<sup>20</sup> into national law. The legislator furthermore takes the opportunity to adapt the legislation to the current economic situation.

The opinions on the bill n°6992 were already treated extensively in the Annual Report of Migration and Asylum 2016. The present report will only outline the main new elements introduced by the law, as well as the additions and changes that the bill n°7188 intends to introduce to the Law of 8 March 2017<sup>21</sup>.

The bill n°7188 mainly aims to transpose Directive (EU) 2016/801 of the European Parliament and the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing<sup>22</sup> (hereafter bill n°7188). The directive aims to make the European Union a world centre of excellence for studies and training, while favouring contacts

between people and favouring their mobility, these two being important elements of the European Union's external policy.

The following sections will elaborate on which laws or bills have introduced or propose to introduce changes to existing legislation with regard to admission policies.

#### 1.1.1.1. Migrants entrepreneurs

Part of the push towards the diversification of Luxembourg's economy and boosting entrepreneurship, the Law of 8 March 2017 modifying the Immigration Law introduces an authorisation of stay for investors, which aims to attract qualitative third-country national (TCN) investors to the country.<sup>23</sup> In order to be eligible for this authorisation of stay, the TCN has to fulfil one of the following four conditions:

a. Invest at least €500.000 in an existing commercial, artisanal or industrial company based in Luxembourg and commit to maintain the investment and the level of employment for at least five years.<sup>24</sup>

b. Invest at least €500.000 in a commercial, artisanal or industrial company yet to be created, this including the creation of five jobs within three years of having founded the company.<sup>25</sup>

c. Invest at least €3 million in an investment structure that is already in existence or yet to be created in Luxembourg which has an appropriate substance (targeting 'family office' structures).<sup>26</sup>

d. Invest at least €20 million as a deposit in a financial institution established in Luxembourg, committing to maintain this investment for at least five years<sup>27</sup> (targeting 'high net worth individuals').<sup>28</sup>

The law foresees that no investments can be made in real estate (renting or buying), so not to worsen the already difficult real estate situation in Luxembourg.<sup>29</sup> Furthermore, 75% the investments described under a), b) and c) will have to be made from own funds, 25% can be borrowed over a duration of at least three years.<sup>30</sup> The investment described under d) will have to stem completely from own funds and will have to be deposited at one single financial institute.<sup>31</sup>

Before being able to introduce the application for a residence permit, the applicant will have to submit the project to the Minister of Economy (for commercial, artisanal or industrial projects) or to the Minister of Finance (for financial investments), who will then verify its viability and will provide their opinion to the Minister in charge of immigration.<sup>32</sup>

The 'investor' residence permit introduced by the law is valid for three years and is renewable for three years if the conditions remain fulfilled, and the opinion of the minister having initially provided an opinion remains positive.<sup>33</sup>

The Grand Ducal Regulation of 5 December 2017 defining the sectors of the economy eligible to the investors targeted by article 53bis, paragraph 1 points 1° and 2° (points a. and b. noted above) of the amended law of 29 August 2008 on the free movement of people and immigration<sup>34</sup> defines the following sectors of the economy as eligible for investment:

1. information and communication technologies
2. space technologies
3. environment technologies
4. intelligent mobility technologies
5. health technologies
6. logistics, with the exception of simple road transport that includes no other activities creating economic surplus
7. the industrial sector if the production or research and development are located in Luxembourg
8. the tourism sector for regional or national projects of touristic infrastructure equipment, as well as hotel development projects from 25 rooms onwards
9. commercial activities subject to particular authorisation according to article 35 of the amended Law of 2 September 2011 regulating the access to the professions of artisan, merchant, industrial as well as certain liberal professions, with the exception of activities uniquely targeting the renting of buildings.

According to the Law of 8 March 2017, the TCN can also be issued a residence permit for independent workers if s/he received a diploma of higher education of a cycle of a minimum of 5 years at the University of Luxembourg, or if s/he obtained his or her PhD for research carried out in Luxembourg. The independent activity the TCN intends to carry out must be in relation to his or her university training.<sup>35</sup>

#### 1.1.1.2. Highly qualified workers

The salary thresholds for applying as a highly qualified worker were adapted by the ministerial regulation of 30 November 2017.<sup>36</sup>

##### *European Blue Card*

The Law of 8 March 2017 modifying the Immigration Law extends the period of validity of the "European Blue Card" residence permit from two to four years (maximum duration allowed by the directive). The aim is to increase Luxembourg's attractiveness to this category of people, as well as to achieve administrative simplification.<sup>37</sup> Sectoral restrictions on access to the labour market remain limited to the first two years.

##### *Changes made in the context of the Agreement with Cape Verde*

In view of promoting the movement of people between the two signatory countries, the issuance of a short-term visa with multiple entries was simplified. This visa enables a stay of a maximum of 90 days within a six months period. It is valid for one to five years, depending on the applicant's file. The visa is aimed at civil servants, territorial or local collectivities in possession of a movement order, business people, merchants, intellectuals, university staff, researchers, artists and intermittently employed theatrical workers, high-level sports people, permanent executives of unions and non-governmental organisations that are regularly established on the territory of each

party, that participate actively in economic commercial professional university, cultural or sports relations between the two countries.<sup>38</sup>

In addition, the agreement simplifies the procedure for obtaining an authorisation of stay for Cape Verdean salaried workers who have one of the following professions<sup>39</sup>:

- Directors, senior executives and managers (directors of administrative services, directors and executives of directorates, sales, marketing and development, information and communication technologies);
- Intellectual and scientific professions (physicians, chemists and related, mathematicians, actuaries and statisticians, specialists in life sciences), specialists in technical sciences (with the exception of electro technology), engineers of electro technology, architects, urbanists, surveyors and designers.
- Health specialists (doctors, executive-level nursing and midwifery staff, specialists in traditional and complementary medicine, paramedical practitioners and other specialists of the health profession);
- Specialists in business enterprise (finance specialists, administrative function specialists, sales, marketing and public relations specialists);
- Specialists in information and communication technology (software and multimedia designers and analysts, data base and computer network specialists);
- Specialists of justice, of social sciences and culture (lawyers, specialists of social sciences and of the clergy).

In order to facilitate the training, reception and integration of the salaried workers, the number of authorisations issued through a simplified procedure cannot surpass an annual quota of 50<sup>40</sup>.

#### 1.1.1.3. Intra-Corporate Transferees (ICTs)

The Law of 8 March 2017 modifying the Immigration Law introduces the notion of intra-corporate transferee into national law. The aim is to soften the rules for entry and stay of the targeted TCNs in the increasingly globalised context.<sup>41</sup> Eligible for an intra-corporate transfer are managers or specialists who have worked at the company or corporation for an uninterrupted period of three to twelve months directly preceding the application.

Also eligible are trainee employees, who have worked at the company for an uninterrupted period directly preceding the application of three to six months.<sup>42</sup> In case the application for intra-corporate transfer receives a favourable outcome, the TCN manager or specialist will be issued an authorisation of stay 'ICT' of at most three years, one year for trainee employees. A new application can only be admitted after six months have passed since the first intra-corporate transfer. The intention of this measure is to avoid that the transfer de facto becomes permanent.<sup>43</sup>

In accordance with the ICT Directive, the law introduces the concept of short-term and long-term mobility for persons holding an ICT residence permit issued by another Member State. With regard

to short-term mobility, the holder of an ‘ICT’ residence permit delivered by another Member State will be authorised to work in Luxembourg for a duration of no more than 90 days within a period of 180 days under a number of conditions.<sup>44</sup> With regard to long-term mobility, the holder of an ‘ICT’ residence permit delivered by another Member State will be authorised to work in Luxembourg for a duration that exceeds 90 days.<sup>45</sup> TCNs wishing to be authorised to live and work in Luxembourg in the context of long-term mobility must first be issued a “mobile ICT” residence permit.<sup>46</sup> In the context of short-term mobility, the procedure is limited to a notification of the minister.<sup>47</sup>

#### 1.1.1.4. Seasonal Workers

The Law of 8 March also transposes Directive 2014/36/EU on the conditions of entry and stay of TCNs for the purpose of employment as seasonal workers and introduces the notion of seasonal worker into national law.

According to the law, the TCN who legally resides in a third country and who can produce a working contract for seasonal work, proof of appropriate accommodation and health insurance will be issued a work authorisation and, if needed, a short-term visa for seasonal work, for a maximum period of 90 days.<sup>48</sup> If the seasonal work exceeds 90 days, the worker will be issued an authorisation of stay ‘seasonal worker’ under the same conditions.<sup>49</sup> By derogation from the principle that the application for a residence permit must be lodged by the TCN, the seasonal worker’s application can also be lodged by the employer.<sup>50</sup> This measure was motivated by administrative simplification and acceleration of the proceedings.<sup>51</sup>

The duration of seasonal work cannot exceed five months in a period of 12 months.<sup>52</sup> The ‘seasonal worker’ authorisation of stay can be renewed multiple times if the worker’s contract with the same employer is prolonged and can be renewed once if the worker finds seasonal work with another employer.<sup>53</sup>

Furthermore, the law gives seasonal workers the right to recognition of their diplomas and the right to education or professional training if directly linked to their professional activity. According to the law, they do not have the right to scholarships, student loans or other benefits.<sup>54</sup> Seasonal workers do not have the right to change their status to ‘salaried worker’.<sup>55</sup>

The law also introduces new grounds for refusal of an application for seasonal work, most of which are linked to the employer’s conduct, such as not having fulfilled social security, fiscal, labour law, labour condition or work contract obligations.<sup>56</sup>

It foresees the refusal of an application for an authorisation of stay for seasonal work or the withdrawal of the work permit and the residence permit “seasonal worker” in the case the employer creates a vacancy by cutting an existing full-time job, in order to hire a ‘seasonal worker’ (within twelve months of the job being cut).<sup>57</sup>

Furthermore, the law stipulates that if the seasonal worker’s work authorisation or visa were to be withdrawn for reasons related to the employer’s conduct, the employer would have to pay the

worker a compensation that is equal to the salary for the duration foreseen in the contract.<sup>58</sup> The law excludes the possibility for the seasonal worker to change status during his or her stay.<sup>59</sup>

#### 1.1.1.5. Au pairs

The bill n°7188 proposes to modify the Law on the reception of young au pairs. The bill foresees an additional condition to be fulfilled by the young au pairs, namely that the young au pair can have no family connection with one of the members of the host family.<sup>60</sup> Furthermore, the bill suggests reducing the weekly working hours of participation in family tasks from an average of 30 hours to an average of 25 hours over the course of one month. The host family must transfer monthly pocket money to the au pair, this pocket money being a fixed amount corresponding to one fifth of the minimum social wage, regardless of possible periods of inactivity of the au pair.

After review of the bill, the Parliament introduced an amendment which details that the young au pair can have no family connection with the host family members to the fourth degree included as a reaction to a formal opposition by the Council of State due to the vagueness of the term ‘family connection’.<sup>61</sup>

In 2017, the National Youth Service (SNJ) concentrated its work on the supervision and the control of the au pair approval mechanism in order to improve the quality of the au pair placement. The SNJ aims to implement an online application system for young au pairs as well as for the host families in 2018, in order to decrease the administrative burden. The SNJ also plans to set up an agency helping host families find their au pair and introducing their files. This will guarantee improved matching and avoid early terminations of the au pair placement.<sup>62</sup>

#### 1.1.1.6. Other remunerated workers

##### *Young professionals under the Agreement with Cape Verde*

The agreement between Luxembourg and Cape Verde regulates the exchange between young professionals. It addresses young people from Luxembourg or Cape Verde, between the age of 18 and 35, currently in active employment or in the beginning of active employment, and wishing to go to Luxembourg or Cape Verde in order to gain work experience in the health, social, agricultural, artisanal, industrial, commercial sector or in a liberal profession.<sup>63</sup> The person must have a diploma that corresponds to the activity s/he would like to carry out or s/he must provide a justification for the professional experience in this domain.<sup>64</sup>

The position the young professionals wish to take cannot be declared as a vacancy. The exchange is limited to ten people from each country per year and can last between three and eighteen months.<sup>65</sup>

##### *Mechanism for continuation of activity*

The Law of 8 March 2017 modifying the Immigration Law introduces a mechanism for continuation of activity, which allows registered entities situated in a third country to continue their activities on Luxembourgish territory if a major incident (geopolitical incident, data processing incident or natural disaster) occurred in the country of origin. While the site for continuation of activity functions as a backup centre during normal times, in times of crisis, it will

become an operational centre from which the company's key employees will work.<sup>66</sup> In order to be registered in the registry of agreed entities<sup>67</sup>, the entity must have been "precleared", submitting a complete file. This file includes amongst other things a plan for continuation of activity<sup>68</sup> and the identity and work description of the workers to be transferred in case of a major incident<sup>69</sup> and is submitted to a consultative commission. Based on the opinion of the consultative commission, the Minister decides whether to register the entity. In case of a major incident, the TCN workers of the registered entity will receive a residence permit of the category "salaried worker"<sup>70</sup>, valid for one year at most and renewable for one year upon request, if they can prove that they have health insurance and appropriate accommodation<sup>71</sup>. The authorisation of stay can be withdrawn once the situation in the country of origin has normalised and the continuation of activity from Luxembourg is no longer required.<sup>72</sup> If the entity establishes itself permanently in Luxembourg, the TCN can apply for a "salaried worker" or "highly qualified worker" authorisation of stay.<sup>73</sup>

### *Corporate officer*

The Law of 8 March 2017 modifying the Immigration Law furthermore details the conditions under which a TCN corporate officer (*mandataire social*) of a company for which s/he can hold a business permit or ministerial approval and with which s/he has a working contact, has the right to apply for an authorisation of stay. In fact, if the corporate officer has a subordinate relationship to his or her employer, s/he has the right to apply for a "salaried worker" or "European Blue Card" authorisation of stay ("ICT" excluded).<sup>74</sup> If such a link of subordination cannot be established, the TCN's eligibility for an 'independent worker' authorisation of stay will be considered.<sup>75</sup> For the corporate officer to be eligible for any of the mentioned categories, the company must also fulfil a number of conditions.<sup>76</sup>

## **1.1.2. Efforts to avoid 'social dumping' and erosion of labour standards**

### *Control measures in the context of detachment*

The Law of 14 March 2017 1) modifying the Labour Code; 2) modifying article 3 of the Law of 17 June 1994 determining the measures in view of ensuring the maintenance of employment, price stability and business competitiveness<sup>77</sup> transposes the Directive 2014/67/EU of the European Parliament and Council of 15 May 2014 into national law. Through this law, Luxembourg aligns itself with a ruling of the European Court of Justice (C-319/06 of 19 June 2008).<sup>78</sup>

This law implements control measures to fight abuse, foremost in the context of detachment, among other things by conferring a legal basis to the practice allowing businesses to apply for a social badge. From the beginning of their activities on Luxembourgish territory, businesses established outside of Luxembourg must inform the Inspectorate of Labour and Mines (ITM) via an electronic platform. The business must communicate a number of elements required for receiving a social badge and for efficient control.

This law is not specific to third-country nationals but applicable to all nationals who are subject to its dispositions.

### *The fight against social dumping and labour exploitation in the Law of 8 March 2017*

With regard to social dumping and labour exploitation, the Law of 8 March 2017 introduced a number of legislative changes. The law for instance foresees a refusal of application for:

- a temporary intra-corporate transfer, the refusal to renew an ICT residence permit or its withdrawal in case the employer has been sanctioned for violations of the provisions of the Labour Code on the prohibition of illegal employment of irregular staying TCNs or if s/he has failed to fulfil his or her legal obligations in the field of social security, taxation, labour rights or working conditions.<sup>79</sup>
- an authorisation of stay for seasonal work or the withdrawal of the work permit and the residence permit "seasonal worker" in case the employer has been penalised for infringements of the provisions of the Labour Code on the prohibition of illegal employment and employment of illegally staying TCNs or if s/he has failed to fulfil his or her legal obligations in the field of social security, taxation, labour rights or working conditions.<sup>80</sup>

#### *Increase of personnel at the Inspection of Labour and Mines*

On 9 June 2017, the Ministry of Labour noted that the staff of the Inspections, Control and Investigation Service of the ITM would be increased by five individuals, more specifically by inspectors who will be in charge of carrying out investigations in businesses and control work places that are the subject of a complaint related to work conditions, security or health.<sup>81</sup>

#### *Road Alliance Memorandum*

On 31 January 2017, nine ministers in charge of Transport of the European Union, including Luxembourg's Minister for Sustainable Development and Infrastructures, met in order to launch the 'Road Alliance'<sup>82</sup>. The road transport sector being subject to social dumping and disloyal competition, the action plan of the road alliance pursues the following objectives<sup>83</sup>:

- Bring together certain measures implementing European regulations, in particular social ones, to facilitate their enforcement by operators.
- Improve control practices on the basis of mutual experiences and strengthen cooperation in order to make the fight against fraud regarding social, safety and labour rules and abusive practices more effective.

This alliance does not foresee any measures that are specific to third-country nationals but applies to all workers regardless of their nationality.

#### **1.1.3. Work and travel visas**

In 2017, two agreements on work and travel entered into force; on 1 January, the agreement between Luxembourg and Australia<sup>84</sup>, and on 9 May, the agreement between Luxembourg and New Zealand<sup>85</sup>. These agreements allow 100 people (for the agreement with Australia) and 50 people (for the agreement with New Zealand) respectively, between the ages of 18 and 30, to work, study and travel in the other country for a duration of 12 months. People wishing to benefit from

this agreement must prove that they have sufficient financial resources to cover the expenses during the entirety of their stay.

## 1.2. Students and researchers

In 2017, the number of first deliveries of residence permits to students, researchers and pupils increased by 37,92% when compared to the previous year. This increase is to the largest extent due to the 80,29% increase in ‘student’ research permits issued (375 in 2017), next to the 38,64% increase in ‘researcher’ residence permits. First delivery of pupil research permits decreased by 8,38% compared to 2016.<sup>86</sup>

Table 6: Residence permits issued to students, researchers and pupils in 2017 (first deliveries)

Category	2016	2017	Rate of increase/decrease (2016-2017)
Researcher	44	61	38,64%
Pupil	191	175	-8,38%
Student	208	375	80,29%
<b>TOTAL</b>	<b>443</b>	<b>611</b>	<b>37,92%</b>

Source: Directorate of Immigration, 2017, 2018

### 1.2.1. Admission policies for students and researchers

Over the course of 2017, a number of (planned) legislative changes focussed on intra-European mobility and attracting and retaining global talent, particularly students and researchers. These were the aforementioned bill n°7188 as well as the agreement between Luxembourg and Cape Verde approved in 2017.

#### 1.2.1.1. Facilitating intra-European mobility

Bill n°7188 intends to facilitate intra-European mobility of TCN researchers and students residing in the EU as students and researchers. It also simplifies the procedures in case of mobility. The bill furthermore proposes that students and researchers can be issued a residence permit for “private reasons” for a duration of 9 months.

#### *Changes relating to researchers*

In order to facilitate intra-European mobility of researchers, the bill foresees that researchers who are part of a European or multilateral programme that includes mobility measures will be delivered research permits that have a minimum validity of two years, or the duration of the reception convention or work contract, if these cover a period inferior to two years.<sup>87</sup>

The bill proposes to extend the period during which TCN researchers, who have a valid “researcher” authorisation of stay issued by another EU Member State, are authorised to stay in Luxembourg to carry out research in a research institute.<sup>88</sup> In the context of short-term mobility, the period is extended to a maximum of 180 days over the course of 360 days. In the context of long-term mobility, it is extended to 180 to 360 days over the course of 360 days.

In the context of short-term mobility, the TCN does not have to request a new authorisation of stay but must notify the first Member State and the competent Luxembourgish authorities of his or her intention to carry out a part of his or her research in Luxembourg.<sup>89</sup> The notification must contain a valid travel document, the valid authorisation of stay delivered by the first Member State that also covers the period of mobility, the hosting convention set with the research entity in Luxembourg, the foreseen period of mobility and the proof that the researcher has sufficient resources for the duration of mobility and to finance the return.<sup>90</sup> The researcher must also prove that s/he is in possession of health insurance. The minister can object to the mobility within 30 days of receiving the notification. After this period has passed, a certification of the right to stay is delivered to the researcher.

In contrast to short-term mobility, the researcher aiming for long-term mobility must introduce an application for an authorisation of stay as a ‘researcher’ to the minister. The minister must take a decision as quickly as possible and the latest within 60 days.<sup>91</sup>

### *Changes relating to students*

Bill n°7188 introduces a number of measures with the aim of simplifying mobility inside the European Union for students who follow a European or multilateral programme that contains mobility measures or a convention between two or more institutions of higher education.<sup>92</sup>

The “students” residence permit issued to TCN students remains valid for a minimum of 360 days and is renewable.

The validity of the permit issued to students who follow a European programme or a multilateral programme that contains mobility measures or a convention between two or more institutions of higher education is of at least two years, or the duration of the period of mobility, if this period is inferior to two years.<sup>93</sup>

TCNs who have been issued a “student” authorisation of stay by a first Member State, due to their participation in a European programme or a multilateral programme that contains mobility measures or in a convention between two or more institutions of higher education can stay and study in Luxembourg for a period of 360 days at most. The student, or the student’s institution, must notify the authorities of the first Member State and the minister in charge of Immigration of the intention that part of the studies will be carried out in Luxembourg.<sup>94</sup> The TCN must ask the minister a certification of his or her right to stay in Luxembourg during the period of mobility.<sup>95</sup>

TCN students moving individually (and not as part of a programme etc.) must follow the ordinary procedure of obtaining an authorisation of stay. TCN students whose permit was delivered by a first Member State that does not apply the Schengen acquis must present their authorisation to stay as well as a copy of the notification.<sup>96</sup>

The bill also aims to extend the number of weekly hours a TCN student is permitted to work from 10 to 15.<sup>97</sup>

Bill n°7188 furthermore intends to extend the scope of the authorisation of stay of TCN pupils from only pupils participating in exchange programmes to also include those partaking in educational projects<sup>98</sup>. These pupils have to fulfil the currently existing conditions (being at least

14 years and at most 21 years of age, if they are minors, have parental authorisation, have proof of participation in an exchange programme established in a regional or national bilateral agreement or in a European programme, or in an educational project).<sup>99</sup> Other conditions that apply to the pupils are: they must be covered by health insurance, prove that they are hosted by a selected family or reception facility in accordance with the rules of the programme for the entire duration of the exchange and the organisation must be the guarantor for the pupils during the entirety of their stay and for the return, also from a financial point of view. If the pupils fulfil all these conditions, they will be issued a “pupil” residence permit that has the validity of one year.<sup>100</sup>

#### 1.2.1.2. Resource and housing criteria

The majority of changes that the draft Grand Ducal Regulation modifying the amended Grand Ducal Regulation of 5 September 2008 defining the resource and housing criteria foreseen by the Law of 28 August 2008 on the free movement of people and immigration intends to introduce are concerned with the condition of “sufficient resources” to be fulfilled by third-country nationals in correspondence with changes introduced by bill n°7188.

It foresees that in the context of 1) an application for a “researcher residence permit” in Luxembourg, 2) an application of a researcher who has already a valid residence permit in another Member State to move to Luxembourg to pursue his or her research activities, 3) an application of entry and stay of family members of the researcher, the researcher must prove that s/he has the monthly resources that correspond to the minimum social wage of qualified salaried workers (2.398,3€ as of 1 January 2018).<sup>101</sup>

In addition, the draft Grand Ducal Regulation proposes that students who have an authorisation of stay in one Member State and who wish to move to Luxembourg for a part of their studies will have to prove monthly resources of 80% of the guaranteed minimum wage (1.120,95€ as of 1 January 2018).<sup>102</sup>

The Chamber of Commerce criticises the authors of the bill’s choice to give numeric thresholds to the student and the researcher who want to finish a part of their studies or research in Luxembourg, as these are in possession of authorisation of stay in a first Member State and thus have already satisfied conditions of “sufficient resources”. According to the Chamber of Commerce, no threshold should be required.

The Chamber also questions the decision of the authors of the bill to apply different thresholds for students and researchers in mobility (1.120,95€ for students and 2.398,3€ for researchers).

The Chamber of Commerce notes that, in case the bill’s authors insist on applying minimal thresholds of resources, individuals applying for a researcher residence permit or wanting to take advantage of the researcher mobility should not be subject to stricter resource conditions than those applying for a residence permit to find employment or create businesses (see 1.2.2.), given the growth of the research sector in Luxembourg and the need to attract and retain the best talents.

The draft Grand Ducal Regulation furthermore intends to clarify what “sufficient resources” are with regard to applicants for an authorisation of stay of a duration that is inferior to three months, proposing that it ought to be at least equal to the social minimum wage for non-qualified workers.<sup>103</sup>

## 1.2.2. Incentive mechanisms for retaining students and researchers

### 1.2.2.1. Change of status for students

The Law of 8 March 2017 modifying the Immigration Law enables TCNs residing in Luxembourg as students to change their status to “salaried worker” or “independent worker” under certain conditions, in view of integrating into the labour market.<sup>104</sup>

Students who wish to change their status must have successfully achieved a Master’s degree (five years of higher education) in Luxembourg and have received a diploma of higher education, or must have successfully defended their PhD thesis in Luxembourg.<sup>105</sup> The employment that the student wishes to take up must be linked to the academic training.<sup>106</sup> Until the entry into force of these changes introduced by the Law of 8 March 2017, students were not permitted to change their status, but could, under certain conditions, gain an authorisation of stay as “salaried worker” valid for a maximum period of two years and not renewable.

### 1.2.2.2. Job search or creation of business

Bill n°7188 modifying the Immigration Law proposes that students and researchers can, at the end of their studies or research, be authorised to stay in Luxembourg for a duration of nine months at most (non-renewable) in view of finding employment or creating a business. The student or researcher will be given an authorisation of stay for “private reasons” with the mention “job search or creation of business”.<sup>107</sup> The researcher or student must prove that they have successfully achieved their research activities or their Master degree, or have successfully defended their PhD thesis, must prove that they have sufficient financial resources to cover their stay and must have health insurance.<sup>108</sup> The request for this authorisation of stay must be introduced one month before the “researcher” or “student” authorisation of stay loses its validity. The minister must take a decision regarding the request within ninety days.<sup>109</sup> The employment that the person wishes to take up must be linked to his or her academic training.<sup>110</sup>

The Council of State formally opposed the duration the aforementioned residence permit, asking that the term ‘at most’ be omitted as the Directive imposes a minimum duration of nine months. The Council State also argued that foreseeing the residence permit to be non-renewable is superfluous, if the legislator aimed to limit the duration of the residence permit to nine months.

In addition, the Council of State questioned the reasons for which the authors of the bill exclude the possibility for the permit to be renewed. They note that nine months, which is the minimal period foreseen by the Directive, might not be long enough to implement a business creation project, for instance due to duration of the treatment of files on the administrative or financial level.<sup>111</sup>

#### *Resource criteria*

The draft Grand Ducal Regulation mentioned under 1.2.1.2. proposes that students and researchers must, when applying to stay in Luxembourg to find employment or creating a business, be able to prove that they have monthly resources corresponding to 80% of the guaranteed minimum wage (1.120,95 € as of 1 January 2018).<sup>112</sup>

### 1.2.2.3. Students in the agreement between Luxembourg and Cape Verde

The agreement between Luxembourg and Cape Verde foresees that the Cape Verdean student can stay in Luxembourg to gain a first professional experience.

In fact, a Cape Verdean student can be issued a temporary “salaried worker” residence permit that is valid for a duration of two years at most, under the condition that s/he successfully finalised a cycle having led to a diploma of higher education. The student can then pursue salaried work that is in direct relation to his or her training.<sup>113</sup>

## 1.3. Family reunification

Generally speaking, the delivery of a residence permit is always preceded and conditioned on the delivery of a temporary authorisation of stay. A look at the evolution of the temporary authorisations of stay that were issued over the course of 2017 provides an overview of the evolution of family reunification of third-country nationals in Luxembourg.<sup>114</sup> In 2017, 1.594 temporary authorisations of stay were delivered in the context of family reunification. Of these, 1.417 were in the ‘family member’ category, while 177 were in the category ‘private life – 78 (1) c (family or private links)’. The overall increase equals 16,1% when compared to 2016, respectively to 37,5% when compared to 2015.

Table 7: Temporary authorisations of stay delivered for purposes of family reunification according to the category of residence permit of the sponsor (2015 – 2017)

Category of residence permit of sponsor	2015	2016	2017	
			Total	%
International protection	59	176	174	10,9 %
Remunerated activities	926	1.013	1.225	76,9%
Studies	18	15	12	0,8%
Others	156	169	183	11,5%
<b>TOTAL</b>	<b>1.159</b>	<b>1.373</b>	<b>1.594</b>	<b>100%</b>

Source: Directorate of Immigration, 2018

In more than three quarters of these family reunifications, the sponsor held a residence permit for remunerated activities. Beneficiaries of international protection were the sponsors of 10,9% of all family reunifications.

More women than men arrived in Luxembourg through family reunification in 2017: 64,8% of the temporary authorisations of stay were issued to women, while 35,2% were issued to men. 277 beneficiaries of family reunification were of Indian nationality (17,4%), followed by 200 of Chinese nationality (12,5%) and 135 of US American nationality (8,5%). The table below outlines the three most frequent nationalities of the holders of temporary authorisation of stay for family reunification motives for the different categories of sponsors.<sup>115</sup>

Table 8: Top-3 nationalities of temporary authorisations of stay for family reunification motives according to the category of residence permit of the sponsor (2017)

Category of residence permit of sponsor	Nationality of the holder of a ‘family member’ or ‘private reasons – 78 (1) c (family or private links)’ temporary authorisation of stay			
International protection	Syria (85)	Iraq (50)	Eritrea (18)	Other (21)
Remunerated activities	India (275)	China (181)	USA (129)	Other (640)
Studies	Iran /China (2)	Russia (2)	USA (2)	Other (4)
Others	Japan (29)	Russia (18)	China (17)	Other (119)

Source: Directorate of Immigration, 2018

With regard first residence permits issued with a validity that is higher than three months, 1.595 were issued to family members of third-country nationals and 216 were issued in the category ‘private reasons (personal or family ties)’ equalling 1.811 first issuance residence permits.

Added to these are another 2.368 documents, which were delivered to third-country national family members of citizens of the EU and assimilated countries. Of these cards, 891 were permanent residence cards for individuals who had acquired permanent residence status.<sup>116</sup> Of the remaining 1.477 residence cards, most were issued to Brazilian nationals (145), followed by Cap Verdeans (107) and Serbians (83), US Americans (71) and Cameroonians (54).<sup>117</sup>

A number of legislative changes have an incidence on dispositions regarding family reunification in Luxembourg (see: 1.3.1. and 1.3.2.).

### 1.3.1. Removal of the one-year waiting period

The Law of 8 March 2017 modifying the Immigration Law removes the one-year waiting period that previously applied to TCN sponsors wishing to apply for family reunification. Thus, the right to immediate family reunification, which was previously limited to certain categories, such as researchers or highly qualified workers, was extended to all sponsors who have a residence permit with a validity of at least one year, who have a perspective to obtain permanent residence and who fulfil the conditions (sufficient resources, appropriate housing, and health insurance).

The sponsor’s spouse, registered partner or minor child can join the sponsor directly after the granting of his/her residence permit. The sponsors’ family reunification with their or their partner’s first-degree relatives in the direct ascending line or with their or their partner’s adult children remains subject to the one-year waiting period.<sup>118</sup>

#### *Resource criteria*

The draft Grand Ducal Regulation modifying the resource and housing criteria foreseen by the Immigration Law suggests that the above-mentioned sponsor must be able to prove a level of resources that is at least equal to the social minimum wage for non-qualified salaried workers, which simplifies the current dispositions.<sup>119</sup> Currently, it is evaluated in reference to the average of the monthly level of the non-qualified social minimum wage over a duration of twelve months.

### 1.3.2. Family reunification for researchers

Bill n°7188 foresees provisions to regulate the family reunification of a researcher staying in Luxembourg in the context of short- and long-term mobility with his/her nuclear family.

#### *Researcher in short-term mobility*

The TCN holding a “researcher” authorisation of stay that was delivered by a first Member State and who is authorised to stay in Luxembourg to carry out research activities during a maximum of 180 days over the course of a 360-day period can be accompanied to or joined in Luxembourg by her/ or his family members who are in possession of a valid authorisation of stay delivered by a first Member State.<sup>120</sup> In order to exercise his or her right to family reunification, the researcher must provide a number of documents and information with regard to the family member(s) to the minister.<sup>121</sup>

The family member will be issued a certification that s/he is permitted to stay in Luxembourg for the same duration as the researcher in mobility.<sup>122</sup>

#### *Researcher in long-term mobility*

Similarly, the TCN holding a “researcher” authorisation of stay that was delivered by a first Member State and who is authorised to stay in Luxembourg to carry out research activities for 180 to 360 days can be accompanied by his or her family to Luxembourg or joined there. In order to do so, an application to be issued an authorisation of stay as “family member” must be introduced. This application must contain the same information and documents that are contained in the notification of family reunification of researchers in short-term mobility (see above).<sup>123</sup>

The family member will be issued a “family member” authorisation of stay for the duration of the researcher’s mobility. The “family member” permit expires on the same date as the researcher’s permit expires.<sup>124</sup>

The authorisation of stay of a family member of a holder of a permit as “researcher” must be treated within 90 days of introduction of the application.<sup>125</sup> In general, decisions on family reunification have to be communicated within nine months of the introduction of the application.<sup>126</sup>

In addition, the minister will treat the application of the authorisation of stay of the researcher and the family member(s) simultaneously, if the applications were submitted simultaneously.<sup>127</sup>

If the researcher’s authorisation of stay was delivered by a Member State that does not fully apply the Schengen acquis, the family member(s) must provide a valid authorisation issued by the first Member State and a copy of the notification as proof.<sup>128</sup>

#### *Maintenance of the family unit in the case of the authorisation of stay for search of employment or creation of business*

In the case of a researcher who is authorised to stay in Luxembourg in order to find employment or create a business for a duration of nine months at most, the family member’s residence permit is renewed for the same duration as that of the researcher.<sup>129</sup>

## **1.4. Internships**

### **1.4.1. Internships in the context of bill n°7188**

Bill n°7188 foresees to amend the provisions regulating the authorisation of stay of interns in accordance with Directive 2016/801. In order for an authorisation of stay to be issued to a TCN wishing to undertake a paid or unpaid internship, the person must present an internship convention with a host establishment or business that foresees practical or theoretical training.<sup>130</sup> The applicants must have successfully completed, or be following courses leading to the completion of a training title that is recognised in Luxembourg<sup>131</sup>, provide proof that they have the financial means to cover all subsistence and return costs and that they have health insurance.<sup>132</sup>

If all conditions are fulfilled, the TCN will be provided with an “intern” authorisation of stay that is valid for six months at most, or that is valid for the duration of the internship if the latter is inferior to six months.<sup>133</sup>

The hosting entity must bear the cost related to the intern’s stay and return to the country of origin. This responsibility is maintained until two months after the end of the convention, if the intern continued residing in Luxembourg irregularly.<sup>134</sup>

In its opinion to the bill, the Chamber of Salaried Workers noted its wish for legal framework to be applied to internships in businesses. It favours the establishment of such a framework to rule internships, setting up requirements regarding objectives, content and follow-up, the minimum and maximum duration of the internship, compensation or indemnification, social protection of the interns, as well as regarding regular evaluations and sanction mechanisms.<sup>135</sup>

### **1.4.2. Non-remunerated internships in the context of the agreement with Cape Verde**

The agreement between Luxembourg and Cape Verde foresees that individuals from both states can undertake non-remunerated professional internships in a company or a recognised professional entity in both countries. Individuals must provide a document certifying their admission to the training programme and the duration of the training or internship, which cannot exceed twelve months. In addition, the concerned people must provide proof that they have the financial means to cover the cost of travel to the host country, their stay during the training as well as their return to the country of origin.<sup>136</sup>

## **1.5. Long-term residence**

Bill n°7188 modifying the Immigration Law proposes to add a paragraph of Council Directive 2003/109/EC<sup>137</sup> of 25 November 2003 concerning the status of third-country nationals who are long-term residents to the national law. In fact, it provides the precision that the duration of stay as a seasonal, detached or transferred worker is not taken into account to calculate the residence period of five years that gives access to the long-term residence status. The duration of stay of TCNs who have a legal status governed by the various Conventions of Vienna are also not taken into account.<sup>138</sup>

## 1.6. Visa Policy

In 2017, no changes were made to the Visa Code, which was established by Regulation 810/2009. in 2017 is in force since 2009 and no changes occurred in 2017. However, discussions were expected to start in 2018 concerning the revision of the Visa Code. Simultaneously in order to harmonise the practices between the Member States, the Visa Code Handbook, which is unchanged since 2011, is currently undergoing the necessary changes.<sup>139</sup>

### *Externalisation of visa services*

Luxembourg is represented by various other European countries with regard to visa issuance, such as Belgium, the Netherlands, Sweden, Norway, Switzerland and Spain. Asked about subcontracting visa application management to private companies in Egypt, where Luxembourg is represented by Belgium, the Minister of Immigration and Asylum noted that visas are delivered according to rules and criteria that are fixed by the country representing Luxembourg in compliance with Schengen rules.

In this specific case, the externalisation of the visa service was aimed to improve the waiting period for visas. The Minister specified that the Luxembourgish consulates in India and Turkey also collaborate with private companies, but that the applicant can also directly contact the Luxembourgish consulate.

Belgium also uses private companies in a number of countries where it ensures the representation of Luxembourg with regards to visas. From the end of the summer 2018, the service of a private company will be used in a number of countries in which Belgium ensures Luxembourg's diplomatic representation, namely in Ivory Coast, Ethiopia, Qatar, Jordan, Senegal, Uganda, Kuwait, Cameroon and Lebanon.<sup>140</sup>

## 1.7. Other measures related to legal migration and mobility

### *Cooperation agreement with Afghanistan*

Bill n°7191 approving the Cooperation Agreement on Partnership and Development between the European Union and its Member States, on one part, and the Islamic Republic of Afghanistan, on the other part, aims, amongst other things, to promote cooperation in the education, research, youth and professional training sectors. The parties agree to promote the implementation of programmes in the domains of higher education and youth, such as the Erasmus+ programme of the EU and in the domain of mobility and training of researchers. The parties agree to encourage their teaching institutions to cooperate in joint programmes in view of favouring university mobility and cooperation as well as cooperation between youth organisations, notably by improving the mobility of young people and educators in the context of teaching and non-formal learning.<sup>141</sup>

### *Information on routes to and conditions of legal migration*

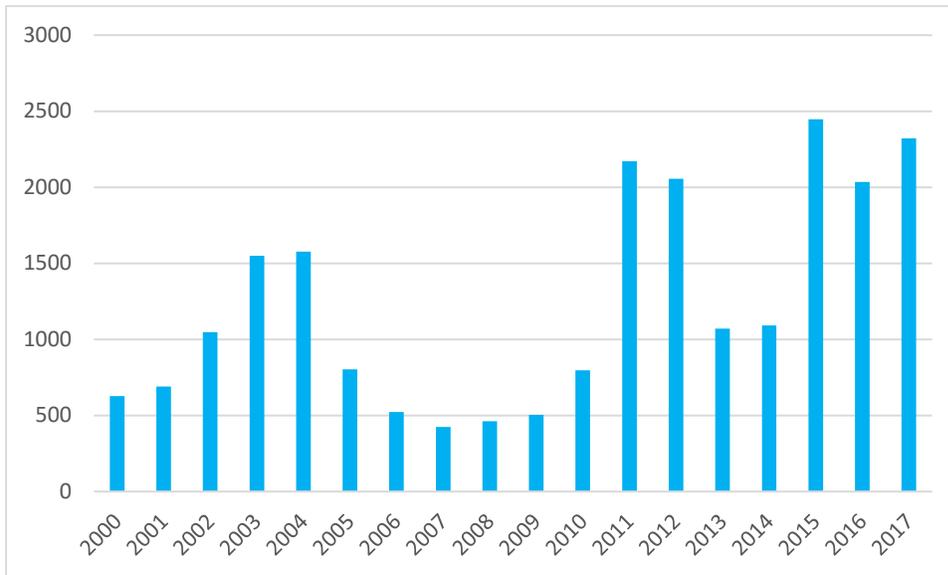
Since 7 November 2017, the website [www.guichet.lu](http://www.guichet.lu) is entirely available in English.<sup>142</sup> The website contains essential information on administrative procedures to be carried out in case of migration. As Luxembourg is a very multilingual country, the translation of the website and the contained documents into the English language facilitates the transmission of information on steps and procedures required of people wishing to move to Luxembourg.



## 2. INTERNATIONAL PROTECTION

During 2017, 2.322 applications for international protection were submitted to the Directorate of Immigration. This is an increase of 14,4% compared to 2016 and a decrease of 5,1% when compared to 2015. These figures remain above those registered during the period 2013-2014 and 2005-2010, but are comparable to those of the period 2011-2012.

Figure 1: Number of applications for international protection (2000-2017)



Source: STATEC, 2018

Like the two previous years, the largest number of applicants stemmed from Syria (368). This country of origin is followed by Eritrea (224), Morocco (205), Serbia (190) and Algeria (169). Generally speaking, the proportion and absolute number of applications stemming from African nationals have grown considerably, from 228 applications in 2015 and 551 in 2016 to 962 applications in 2017. Four African states, namely Eritrea, Morocco, Algeria and Tunisia, are amongst the 10 most frequently represented countries of origin with regard to applications for international protection (see Table 9).

A growing number of arrivals from Georgia (138) introduced their applications to the Directorate of Immigration in 2017, the number more than doubling compared to the previous year.

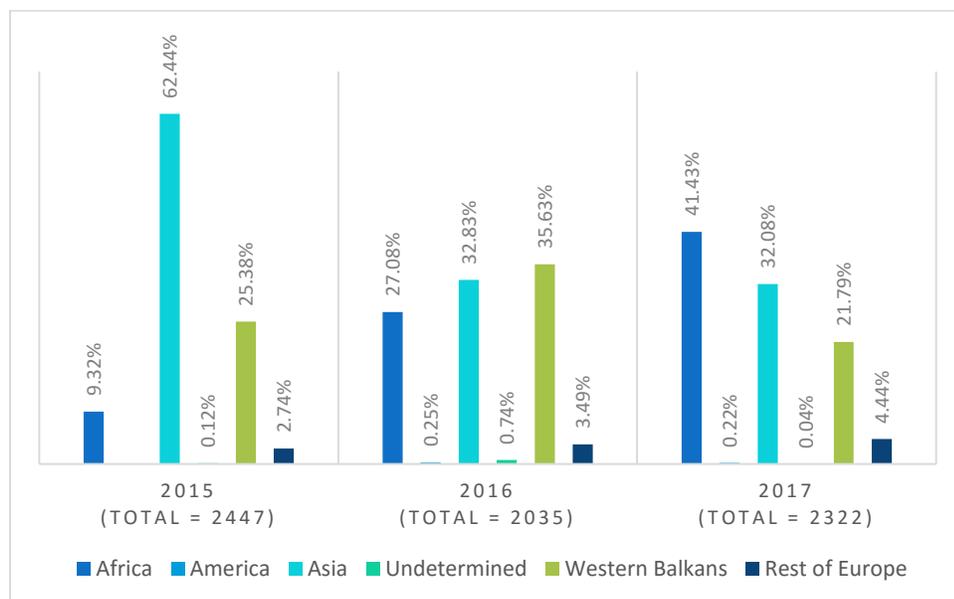
At the same time, the number of applicants for international protection from the Western Balkans fell both in absolute numbers and in proportion, from 725 applicants in 2016 (35,6%) to 506 in 2017 (21,8%).

The number of applications from Syria climbed from 289 in 2016 to 368 in 2017, however staying well below the level of arrivals of 2015 (630). Less Iraqis introduced their applications for international protection in 2017 than the two previous years. Similarly, the number of applications for international protection by Afghani nationals has considerably decreased, from

214 in 2015 to 34 in 2017, Afghanistan no longer being amongst the 10 most frequent countries of origin provided in Table 9 below.

It should be noted that the numbers regarding applications for international protection introduced to the Directorate of Immigration include people relocated from Italy and Greece. On the other hand, people resettled from a third country are not accounted for in these numbers, as they already benefit from the refugee status when they arrive in Luxembourg.<sup>143</sup>

Figure 2: Applications for international protection per continent (2015-2017)



Source: STATEC, 2018

Table 9: Top-10 countries of origin of applicants for international protection (2015-2017)

Country of origin	N° of applicants 2015	% of total applications 2015	N° of applicants 2016	% of total applications 2016	N° of applicants 2017	% of total applications 2017
Syria	630	25,7 %	289	14,2 %	368	15,8%
Eritrea	39	1,6 %	106	5,2 %	224	9,6%
Morocco	14	0,6 %	75	3,7 %	205	8,8%
Serbia	63	2,6 %	153	7,5 %	190	8,2%
Algeria	25	1 %	75	3,7 %	169	7,3%
Georgia	22	0,9 %	64	3,1 %	138	5,9%
Albania	153	6,3 %	226	11,1 %	137	5,9%
Iraq	538	22 %	161	7,9 %	127	5,5%
Tunisia	18	0,7 %	39	1,9 %	110	4,7%
Kosovo	231	9,4 %	208	10,2 %	79	3,4%
Others	714	29,2 %	639	31,4 %	575	24,8%

<b>TOTAL</b>	<b>2.447</b>	<b>100 %</b>	<b>2.035</b>	<b>100%</b>	<b>2.322</b>	<b>100 %</b>
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Source: STATEC, 2018

The Directorate of Immigration took 3.186 decisions in 2017, thus 37,4% more decisions than the previous year. This increase appears to indicate that the measures taken with the aim of speeding up procedures and decreasing the backlog, in combination with the recruitment of additional staff, were indeed effective.

Table 10: Number of people granted international protection by country of origin (2017)

Country of origin	Refugee status	Subsidiary protection	% of total granted international protection
Afghanistan	166	28	16,09%
Albania	-	3	0,25%
Burundi	1	1	0,17%
Cameroon	3	-	0,25%
China	1	-	0,08%
Democratic Republic of Congo	3	-	0,25%
Eritrea	96	6	8,46%
Ethiopia	5	-	0,41%
Gabon	1	-	0,08%
Georgia	1	-	0,08%
Guinea-Conakry	1	-	0,08%
Iran	24	-	1,99%
Iraq	340	7	28,77%
Ivory Coast	1	-	0,08%
Jordan	1	-	0,08%
Kosovo	1	-	0,08%
Lebanon	1	-	0,08%
Libya	-	1	0,08%
Morocco	1	-	0,08%
Russia	-	1	0,08%
Senegal	1	-	0,08%
Serbia	1	-	0,08%
Somalia	3	2	0,41%
Stateless	17	-	1,41%
Sudan	1	-	0,08%
Syria	463	-	38,39%
Tanzania	1	-	0,08%
Togo	1	-	0,08%
Tunisia	1	-	0,08%

Country of origin	Refugee status	Subsidiary protection	% of total granted international protection
Turkey	2	-	0,17%
Uganda	2	-	0,17%
Ukraine	-	4	0,33%
Undetermined	1	-	0,08%
Undetermined (Palestine)	11	-	0,91%
Venezuela	-	1	0,08%
<b>TOTAL</b>	<b>1.152</b>	<b>54</b>	<b>100%</b>

Source: Directorate of Immigration, 2018

The number of people who were granted refugee status further increased when compared to the previous years, from 200 in 2015, to 764 in 2016 and 1.152 in 2017. The number of people who were granted subsidiary protection also increased, from 26 in 2016 to 54 in 2017. Thus, in 2017, 1.206 people obtained international protection (refugee and subsidiary protection status), compared to 790 in 2016, an increase of 52,7%.

38,39% of those granted international protection were of Syrian origin, 28,77% were of Iraqi, 16,09% of Afghani and 8,46% of Eritrean origin. All other countries of origin represent less than 2% of the total number of people granted international protection.

In 2016, the number of decisions declining competence for the examination of the application for international protection, based on the application of the Dublin III regulation increased. This trend further continued in 2017. In 2017, 1.225 decisions of incompetence were taken, an increase of 98,5% when compared to the 617 decisions of 2016 and an increase of 331,3% when compared to 2015, when 284 such decisions were taken (see: 2.3.2).

Of the 526 people whose application for international protection were refused in 2017, 205 were refused in the normal procedure, 152 in the accelerated and 169 in the newly established-ultra accelerated procedure. In addition, over the course of 2017, 83 decisions of inadmissibility were taken.

Table 11: Number of people whose application for international protection was refused by country of origin (normal, accelerated and ultra-accelerated procedure and declaration of inadmissibility) (2017)

Country of origin	Normal procedure	Accelerated procedure	Ultra-accelerated procedure	Declared inadmissible <sup>2</sup>	Refusals	% of total refusals
Afghanistan	4	-	-	0	4	0,66%

<sup>2</sup> Total of declarations of inadmissibility 'EU citizen', 'first country of asylum or safe country of origin' and 'subsequent application'.

Country of origin	Normal procedure	Accelerated procedure	Ultra-accelerated procedure	Declared inadmissible <sup>2</sup>	Refusals	% of total refusals
Albania	8	66	54	0	128	21,02%
Algeria	4	8		2	14	2,30%
Belorussia	1	-	-	1	2	0,33%
Bosnia and Herzegovina	3	8	30	17	58	9,52%
Cameroon	4	-	-	0	4	0,66%
Democratic Republic of Congo	2	-	-	0	2	0,33%
Egypt	1	-	-	4	5	0,82%
Eritrea				1	1	0,16%
Ethiopia	1	-	-	0	1	0,16%
France				1	1	0,16%
FRYOM	-	3	16	0	19	3,12%
Gabon	1	-	-	0	1	0,16%
Gambia	1	-	-	0	1	0,16%
Georgia	-	2	-	0	2	0,33%
Guinea-Conakry	5	-	-	0	5	0,82%
Iran	4	-	-	3	7	1,15%
Iraq	116	-	-	2	118	19,38%
Ivory Coast	1	-	-	0	1	0,16%
Kosovo	-	14	31	14	59	9,69%
Kyrgyzstan				1	1	0,16%
Lebanon	2	-	-	0	2	0,33%
Libya	4	3	-	2	9	1,48%
Mali				1	1	0,16%
Montenegro	4	8	3	6	21	3,45%
Morocco	3	11	-	2	16	2,63%
Nigeria	3	1		7	11	1,81%
Russia	3	-	-	3	6	0,99%
Serbia	3	19	35	1	58	9,52%
Sierra Leone	-	1	-	1	2	0,33%
Slovakia				3	3	0,49%
Somalia				1	1	0,16%

Country of origin	Normal procedure	Accelerated procedure	Ultra-accelerated procedure	Declared inadmissible <sup>2</sup>	Refusals	% of total refusals
Stateless	1	-	-	0	1	0,16%
Sudan				1	1	0,16%
Syria	4	-	-	2	6	0,99%
Tunisia	1	7	-	4	12	1,97%
Turkey	9	1	-	2	12	1,97%
Undetermined (Palestine)				1	1	0,16%
Ukraine	12	-	-	0	12	1,97%
<b>TOTAL</b>	<b>205</b>	<b>152</b>	<b>169</b>	<b>83</b>	<b>609</b>	<b>100.00%</b>

Source: Directorate of Immigration, 2018

58% all refusals (all categories mixed) were issued to nationals of the Western Balkans; 24,3% were to Albanians and 10,8% to Serbians. All refusals issued in the ultra-accelerated procedure were issued to nationals of the Western Balkans. The nationals from these states were subject to 77,63% of the decisions of refusal in the accelerated procedure, and 8,78% of refusals in the normal procedure.

With 1.206 individuals having been granted international protection over the course of 2017 and 1.815 decisions having been taken overall (1.206 positive, 609 refusals in the normal, accelerated and ultra-accelerated procedure as well as through decisions of inadmissibility), the recognition rate of Luxembourg in 2017 was 66,4%. This is a further increase from the recognition rate of 60,3% of 2016. This number does not take into account the 182 refugees who were resettled over the course of the year and were directly given the refugee status upon arrival in Luxembourg.

## 2.1. Institutional changes in the national asylum system

Both OLAI and the Directorate of Immigration continued strengthening their staff over the course of 2017.

In 2017, OLAI recruited 35 staff members, of which 17 have a permanent, and 18 have a temporary contract. The recruitment aimed principally at strengthening the teams ensuring the social care of applicants for international protection (such as social workers and educators), teams in charge of the management and upkeep of housing structures as well as the team of reception officers (26 recruitments in the Reception Division in 2017). The Integration and Diversity team was also strengthened, notably due to creation of the Guided Integration Trail. The staff of the Human Resources Division was strengthened by one person whose main mission it is to further develop the skills and continuous training of OLAI staff, more precisely the staff members of the officers of the Reception Division who are in contact with applicants for international protection. The administrative staff was also strengthened.<sup>144</sup>

In order to further reduce the ratio of OLAI's social workers staff and with a view to approach the ratio of managing partners (i.e. Luxembourgish Red Cross and Caritas Luxembourg), the

government decided on additional recruitment measures for 2017. At the end of December 2017, OLAI's social workers staff ratio was 1 FTE for 50 AIP (against 1 FTE for 160 AIP in 2016).<sup>145</sup>

Due to the increase in staff members and growth of the agency, OLAI put in place a new organogram, creating five divisions, each with a designated responsible Head and Deputy Head of Division: the Directorate and Communication Division, the Reception Division, the Integration and Diversity Division, the Human Resources Division and the Administration and Finances Division.<sup>146</sup>

Over the course of 2017, the Directorate of Immigration hired 13 additional officials: 6 at the Asylum Unit and 7 at the Return Unit.<sup>147</sup> Thus, at the end of 2017, the Directorate of Immigration employed 151 officials (civil servants as well employees with short-term and undetermined contracts), 6 people with a compensated temporary occupation contract and 4 people with a disabled salaried worker status on a 6-week internship.

In 2017, the European Affairs Unit was created within the Directorate of Immigration of the Ministry of Foreign and European Affairs. This unit deals with European files on questions of migration, borders, asylum and return. It is also in charge of negotiations and implementation of relocation and resettlement.

In addition, the Directorate of Immigration made available staff members of its Asylum Unit to support EASO's operations in Trapani and Bari in Italy and Chios in Greece. The seven detachments lasted six to nineteen weeks. The Directorate of Immigration also made available four interpreters between March and October 2017, providing their services in Greece.<sup>148</sup>

The Detention Centre was put in charge of the management of the SHUK, which opened its doors in 2017 (see also 2.1.1.3.c).<sup>149</sup>

### *Training*

The acquisition and development of competences are essential for OLAI staff, particularly for people who are in direct contact with applicants for international protection. Between January and November 2017, OLAI staff followed 54 different trainings and accumulated 215 days of continuous training over the same period of time.

In 2017, OLAI organised or participated in the following trainings: initiation to the Arabic language, training for intercultural trainers, female genital mutilation, trafficking of human beings, development of intercultural competencies, cultural differences and social work, intervention in case of a suicidal crisis, management of diversity, cultural approach of the Arabic world, fight against the exploitation of children.

OLAI also contributed to a training cycle for elected local officials organised by SYVICOL in direct collaboration with the National Institute for Public Administration.<sup>150</sup>

In the division of the staff of the Directorate of Immigration that is responsible for interviews and decision-making along geographical divisions, different internal guidelines were developed to improve the quality and the coherence of the decisions made.<sup>151</sup>

The Directorate for Immigration furthermore offered a wide range of trainings for the existing and the newly recruited staff, besides different internal trainings based on the EASO modules the Directorate organised trainings with external stakeholders, among them the Hungarian Helsinki Committee and the national judicial police.<sup>152</sup>

## **2.2. Reception, support and integration measures**

### **2.2.1. Housing**

At the end of 2017, 2.692 individuals lived in one of the 67 reception facilities of OLAI, of which 205 were housed in phase 1, 101 were in phase 2 and 2.386 were in phase 3 facilities. On 29 December 2017, the average occupation rate in Phase 3 housing was at 65%.<sup>153</sup>

In OLAI's reception system, applicants for international protection are housed sequentially, in three phases. Upon arrival, individuals are housed in a Phase 1 reception facility, the *Foyer Logopédie* in Strassen, where they will stay for 24 to 48 hours. Once they have presented their application, the applicants are transferred to Phase 2 housing, currently located in Mersch. Here, their specific needs are identified (medical, psychological, schooling of children) and they will be oriented further. In this phase, the applicant will also enter in the first phase of the Guided Integration Trail (see: 2.2.2.), an integration programme specifically intended for newly arrived, launched in September 2017. A person does generally speaking not remain in Phase 2 housing for more than a few weeks; this however depends on the availability of beds in the next Phase. For the remainder of the length of the procedure of application, the applicant lives in Phase 3 housing, which consists of durable facilities. Some of these are exclusively for families, single men, or single women, while others accommodate a mixed public. Some beds are reserved for unaccompanied minors or people with reduced mobility.

47% of the population living in OLAI's reception facilities on 29 December 2017 were beneficiaries of international protection (compared to 20% in 2015). 43% were applicants for international protection, while 10% were individuals whose application had been rejected.

OLAI attributes the high number of beneficiaries living in its facilities to the difficulties they have in gaining access to the private and social housing market. In addition, arrivals through resettlement and relocation, family reunification of beneficiaries of international protection and births amongst the housed families (132 infants aged 0-2 lived in reception facilities of OLAI at the end of December 2017) also put pressure on the reception facilities.<sup>154</sup>

On 29 December 2017, OLAI housed people of 70 nationalities in its facilities, Syrians being the most numerous (30,1%), followed by Iraqis (17,7%), Eritreans (12,9%) and Afghans (7%).

27,4% of those housed in OLAI's facilities on 29 December were under the age of 14, 6% aged 14 to 17, 42,6% aged 18 to 34, 23,5% aged 35-64 and 0,5% are 65 years of age or older.<sup>155</sup>

#### *Distribution criteria*

Applicants for international protection cannot chose the reception facility that they are housed in. They are housed according to specific criteria, such as the priority to maintain the family unit, the vulnerability of people and the schooling of children. In mixed long-term structures (where women and men cohabit), sanitary installations are separated and rooms can be locked. Women are

housed in a women-only structure if the social worker (OLAI) considers that there is a specific need (women can be accompanied by their children). The staff of this structure is also exclusively female. In so-called mixed structures, at least one member of staff must be female.<sup>156</sup>

#### 2.2.1.1. Evolution with regard to reception facilities for applicants for international protection

##### *Reception capacity*

Despite the efforts of the government to increase housing capacities for the reception of applicants for international protection, housing remained a challenging aspect of the national asylum system and triggered debate on the national scale. Alongside social aid and access to the labour market and training, problems related to housing were among the issues most frequently raised in relation to asylum.<sup>157</sup>

Overall, the reception capacity slightly decreased over the course of 2017. There were 4.308 beds available for the reception of applicants for international protection at the end of 2016, of which 360 were in Phase 1, 308 were in Phase 2 and 3.640 were in Phase 3, distributed over a total of 93 sites. By the end of 2017, there were 308 beds in Phase 1, 120 in Phase 2 and 3.704 in Phase 3, thus 4.132 beds distributed over 67 sites.<sup>158</sup>

The loss of capacity due to the temporary or permanent close down of a number of facilities due to expiring contracts, sanitary requirements or risk control was almost compensated by the opening of new reception facilities. The closure of other reception facilities is expected to occur over the course of 2018, leading to an expected additional reduction of approximately 800 beds by the beginning of 2019, which will have to be compensated by the opening of new reception structures in the near future. While there is currently no lack of space in the reception facilities, the Minister for Integration noted that the pressure on the housing facilities for applicants for international protection remains high even if the inflow of applicants slightly decreases.

This is due to the increasing number of beneficiaries of international protection and their family reunifications, the lack of affordable housing (for instance for beneficiaries of international protection) and the increase in the number of people who have been issued a return decision but who remain living in OLAI's housing structures.<sup>159</sup>

##### *Modular housing structures in context of emergency reception plan*

The emergency plan for reception of applicants for international protection put in place in 2015 foresaw the establishment of four modular housing structures, the so-called 'container villages', from mid-2016 onwards. The Council of Government of 23 October 2015 had decided to establish land-use plans (*plan d'occupation du sol – POS*) for modular housing structures for applicants for international protection, rejected applicants and beneficiaries of international protection in Diekirch, Junglinster, Mamer and Steinfort. The government chose these sites based on the following criteria:

- Land availability (land belonging to the state or state funds)
- Absence of major environmental constraints

- Constructability / viability of the land
- Proximity to public transport
- Topographical characteristics of the land
- Classification in an existing general development plan

Before finalising its choice of sites, the government implemented a general approach taking into account all planned structures, ensuring that the structures are well distributed throughout the country and evaluated the accessibility of the sites.<sup>160</sup>

However, difficulties with the construction of these medium-term modular housing persisted in 2017. A certain reticence of the population towards the construction of these structures was visible in the appeals introduced into Luxembourg's First Instance Administrative Courts to annul the land-use plans related to the projects. As outlined in the Annual Report 2016, only one of these structures came to fruition in 2016. A structure with 150 bedrooms and a maximum capacity of 300 persons opened its doors to the first AIPs in Diekirch on 29 November 2016.

The advancement of the planned project in Steinfort was halted after the First Instance Administrative Court confirmed an annulment appeal of the citizens' initiative '*Keen Containerduerf am Duerf*' on the grounds that an environmental impact study was lacking. The state introduced an appeal to this decision on 17 October 2016. However, on 7 February 2017, the Second Instance Administrative Court upheld the previous decision.<sup>161</sup> The government decided to cancel the land-use plan and continue its detailed analysis of the site.<sup>162</sup> The related Grand Ducal Regulation was annulled by a judgement rendered on 14 December 2017.<sup>163</sup>

In reaction to its inability to change the general development plan of the municipality by means of a land-use plan, the government asked the municipality of Steinfort on 11 July 2017 to launch an individual change of its general development plan to enable the construction of a reception facility, now modified to take into account the wishes of the municipality: the facility was reduced in size to accommodate 100 individuals, both applicants for international protection as well as other people in need.<sup>164</sup> The mayor of Steinfort, elected in the elections of October 2017, confirmed that the College of Alderman suggested a number of potential sites to the Minister of Infrastructures, which the municipality could make available within three or four years to house 100 individuals. The mayor underlined the municipality's condition that the residents would be integrated in the community and not separated from the rest of the community.<sup>165</sup>

The project in Junglinster had been halted as an appeal had been introduced to the First Instance Administrative Court, claiming that the adoption of the land-use plan without an opinion of the Council of State, made possible through the invocation of the emergency of the situation, was in fact unjustified. It was argued that the Council of State should have been asked to submit its opinion. The First Instance Administrative Court ruled that the government exempted itself from the obligation of submitting the draft Grand Ducal Regulation to the Council of State, invoking the emergency of the situation, but that the justification for the emergency was in fact missing. The court agreed that Luxembourg had been confronted to a large number of arrivals of applicants for international protection. However, the court judged that these numbers were not of an exceptional character, as comparable arrivals had been registered in 2011 and 2012. Furthermore, the court ruled that, given the decrease in arrivals in the first months of 2016, the invocation of an emergency was no longer justified in March 2016. It also noted that the government was able to

gather five opinions before the adoption of the land use plan, for instance the opinions of the Municipal Council and of the Superior Council of Land Use Planning.<sup>166</sup> The Grand Ducal Regulation rendering the land use plan in question obligatory was annulled by a judgement on 28 September 2017.<sup>167</sup>

An appeal had also been introduced against the project in Mamer. On 11 January 2018, the First Instance Administrative Court annulled the Grand Ducal Regulation declaring the land use plan for this project obligatory. In fact, in this case the court also decided that the government had been wrong not to ask the Council of State to submit an opinion on the draft Grand Ducal Regulation as the invoked urgency had not been justified.<sup>168</sup>

Despite these setbacks, the competent authorities continue the search for appropriate locations for the construction of housing facilities. For instance, a particular development plan for the construction of a modular housing structure in Esch-Sur-Alzette was launched by the municipality in November 2016. A particular development plan needs the approval of the municipal council as well as of the Minister of Interior to go forward. The plan was approved by the Minister of Interior on 9 February 2017.<sup>169</sup>

#### *Facilitating autonomy in reception facilities*

Living conditions in the various reception facilities were also one of the subjects of discussion in 2017. This included debate on the (lack of) kitchen infrastructure in reception facilities and the varying systems for provision of food, the types of food available, as well as the availability of internet.<sup>170</sup>

In 32 of 86 reception facilities managed by OLAI, a permanent kitchen enables residents to cook meals themselves. An analysis of existing structures demonstrated the impossibility of installing a kitchen in 54 of the structures that do not have a kitchen as of yet. This is due to the fact that the facility's configuration does not allow for a kitchen to be installed or that the facility is temporary and thus the investment in a kitchen is not considered to be justified. In facilities that do not have kitchens, prepared meals are delivered to the facility or applicants can buy groceries from a grocery store on wheels that visits the facility. In the specific case of one facility that cannot receive deliveries for logistical reasons, applicants are given food vouchers with which they can buy food in regular supermarkets. According to the Minister of Family, Integration and the Greater Region, all future modular housing structures will be equipped with a kitchen.<sup>171</sup>

In view of facilitating autonomy, OLAI started considering alternatives to the mobile grocery store, while also ensuring that the diverse needs of residents are taken into account and that risks linked to abuse and misuse are minimised. The competent services foresee the introduction of a pilot project, distributing rechargeable credit cards and providing access to social grocery stores, in order to ascertain such a system's feasibility, its advantages and disadvantages. If the conclusions of these trials are positive, new systems that take into account the residents' diverse needs will be launched. Nonetheless, there is no intention to abandon the mobile grocery store, as it is considered to cater to the less autonomous and the most vulnerable.<sup>172</sup>

#### **2.2.2. Integration measures**

On 8 March 2017, the Council of Government approved the introduction of a Guided Integration Trail (*parcours d'intégration accompagné* - PIA) for applicants for international protection and

beneficiaries of international protection. Learning the national and administrative languages and understanding the workings of daily life in Luxembourg are two constituent elements of the trail.<sup>173</sup>

The PIA is a multidisciplinary package of measures that aims to empower its participants, to support them in becoming more autonomous and empowered, and in developing their life project.<sup>174</sup> According to OLAI, the PIA is the result of the practical experiences and feedback gathered during two years of mass influx of applicants for international protection. Having ascertained the profiles, needs and the challenges of applicants, OLAI aims to deliver, by means of PIA, additional resources and tools where they are needed.<sup>175</sup> According to the SFA, PIA is the tool to increase the efficiency of language learning amongst adult applicants and beneficiaries of international protection.<sup>176</sup>

The trail, compulsory for all adult applicants for international protection, consists of a linguistic component and a civic component and is split into three phases. The different phases of the trail accompany the applicant through the different phases of housing in reception facilities. OLAI was granted the lead regarding the development and the follow-up of the project by the Government.<sup>177</sup> The linguistic aspect is developed by the SFA, while the civic aspect is developed by OLAI in collaboration with associations and partners from civil society.

Phase 1: This phase requires that all applicants for international protection attend the PIA information sessions during their first six to eight weeks in Luxembourg. The applicants and beneficiaries follow the courses “linguistic integration 1” and “information sessions on the life in Luxembourg” in view of obtaining a certificate of having accomplished PIA 1. This initial phase was launched on 1 September 2017.

During the information sessions on everyday life held by the OLAI, participants receive information on community life in Luxembourg (3h), the rights and duties of applicants for international protection (also 3h) and 2 hours of classes on equal opportunities between women and men, in work and education, freedom of choice etc.<sup>3</sup> During the language courses, which are taught by the SFA, participants learn Luxembourgish (6h), based on the brochure ‘Éischt 100 Wierder Lëtzebuergesch’ (My first 100 Words of Luxembourgish). The brochure also provides the translations of the words in French, German and English, this emphasising the prevalence of multilingualism in Luxembourg. Participants receive two hours of teaching on the linguistic situation in Luxembourg, this including for instance the first steps towards adult education and training.<sup>178</sup>

Phase 2: The linguistic component of Phase 2 is also compulsory and consists of a language course lasting 80-120 hours over a six to twelve week duration. People between the ages of 18 and 24 who master the Latin alphabet will participate in CLJA+ classes instead of the language course. This language course will be adapted to the existing knowledge and needs of the student; it is expected that the majority of these courses will either be alphabetisation or French-language for beginners courses. People who already speak French will be oriented to an alternative, more adapted language course. The civics component will consist of information and training sessions regarding daily life and is voluntary. This phase was launched in January 2018.<sup>179</sup>

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<sup>3</sup> These courses are taught by nine trainers, who underwent similar training courses, and currently take place in Mersch.

Phase 3: With regard to the linguistic aspect, students will be oriented towards existing adult language learning offers provided by municipalities, secondary schools or associations. This will allow them to continue on their path of linguistic and professional integration. Generally speaking, the aim is to reach level B1 or B2, which corresponds to the level required on the job market, to learn a trade or to continue with higher education in Luxembourg. The level to be reached for people who have less educational background will be more modest.<sup>180</sup> The civic component will consist of in-depth thematic sessions (6 hours / session) and a collective introduction or preparation to these thematic sessions.<sup>181</sup> This phase was launched in March 2018.

OLAI and the SFA carried out mutual evaluations during the development phase of the PIA, giving feedback on both planned content and organisation of the various modules.<sup>182</sup>

The SFA created 14 positions for the language teaching and orientation in the context of the integration pathway. The teachers for the first phase have a psycho-social background as the main focus of this phase is on guidance and orientation, while the teachers for the second phase are people who already have experience in teaching French as a foreign language.<sup>183</sup>

Since September 2017, 129 applicants for international protection (35 women and 94 men) have participated in the first phase of the trail. On 7 September 2017, the first participation certificates for the phase 1 of the trail were distributed by the Minister for Integration.<sup>184</sup>

On 3 December 2017, the LFR published its opinion on the newly created PIA, proposing an ambitious PIA with a range of effective measures to achieve the goals set. The LFR considered that the main aim should be to stimulate and encourage the autonomy of applicants for international protection in order to enhance their rapid integration into the host society. Along with the PIA, the LFR called for an intensive and global reflection to be made on two recurring issues which remain a huge obstacle to empowerment / integration in Luxembourg: (1) access to affordable housing (2) effective access to the labour market via the temporary occupation authorisation (*autorisation d'occupation temporaire* – AOT), for which the terms of allocation and renewal should be reviewed by the legislator.<sup>185</sup>

### 2.2.3. Access to work

In 2017, no changes were made to provisions linked to work access. As a reminder, applicants for international protection can access the labour market by means of an AOT. The AOT can only be introduced six months after the introduction of the application for international protection. A number of conditions have to be fulfilled before an AOT can be issued, the most important being the verification of employment priority for EU citizens. The AOT's validity is restricted to one single profession with one single employer, and it is valid for six months but can be renewed.<sup>186</sup>

Over the course of 2017, the Directorate of Immigration issued 26 AOTs to applicants for international protection whose application was still in process, or who were beneficiaries of a temporary postponement of removal for medical reasons or of a postponement of removal, of which 15 were first requests and 11 were renewals.<sup>187</sup>

The integration of applicants for international protection and beneficiaries of international protection into the labour market was an issue of particular concern for civil society in 2017.

Calls were made to simplify the procedure of application and issuance temporary occupation authorisations, which are presently only rarely issued<sup>188</sup> and a simplification of which, it was argued, would facilitate the access of applicants for international protection to the labour market

during the procedure. The LFR also called for a faster access to the labour market, namely as soon as Luxembourg's competence to assess the application for international protection is recognised. In addition, it recommended the deletion of both the period of validity and the labour market test for AOTs.<sup>189</sup>

In order to facilitate beneficiaries' integration into the labour market, calls were made for the authorities to further pursue their efforts to encourage the recognition of beneficiaries' qualifications<sup>190</sup>, or to evaluate and if needed simplify the system in place for the recognition of professional and academic qualifications and other written documents required by the authorities.

A specific cell focusing on beneficiaries for international protection was put in place in the Employer Service of ADEM. This cell provides employers with information regarding job applications and evaluations of the competences of beneficiaries of international protection.<sup>191</sup>

#### 2.2.4. **Medical care**

The recently arrived applicants for international protection must undergo a medical examination, this in view of public health. They are also tested for contagious diseases such as tuberculosis, HIV or hepatitis. While the examination is obligatory, no formal sanctions are foreseen for non-respect of the convocation. If a need for treatment is determined, this will be communicated to the applicant with the help of a translator.<sup>192</sup>

##### *Recommendation issued to education institutions regarding medical examination*

Luxembourg's Health Inspection circulated a note to all educational institutions outlining that all applicants for international protection are obliged to undergo a medical examination upon their arrival. It advised educational institutions to limit participation in their courses to individuals who can certify having taken part in a medical examination. This suggestion was taken up by the educational establishments from the summer of 2017 onwards. The Health Inspection has taken these steps to guarantee adherence to the law and minimise public health risks.<sup>193</sup>

##### *Medical vouchers*

Since 1 May 2017, the Health Inspection is in charge of distributing medical vouchers to applicants for international protection. Previously, this was the responsibility of OLAI. Thus, in principle, applicants for international protection must present themselves in the consultations of the Health Inspection to receive medical vouchers. The Health Inspection has the qualified medical and nursing staff to decide upon the validity of applications.<sup>194</sup>

##### *Reception facility for vulnerable individuals*

The Health Inspection and OLAI started to work on a project for the creation of a reception facility in which psychologically vulnerable individuals can be housed for a determined period. This housing structure will likely open its doors in 2018.<sup>195</sup>

#### 2.2.5. **Education**

Children who are applicants for international protection continue to benefit from an educational offer that is adapted to their specific needs, just like other children who have recently arrived in Luxembourg.

More information on education is provided under Section 4.2.

## **2.3. Procedure for international protection**

The majority of changes related to the international protection procedure of 2017 were not of legislative nature, but were rather of practical or organisational nature. For instance, one ought to note the establishment of an ultra-accelerated procedure and of a semi-open return structure.

The Directorate of Immigration continues to prioritise the treatment of certain applications for international protection: applications that will likely result in a positive outcome (for example of Syrian nationals), and applications that are in an accelerated or ultra-accelerated procedure.<sup>196</sup>

The only legislative change was to add Georgia to the list of safe countries of origin.

### **2.3.1. Ultra-accelerated procedure**

On 9 February 2017, a new ‘ultra-accelerated procedure’ was put in place for applicants for international protection stemming from people stemming from safe countries of origin, amongst which those stemming from the Western Balkans. According to the Directorate of Immigration, the establishment of this procedure was to take pressure off the reception facilities, but also to “avoid creating false hopes amongst applicants for international protection with regard to a long-term stay in Luxembourg”.<sup>197</sup>

The introduction of this new procedure did not require any legislative modifications but relied on a practical acceleration of the accelerated procedure as it is foreseen in the asylum law.

At the moment of introduction of the application, the applicant is informed that s/he is subject to a two-day deadline for his or her preparation for an interview with an agent of the Ministry of Foreign and European Affairs to determine the reasons for application. These interviews take place in offices intended for this specific purpose within the premises of the reception facility based in the old speech therapy centre where the applicants are housed during their first days in Luxembourg. The applicant has access to council directly at the facility, as a permanence of lawyers was put in place. A decision is taken on the 6<sup>th</sup> day (on the 9<sup>th</sup> day if documents require translation) following the introduction of the application. The deadline for appeal is fifteen days after notification of the decision. All appeals against decisions from the accelerated procedure are treated by the same judge, who has one month to render a judgement that cannot be appealed. If the appeal is judged to be not clearly unfounded, the case is sent to the First Instance Administrative Court. Its decision can be appealed at the Second Instance Administrative Court.<sup>198</sup>

Between the procedure’s establishment in February 2017 and the end of 2017, the Directorate of Immigration refused 169 applications in the context on the ultra-accelerated procedure, thus 32,1% of the total of decisions of refusal in normal, accelerated and ultra-accelerated procedure.<sup>199</sup>

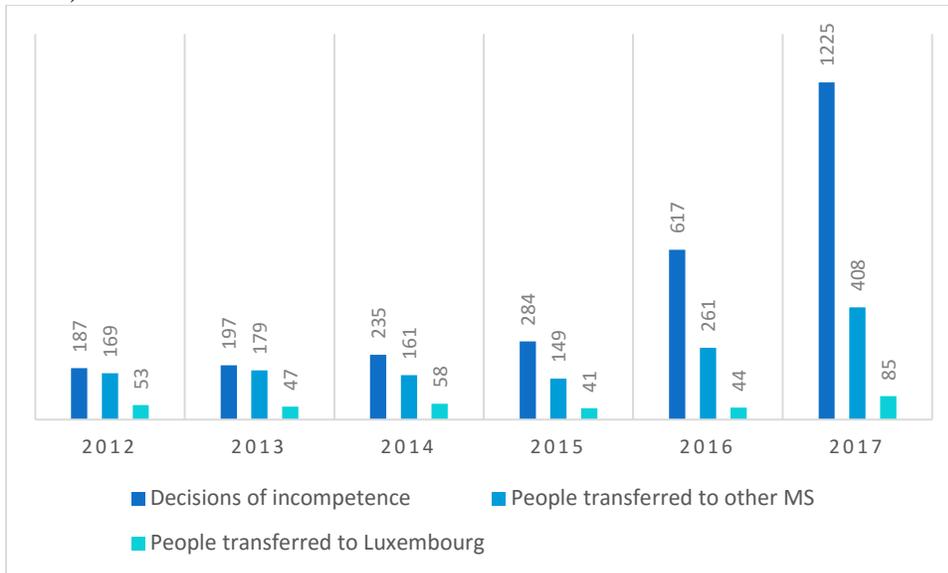
### **2.3.2. Dublin procedure**

In the context of the application of the Dublin III regulation, 1.638 requests to take charge and to take back applicants for international protection were sent to other Member States over the course of 2017. Luxembourg itself received 470 such requests.

There was furthermore a vast increase in decisions of incompetence in 2017: 1.225 decisions, compared to 617 in 2016, which represents a progression of 98,5%, and 284 in 2015. The largest number of these decisions concerned Moroccan nationals (167), followed by Serbians (156), Georgians (127) and Algerians (126).

408 people were transferred to other states participating in the Dublin regulation, 147 more than the previous year, this representing a progression of 56,3%. 85 individuals were transferred to Luxembourg<sup>200</sup>

Figure 3: Decisions of incompetence and transfers in application of Dublin regulation<sup>201</sup> (2012-2017)



Source: Directorate of Immigration, 2013, 2014, 2015, 2016, 2017, 2018

### 2.3.2.1. SHUK - Semi-open return structure

On 1 April 2017, a ‘semi-open return structure’ (*Structure d’hébergement d’urgence au Kirchberg* – SHUK) was put in place in Kirchberg, in which people are placed who are likely to be transferred to states applying the Dublin regulation.<sup>202</sup> In essence, it concerns people whose finger prints have already been registered on EURODAC by another Member State. Families with children are not placed in the structure. If the request for taking back is refused, the individual will be transferred into a regular reception facility.<sup>203</sup>

The SHUK is managed by the Detention Centre. Those residing in the SHUK must be inside the structure between 8pm and 8am, but are free to leave the facility during the daytime. Being assigned to the SHUK is a home custody (*assignation à résidence*) measure, which is considered to an alternative to detention. A maximum of 216 individuals can reside inside the SHUK.

Four social workers and criminologists were hired, as well as three individuals on a short-term contract who ensure the administrative management. Cleaning and guarding services are ensured by private companies. Medical care is administered in collaboration with *Médecins du Monde*;

approved NGOs doing the social follow-up of applicants for international protection also have access to the SHUK.<sup>204</sup>

The Minister of Immigration and Asylum noted that the Dublin questionnaire will be adapted so to improve detection of vulnerability (for instance in the case of victims of torture) and hence improve the care for the people assigned to the SHUK.<sup>205</sup>

From its opening on 1 April 2017 until the end of 2017, 606 people were assigned to the SHUK. Of these, 351 disappeared from the SHUK and 41 did not present themselves to the structure. 54 were transferred to another Member State. 95 individuals resided in the SHUK on 31 December.

The average duration of stay in the SHUK was 28 days. The people housed in the SHUK were mostly of Moroccan (114), Algerian (86), Georgian, (59) Tunisian (41), Afghani (22), Albanian (21) or Iraqi (21) origin.<sup>206</sup>

In its meeting with the Commissioner for Human Rights, Nils Muižnieks, the LFR underlined that people who have already introduced an application for international protection in another Member State are systematically sent to the SHUK, even if no Dublin decision has been taken yet. The LFR argued that an EURODAC identification suffices for an individual to be placed in the SHUK, without that a detailed analysis of their situation has been made (such as for instance the detection of vulnerability). Lastly, the LFR brought forward that the current legal vacuum does not allow the person to contest the decision to be placed under house custody.<sup>207</sup>

#### 2.3.2.2. Safe countries of origin

Given the development in its political situation, Georgia was added to the list of safe countries of origin.<sup>208</sup> Applications for international protection of people stemming from a safe country of origin can be treated in the context of an accelerated procedure.

#### 2.3.3. **Withdrawal of international protection**

Asked about the phenomenon of temporary returns of beneficiaries of international protection to their country of origin, the Minister of Immigration and Asylum confirmed that this phenomenon exists in Luxembourg but that it cannot be quantified. He furthermore noted that a beneficiary of international protection's temporary return to the country of origin does not automatically entail a withdrawal of status.

The Directorate of Immigration verifies whether the person returned in order to stay for a short period of time, or to permanently establish himself or herself in the country. The Directorate of Immigration carries out an in-depth analysis of the file and revokes the status if it estimates that the beneficiary of international protection no longer requires this protection.<sup>209</sup>

In 2017, Luxembourg did not carry out any withdrawals of status and did not take any decisions of exclusion.<sup>210</sup>

#### 2.3.4. **Length of the procedure**

Over the course of the last three years, the personnel of the Directorate of Immigration continuously increased. The backlog of outstanding decisions decreased while the rights of the applicants were maintained. On 1 January 2016, 2.402 applicants were awaiting a decision from

the Directorate of Immigration. By 17 August 2017, this number had decreased to 1.251.<sup>211</sup> 3.186 decisions were taken in 2017<sup>212</sup>, compared to 2.329 in 2016, 1.245 in 2015 and 428 in 2010.<sup>213</sup> The duration of the procedure between the introduction of the application and the first decision was twenty-one months in 2015. In 2017, the average duration had decreased to 7,5 months.<sup>214</sup>

### 2.3.5. Jurisprudence with regard to “indiscriminate violence” in the case of Iraqis and Afghans

On 22 December 2017, several Iraqi nationals demonstrated in front of the Directorate of Immigration to express their discontent and frustration, urging the government to put an end to possible returns to Iraq.<sup>215</sup> The rally followed a series of decisions of the Second Instance Administrative Court, which denied subsidiary protection to Iraqi applicants despite the First Instance Administrative Court having previously granted the status by recognising “indiscriminate violence” (*violence aveugle*)<sup>216</sup> in Iraq.

Indeed, since spring 2017 the First Instance Administrative Court had granted subsidiary protection to Iraqi as well as Afghan applicants in several cases.

By way of example, the court in its Public Hearing of 3 October 2017 (case N°38857) withhold that Iraq was currently in a civil war between several protagonists, both government forces and paramilitary militias, as well as the “Islamic State”. It concluded that in the event of return to their country of origin, applicants were clearly exposed to serious and individual threats to their lives or to their person due to indiscriminate violence in relation to the situation of internal armed conflict and that there was no hope for protection within the meaning of article 40 of the Law of 18 December 2015, since the national authorities were themselves actively involved in the abuses. According to the court, applicants therefore face a real risk of suffering serious harm within the meaning of Article 48 (c) of the Law of 18 December 2015. In view of these developments, the applicants should be granted subsidiary protection.<sup>217</sup>

However, the Ministry of Foreign and European Affairs appealed the decisions blaming the first judges for having decided in a general and abstract manner that one would be faced with an “internal armed conflict” and “indiscriminate violence” throughout Iraq and Afghanistan, such an assessment being clearly “too simplistic” in terms of the territorial dimensions of both countries. The general security situation neither in Iraq, nor in Afghanistan, would be in accordance with the criteria set out in Article 48 sub c) of the Law of 18 December 2015.<sup>218</sup>

The Second Instance Administrative Court followed the reasoning of the First Instance Court regarding the Afghan national’s case. Thus, the court found that Afghanistan, was “currently in the grip of an “internal armed conflict” in the sense that a State's regular forces, as well as international allies, confront one or more armed groups, including the Taliban and groups belonging to the movement of the “Islamic State””. In such circumstances the court would arrive to the same conclusion as the first judges, namely that the person is confronted, in case of return to Afghanistan, with a real risk of suffering serious harm within the meaning of Article 48 (c) of the Law of 18 December 2015.<sup>219</sup>

The court did however not recognise “indiscriminate violence” in Iraq. The court did recognise that the security situation was and remained dangerous and precarious in different parts of Iraq, in

particular in the city of Baghdad (where the applicant in this case comes from). However, the court considered that the mere presence of an individual in Baghdad did not ipso facto expose him, with a certain degree of probability, to serious individual threats. Thus, the mere fact of being from Iraq and, in particular, from Baghdad would not be a single justification for automatically granting the status conferred by subsidiary protection. In the light of the evidence in the file, the court further concluded that there were also no serious grounds to believe that the concerned people would incur a real and proven risk of suffering serious harm within the meaning of Article 48 of the Law of 18 December 2015 in case of return to their country of origin. The Second Instance Administrative Court thus overturned the judgement of the First Instance Administrative Court granting subsidiary protection to the applicant.<sup>220</sup>

In a press release in advance of the rally of Iraqi nationals in front of the Directorate of Immigration on 22 December 2017, the minister for Asylum and Immigration sought to recall that applications for international protection are subject to serious and individual review. He also recalled the Second Instance Administrative Court's conclusion that the mere fact of being from Iraq is not a sufficient factor for automatically granting subsidiary protection, the internal armed conflict being limited only to certain areas of the country. Individual and geographical factors would therefore be paramount.

Finally, the minister informed that Luxembourg had not yet made any forced returns to Iraq, but that on the basis of European legislation and like the practice of other Member States, such returns were not to be ruled out.<sup>221</sup>

## **2.4. Relocation and resettlement**

### **2.4.1. Relocation from Greece and Italy**

In the context of the Council decision (EU) 2015/1523 of 14 September 2015 and the Council decision (EU) 2015/1601 of 22 September 2015, Luxembourg committed to relocate a total of 309 applicants for international protection from Greece, and 248 from Italy to Luxembourg by the end of 2017. Luxembourg fulfilled its relocation commitments for both countries by 20 December 2017.<sup>222</sup>

In 2017, the Grand Duchy relocated 353 people from Greece and Italy and fulfilled its relocation commitments from both countries by 20 December 2017.<sup>223</sup>

Over the course of 2017, six groups were relocated from Greece. These relocations took place on 12 January (15 adults and 14 children)<sup>224</sup>, 21 and 22 March (23 adults and 29 children)<sup>225</sup>, 4 and 8 August 2017 (28 adults and 27 children)<sup>226</sup> and on 19 December (14 adults and 15 children)<sup>227</sup>. Of the 165 people that were relocated from Greece, 134 were Syrians, 24 were Iraqi nationals and 7 were stateless.<sup>228</sup>

On 16 and 30 May 2017, two groups arrived from Italy (46 adults and 4 children)<sup>229</sup>, followed by a group of 48 applicants on 7 September (44 adults and 4 children)<sup>230</sup>, a group on 25 October (49 adults and 3 children)<sup>231</sup> and two more groups on 30 November and 20 December counting 34 adults and 4 children<sup>232</sup>. Of the 188 relocated from Italy in 2017, 175 were Eritreans, 8 people were Syrians and one was a Yemenite.<sup>233</sup>

OLAI is in charge of the reception and social care of the relocated people and will support them in their everyday steps and over the course of their application for international protection.<sup>234</sup>

#### 2.4.2. Resettlement

Over the course of 2017, 182 people were resettled to Luxembourg from Turkey and Lebanon.

During the Justice and Home Affairs Council of 20 July 2015, which decided to resettle 22.504 displaced people stemming from outside of the EU who are in clear need of international protection, Luxembourg committed to resettle 30 people. In the end, 28 individuals were resettled from Lebanon as well as Turkey in 2017 in the context of this commitment: 23 Syrians, two stateless people, two Iraqis and one Iranian.<sup>235</sup>

Following the agreement of 18 March 2016 between the EU and Turkey, Luxembourg committed to resettle 190 persons in total. Over the course of 2016, 52 Syrians were resettled in the context of the EU-Turkey Statement. In 2017, another 138 Syrians were resettled in the context of this agreement.

In addition, Luxembourg committed to resettle 20 Syrian nationals in need of international protection following a call launched by UNHCR during a high-level conference in Geneva on Syrian refugees on 30 March 2016. In the context of this commitment, 16 people were resettled from Turkey.<sup>236</sup>

To fulfil all its commitments in terms of resettlement, six missions were organised in 2016 and 2017: five missions to Turkey and one mission to Lebanon.

In the end, from a commitment to resettle 240 refugees (through EU Joint resettlement programmes and National Resettlement Programmes), 234 were resettled, all of which are now refugees in the sense of the Geneva Convention (230 Syrians, one Iraqi, one Iranian and two stateless people). The costs stemming from organising the missions preceding the resettlements are eligible for European co-financing through the Asylum, Migration and Integration Fund.<sup>237</sup>

OLAI is in charge of the reception of the resettled people, in collaboration with the “*Lëtzebuurger Integratiouns - a Sozialkohäsiounscenter*” LISKO, a centre accompanying beneficiaries of international protection in order to facilitate their integration into Luxembourgish society.

### 3. UNACCOMPANIED MINORS AND VULNERABLE GROUPS

#### 3.1. Unaccompanied minors

In 2017, 50 unaccompanied minors introduced an application for international protection in Luxembourg, these numbers remaining stable when compared to the 51 applications introduced in 2016. Albania and Morocco were the countries of origin from which the most applications stemmed, changing from the previous year, when Afghanistan and Morocco were leading the list. The year was also marked by a new phenomenon when compared to the previous year, the arrival of very young unaccompanied minors (age 12 to 14).<sup>238</sup> Of the 50 UAMs, one was female, while all others were male.<sup>239</sup>

Table 12: Unaccompanied minors having introduced an application for international protection (2017)

Country of origin	Number of people
Afghanistan	4
Albania	12
Algeria	5
Burkina Faso	1
Eritrea	1
Guinea-Conakry	4
Iraq	1
Ivory Coast	1
Libya	1
Morocco	10
Russia	1
Senegal	2
Somalia	1
Syria	3
Tunisia	1
Ukraine	2
<b>TOTAL</b>	<b>50</b>

Source: Directorate of Immigration, 2018

##### 3.1.1. Reception of UAMs

In 2015, Luxembourg saw an important increase in applications for international protection from unaccompanied minors. In 2016, three reception centres for UAMs applying for international protection were opened, in order to better respond to their specific needs: ‘Groupe MINA’ of Anne asbl in Troisvierges (January 2016) offering 11 places, Foyer Saint-Martin-Jeunes of the Fondation Maison de la Porte Ouverte in Luxembourg City (September 2016) offering 10 places and Villa Nia Domo of the Luxembourgish Red Cross in Strassen (October 2016) offering 9 places.<sup>240</sup>

In 2017, the ORK commented on the fact; arguing that the opening of reception facilities specifically dedicated to the reception of UAMs and operating with professional and educational support was among the most conspicuous improvements.<sup>241</sup> The ORK also recommended to immediately accommodate UAMs in specialised reception facilities which are dedicated exclusively to minors. The Government should provide the necessary resources to prevent children from being accommodated in mixed facilities and to minimise the number of transfers of each child.<sup>242</sup>

Training for all staff members of reception facilities is essential in the eyes of the ORK and should be mandatory in order to sensitise educators and other staff about the specific situation of UAMs, potential trauma, and potential responses.<sup>243</sup>

### 3.1.2. Legal guardianship and foster care

In Luxembourg, UAMs are cared for from the moment of the application for international protection.<sup>244</sup> According to the Law of 18 December 2015 on the reception of applicants for international protection and temporary protection, a representative has to be designated as soon as possible to assist the UAM in the procedures linked to the application for international protection (administrative and judicial proceedings).<sup>245</sup> While the ad-hoc administrator assists the UAM in the procedure, the tutor assists the UAM in everyday life, such as education, health, social integration and if required, administrative steps. The tutor is appointed when there is no family member of the minor or if the family member is not trustworthy. In this case, the Guardianship judge will appoint an independent third person (i.e. a lawyer or a specialised organisation).<sup>246</sup>

In 2017, the ORK regretted that the appointment of a tutor is no longer systematic and proposed to review the Government's position on private guardianships for UAMs, which are currently only possible with a traditional approval as a foster family, complemented by special training.<sup>247</sup> The LFR also considered all UAMs, regardless of their age, applying for international protection in Luxembourg should be appointed, upon their arrival on the national territory, a tutor who ensures his/her well-being. The tutor should get adequate means to carry out his/her mission. Any restriction to this principle would be contrary to the best interests of the child and the international conventions relating to his/her rights.<sup>248</sup>

Nonetheless, the experts that are in charge of the care for UAM applicants insisted on the importance of specific additional trainings on the reception of UAM applicants for international protection, who have lost their cultural and family bearings and have lived through traumatic experiences in their country of origin and on their way to Luxembourg. This training lasts 19 hours and covers the legal context as well as the cultural, and most importantly psycho-traumatic issues of these UAMs. The training is aimed at ensuring the well-being of the applicants by preparing the host families and attempts to avoid any failure that might lead to an additional traumatic experience for the UAM.

On 28 and 30 September 2017, three families currently hosting UAMs took part in the first training of this kind.<sup>249</sup>

### 3.1.3. Procedural safeguards

On 7 July 2017, the Council of Government approved the creation of a commission in charge of determining the best interests of UAM applicants for international protection, which will start operating in the beginning of 2018. In accordance with the Return Directive, Luxembourg's Immigration Law postulates that a return decision can only be issued to a UAM if the return is in the best interests of the child, but does not detail how this interest is determined. The commission will be in charge of carrying out individual assessments regarding the best interests of the child with the aim of delivering an authorisation of stay or a return decision. The commission will be presided by the Directorate of Immigration. Members of OLAI, the National Office for Childhood, and Public Prosecution are also part of the Commission. The ad-hoc administrator representing the child in question will be invited to participate in the meeting. An individual opinion evaluating the best interests of the child in the context of its return will be made on the basis of the elements in the file.<sup>250</sup>

In addition, the Directorate of Immigration has made an agreement with the International Organization for Migration (IOM) to search for the parents of UAMs in the country of origin. More precisely, IOM will make contact with the child's family and render a report, which will include information on the conditions of the reception conditions awaiting the child in case of return to the country of origin, the existence of family members and their relation with the child as well as on the child's perspectives within the family environment. This new family evaluation process started on 1 October 2017.

The information provided in the IOM report will be one of the elements taken into consideration when the best interests of the child is evaluated in the context of a potential return decision.

The implementation of this procedure is eligible for European co-financing by the Asylum, Migration and Integration Fund.<sup>251</sup>

In its annual report, the ORK noted that reception facilities accommodating UAMs should be subject to external and regular controls, and regular visits by the ORK should be mandatory. The ORK asks to be provided with the necessary resources to carry out these visits and communicate freely with children and adolescents.<sup>252</sup>

Furthermore, the Ombudscommittee underlined that every UAM should receive regular information and updates regarding their situation and their application for international protection.<sup>253</sup>

### 3.1.4. Age assessment

The LFR regretted the possibility maintained by national legislation to resort to bone tests, considering them as unreliable, intrusive and obsolete. The LFR recalled the absolute necessity of respecting in practice the following legislative provisions: (i) the principle of presumption of minority in case of doubt must be applied (ii) the minor must be informed about the methods used for medical examination in a language s/he understands and the possible consequences of the results (iii) the minor must consent to a medical examination to determine his/her age.<sup>254</sup>

### 3.1.5. Special status

Among its recommendation to public authorities, the ORK proposed to establish a special status for UAMs, taking into account the three central elements that characterise their situation: they are minor, they are isolated and they are foreigners. According to the ORK, UAMs are at the intersection of two distinct public policies, namely immigration and child protection.<sup>255</sup>

## 3.2. Other vulnerable groups

### 3.2.1. Female genital mutilation

*In the context of the international protection procedure*

The issue of female genital mutilation came more to the forefront, as more female applicants for international protection from Eritrea, Somalia, Ethiopia and Iraq arrived in Luxembourg. The medical examination that all newly arrived applicants must attend within six weeks of their arrival is limited to the detection of infectious disease that could have repercussions on public health. The examination does not include a gynaecological exam; this exam could however be provided upon request of an interested person.

Approximately 1 to 3 women per year request help regarding a medical treatment in view of genital reconstruction after having settled in a reception facility. So far, OLAI has not been asked to cover the cost of surgery for genital reconstruction.<sup>256</sup>

OLAI elaborated a specialised training aimed at educators and social workers accompanying applicants for international protection, as well as collaborators of the Ministry of Health. The development of this training is occurring in the context of a cooperation with Group for Abolishing Female Sexual Mutilations in Belgium. 30 staff members of OLAI (76% of social workers, 85% of educators, 85% of reception staff and 100% of intercultural mediators) participated in this training (“*Prévention et prise en charge des mutilations génitales féminines*”) in 2017. The objective is that 100% of those working on the ground have completed this training in 2019. In addition, awareness-raising campaigns on sexual practices were carried out in reception facilities, in order to prevent sexually transmitted diseases. These also include information on genital mutilation.<sup>257</sup>

*Criminalisation of Female Genital Mutilation*

Bill n°7167 approving the Council of Europe Convention on preventing and combating violence against women and domestic violence was introduced into Parliament on 10 August 2017. It aims to make female genital mutilation (FGM) a criminal offence pursuant to article 38 of the Istanbul Convention, and to introduce higher criminal sanctions if the victim of the infraction is a minor or a particularly vulnerable person. The bill details the constituting elements of the offence. It foresees in a new article 401 of the Penal Code detailing that anyone who practices, facilitates or favours any form of mutilation of genital organs of a person of the female sex, with or without consent of the latter person, will be punished with imprisonment of three to five years and a fine of 500€ to 10.000€<sup>258</sup>

The pecuniary punishment and the confinement will be increased if the victim was a minor, or a particularly vulnerable person, due to her administrative situation being illegal or precarious, due to her precarious social situation, due to her age, illness, disability, a physical or mental disability, or a pregnancy that is known or visible to the perpetrator, or if the mutilation was perpetrated by use of threat, threat of force or other forms of coercion, by use of abduction, fraud or deception. The author is then subject to imprisonment of 10 to 15 years and a fine of 1.000€ to 25.000€<sup>259</sup>

In the common opinion of the Public Prosecutor's Offices of Luxembourg and of Diekirch, it is noted that it would have been useful to exclude acts that have a therapeutic or medical goal from the scope<sup>260</sup>, as well as to exclude sexual mutilations from the obligation of professional secrecy<sup>261</sup>. The Superior Court of Justice asks that the penalties are harmonised with the penalties foreseen in article 400 of the Penal Code lined to 'serious mutilation'.<sup>262</sup> The Ombudscommittee for the Rights of the Child recommended that Luxembourg should follow the examples set by the Netherlands and the United Kingdom, suggesting that the government should elaborate an official document clearly noting that the practice of female genital mutilation is a crime penalised by criminal law. This document would support people returning to their country of origin and allow them to better protect themselves against family or community pressure.<sup>263</sup>

The lack of exclusion from the professional secrecy obligation is also noted by National Council of the Women of Luxembourg, which furthermore regrets that no measure is foreseen that allows a child to be held on the Luxembourgish territory if there is a danger of FGM abroad. The Women's Council and the Consultative Commission for Human Rights both welcome the inclusion of FGM in the Penal Code but insist on the importance of awareness raising, provision of information as well as training for concerned professionals. The Consultative Commission on Human Rights furthermore recommends that the bill's authors add a definition of female sexual mutilation to the Penal Code.<sup>264</sup>

### 3.2.2. LGBTI

In order to evaluate whether an LGBTI person warrants the granting of international protection, the Asylum Unit of the Directorate of Immigration does a case-by-case analysis of, on the one hand, the legal situation in the country of origin, and, on the other hand, the daily life of LGBTI people in the country of origin. To this end, the Asylum Unit consults trustworthy reports that were published by UNHCR, EASO, NGOs such as the International Gay and Lesbian Association (iLGA), etc. The research team at the Asylum Unit establishes reports on the situation of LGBTI.<sup>265</sup>

These are for internal use, aimed at the staff members in charge of interviewing applicants and those taking decisions on the file. The COI unit updates general reports on the countries of origin of the majority of applicants for international protection. These reports are based on public sources and can be consulted online. A number of these sources are updated annually, such as the "Human Rights Reports" of the "US Department of State". These reports in particular always contain one section on the situation of the LGBTI community in the country of origin.<sup>266</sup> The fact that LGBTI people stem from a country of origin that is considered as safe does not exclude an analysis of the application in the context of the normal procedure.<sup>267</sup>

Over the course of 2017, staff members of OLAI and the Directorate of Immigration received trainings related to LGBTI issues.

Thus, one of the staff members of the Asylum Unit attended an EASO training titled “Gender, Gender Identity and Sexual Orientation”. A national training session on LGBTI applicants for international protection should be provided to interviewers and decision-makers of the Asylum Unit in the second semester of 2018. All staff members who carry out interviews also followed EASO trainings on interview techniques, notably on interviews with vulnerable individuals.<sup>268</sup>

A specialised service provider offers trainings on issues relating to LGBTI applicants for international protection to staff members of OLAI, a majority of which have participated in these (75% of social workers and 83% of educators).<sup>269</sup> A training aiming to improve support for sexual and gender minorities applying for international protection in Luxembourg will be put in place by OLAI in 2018.<sup>270</sup>

### 3.2.3. Statelessness

The adoption of the Law of 8 March 2017 approving 1) the Convention on the Reduction of Statelessness adopted on 30<sup>th</sup> August 1961, 2) the European Convention on Nationality of 6<sup>th</sup> November 1997 and 3) the Council of Europe Convention on the prevention of Statelessness in Relation to State Succession<sup>271</sup> expresses the authorities’ intention to fight statelessness. This law was adopted at the same time as the Law of 8 March 2017 on the Luxembourgish nationality that introduces new provisions to prevent cases of statelessness.

### 3.2.4. Right of residence for victims of forced marriages or domestic violence

The bill n°7167 intends to modify the Immigration Law, to enable victims of a forced marriage who were coerced to leave the territory to recover their residence permit.<sup>272</sup> Furthermore, the text foresees that victims of domestic violence can be granted an authorisation of stay for personal reasons if his or her stay is necessary in regards to his or her personal situation evaluated based on various factors, including his or her security, state of health, family situation, situation in the country of origin, or in regards to his or her cooperation with the competent authorities in the context of an enquiry or criminal procedures.<sup>273</sup>

The ORK welcomes this suggested change in law, as they often encounter problematic situations involving mothers with children with no authorisation of stay. They regularly encounter cases of third country national victims of violence, who had a valid residence permit but lost their right of residence as a consequence of leaving their husband and taking refuge in a reception facility for abused women. Children risked being separated from their parents simply because they could not be given an official address. The planned change clarifies the legal situation and enables the victim of domestic abuse and his or her children to have access to the available financial help.<sup>274</sup>

The National Council of Women in Luxembourg argued individuals refusing to leave the territory in order to protect minors from FGM should also be able to apply for an authorisation of stay for private reasons.<sup>275</sup> The CCDH paid specific attention to women in a migratory situation who have particularly vulnerable to gender-based or domestic violence. It underlined the importance of extending awareness-raising on harmful traditions and customs and to fight against prejudice and

stereotypes in the matter. The CCDH underlined the “importance of a reception and international protection procedure that is gender sensitive and that enables women to express their lived experience freely”.<sup>276</sup>

### 3.2.5. **Data collection in cases of domestic violence**

Bill n°7167 furthermore proposes a modification of article III of the amended Law of 8 September 2003 on domestic violence, detailing the type of data collection that must be established by the services caring for victims of domestic violence. The article stipulates that “ministers in charge of Justice, the Police, the Prosecutor’s Office, the services assisting victims of domestic violence and the services responsible for the authors of domestic violence must, each year, establish statistics disaggregated by sex, age, family situation and relation between victim and perpetrator, (absence of) residence status, nationality, state of cohabitation between perpetrator and victim, pregnancy, disability and indicating for each existing category the existence or absence of a situation of cohabitation between author and victim and as relevant requests for divorce after measures of expulsion, other types of police intervention, social interventions, prosecutions, convictions and repeated offenses linked to the offenses”, linked to domestic violence.<sup>277</sup>

On this issue, the joint opinion of the Prosecutor General’s Office and the Luxembourg and Diekirch Public Prosecutors concluded that unless the data to be collected is precisely and explicitly limited and unless there is a sufficiently powerful computer system, only the family situation of the concerned people, their nationality and their (lack of) residence status should be collected, as this collection can be ensured by the actors and the results will be reliable. The Consultative Commission on Human Rights insisted of the need for precise and recent statistics on violence against women in Luxembourg and encouraged additional research on this phenomenon in order to understand its root causes and its effects.<sup>278</sup>

## 4. INTEGRATION

### 4.1. Multiannual integration plan

On 27 September 2017, the Council of Government approved the elaboration of a new multiannual national action plan on integration. At the end of 2017, a draft plan was elaborated by the Interministerial Committee for Integration<sup>279</sup> under the coordination of OLAI. The plan is based on two axes: (1) the reception and follow-up of applicants for international protection and (2) the integration of Luxembourg's non-Luxembourgish residents. After consultation with various stakeholders (civil society, municipalities, Parliament and the National Council of Foreigners), the draft will undergo further revision by OLAI and the interministerial committee.<sup>280</sup> The consultation process with the various stakeholders occurred at the end of 2017 and stretched into 2018, so that the multiannual integration plan will be treated in more depth Annual Report on Migration and Asylum of 2018.

### 4.2. Socio-economic participation

#### 4.2.1. LSKO

The Luxembourgish Centre for Integration and Social Cohesion (*Lëtzebuenger Integratiouns- a Sozialkohäsiounscenter* - LSKO) opened its doors in April 2016 and was officially inaugurated on 13 June 2016 by the Minister for Family, Integration. Part of the Luxembourgish Red Cross, and financially supported by convention to the Ministry for Family and Integration, LSKO aims to catalyse the integration of beneficiaries of international protection into Luxembourgish society and thereby promote social cohesion in general.

The Ministry of Family, Integration and the Greater Region has continued to provide LSKO with funding in view of favouring the social integration of beneficiaries of international protection.

LSKO prioritises support for people who do not have the necessary socio-financial resources to take the steps necessary for integration into society. It pays particular attention to vulnerable beneficiaries of international protection (with a socio-mental fragility, a delicate health situation, disabled people, young people without income or single parent families). LSKO also has the mission to put beneficiaries in touch with other institutions such as schools, health services, psychological services, housing services and favour community work locally. LSKO also provides support to intercultural interpretation.

Generally speaking, the centre's goals are threefold:

- Empower refugees and increase their autonomy by providing personalised support based on intercultural understanding and translation if needed.
- Insert refugees in local integrative measures by establishing links to social services and associations.
- Facilitate access to housing for beneficiaries of international protection.<sup>281</sup>

In order to facilitate access to housing for beneficiaries of international protection, LSKO developed a number of tools. On the one hand, it developed "housing" workshops (presentation of the relevant institutions and of the private housing market, introducing them to the Luxembourgish

housing landscape and supporting them in their search for housing). On the other, LISKO also developed the ‘guarantee LISKO’. This is a convention established between beneficiaries of international protection and LISKO, giving property owners some insurance, as LISKO guarantees the payment of two months of rent and the reimbursement of material damage for up to 3000€

Overall, on 31 December 2017, 432 households working with LISKO still reside in reception facilities, while 402 found housing outside of reception facilities. Of the 402 that found housing, 142 moved to the private housing market, also due to 33 LISKO guarantees and 7 conventions of social accompaniment (guarantees without a financial commitment) that were established.

206 households found housing on the social housing market, of which 29 are in municipal housing, 111 with the help of the Social Housing Agency, 12 with *Wunnengshëllef* (an association), 15 with the *Fonds du Logement* (a public-sector promotor), 5 with the SNHBM (also a public-sector promotor) and 34 with other social housing initiatives. 26 households moved in with private residents in the context of the law on the guaranteed minimum wage.<sup>282</sup>

In addition, LISKO organises a number of other workshops to distribute basic information necessary for integration, to fill information gaps related to moving out of the reception centre, or to respond to administrative challenges. In 2017, LISKO held 36 workshops for 250 participants in total.

Over the course of 2017, LISKO contributed to the integration of 83 families that moved to Luxembourg through resettlement from Turkey and Lebanon in the context of the European resettlement programme.

Upon request by the Minister of Family and Integration, LISKO worked together with Co-Labor during the summer holidays to facilitate some beneficiaries’ integration through the labour market.

LISKO has also been mandated by the National Service for Social Action to work on the integration of beneficiaries who receive Guaranteed Minimum Wage and do not speak any of Luxembourg’s official languages. In this context, 169 integration contracts were established, through which participating beneficiaries of international protection commit to work with LISKO in their integration project and their obligation to follow French classes.

Over the course of 2017, LISKO carried out 6.400 social consultations in its offices and carried out 1.250 home visits. LISKO furthermore made use of 2.726 hours of translation.

In 2017, the staff of LISKO was trained in intercultural understanding by means of two trainings, as well as in the care for ‘difficult’ beneficiaries.

Overall, at the end of 2017, 937 adult (565 males and 372 females) and 694 minor beneficiaries of international protection were being accompanied by LISKO, resulting in a total of 669 files. Of the 1.865 people who received support from LISKO on 31 December 2017, 90,6% were beneficiaries of international protection (the others being other TCNs (2,4%) and EU nationals (6,9%)). LISKO furthermore did the follow-up of 9 UAMs.

45,1% of people under the care of LISKO were Syrians, followed by 15,7% who stemmed from Iraq and 8,1% who were Eritreans. Overall, 71% were from Arabic-speaking countries.<sup>283</sup>

#### 4.2.2. Cell of the National Employment Agency for beneficiaries of international protection

In February 2017, Luxembourg's National Employment Agency (*Agence pour le Développement de l'Emploi* – ADEM) set up a “*cellule BPI*” (BIP Cell) in its Employer Service. This cell provides employers with information regarding job applications and evaluations of the competences of beneficiaries of international protection.<sup>284</sup> For beneficiaries who could not bring their diplomas from their country of origin, ADEM can only indicate the level of qualification of the beneficiary on a declarative basis. ADEM can compare the level of qualification of a beneficiary for international protection thanks to the ISCED correspondence tables of the UNESCO.

For the evaluation of technical knowledge and skills, ADEM occasionally needs the help of external experts. FEDIL, the Federation of Industrials of Luxembourg, had already called upon its members to evaluate the skills and qualifications of engineers, ICT workers, architects, chemists and mathematicians. Over time, ADEM, having been approached by many professional chambers and federations, noted the need to evaluate also other profiles.

These evaluations of technical skills and knowledge take place at the company or at the premises of ADEM if no specific materials are required. They last from a few hours to a few days. ADEM provides the evaluator with ROME (*Répertoire Opérationnel des Métiers et des Emplois* - Operational repertoire of trades and employments) files, which are questionnaires of competence and knowledge.<sup>285</sup>

At the end of 2017, 616 beneficiaries of international protection were registered at the National Employment Agency, of which 425 were available for employment, the others having been placed in measures for the unemployed (154 beneficiaries), unavailable due to sickness, or other reasons.<sup>286</sup> In 2017, 113 beneficiaries found work, compared to 53 BIPs during the same period of the previous year.<sup>287</sup>

Overall, the skills and qualifications of 75 BIPs were evaluated, while 12 are still awaiting evaluation.<sup>288</sup> 26 employers have made themselves available to ADEM to carry out the aforementioned evaluations.<sup>289</sup> ADEM has intensified its cooperation with professional chambers and federations in order to improve the flow of information on hiring BIPs and AIPs that is directed at employers. The website of ADEM now includes a whole section dedicated to these issues.<sup>290</sup>

#### 4.2.3. REVIS – Social Inclusion Revenue

Bill n°7113 on the social inclusion revenue aims to repeal the law on the guaranteed minimum wage (*revenu minimum garanti* - RMG), which will become the social inclusion revenue (*revenu d'inclusion sociale* – REVIS). The bill aims to achieve greater social inclusion by means of political measures of professional and social activation.

The bill foresees that in order to benefit from the REVIS, a person must have the right of residence and be registered on the main registry of natural persons.<sup>291</sup>

Currently, Article 2 of the law on the RMG requires that a TCN must have resided in Luxembourg for five years over the course of the last twenty years in order to benefit from RMG. Excluded from this rule are Luxembourgish and EU nationals, as well as TCN nationals of the European

Economic Area, nationals of Switzerland, people recognised as stateless on the basis on the Convention relating to the Status of Stateless Persons, signed in New York on 28 September 1954 and people recognised as refugees under the Convention on the Status of Refugees of 1951.<sup>292</sup>

The REVIS bill details that henceforth, beneficiaries of international protection are excluded from the residence condition instead of recognised refugees under the aforementioned convention. Beneficiaries of the long-term status are also excluded from this condition in the new bill.<sup>293</sup>

The current RMG law furthermore excludes family members of TCN nationals, of EU and Luxembourg nationals, as well as of EEA and of Swiss nationals as defined by the Immigration Law of the five-year condition, regardless of their nationality. However, the REVIS bill now proposes to include the family members of beneficiaries of international protection.<sup>294</sup>

The bill excludes beneficiaries of a certificate of assumption of responsibility, as provided for in Article 4 of the amended Law of 29 August 2008 on the free movement of persons and immigration, from benefitting of the REVIS.<sup>295</sup>

The bill maintains the condition that, in order to benefit from the REVIS, a person must have reached the age of 25.<sup>296</sup> In its opinion, the Chamber of Salaried Workers expressed concern about the fact that the bill does not foresee that applicants for international protection under the age of 25 have access to the REVIS, as these are often without family and without major means of subsistence.<sup>297</sup>

ASTI criticised that the bill would maintain discriminations against TCNs. It raised the problem of TCNs without housing who cannot benefit from a reference address, a condition for benefitting from REVIS. While ASTI welcomed the access to the REVIS for family members of BIPs without having to fulfil the 5 years of residence condition, it considered the maintenance of this condition for other categories to be too restrictive.<sup>298</sup>

#### 4.2.4. Reference address

According to the Law of 8 June 2017, modifying the amended Law of 19 June 2013 on the identification of natural persons, beneficiaries of international protection can have a reference address if legal or regulatory provisions prevent their registration on the main registry. The beneficiary can provide the address of OLAI or of a legal entity working in the social, family or therapeutic sector as a reference address, under the condition that he has the written approval of the latter. If the person wishing to register in a municipality provides no reference address, the address of the social office that is competent for the municipality will be the reference address. People registered to a reference address must report to the municipality of registration every six months.<sup>299</sup>

This resolves a practical problem that beneficiaries of international protection were faced with. Due to the lack of affordable housing in Luxembourg, a number of beneficiaries of international protection were unable to find appropriate housing and were unable to leave the reception facilities of OLAI. In some cases, regulatory or legal dispositions prevented the beneficiaries to register the address of the reception facility as their habitual residence. In consequence, the beneficiaries were unable to register on the main registry. Instead, they were registered on the waiting registry and hence, could not be issued a residence certificate, which in turn was needed to benefit from the guaranteed minimum wage.<sup>300</sup>

#### 4.2.5. Prohibition of face concealment

Bill n°7179<sup>301</sup>, introduced into Parliament on 5 September 2017, aims to modify article 563 of the Penal Code and to create a ban on face concealment in certain public spaces. The bill defines face concealment as the action of covering part of or all of the face in a way of rendering the identification of the person impossible and provides a wide variety of examples, such as the wearing of a motor cycle helmet, a balaclava or a full-face veil.

Banning the full-face veil was not the explicit nor single focus of the bill. The General Prosecutor's Office however noted that "it is difficult to deny that, regardless of the relative discretion on this point in the Explanatory Statement and the Commentary of Articles, the phenomenon that motivated the Government to suggest this legislation is the wearing of the full-face veil by "women [of Muslim belief] in the context of their religious practice""<sup>302</sup>. This assessment was shared by the CCDH.<sup>303</sup>

The authors of the bill concede that the phenomenon of face concealment is a marginal problem in Luxembourg, but that debates in neighbouring countries impacted the national public debate.<sup>304</sup>

The bill was preceded by two law proposals (the first issued in 2014, the second in 2015) on the issue of face concealment, as well as a motion in Parliament.<sup>305</sup> While the first law proposal explicitly aimed to ban the full-face veil, the second proposal argued that "the custom of wearing the full-face veil pushes us to reflect more deeply on the foundations of our "*vivre ensemble*" [(communal life)]".<sup>306</sup> The authors of the second law proposal came to the conclusion that the most appropriate way to define the minimal threshold of reciprocal requirements needed for communal life would be a general ban of face concealment regulated by law.<sup>307</sup>

Until early 2017, the government held the position that the existing regulatory framework would suffice to deal with the question of face concealment. In fact, a majority of Luxembourg's municipalities already applied some form of face concealment ban; the prohibition was applied in 47 in Luxembourg's 105 municipalities by means of municipal police regulation.

It was a principle-based opinion requested by the government from the Council of State that was to change the government's position.<sup>308</sup> In fact, municipalities are competent for upholding the material, and not the moral public order. In other terms, the municipality is not competent for regulating face concealment for religious reasons, and municipal police regulations cannot be justified on the basis of "*vivre ensemble*"<sup>309</sup>; for this, a legal basis is required.

The issue of face concealment is linked to the right to private life (the choice to dress how one wishes), but also to the right to manifest one's religion, in the case of a woman concealing her face for religious reasons. A regulation in this field, aiming to restrict these enshrined fundamental rights constitutes an interference of public authorities in these liberties and requires, according to the European Convention of Human Rights, legislation.<sup>310</sup> In addition, the Council of State noted that the law would also put an end to the heterogeneous practices set up by municipalities, as a uniform regulation would apply throughout the territory of Luxembourg.<sup>311</sup>

The legislator, based on the judgments of the European Court of Human Rights, retained the requirement of "*vivre ensemble*" to ban face concealment. This choice is legitimated for instance

“by the preservation of the conditions of the *“vivre ensemble”* as an element of the protection of the rights and freedoms of others”<sup>312</sup>.

Rather than opting for a general prohibition of face concealment, the legislator proposes a circumscribed ban in certain public places.<sup>313</sup> This choice is motivated by distinguishing “places where communication, interaction and the *“vivre ensemble”* between people require encounters with uncovered faces”<sup>314</sup> and on the other hand, spaces where such no interaction between people is required.

The bill thus proposes to prohibit face concealment in a number of public spaces, such as in a variety of school establishments, public transport services, medical care facilities or public administration buildings.<sup>315</sup>

The bill foresees exceptions if legal provisions exist that authorise covering the face for medical or professional reasons, for practices related to sports, celebrations, traditional or artistic events.

Several judicial authorities<sup>316</sup> noted the lack of provisions with regards to the delimitation of the places<sup>317</sup> and the difficulty of to apply the prohibition in practice.<sup>318</sup> The Council of State furthermore issued four formal oppositions: 1) with regard to the lack of precision on the geographical delimitation of the ban in school establishments 2) with regard to administrations and buildings where public services are provided 3) with regard to public transport services; 4) with regard to the possibility provided in the bill to the directors of health - or care facilities to authorise the face concealment in common areas within the facility.<sup>319</sup>

A first series of governmental amendments<sup>320</sup> take into account the considerations and oppositions of the Council of State by giving more precision to the geographical delimitation of the spaces in question. The governmental amendments also remove the power of the directorate of health or care institutions to determine the field of application of penal law. In a complementary opinion, the Council of State reiterated its criticism regarding the definition of public spaces, which they consider not sufficiently precise.<sup>321</sup>

In its opinion, the CCDH took issue with the provision that applied the prohibition to the rooms of the sick and elderly in the aforementioned establishments. Considering the lack of a legitimate justification, this ban is a serious violation of the right to private life.<sup>322</sup> The CCDH believed that the government did not take the needed steps to know the points of view of the public at large or of the people who are affected by the restriction and that it did not consider, nor analyse other, less restrictive measures that reach the goal of protecting the *‘vivre ensemble’*.<sup>323</sup>

The CCDH furthermore notes that the existing regulatory framework adequately protects the ‘communal life’ and that the promotion of women’s rights and of the structuring principles of Luxembourgish society will help to attain the intended goals of the bill.<sup>324</sup> It invited the government to look further into the repercussions of a possible banning of the full-face veil on the affected women, to consider penalties for the people forcing women to wear the full-face veil and expresses its hope that the government will deepen its thinking on ‘communal living’ that is adapted to the Luxembourgish context.<sup>325</sup>

Doubting the necessity of the foreseen restriction on individual freedoms, the CCDH came to the conclusion that the bill is not compatible with human rights.

For both opposition parties, ADR and CSV, the bill did not go far enough and both stick to their own respective law proposals. Unlike the government's bill, which only foresees a ban in specific public spaces, bill n°6705 as well as bill n°6909 aim to ban the full-face veil in all public space area.<sup>326</sup>

The government's intention to legislate in the matter was also largely covered and debated in the media, who referred to the "anti-burqa law". A number of journalists and commentators questioned the necessity to legislate, especially considering the extremely low number of women wearing a burqa or niqab in Luxembourg.<sup>327</sup> "*How often have politicians or other citizens who claim this legislation seen a woman wearing the full veil in Luxembourg in the last five years?*", the Assembly of the Muslim Community of the Grand Duchy of Luxembourg (Shoura) asked in a commentary on bill n°7179. There are no reasonable grounds that justify or require the drafting of a law that adds yet another restriction to public freedoms and fundamental rights. In the eyes of the Shoura, the discussions on a ban on a full-face veil reflects an iterative attempt by some people to impose their visions of the world on the body of women. Since only about ten women are concerned, it would have been very easy to hear and consult a large part of them in order to be able to see if they are actually victims of oppression and if so, whom they are oppressed by.<sup>328</sup>

The National Council of Women of Luxembourg (CNFL), for its part, supported the idea of banning the full-face veil in public spaces, not in the name of a "*vivre ensemble*", but based on grounds of gender equality. The CNFL perceived the wearing of a full-face veil as a particularly strong symbol of the submission of women. However, the CNFL also demanded that the consistent criminalisation of coercing women to conceal the face in public (in general) should be added in the bill.<sup>329</sup>

#### 4.2.6. Social security agreements

##### *Social security agreement with Morocco*

On 17 October 2017, the Luxembourgish Minister for Social Security and his Moroccan counterpart signed an administrative agreement on the application of the bilateral convention on social security between the Grand Duchy of Luxembourg and the Moroccan Kingdom. This agreement provides the citizens of both countries with legal safeguards and additional security with regard to social security.<sup>330</sup>

##### *Social security agreement with Cape Verde*

According to the agreement between Luxembourg and Cape Verde, the provisions of the Social Security Convention between the Grand Duchy of Luxembourg and the Republic of Cape Verde will apply to the employees and trainees mentioned in this agreement.<sup>331</sup> It should be noted that all bilateral conventions are ruled by the principles of equality of treatment, of aggregation of insurance periods and the export of benefits. Multiple bilateral conventions are in the process of ratification.<sup>332</sup>

### 4.3. Access to citizenship and civic participation

#### 4.3.1. The Law of 8 March 2017 on the Luxembourgish nationality

A new law on the Luxembourgish nationality entered into force on 1 April 2017.

The Annual Report on Migration and Asylum of 2016 treated the reform on nationality comprehensively. Therefore, this report will only consider the main points introduced by the new law (for more information on the debates of the legislative procedure of this law, please refer to the Annual Report on Migration and Asylum 2016, Part 2).

On 24 March 2016, the bill forming the basis of the new Law on the Luxembourgish nationality was introduced into Parliament. The text of the law takes into account the outcome of the political consultations that the minister engaged with the three opposition parties. Given the particular demographic situation of Luxembourg characterised by a significant increase in the total population and a decrease in the proportion of Luxembourgers in the total population<sup>333</sup>, the legislator argued that "*the purpose of the reform of the Luxembourgish nationality law is to promote the societal and political integration of non-Luxembourgish citizens in the Grand Duchy of Luxembourg and to strengthen cohesion within the national community*"<sup>334</sup>.

The main changes introduced by the law when compared to previous legislation are as follows:

- The length of the residence requirement to apply for naturalisation decreased from 7 to 5 years and only the last year of residency prior to the application must be uninterrupted.<sup>335</sup>
- The linguistic requirements are maintained. However, adjustments are made to prevent language from becoming an insurmountable obstacle. Thus, a successful completion of the oral expression examination is sufficient to pass the language test, while an insufficient mark can be compensated with the score obtained in the oral comprehension test.<sup>336</sup>
- The current civics courses lasting 6 hours in total are replaced by the course "*Vivre ensemble au Grand-Duché de Luxembourg*" covering three modules with a total duration of 24 hours.<sup>337</sup>
- The law introduces the right of birthplace (*jus soli*) of the first generation whereas the previous law only provided the second generation right of birthplace. Thus, people born in Luxembourg automatically become Luxembourgish at the age of majority if they completed an uninterrupted period of residence during the 5 years preceding their majority and if one of the foreign (adoptive) parents lawfully resided in Luxembourg during the 12 months immediately preceding the birth of the child.<sup>338</sup> They are exempted from language and civic courses. The double condition of residence was introduced to eliminate "birth tourism".<sup>339</sup>
- The law introduces a simplified way of acquiring Luxembourgish nationality by 'option', which was abandoned during the previous reform in 2008. The option concerns persons who have a particularly close connection with Luxembourg. While the procedure is always identical, the conditions for accessing Luxembourgish nationality differ according to the

case. The length of residence required is not the same in the different situations and some applicants are exempted from the language requirement and the obligation to complete the civics course. Thus, ten different scenarios are provided for the option:

1. An adult whose parent or adoptive parent possesses or possessed the Luxembourgish nationality and who was not granted that nationality.<sup>340</sup>
2. A parent of a Luxembourgish citizen who meets the five-year residence requirement in Luxembourg, whose last year prior to the declaration of option must be uninterrupted, who has passed the language test and has taken part in the civics course or passed the exam.<sup>341</sup>
3. A person married to a Luxembourgish citizen, on proof of knowledge of the Luxembourgish language and participation in the civic courses or the passing of the exam of the course. The person who does not reside in Luxembourg must provide proof of a community of life for the three years that preceded the declaration of option. The candidate who lives abroad because of the spouse's occupation, granted to the spouse by a Luxembourgish public authority or an international organisation, is exempted from this last condition.<sup>342</sup>
4. A minor born in Luxembourg who is at least 12 years of age and who meets the double residence requirement, namely residing in Luxembourg for the five years preceding the declaration of option, as well as one of the parents or adopters having to reside in Luxembourg during the 12 months preceding the birth of the child.<sup>343</sup>
5. A person who has completed at least seven years of schooling, whether consecutive or not, in a Luxembourg public educational institution, provided that s/he has regularly resided in the country for the 12 consecutive months preceding the declaration of option.<sup>344</sup>
6. A person who has habitually and legally resided in Luxembourg for at least 20 years, the last year before the declaration of option having been uninterrupted, provided that s/he has completed 24-hour language course at the National Institute of Languages (INL).<sup>345</sup>
7. The person who has carried out the Welcome and Integration Contract, provided that s/he can prove a period of residence of 5 years of which the last year preceding the declaration must be uninterrupted; s/he passed the Luxembourgish language test and has taken part in the civics course or passed the exam.<sup>346</sup>
8. A person who immigrated to Luxembourg as a minor, who meets the five-year residence requirement in Luxembourg, the last year of which must be uninterrupted; s/he passed the Luxembourgish language test and has taken part in the civics course or passed the exam.<sup>347</sup>
9. The beneficiary of a 'stateless person' or 'international protection' status, provided that s/he can prove a period of residence of five years of which the last year preceding the declaration must be uninterrupted; s/he passed the Luxembourgish language test and has taken part in the civics course or passed the exam.<sup>348</sup>

10. The volunteer soldier of the Luxembourgish army who has completed at least one year of good and loyal service.<sup>349</sup>

- The law introduces new scenarios to avoid cases of statelessness. Thus, the following persons are automatically considered Luxembourgish:

1. The child whose parent was a Luxembourgish national at the time of the birth of the child.<sup>350</sup>

2. A minor who has been adopted by a stateless person having his/her habitual residence in the Grand Duchy of Luxembourg and who is legally resident there.<sup>351</sup>

3. The minor adopted by people of foreign nationality who are legally resident in Luxembourg, provided that s/he has lost her/his nationality by the adoption and that the application of no foreign law entitles him/her to obtain the nationality of one of the adoptive parents, or that the granting of these nationalities is only possible in the case of residence in the countries concerned.<sup>352</sup>

4. A minor born in Luxembourg to foreign parents, who can only be granted the nationality of his/her parents in case s/he resides in the concerned countries.<sup>353</sup>

The possibility of acquiring Luxembourgish nationality by way of recovery for the descendants of a Luxembourgish ancestor on the date of 1 January 1900 is limited in time. Thus, the request for certification as a descendant of a Luxembourgish ancestor must be submitted to the Ministry of Justice until 31 December 2018 and the declaration of recovery must be signed before the registrar until 31 December 2020.<sup>354</sup>

The law furthermore includes a number of transitory provisions regarding the declaration of option. The person who is born in Luxembourg before 1 July 2013 receives the Luxembourgish nationality on his or her 18<sup>th</sup> birthday, under the condition that s/he had a habitual residence and regular stay in Luxembourg of at least five consecutive years and immediately preceding the declaration of option.<sup>355</sup> Additionally, from the age of 12 onwards, a person can benefit from the declaration of option if the candidate is born in Luxembourg before 1 July 2013, under the condition that s/he had a habitual residence and regular stay in Luxembourg of at least five consecutive years and immediately preceding the declaration of option.<sup>356</sup>

*Grand Ducal Regulation on the course and exam “Living together in the Grand Duchy of Luxembourg”*

The modalities of the civics course organised in the context of the process for acquisition of the Luxembourgish nationality and of the related exam are established in the Grand Ducal Regulation of 7 April 2017 on the course ‘Living together in the Grand Duchy of Luxembourg’ and its exam.<sup>357</sup> The minister for National Education will publish the course programme and documentation.<sup>358</sup> The course will be taught in German, French, Luxembourgish and English and will take place, according to need, in all regions of the country.<sup>359</sup>

*Grand Ducal Regulation on the Luxembourgish language evaluation exam organised in the context of the process of acquisition of the Luxembourgish nationality*

The Grand Ducal Regulation of 30 June 2017 on the Luxembourgish language evaluation exam organised in the context of the process of acquisition of the Luxembourgish nationality established the modalities related to the exam.<sup>360</sup> The regulation establishes the National Language Institute organises at least two exam sessions per year.<sup>361</sup> It details the documents that are required for inscription, which includes a reasoned request for reasonable accommodation, if needed.<sup>362</sup> It further fixes the cost of the exam, the reimbursement of which can be applied for.<sup>363</sup> The regulation fixes the modalities of the oral comprehension and expression exam, explains the procedure of the examination and the correction of exams.<sup>364</sup> The cost of registration for Luxembourgish language courses can be reimbursed, under a number of conditions, up to 750 euros, or 1.500 euros for students with reasonable accommodation.<sup>365</sup>

#### 4.3.2. Acquisitions of nationality

In 2017, 9.030 individuals acquired the Luxembourgish nationality, an increase of 26,5% when compared to the 2016, and an increase of 70,2% when compared to 2015. These numbers include all acquisitions of nationality, thus covering naturalisations, recoveries of nationality and acquisition of nationality by option. To this figure must be added the 1.009 children who became Luxembourgish in 2017 following the naturalisation of one of their parents<sup>366</sup> as well as the 1.014 youngsters<sup>367</sup> who benefitted from the right of soil of the first generation based on the transitional provision in article 85 of the law on nationality.

Overall, 51,4% of the acquisitions of nationality (4.640) that occurred over the course of 2017 were based on the new Law of Luxembourgish nationality which entered into force on 1 April 2017, while 48,6% (4.390) were based on the Law of 23 October 2008 on Luxembourgish nationality.

Among the 4.640 files evacuated under the new law, we note that 54,8% of the transfers of nationality are to be put on the account of the acquisition of nationality by option (which did not exist under the former law), 43,4% on the account of acquisition by recovery and 1,9% on the account of naturalisation.

With regard to acquisition by option, the by far largest group are those falling under article 86 and based on the right of soil of the first generation, with 1.322 acquisitions of nationality. Next are those falling under article 28 (669), open to people who have resided in Luxembourg for at least twenty years and article 27 (419), open to adults who went to a Luxembourgish school for at least seven years.

The recovery of nationality by individuals who can prove that they have a direct Luxembourgish ancestor who was alive on 1 January 1900 (article 29 of the Law on the Luxembourgish nationality of 23 October 2008 (2.106 acquisitions) or article 89 of the new Law on nationality (1.981 acquisitions), most of which are non-residents, come to a total 4.087, or 45,3% of all acquisitions.

4.980 acquisitions of nationality by procedural means (55,1%) are to be put on the account of residents and 4.050 (44,9%) concern non-residents. Compared to the previous year, a shift can be observed as the majority, more precisely 53,6%, of the transfers of nationality concerned non-residents.

2.085 third country nationals became Luxembourgish nationals in 2017. Like the previous year, US Americans lead the list of TCNs having acquired the nationality (412), followed by Brazilians (280) and Montenegrins (264). 92,7% of US Americans and 88,9% of Brazilians recovered the nationality by virtue of article 29 of the Law of 23 October 2008 or article 89 of the Law of 8 March 2017.

Table 13: Top-10 TCNs having acquired the Luxembourgish nationality by nationality (2017)

Nationality	N° of acquisitions
United States of America	412
Brazil	280
Montenegro	264
Bosnia-Herzegovina	161
Cape Verde	142
Kosovo	102
Serbia	97
Russia	60
China	41
Canada	37

Source: Ministry of Justice, 2018

In absolute terms, the largest number of people having acquired the Luxembourgish nationality in 2017 were of French nationality (2.468), followed by Belgians (1.624), Portuguese (1.328), US Americans (412), British (384) and Italian (379).<sup>368</sup>

Large disparities appear depending on the place of residence, with some national groups becoming Luxembourgish residing mainly or exclusively in Luxembourg, while other groups are mainly non-residents. For groups with at least 40 acquisitions of Luxembourgish nationality, the picture is as follows:

Table 14: Top-20 nationalities having acquired the Luxembourgish nationality by residence (2017)

Nationality	Acquisitions: residence in Luxembourg	Acquisitions: residence abroad	Total acquisitions	% of residents having acquired Luxembourgish nationality
French	542	1.926	2.468	22,0
Belgian	322	1.302	1.624	19,8
Portuguese	1.325	3	1.328	99,8
American	25	387	412	6,1
British	377	7	384	98,2
Italian	367	12	379	96,8
German	199	89	288	69,1
Brazilian	30	250	280	10,7
Montenegrin	264	0	264	100

Nationality	Acquisitions: residence in Luxembourg	Acquisitions: residence abroad	Total acquisitions	% of residents having acquired Luxembourgish nationality
Bosnian	161	0	161	100
Cape Verdean	142	0	142	100
Kosovar	102	0	102	100
Serbian	97	0	97	100
Spanish	85	0	85	100
Danish	72	0	72	100
Russian	60	0	60	100
Greek	58	1	59	98,3
Dutch	56	0	56	100
Polish	45	2	47	95,7
Chinese	41	0	41	100
<b>Total</b>	<b>4.980</b>	<b>4.050</b>	<b>9.030</b>	<b>55,1</b>

Source: Ministry of Justice, 2018

The acquisition of nationality by French, Belgian, American and Brazilian nationals mainly concerns non-residents, while the Portuguese, British, Italians, Montenegrins, Bosnians, Cape Verdeans, Kosovars, Serbs, Spanish, Danes, Greek, Russians, Dutch, Chinese, Polish, are nearly exclusively resident in Luxembourg.

One should also note the high proportion of British citizens who have become Luxembourgish: 384 in 2017 against 128 in 2016, meaning an increase of 200%.

#### 4.3.3. National information and awareness-raising campaign for municipal elections

In January 2017, the Ministry of Family, Integration and the Greater Region launched a national information and awareness-raising campaign titled “*Je peux voter*” (I can vote). This campaign aimed to motivate Luxembourg’s foreign population to register on the electoral roll for the municipal elections in view of participating in the local elections on 8 October 2017. In fact, residents of foreign nationality, nationals of the European Union or of third countries, can register on the electoral roll under the condition that they are at least 18 years of age on the day of the elections and that they can prove to have lived in Luxembourg for five years at the time of registration.

In the context of the campaign coordinated by OLAI, multiple tools were developed: a brochure in ten languages, posters in five languages and information kits. The website of the campaign was put in place in five languages ([Luxembourgish](#), [Portuguese](#), [French](#), [English](#) and [German](#)) and a [Facebook page](#) was created.<sup>369</sup>

Furthermore, various measures were put in place and/or supported in the context of this campaign:

- On 18 January 2017, OLAI launched a call for projects aimed at not-for-profit associations in view of supporting projects that are complementary to the national campaign and that

contribute to raising awareness in communities of foreigners who have lived in Luxembourg for five years. OLAI fixed two caps for the subsidies: 5.000€ for projects presented by one single association, 15.000€ for projects springing from a partnership, in the limits of the funds available.<sup>370</sup>

- The training for multipliers (*multiplicateurs*) ensured by the Centre for Intercultural and Social Study and Training (*Centre d'étude et de formation interculturelles et sociales – CEFIS*) benefitted from support by OLAI. This training aimed to prepare the multipliers (residents of Luxembourg who volunteered to raise awareness amongst the non-Luxembourgish community on the issue of registering on the electoral roll for municipal elections). The training covered the electoral system and the conditions for registration, the competencies of the municipalities and the exchange of good practices on the subject. Overall, 23 trainings took place from October 2016 to May 2017, held in Portuguese, English and French. They enabled the training of 231 multipliers of 33 different nationalities.<sup>371</sup>
- Information and awareness-raising evenings were held in municipalities. Municipalities and Municipal Consultative Integration Commissions also implemented various awareness-raising measures.
- In the context of the campaign, two national registration days were organised. These allowed interested people to register outside of workdays.<sup>372</sup>

In August 2017, following the registration deadline for the municipal electoral roll, the Minister of Interior published the number of voters registered on the lists of 105 municipalities: 34.634 foreigner voters of a total of 284.577 registered voters.<sup>373</sup>

#### 4.3.4. Towards a modification of the electoral law

On 3 March 2017, the bill n°7118 modifying the electoral law was introduced to Parliament. It aims to simplify the electoral procedure.<sup>374</sup> The final law was published on 12 March 2018.<sup>375</sup>

According to the law, European and third-country nationals can submit their registration for the electoral roll for local or European elections electronically. A form will be made available on the secure state platform. Those interested must provide the same information as the information that is provided on a paper application, with the exception of the identity document which will be replaced by an electronic signature.<sup>376</sup>

The law also institutes the vote by correspondence as an alternative to the voters going to the polls. Until now, the vote by correspondence had been limited to voters above the age of 75, to Luxembourgish individuals residing abroad as well as those who are unable to present themselves to the polling station in person due to professional or personal reasons that were duly justified. The law enables the electronic introduction of the application for the vote by correspondence, by using the form on a secured state platform and to sign it electronically. Alternatively, the application can be made on paper or by filling out a form provided by the municipal administration.<sup>377</sup>

The Institutions and Constitutional Review Committee added amendments to the bill to take into account of the Council of States' reservations regarding the generalisation of voting by correspondence.<sup>378</sup> According to the latter, the vote by correspondence should remain an exceptional mode of expression of the vote and not be generalised or trivialised. The risks of abuse would be real and a sufficient argument to curb its easy access. The Council of State therefore recommended not to abandon the obligation of sending the ballot with acknowledgment of receipt, as foreseen by the bill. In addition, it recommended not to abandon the initialling of the ballots by the president of the principal polling station of the municipality, in order to maintain the guarantees currently enshrined in the law.<sup>379</sup>

Moreover, governmental amendments to the bill were adopted with regard to the five-year residence period that applies to third-country nationals and other foreign nationals in order to participate in local elections. In accordance with the former electoral law, they had to prove residence in Luxembourg for a period of five years in order to take part in local elections whether as voters or candidates.

However, the law remained silent as to whether this five-year residence period should be understood as being uninterrupted or not. In order to remedy the legal uncertainty, it was proposed to reformulate the five-year residence clause while making its conditions less stringent than foreseen by the authors of the bill, allowing more non-Luxembourgish residents to participate in local elections. Thus, the Government proposed to align with the "more inclusive" rule introduced by the law of 8 March 2017 on the Luxembourgish nationality with regard to the acquisition of Luxembourgish nationality by naturalisation or option, according to which only the last year (out of five) of residence immediately preceding the declaration of naturalisation or option must be uninterrupted. Accordingly, only the last year of residence in Luxembourg immediately preceding the application for registration on the electoral rolls (for the active electorate) or the submission of the application (for the passive electorate) must be uninterrupted. With the introduction of this new rule, the Government aims to ease the residency clause applicable to non-Luxembourg residents in order to encourage electoral participation.<sup>380</sup>

#### **4.3.5. Welcome and Integration Contract**

OLAI offers a Welcome and Integration Contract (CAI) to every foreign resident who has a valid authorisation of stay and wishes to stay in Luxembourg on the long term. The CAI was established by the Law of 16 December 2008 concerning the reception and integration of foreigners in Luxembourg. It targets nationals of the European Union as well as of third countries.<sup>381</sup> Through this contract, the state commits, amongst other things, to offer courses in one of the three vehicular languages (Luxembourgish, German and French), a course in civic instruction as well as an orientation day.

Over the course of 2017, 802 people of 100 nationalities signed the CAI, and 423 non-Luxembourgish residents completed the CAI successfully.<sup>382</sup>

Since its launch in 2011, 6.119 people signed the contract overall.<sup>383</sup>

#### 4.3.6. The National Council of Foreigners<sup>384</sup>

In May 2017, OLAI launched a call for applications in order to designate 22 representatives (and 22 alternate representatives) for the National Council of Foreigners in July 2017.<sup>385</sup> 68 candidates presented themselves, most of them stemming from France, Portugal and Italy. Approximately 30 nationalities were represented.<sup>386</sup> On 8 July 2017, 37 representatives of foreigners were elected for the National Council of Foreigners. The ballot did not result in the required number of alternate representatives due to a lack of candidates of certain nationalities. The remaining alternative representatives were then designated through consultations with associations of foreigners that participated in the vote.

#### 4.3.7. Renewal of the Municipal Consultative Integration Commissions (CCCI)<sup>387</sup>

Every CCCI had to be renewed within three months of the entry into office of the new Municipal Council<sup>388</sup>, elected during the municipal elections of 8 October 2017. The members of the CCCI are appointed by the Municipal Council on the basis of a list of candidates established by the College of Mayor and Aldermen following a call for applications published in the municipality at least thirty days before the date foreseen for the nomination.

### 4.4. Education

School integration measures target all migrant children, regardless of whether they are European or TCN nationals and of whether they are applicants or beneficiaries of international protection. Luxembourg's increasingly heterogeneous population is reflected in the country's population of pupils in fundamental and secondary school.

Overall, the share of non-Luxembourgish pupils in fundamental education was 25,8% in the academic year 2016/2017; it was 23,3% in classical secondary education and 46,3% in technical secondary education.<sup>4</sup> The share of pupils whose first language spoken at home is not Luxembourgish is increasing, from 63,5% in 2015/2016 to 64,2% in 2016/2017 for fundamental education, and from 52,4% to 54,2% for secondary education.<sup>389</sup>

The reception centre for newly arrived pupils (*cellule d'accueil scolaire pour élèves nouveaux arrivants* – CASNA) helps foreign pupils who recently arrived in Luxembourg to integrate into the Luxembourgish school system. Since 2016, CASNA also welcomes young people between the age of 18 and 24.

The continued arrival of applicants for international protection led to a further increase of 14% in the number of pupils received by CASNA in the academic year 2016/2017, compared to the previous school year. In the academic year 2016/2017, CASNA had 1.239 meetings, compared to 1.086 in 2015/2016 and 768 in 2014/2015.

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Table 15: Most frequent nationalities of newly arrived pupils who were received by CASNA (2017)

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<sup>4</sup> With the secondary school reform, “secondary education” (called “classical”) became “classical secondary education”, “technical secondary education” became “general secondary education”.

Nationality	2016/2017	2015/2016	2014/2015
Portuguese	17,11%	20,26%	29,91%
Syrian	12,51%	9,12%	1,95%
Eritrean	7,83%	2,04%	0,38%
Iraqi	7,51%	8,01%	0,26%
Luxembourgish (return to the country)	6,30%	6,63%	6,76%
French	5,25%	4,97%	7,54%
Afghan	3,71%	11,97%	0,52%
Italian	3,31%	2,67%	4,94%
Cape Verdean	1,37%	2,58%	4,03%

Source: Ministry of National Education, Childhood and Youth, 2018

The share of Syrian, Eritrean and Iraqi pupils seen by CASNA increased over the last two years. Portuguese pupils remain the most frequent, their relative share has however decreased substantially by almost 13% since the arrival of a bigger number of applicants for international protection in 2015.

#### 4.4.1. Schooling for newly arrived pupils

At the level of fundamental education, newly arrived pupils generally speaking join a *classe d'attache* that corresponds to their age and their previous education. Here they can follow intensive classes of languages used at school they do not master yet. In the academic year 2016/2017, there were 28 specialised reception classes of the state for children of applicants for international protection. In the first trimester of the academic year 2017/2018, there were 13 of these classes. The Ministry of National Education, Childhood and Youth explained that this is due to the fact that municipalities are increasingly in favour of integrating these children into regular classes.<sup>390</sup>

At the secondary school level, according the Ministry of National Education, Childhood and Youth, the majority of newly arrived pupils do not speak any of the languages used in Luxembourg's schools and can thus not directly join regular, French- or English-speaking classes.

On the 1<sup>st</sup> of July 2017

- 26 secondary education institutions, two National Centres for Continuous Professional Training and two European Schools offered 51 reception classes for 675 pupils in total. In the first trimester of the academic year 2017/2018, 638 pupils took advantage of 52 reception classes in 25 schools.
- 1.061 pupils attended insertion classes organised on the technical secondary education level, compared to 1.209 during the academic year 2015/2016, or a decrease of 13,9%. The classes target children who have a good education level but face linguistic challenges.
- 1.609 pupils attended classes with a specific linguistic regime organised at the higher level of the technical secondary education. These classes enable the student who fulfils the admission conditions for a class, but does not have the required knowledge in German to follow the class in French.

In 2017, the Ministry of National Education, Childhood and Youth organised French language summer classes for the second time. 140 newly arrived youngsters between the ages of 12 and 16 participated in these classes, which were held by 19 students during the summer holidays. In the previous year, 30 pupils attended the classes.<sup>391</sup>

#### 4.4.2. Responding to the challenges of heterogeneity in schools

The Minister for National Education continues to develop and adapt the school and education offer to the increased heterogeneity of the school population by increasing the international school offer or the offer of reception classes for young people having surpassed the age of school obligation, by introducing a new mediation service and putting in place a plurilingual education programme.<sup>392</sup>

##### 4.4.2.1. Increase in the international school offer

At the start of the academic year 2017/2018 onwards, the International School Michel Lucius (previously *Lycée technique Michel Lucius*) started offering English-language education on the fundamental level, in addition to the English-language education already on offer at secondary level. This is a result of the adoption of the Law of 23 December 2016 concerning the extension of the school offer of the *Lycée technique Michel Lucius* and modifying its name.<sup>393</sup>

On 16 May 2017, the Minister for National Education and the Secretary General of the European Schools signed a convention of approval and collaboration on the opening and functioning of the International School Differdange. This convention enables pupils attending this school to pass the European Baccalaureate.<sup>394</sup>

Additionally, the Law of 15 December 2017 amending the Law of 26 February 2016 establishing a public international school in Differdange extends the school offer of the International School Differdange in Esch-sur-Alzette in order to offer fundamental- and secondary-school level classes in the French-, German- and English-speaking section. This increase in offer is due to an increase in applications and in registrations in the German, French and English linguistic sections.<sup>395</sup>

From the academic year 2018/2019 onwards, three other secondary schools<sup>396</sup> will offer European public education, with French-, English- and German-speaking sections, also in view of offering all pupils the best chances to succeed, by creating different school for different pupils. With the international school in Differdange and Esch, all regions of the country are covered.<sup>397</sup>

##### 4.4.2.2. Insertion classes for 16 to 24-year olds

Young people aged 16 to 24 who have no or little knowledge in German, French and/or English can attend insertion classes for young adults (CLIJA classes for 16 to 17 year olds) or insertion classes for young adults 'plus' (CLIJA+ classes for 18 to 24 year olds), in order to acquire the linguistic competencies necessary to pursue their studies in Luxembourg, to have access to professional training or to attend technical secondary school.

In the academic year 2015/2016 and 2016/2017, 7 CLIJA classes were established. In the first trimester of the school year 2017/2018, there were 6 CLIJA classes.<sup>398</sup>

In order to increase the likelihood of young adults to attend regular secondary school, CLIJA+ classes were established at the beginning of the academic year 2016/2017, providing the CLIJA school offer to 18 to 24 year olds. There, they are taught in a school environment for 30 hours a week.

After attending CLIJA+ classes for one year, the class council will orient the pupil; the pupil will either be integrated into a regular class or will be sent to adult learning courses. The pupil can also attend a CLIJA+ class for a second year, if the class council considers that this will enable the pupil to be oriented into a regular education class later on. In the academic year 2016/2017, 13 CLIJA+ classes were established, of which 2 were German-speaking. In the first trimester of the school year 2017/2018, 15 CLIJA+ classes were established, of which 2 were German-speaking (the others being French-speaking). It is expected that more CLIJA+ classes will be established for second semester of the academic year 2017/2018.<sup>399</sup>

SECAM introduced “CLIJA+ alphabetisation” classes in the course of 2017. These classes take the model of CLIJA+ classes, but are aimed at young adults who are not yet familiar with the Latin alphabet.<sup>400</sup>

#### 4.4.2.3. *9ième+i* Workshops classes

In Luxembourg, the *9ième* class is considered the minimal education requirement to gain access to further education and/or professional training.

Since February 2017, *9ième+i* Workshops classes were launched. They target adults who want to pursue professional training and need to achieve a *9ième* level first, and combine teaching of French as a foreign language, maths, English and Luxembourgish with a practical training in workshops. The aim is to teach language and professional maths, the knowledge of tools, materials and professional skills in the context of real work experience. The practical training includes the maintenance, reparation, recycling and lending of bicycles as well as spray-painting, woodwork and the maintenance of park and playground installations. This practical experience is organised in collaboration with Delta Association and the City of Luxembourg.

The focus is on teaching languages to students in a practical context, especially aimed at people who have less school background and might profit from learning a language in a practical setting.<sup>401</sup>

#### 4.4.2.4. Bill n°7072 instituting a mediator for school integration

Bill n°7072 intending to institute a Mediation Service for National Education was introduced into Parliament on 19 October 2016. The bill was justified by three main issues that the national education system is facing, specifically: a) education of students with migration background, who are confronted with the challenge of having to master the three administrative languages of Luxembourg, English, as well as their mother tongue, b) the specific education needs of disabled students and c) school dropouts.<sup>402</sup> The initial bill foresaw to institute three mediators, each in charge of one of the three issues.<sup>403</sup>

The Commission on National Education, Childhood and Youth followed the Council of State<sup>404</sup>, which suggested to put in place one single mediator for reasons of efficiency. This mediator can be surrounded by people with expertise in one of the three subjects.<sup>405</sup> The Chamber of Trades

also considered that one single mediator would be more effective, coherent and allow to limit annual expenses.<sup>406</sup>

#### 4.4.2.5. Plurilingual education programme

In order to facilitate the school integration of all children and increase social cohesion, the Law of 29 August 2017 introduced a programme of plurilingual education in early childhood reception and education (children aged 1 to 4) facilities, who are providers for the in-kind benefit (*chèques-service accueil* - CSA) system.<sup>407</sup> The law entered into force on 2 October 2017.

The plurilingual education programme aims to stimulate the linguistic development and communication competences for children to ensure all children have the best possible chances to succeed. In the context of this programme, children are familiarised with Luxembourgish as the integration language and with French, a language that is used very frequently in society and in the school system. Simultaneously nurseries will partner with parents to coherently develop the children's mother tongues. Children benefit from free of charge access to plurilingual education for a duration of 20 hours per week. Every CSA structure must have staff that is competent in French and Luxembourgish, the target languages of the programme.

In order to implement this programme, the minister developed different tools and supporting measures:

- Additional resources that equal approximately 10% of the total hours of care of the personnel of nurseries;
- Trainings organised by the National Youth Service (*Service National de la Jeunesse – SNJ*) for pedagogic consultants and supervising staff;
- A brochure aimed at parents, published in Portuguese, French, English, German and Luxembourgish<sup>408</sup>;
- The guide “Méisproochegkeet fërderen” (promote plurilingualism), for educational staff and elaborated with the help of actors in the field;
- A pedagogical guide that documents concrete pedagogical approaches;
- A brochure, in which 30 national and international experts testify to the benefits of plurilingualism in early childhood.<sup>409</sup>

#### 4.4.2.6. Intercultural mediation

SECAM manages the service of intercultural mediation, which is available to parents, teachers and school authorities to facilitate the communication between families and school actors. This use of this service increased by 46% when compared to the previous year. Overall, 6.806 requests for intercultural mediation were made in the academic year 2016/2017.<sup>410</sup> Of these, 1.565 were for Portuguese, 1.462 for Arabic and 1.234 for Bosnian/Croatian/Macedonian/Serbian. In the academic year 2015/2016, 4.057 mediation requests were made; of these 1.253 were for Portuguese, 684 for Arabic and 641 for Bosnian/Croatian/Macedonian/Serbian.

The team of intercultural mediators was strengthened as well, growing from 51 mediators covering 27 languages at the end of 2016 to 64 covering 30 languages at the end of 2017.<sup>411</sup>

#### 4.4.3. Measures to enhance language skills

##### 4.4.3.1. Language classes

Measures and steps taken to improve integration into society by means of language(s) are generally speaking not specifically designed for TCNs but are introduced for all non-Luxembourgish residents in general.

Language classes are the most popular education offer at the Service for Adult Training of the Ministry of National Education, Childhood and Youth. In the academic year 2017/2018, 15.845 registrations were made in total in language courses, compared to the previous academic year, when 14.402 registrations were made.<sup>412</sup>

In the academic year 2016/2017, the National Language Institute (*Institut National des Langues – INL*) organised 710 courses and counted 13.255 registrations, 3,1% more than during the previous academic year. 37,9% (5.020) of these are for French language courses and 28,8% (3.814) for Luxembourgish language courses. Registrations for Luxembourgish classes had the biggest increase, while German, Chinese and Italian decreased when compared to the previous year.<sup>413</sup>

In the context of the strategy to promote the Luxembourgish language, the Luxembourgish government intends to increase the offer on a national level. To achieve this, resources will be increased: recruitment and training of new adult trainers (by the INL and the Service for Adult Training) and improvement of the didactic material.<sup>414</sup>

It should also be noted that these language courses are offered on various levels to favour the integration of foreign nationals, be it in the context of the Welcome and Integration Contract (see below) or in the context of the acquisition of the Luxembourgish nationality, of linguistic leave or the Guided Integration Trail (see 2.1.1.2).

##### 4.4.3.2. Basic instruction classes

The SFA experienced an increasing demand for its basic instruction, as a share of the newly arrived applicants for international protection do not know the Latin alphabet. Indeed, while in the academic year 2014/2015 there were 374 registrations for this course, in 2015/2016, there were 887. These were followed by 1.054 registrations in the year 2016/2017 and 483 in the first trimester of the year 2017/2018.

In response to the increased need for basic instruction, the SFA developed new tools for the identification of basic skills and didactic material for basic instruction in French and German.<sup>415</sup>

##### 4.4.3.3. Linguistic leave

Linguistic leave is a special leave of 200 hours per career to the benefit of salaried and independent workers of all nationalities, resident, or non-resident, to learn or perfect the Luxembourgish language. The salaried worker must have worked for at least 6 months with the same employer in Luxembourg and, as independent, must have carried out a professional activity on the

Luxembourgish territory for at least six months. The state contributes 50% to the compensation of the ‘learners’ who continue to receive their salary during the training. Luxembourgish language trainings taught in Luxembourg and abroad are eligible for linguistic leave. The Minister of Labour compensates the employers who decide to organise courses for their salaried workers at the business.<sup>416</sup>

Since its introduction in 2009, 2.820 different people have applied for linguistic leave (introducing a total of 4.289 applications). In 2017, 253 new individuals introduced an application. The totality of different beneficiaries of linguistic leave between 2009 and 2017 can be disaggregated as follows<sup>417</sup>:

- Salaried worker beneficiaries: 2.738
- Independent worker beneficiaries: 82
- Non-resident beneficiaries by country of origin: France – 1.221, Belgium – 419, Germany – 102, Other – 1 (United Kingdom)
- Beneficiaries by economic sector: Insurance – 58, Other – 111, Bank – 52, Commerce – 226, Municipality – 11, Culture – 18, Health & Care – 1.398, Service – 854, State – 10
- Beneficiaries of the first segment<sup>418</sup>: 2.352
- Beneficiaries of the second segment: 468

#### 4.4.3.4. Elementary dictionary for Farsi-speaking community

On 4 May 2017, the Minister for National Education, Childhood and Youth presented the “Elementary dictionary French – Farsi / Dari – Luxembourgish”. The dictionary contains 1.590 French words and is aimed at Persian-speaking applicants for international protection who stem from Iran (and speak Farsi) and Afghanistan (who speak Dari), the volunteers who work with these people as well as their language teachers. The dictionary was developed by ASTI, in collaboration with the *Œuvre Nationale de Secours Grande-Duchesse Charlotte* and the Ministry for National Education, Childhood and Youth.<sup>419</sup>

#### 4.4.4. Measures to promote of the Luxembourgish language

As already outlined in our previous Policy Report on Migration and Asylum, the outcome of the referendum in 2015 on the right for foreigners to vote in national elections led to a shift in the debate towards access to nationality as well as language policy/ies. Beyond the framework of the Law of 8 March 2017 on Luxembourgish nationality, which was extensively treated with in our previous Annual Report on Migration and Asylum, this cleavage resurfaced in several respects and culminated in a public debate in the concerned committees on two petitions with opposing objectives.<sup>420</sup> All this subsequently led to the Government’s adoption of an ‘Action Plan for the Luxembourgish language’ (*Aktiounsplang fir d’Lëtzebuenger Sprooch*)<sup>421</sup>.

On 9 March, the Minister for National Education and the Secretary of State for Culture presented a governmental strategy to promote the Luxembourgish language. According to the Government, Luxembourgish is the language of integration, communication, and necessary for social cohesion,

even if multilingualism is also an important characteristic of Luxembourgish society. With a view to promoting the Luxembourgish language, the Government implemented a long-term strategy with four major objectives and the following commitments:

- a. strengthen the importance of the Luxembourgish language;
- b. advance the standardisation, use and study of the Luxembourgish language;
- c. promote learning of Luxembourgish language and culture;
- d. promote culture in Luxembourgish language.

The government proposed to develop a linguistic and cultural action plan, in collaboration with societal actors, that stretches over about twenty years. The strategy is elaborated through 40 action points, amongst which are the creation of a post for a commissioner for the Luxembourgish language, the creation of a “*Zentrum fir d’Lëtzebuergesch*”, to anchor the Luxembourgish language in the constitution, to put in place an “administrative arrangement” with the European institutions to promote the Luxembourgish language on a European level.<sup>422</sup> The Minister for National Education summarised that amongst the forty measures outlined in the strategy, there are many possibilities “to learn Luxembourgish all throughout one’s life, from nursery to adult training”. The international schools will also have to provide their pupils with courses in Luxembourgish (see also 4.1.1.a).

The action points that target foreign nationals more specifically are: the linguistic leave, the Welcome and Integration Contract, the elaboration of didactic material and a programme to teach Luxembourgish as a foreign language in fundamental and secondary school, a linguistic integration course for applicants and beneficiaries of international protection (see 2.1.1.2., in the context of the Guided Integration Trail phase 1) and the support provided by LISKO to encourage language learning amongst beneficiaries of international protection.<sup>423</sup>

On 15 November 2017, the Council of Government approved the bill on the promotion of the Luxembourgish language that foresees a series of measures from the aforementioned strategy to promote the Luxembourgish language, such as the Commissioner for the Luxembourgish language and the creation of the “*Zentrum fir d’Lëtzebuergesch*”. Citizen forums will be organized throughout the country, enabling the general public to participate in an upstream discussion on the role of Luxembourgish and the other languages. The results emerging from such debates will feed into a report submitted to the Commissioner for the Luxembourgish language.<sup>424</sup>

Wishing to extend the population’s knowledge of the Luxembourgish language, the Government launched a campaign via the platform “schreiwen.lu” from January 2017 onwards. The campaign’s goal is to promote the orthography of the Luxembourgish language. A brochure has also been elaborated and is available free of charge for everyone wishing to familiarise themselves with the Luxembourgish writing, orthography and grammar.<sup>425</sup>

In the media, the action plan as well as the bill were commonly described as the government’s answer to populist threats rooted in the debates that followed the referendum of 2015 and the various petitions on Luxembourgish language (see the Annual Policy Reports 2015 and 2016). In its governmental declaration, the Secretary for Culture did not deny that the strategy was an answer

to fears, added however that there was a need to strengthen the Luxembourgish language.<sup>426</sup> During the ensuing debate in Parliament on 15 March 2017, there was a broad consensus among the opposition parties that the promotion of Luxembourgish should not be at the expense of multilingualism. The largest opposition-party, the Christian Social People's Party CSV, welcomed the strategy. They however questioned the alleged novelty of the measures proposed, the multiplication of institutions (with regard to the new Commissioner position and the Centre for Luxembourgish) as well as the necessity of getting responses in the Luxembourgish language from EU-institutions. The Alternative Democratic Reform Party ADR labelled the strategy as a political gesture with no actual content. The strategy would lack ambition and should aim, in the long run, to introduce the Luxembourgish language as a legislative and administrative language. Finally, the Left Party *Déi Lénk* lamented the lack of clearly defined objectives and considered that politics should be accountable for implementing the objectives rather than a Commissioner. The Left Party further suggested to consider Luxembourgish language literacy in education and to invest more in linguistic leave, for Luxembourgish but also other relevant languages.<sup>427</sup>

#### 4.5. Non-discrimination

The Law of 7 November 2017 completing the transposition of Directive 1014/54/EU of 16 April 2014 on measures facilitating the exercise of right conferred to workers in the context of the free circulation of workers modified the amended law of 28 November 2006 (hereafter anti-discrimination law).

The changes are the following:

- The criteria based on nationality is added to the list of motives for discrimination. Henceforth, all direct or indirect discrimination based on religion or one's convictions, disability, age, sexual orientation, real or supposed (non-)belonging to a nationality, a race or an ethnicity is forbidden.<sup>428</sup>
- The text of the anti-discrimination law is also amended to detail that the differences in treatment based on nationality, that are applied in the context of the provision and conditions related to entry, stay and employment of third-country nationals and stateless person on the national territory, are not targeted and that they also apply without prejudice to the application of Chapter I of EU regulation n°492/2011 of the European parliament and the Council of 5 April 2011 on the free movement of workers inside the European Union.<sup>429</sup>
- The Centre for Equal Treatment (*Centre pour l'Égalité du Traitement* – CET) is attached to Parliament, while it was previously under the tutelage of the Ministry of Family, Integration and the Greater Region.<sup>430</sup>
- The transposition of the Directive was completed by increasing the missions of the CET to carry out or commission independent enquiries and analyses on restrictions and unjustified obstacles to the right to free movement or on discrimination on the ground of nationality against workers of the European Union and the members of their family. The CET will thus become the national contact point foreseen by the aforementioned directive.<sup>431</sup>

In addition, the law modifies the Labour Code<sup>432</sup> by adding the criteria of nationality to the list of motives of prohibited discriminations, while detailing that the provisions apply without prejudice

to the application of Chapter I of the EU regulation n°492/2011 and the rules on entry, stay and employment of third-country nationals in Luxembourg.<sup>433</sup>

The law also adds nationality as a prohibited motive for discrimination to the amended Law of 16 April 1979 fixing the general status of civil servants<sup>434</sup> and the amended Law of 24 December 1985 fixing the general status of municipal civil servant<sup>435</sup>, stipulating that the prohibition of this discrimination applies without prejudice to the provisions regulating access to civil service.

#### **4.6. Promoting integration at local level and cooperation, consultation and coordination of local stakeholders**

##### **4.6.1. 2<sup>nd</sup> national conference on integration on the local level**

On 11 February 2017, the 2<sup>nd</sup> national conference on integration on the local level (*2<sup>ième</sup> assises nationales de l'intégration au niveau local*) took place. The conference was organised by the association ASTI, under the coordination of OLAI and the Union of Luxembourg's Cities and Municipalities (*Syndicat des villes et communes luxembourgeoises – SYVICOL*). The objectives of the conference were to provide municipalities with better tools to respond to short- and long-term integration needs and to exchange their views on the diverse municipal integration policies.

162 municipal representatives and political players were able to discover 24 best practices promoting access to affordable social housing, the implementation of the local integration plan, on how to organise community life and improve participation as well as access to the labour market.<sup>436</sup>

##### **4.6.2. Call for projects of OLAI**

OLAI launched multiple calls for projects by means of ministerial circular, aimed at municipalities wishing to implement actions favouring integration.

Two calls for projects were launched on 12 April 2017. The first<sup>437</sup> called for projects working towards the integration of foreigners, this integration being understood as “a two-way process, by which the foreigner manifests his or her will to participate durably in the life of the host society, which in turn takes all necessary provisions on the social, economic, political and cultural level to encourage and facilitate the foreigner's steps”. The second call<sup>438</sup> aimed to subsidise municipal actions that relate to the elaboration of a municipal integration plan<sup>439</sup> (*plan communal d'intégration - PCI*).

Later, on 27 April 2017, OLAI launched a call for projects, aiming to co-finance measures put in place by municipalities in favour of integration of beneficiaries of international protection in the context of the World Refugee Day. The projects should focus on encouraging the exchange between residents of the host municipality and the beneficiaries.<sup>440</sup>

An additional call for projects was launched by OLAI on 6 September 2017, this time focussing on the integration of foreigners as a whole on the local level.<sup>441</sup>

For the year 2017, OLAI granted subsidies for integration projects to five municipalities, amounting to a total of € 16.284,87 €. The OLAI has also granted subsidies for municipal

integration plans (*plan communal d'intégration* - PCI) to 11 municipalities for a total of 50.000,00€

In addition, six municipalities submitted one or more reports within the framework of the municipal advisory and integration committees to OLAI (*commissions communales consultatives d'intégration*).<sup>442</sup>

## 5. RETURN, IRREGULAR MIGRATION AND DETENTION

### 5.1. Return and irregular migration

During 2017, 514 individuals were returned to their country of origin or to a different Member State; of these 360 returned in the context of a voluntary return (70%), while 154 returned in the context of a forced return (30%). This is a decrease when compared to the previous year, during which 569 were returned overall, of which 456 were voluntary (80,1%) and 113 (19,9%) were forced. Thus, in 2017, the number of total returns decreased by 9,7% when compared to 2016. While the number of voluntary returns decreased by 21,1% when compared to the previous year, the number of forced returns increased by 36,3% when compared to 2016.

A majority of those returned came from the international protection procedure; indeed this is the case for 324, or 90% of those returned voluntarily and 97, or 63% of those returned through a forced return. The other individuals were irregularly staying third-country nationals who had not introduced an application for international protection.

Table 16: Overview of return in 2017

	Country	Voluntary Returns	of which with IOM assist.	Forced returns	Total
<b>America</b>	Brazil	15	6	4	19
	Chile	-	-	3	3
<b>Total</b>	<b>America</b>	<b>15</b>	<b>6</b>	<b>7</b>	<b>22</b>
<b>Africa</b>	Algeria	-	-	3	3
	Angola	2	2	-	2
	Cape Verde	2	-	1	3
	Cameroon	1	1	-	1
	Congo	-	-	4	4
	Eritrea	-	-	1	1
	Gabon	1	1	-	1
	Guinea	1	1	-	1
	Liberia	1	1	-	1
	Morocco	4	4	11	15
	Nigeria	2	2	8	10
	Senegal	-	-	1	1
	Somalia	-	-	1	1
	Tanzania	1	1	-	1
	Togo	1	1	-	1
	Tunisia	1	1	7	8
<b>Total</b>	<b>Africa</b>	<b>17</b>	<b>15</b>	<b>37</b>	<b>54</b>
<b>Asia</b>	China	1	1	-	1

	Country	Voluntary Returns		Forced returns	Total
			of which with IOM assist.		
<b>Total</b>	<b>Asia</b>	<b>1</b>	<b>1</b>	<b>-</b>	
<b>Middle East</b>	Iran	3	2	-	3
	Iraq	21	15	-	21
	Jordan	1	1	-	1
	Lebanon	1	1	-	1
<b>Total</b>	<b>Middle East</b>	<b>26</b>	<b>19</b>	<b>-</b>	<b>26</b>
<b>Rest of Europe</b>	Armenia	-	-	1	1
	Azerbaijan	2	2	-	2
	Belarus	-	-	1	1
	Georgia	4	4	5	9
	Germany	-	-	1	1
	Kazakhstan	-	-	1	1
	Russia	2	2	1	3
	Spain	-	-	2	2
	Turkey	2	2	-	2
	Ukraine	12	12	1	13
<b>Total</b>	<b>Rest of Europe</b>	<b>22</b>	<b>22</b>	<b>13</b>	<b>35</b>
<b>Balkan</b>	Albania	79	-	33	112
	Bosnia and H.	54	1	-	54
	Kosovo	82	80	26	108
	FRYOM	10	-	1	11
	Montenegro	19	-	17	36
	Serbia	35	1	20	55
<b>Total</b>	<b>Western Balkan</b>	<b>279</b>	<b>82</b>	<b>97</b>	<b>376</b>
<b>TOTAL</b>		<b>360</b>	<b>145</b>	<b>154</b>	<b>514</b>

Source: Directorate of Immigration 2018

The majority of individuals opting for a voluntary return stem from the Western Balkans. The Directorate of Immigration attributed the decrease in voluntary return to the changed profile of applicants for international protection (more individuals fleeing from armed conflict and likely to being granted international protection), leading to more positive decisions, as well as an increase in applications falling under the scope of the Dublin III regulation.<sup>443</sup>

Wishing to promote voluntary return, the Directorate of Immigration put in place the assisted voluntary return and reintegration programme with the support of the International Organization for Migration. In 2017, 145 individuals received support through this programme, most of which were Kosovars (80), followed by Iraqis (15), and Ukrainians (12).

Nationals from the Western Balkans, who cannot take advantage of this programme, can receive support for their return through another mechanism; 192 individuals benefitted from this in 2017. Another 17 individuals left Luxembourg by their proper means (non-assisted voluntary return).

Commercial flights were the means of half of all forced returns. Approximately 60 individuals were returned to Albania, Kosovo, Montenegro and Serbia with four national charter flights that were co-financed by Frontex. 11 additional people were returned to Nigeria and Georgia with the help of two charter flights organised by another Member State. Luxembourg also participated in a Benelux project organised by Belgium in the context a Collecting Joint Return Operation, during which an Albanian delegation returned, under the responsibility of their authority, four of their nationals. Ten additional people were transferred to another Member State with the help of a readmission agreement.

In 2017, 13 individuals benefitted from a suspension of removal (*sursis à l'éloignement*) while 27 benefitted from a postponement of removal (*report à l'éloignement*) in 2017.<sup>444</sup>

#### 5.1.1. **Developments in the field of return and the prevention of irregular migration**

Over the course of 2017, the government continued its efforts in view of concluding and applying readmission agreements with third countries and to strengthen consular relations. The agreement between Luxembourg and Cape Verde on concerted management of the migratory flow and solidary development refers to the return to the country of origin in multiple places.

##### *Agreement between Luxembourg and Cape Verde*

The agreement between Luxembourg and Cape Verde refers to return, readmission and reintegration, as well as the prevention of irregular migration. In relation to the provision on the exchange of young Luxembourgish and Cape Verdean professionals, both states commit to taking measures guaranteeing their effective return to the country of origin.<sup>445</sup>

Non-remunerated interns, in order to receive an authorisation of stay, must justify having sufficient financial means to cover the trip to and stay in the host country and the return to the country of origin.<sup>446</sup>

Article 9 of the agreement concerns the readmission of people who are staying irregularly. The two parties recognise the principle of shared responsibility in the fight against irregular migration. The two parties commit to identify their nationals and to deliver the laissez-passer required for their readmission.<sup>447</sup> The criteria for the identification of nationals are detailed in annex 3 to the agreement.

The article concerning readmission will no longer be applicable when the readmission agreement between Cape Verde and the European Union and its application protocol between the Benelux states and Cape Verde enter into force.<sup>448</sup>

The agreement moreover foresees measures facilitating the reintegration of Cape Verdean nationals who were staying regularly in Luxembourg for at least two years and who wish to return voluntarily to Cape Verde. The same provisions apply for students having returned to Cape Verde after having acquired a first professional experience.<sup>449</sup>

In addition, the agreement aims to facilitate the circulation of certain categories of people benefitting from a short-term visa. The linked provisions apply, subject to the requirements of the fight against document fraud, to the trafficking of narcotics, cross-border criminality, irregular migration, illegal work and other requirements of public order and interior security.<sup>450</sup>

*Bill n°7191 approving the Cooperation and Partnership Agreement between the EU and Afghanistan*

Bill n°7191 approving the Cooperation and Partnership Agreement between, the EU and its Member States, on the one part, and Afghanistan, on the other part, was introduced to Parliament on 3 October 2017, approved by Parliament on 28 February 2018 and entered into force on 18 March 2018.<sup>451</sup>

It covers cooperation in the domains of migration, more precisely, on questions related to asylum, links between migration and development, regular and irregular migration, return and readmission of migrants, visas, border management, document security as well as the trafficking of human beings and migrants.<sup>452</sup>

*Agreement between the Benelux States and the Republic of Kazakhstan*

The agreement between the Benelux States and the Republic of Kazakhstan on the readmission of people in an irregular situation and its application protocol, made in Brussels on 2 March 2015, entered into force on 1 June 2017.<sup>453</sup>

*Consular Day*

The Directorate of Immigration worked towards further strengthening the relations with foreign consular authorities of the countries of origin of nationals under the obligation of leaving Luxembourg. In this context, the Directorate of Immigration organised a consular day, the fifth since 2013. The event aims to familiarise the concerned consular authorities with the applicable legislation and procedures with regard to international protection and immigration. This project benefitted from European co-financing under the Asylum, Migration and Integration Fund. A number of legislative changes were deemed necessary in the context of the 2016 evaluation of the application of the Schengen acquis with regard to the area of return and the management of external borders.<sup>454</sup>

### *Legislative follow-up to the evaluation of the application of the Schengen*

A certain number of legislative changes were deemed necessary following the 2016 expert evaluation of the application of the Schengen acquis in the area of return and the management of external borders. Aside from adapting the period of retention of people with children (see: 5.2.1.), the Council of Government of 6 December 2017 adopted a draft bill that aims to amend the Immigration Law, including elements related to return.<sup>455</sup>

The bill was introduced in Parliament on 29 January 2017 and aims to adapt legislation on the following points: assessment of the best interest of UAMs in the context of a return decision (see under Chapter 3), the systematic verification of the conditions of prolonged administrative detention for TCNs by the administrative jurisdictions as well as financial penalties to be applied to carriers who, by fault, did not transmit or transmitted incomplete or false data.<sup>456</sup>

### *Work visits to Kosovo, Montenegro and Serbia*

During the work visits of the Minister for Foreign and European Affairs, Minister of Immigration and Asylum to Kosovo, Montenegro and Serbia on 29 and 30 March 2017, discussions focussed, among other things, on cooperation on migration flows and more specifically the need to reduce unfounded applications of international protection from nationals of the three respective States. The Minister recalled in this context that all three States are considered safe countries of origin and drew attention to the fact that people who submit unfounded asylum applications face an inevitable return to their country of origin.<sup>457</sup>

In 2017, the Directorate of Immigration registered 2.322 applications for international protection, in comparison to the 2.035 applications introduced in 2016 and 2.447 applications of 2015.

Of these applications introduced in 2017, 190 stemmed from Serbians, 137 from Albanians, 79 from Kosovo, 47 from nationals from Bosnia-Herzegovina, 40 from Macedonians and 13 from Montenegrins, thus 506 applications in total stemming from nationals from the Western Balkans.

1.152 individuals were attributed the status of international protection, of which 2 individuals stemmed from the Western Balkans (Kosovo (1) and Serbia (1)). 54 were given subsidiary protection, of which 3 stemmed from Albania. Thus, of 1.206 positive decisions taken, 5 (0,42%) were for individuals from the Western Balkans.

526 individuals were issued a refusal of international protection (205 in normal procedure, 152 in accelerated and 169 in ultra-accelerated procedure). 18 people from the Western Balkans were issued a refusal in normal procedure (Albania 8, Bosnia-Herzegovina 3, Montenegro 4, Serbia 3), 118 in accelerated procedure (Albania 66, Macedonia 3, Bosnia-Herzegovina 8, Kosovo 14, Montenegro 8, Serbia 19) and 169 in ultra-accelerated procedure (Albania 54, Macedonia 16, Bosnia-Herzegovina 30, Kosovo 31, Montenegro 3, Serbia 35). Thus, of the 526 refusals issued, 305 (57,99%) were from nationals from the Western Balkans.<sup>458</sup>

## 5.2. Administrative detention

### 5.2.1. Extension of detention period

The Law of 8 March 2017 amending the Law of 28 May 2009 on the creation and organisation of the Detention Centre extended the permitted period of detention of adults or families with children from 72 hours to 7 days in order to improve the organisation of their return and to ensure that return would be carried out successfully.<sup>459</sup>

The Annual Policy Report on Migration and Asylum 2016 already covered the debate during the legislative procedure of the corresponding bill (bill n°6992). Despite the LFR's opposition to this legal change, the Parliament adopted the article in question.<sup>460</sup>

In its Report 2017 on the situation of the rights of the child, the ORK considered that the detention of minors, accompanied or not, is harmful for the child and alternatives to detention should imperatively be put in place. In its opinion, detention must remain a measure of last resort and should never be justified by organisational or logistical needs.<sup>461</sup> For the same reasons, the LFR also reiterated its categorical opposition to the detention of children, especially UAMs. According to the LFR, the extended permitted period of detention for families with minors, the best interests of the child is violated.<sup>462</sup>

#### 5.2.1.1. First overview of the operation of the Detention Centre and other related developments

In 2017, a first overview (*bilan*) on the operation of the Detention Centre was published, as a result of a motion adopted in unanimity in February 2017 during the vote on the aforementioned bill n°6992 modifying the amended Law of 28 May 2009 on the Detention Centre, extending the permitted maximum duration of detention of families with children from 72 hours to 7 days.

This overview provides a range of statistics covering the time since the opening of the centre in August of 2011 to 1 July 2017. Since its opening in 2011, the centre detained 2.070 individuals, of which 92 were single women, 1.445 were single men and 533 were family members, of which 248 were minors. No unaccompanied minor has been detained in the Detention Centre until present.<sup>463</sup>

Of the 2.070 people held in total across all categories (men, women and families) since the opening of the centre, 705 were transferred in the context of the application of the Dublin III regulation, 740 were returned to their country of origin, 513 were released, 43 benefitted from a 'semi-voluntary return' with IOM, 17 escaped, 9 were transferred to the Penitentiary Centre. The remaining 43 were still present at the Detention Centre when the statistics were established.<sup>464</sup>

It should be noted that the Detention Centre undergoes in-depth periodic controls by the Torture Prevention Committee and the Service for External Control of Places of Deprivation of Liberty (*Service du contrôle externe des lieux privés de liberté* - CELPL) and has followed up on or intends to follow up on the recommendations that were formulated.<sup>465</sup>

### *Structure*

Since its opening, the Detention Centre has been the subject of multiple organisational changes, many things were changed as needed and adapted to the reality. Thus, for instance, the structure contained four units with 30 rooms for men, 16 rooms for women and 14 family rooms. As women's rooms were only partially occupied, the women's rooms were reallocated to be used by men, while it was decided that women would be housed in family rooms. Today, 46 men can be housed in the centre.

The Detention Centre was also put in charge of the management of the SHUK, which opened its doors in 2017 (see also 2.1.1.3.c).<sup>466</sup>

The report also provides an overview of the daily life of the detained.<sup>467</sup>

### *Medical care*

The period of presence of medical personnel (nurses and doctors) was increased from May 2017 onwards, following the recommendations of the CELPL. As the medical service is not operational 24/7, since 22 May 2017, the Detention Centre systematically refuses all admissions after 6pm, on weekends and holidays, unless a medical certificate certifies the concerned persons' aptitude of being placed in administrative detention at the Detention Centre without continuous medical or paramedical supervision.<sup>468</sup> This decision was taken following a recommendation of the CELPL and the Mediator.

### *Staff of the Detention Centre*

In July 2017, the Detention Centre had 55 fixed staff members, of which eight were administrative staff, four worked in psychosocial supervision, 42 as detention agents and one salaried staff member in the technical service. The Centre employs six additional people of a private guarding company to further strengthen the staff.<sup>469</sup>

The staff of the Detention Centre receives regular trainings. In 2017, the staff of the Centre participated in compulsory training on body language, stress management and crisis management. Staff is encouraged to participate in the continuous training offered by the National Institute of Public Administration (*Institut national d'administration publique – INAP*).<sup>470</sup> The staff of the Detention Centre assisted in six self-defence sessions. New staff members participated in a 2-day training in conflict management. Certain staff members assisted in intercultural training, training on body language analysis or on trafficking of human beings. The costs from this training are eligible for co-financing of the EU AMIF.<sup>471</sup>

For the future, the centre aims to strengthen synergies in training with the penitentiary administration and with OLAI and is currently also elaborating staff trainings in view of detecting signs of radicalisation and a training course reminding the fundamental rights of the detained.<sup>472</sup>

### *Rights and duties of the detained*

The detained have the right to an unlimited number of visitors; these visits have been simplified in the way that the visiting person must legally reside on the territory and must have a photo ID. Since its opening in August 2011, 4,917 visits occurred at the Detention Centre.<sup>473</sup>

On 1 July 2017, seven organisations active in supervising and supporting the detained and authorised by the Minister of Immigration and Asylum had access to the Centre according to the conditions fixed by its Director. More than forty individual authorisations were issued to the members of these associations, allowing them to gain access to the leisure and dining halls of the Centre during normal visitation hours.<sup>474</sup>

Over the course of the autumn of 2017, two acoustic telephone cabins per stay unit were installed in order to allow for more privacy during telephone conversations.<sup>475</sup>

The detained can request a meeting with the Directorate of the Centre. Between 2015 and July 2017, 355 such requests were made, of which 70 occurred between January and July 2017.<sup>476</sup>

The amended Law of 28 May 2009 on the Detention Centre defines as disciplinary sanctions, after a first call to order, the warning, the exclusion, the revocation of daily allowance for a maximum of 15 days as well as isolation for a maximum of 5 consecutive days. Since its opening in August 2011, the Detention Centre's sanctions registry has recorded 90 disciplinary sanctions.<sup>477</sup>

The CPT and the CELPL formulated a series of recommendations to improve the detention conditions. These were functional recommendations, such as protection of the outside courtyard in case of bad weather, or privacy during telephone calls, or medical recommendations and recommendations linked to sanctions taken against detainees. The CELPL additionally formulated observations regarding the possibility of contacting the Ombudsman, the autonomy with regard to choice of doctor, or regarding individual liberties, such as better legal supervision of searches and duration of confinement, among others.<sup>478</sup>

### *Visits at the Detention Centre*

The Commissioner for Human Rights of the Council of Europe visited the Detention Centre on 21 September 2017. Approximately twenty consular representatives undertook a work visit of the Detention Centre on 22 September 2017 in the context of the consular days. In addition, a delegation of GRETA (Expert Group on the Fight against Human Trafficking) visited the centre on 5 October 2017 to debate progress on the detection of victims of trafficking at the Detention Centre. A delegation of the National Commission of Prevention of Torture from Switzerland visited the Detention Centre and the SHUK on 1 and 2 November 2017 and a parliamentary delegation from the Slovak Republic visited the SHUK and the detention centre on 23 November 2017. Approximately 30 Justice *attachés* participated in a presentation on the Detention Centre and visited the centre on 12 December 2017.<sup>479</sup>

## **6. ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS**

In 2017, ten third country nationals were identified as victims of trafficking of human beings in Luxembourg, of which four were female and six were male. The victims were of Albanian, Chinese, Colombian, Pilipino and Ukrainian origin (for two victims, the country of origin was unknown). Eight were victims of labour exploitation, while one was sexually exploited and one suffered exploitation of another form.

Additionally, eight individuals were convicted for trafficking in human beings. One person accused for trafficking was acquitted.<sup>480</sup>

### **6.1. National strategic policy developments**

#### **6.1.1. National Action Plan on Trafficking of Human Beings**

As a reminder, the Council of Government endorsed the National Action Plan on trafficking in human beings on 21 December 2016, proposing measures to improve the fight against trafficking at national level. The proposed measures concerned three priority areas: the detection and protection of victims, the prosecution and punishment of perpetrators and a policy to actively, effectively and efficiently combat trafficking (see also Annual Report on Migration and Asylum 2016 Part 2).<sup>481</sup>

#### **6.1.2. National Action Plan on Prostitution**

On 29 June 2016, the Minister for Equal Opportunities and the Minister of Justice presented their strategy on prostitution in Luxembourg. The strategy consists of the first National Action Plan (PAN) on “Prostitution”, as well as a bill<sup>482</sup>, which was adopted by Parliament on 6 February 2018 and has become that Law of 28 February 2018:

(1) The Action Plan is organised around several priorities among which the reinforcement of the social, psychosocial and medical support as well as the reinforcement of the existing legal framework of the fight against the exploitation of another’s prostitution, procuring and trafficking of human beings.<sup>483</sup>

(2) The Law of 28 February 2018 strengthening the fight against the exploitation of prostitution, procuring and the trafficking of human beings for sexual purposes and modifying 1) the Code of Criminal Procedure, 2) the Criminal Code<sup>484</sup> foresees, among other things, that victims of exploitation of prostitution, of procuring or of human trafficking for sexual purposes are granted impunity of irresponsibility for solicitation. It introduces new infractions in the Penal Code to penalise clients of prostitutes who are minors, vulnerable persons, victims of sexual exploitation, procuring or human trafficking for sexual purposes with the possibility of not having to conduct public prosecution against the client under certain conditions (i.e. customer testimonial). It furthermore foresaw the institutionalisation of the “prostitution” platform as permanent committee and the creation of synergies with the “trafficking” monitoring committee.

## **6.2. Developments on assistance and support to third-country national victims**

### **6.2.1. Legislative changes and other developments**

A roadmap elaborated by the Service of the Judicial Police describes the procedure of identification, referral, assistance and support of victims of trafficking. This roadmap is currently under revision by the interministerial committee “*Comité de suivi de la lutte contre la traite des êtres humains*”, established by the Law of 8 May 2009 on the assistance, protection and security of victims of human trafficking. The procedure as such will not change, but all concerned actors have provided technical or legal precisions and complementary information on their domain of action. The roadmap will be finalised and rendered official in 2018.<sup>485</sup>

Another development is the Law of 8 March 2017 strengthening procedural guarantees in Penal matters, which allows assistance services to accompany victims during auditions with the police in view of identification.<sup>486</sup>

Since the entry into force of this law, the Police authorities give each victim of human trafficking a form named “INFODROIT”, in accordance with the article 3-7 of the Code of Penal procedure. The form provides victims with information on the type of support they can receive and whom they can receive it from, as well as, if required, information concerning access to medical support, all specialised support, for instance psychological support, and information on housing solutions.<sup>487</sup>

### **6.2.2. Training and awareness raising measures**

As a reminder, in the framework of Benelux, Luxembourg participated in a series of training and awareness-raising activities. The strengthening of cooperation in the fight against trafficking under the theme “Security of movement of people” was the leading subject of the Luxembourgish Presidency of the Benelux in 2016. In this context, two days of training, reflection and exchange of good practices were organised in Autumn 2016 in Brussels, in view of studying ways to improvement and strengthening of multidisciplinary cooperation between the key actors of the three Benelux countries (NGOs and their Services for reception and assistance to victims, Police and Immigration Services, the Inspectorates of Work and the magistrates).<sup>488</sup>

On 2 December 2016, the leading subject was closed with a declaration of intent signed by the three Ministers of Justice, and followed by testimonials and a roundtable bringing together experts from the field of the Benelux countries. Through this declaration, they confirmed their willingness to strengthen the cooperation between the reception and assistance centres, the judicial authorities, the police, immigration and integration services and the services of social and labour inspection of the three countries, in view of improving assistance and the protection of victims of human trafficking.<sup>489</sup>

The personnel in charge of assisting victims followed specific training. They developed tools allowing for better cooperation with the victims (checklist, internal procedures etc.) and had good exchanges with the partners of the Benelux in the context of the Luxembourgish Presidency of the Benelux. Supervisions regularly took place.<sup>490</sup>

An audio-visual information and awareness-raising campaign on the phenomenon of trafficking of human beings was launched in December 2016, financed by the Fund for the fight against some forms of criminality (90.000€). The campaign was largely a media campaign that included radio spots, cinema screenings and a poster campaign targeting aspects of trafficking. The campaign was also present on social media. A new website ([www.stoptraite.lu](http://www.stoptraite.lu)) was also set up. As the budget had not been completely exhausted, the campaign was relaunched in June and July 2017.<sup>491</sup> On 14 December 2017, the conference-debate “*Travail forcé, vous connaissez?*” (Forced labour, ever heard of?), organised by the “*Comité de suivi de la lutte contre la traite des êtres humains*” and Caritas, analysed the role of businesses, the government and individuals in the prevention and abolition of modern slavery.<sup>492</sup>

Basic training<sup>493</sup> was put in place by the “*Comité de suivi de la lutte contre la traite des êtres humains*” at the INAP aimed at municipal and public servants and the social workers of NGOs. The training is provided by Ministry of Equal Opportunity, the Judicial Police, the assistance services for victims of human trafficking, SAVTEH (*Service d’Assistance aux Victimes de la Traite des Etres Humains*) and COTEH (*Centre Ozanam – traite des être humains*). A first training was held at INAP in December 2016.<sup>494</sup>

In 2017, six trainings took place: the first two in January and March at INAP, the third in March at the DropIn, the fourth in May at the Asylum Unit of the Directorate of Immigration, the fifth in June at INAP and the sixth in October at INAP. Civil servants of all careers and various ministerial administrations and departments participated, such as for instance OLAI, customs, the Detention Centre, the municipalities of Luxembourg and Esch, as well the Inspectorate of Labour and Mines. These will be continued in 2018.<sup>495</sup>

Furthermore, an invitation to participate in an INAP training was extended to health professionals. BENELUX, under Belgian presidency in 2018, will put the focus on the health sector.<sup>496</sup>

## **7. MAXIMISING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY**

### **7.1. Progress towards mainstreaming migration in development policies**

#### *Cape Verde*

The agreement between the Grand Duchy of Luxembourg and the Republic of Cape Verde approved by the Law of 20 July 2017 deals with the concerted management of migratory flows and solidary development<sup>497</sup>, made in Luxembourg on 13 October 2015. It is for instance embedded in the special partnership between the European Union and Cape Verde and the common declaration on a mobility partnership between the European Union and Cape Verde titled the global approach on migration, approved by the Council of the European Union. This agreement forms the instrument to implement the cooperation in the framework of the aforementioned mobility partnership.<sup>498</sup>

The agreement underlines the importance of the concerted management of migratory flows as a factor in economic, social and cultural development for the concerned countries and views migratory movements as supporting development, being able to “favour the enrichment of the country of origin by means of transfers of funds of migrants, but also thanks to the training and experience that these acquire during their stay in the hosting country”.<sup>499</sup> An objective of the agreement is to “mobilise the competences and resources of migrants to support solidary development”.<sup>500</sup>

This way, the agreement contains various provisions to favour temporary migration of various categories of people<sup>501</sup> and the exchange of young professionals<sup>502</sup> “to improve their career perspectives thanks to an experience of salaried work in a business that carried out an activity of sanitary, social, agricultural, artisanal, industrial, commercial or liberal nature” or non-remunerated professional internships<sup>503</sup>. It also contains a provision on professional reintegration of students having acquired a first professional experience in Luxembourg.<sup>504</sup>

Solidary development is dealt with specifically in Article 11 of the agreement. The parties commit to examine “the best ways to mobilise the skills and resources of Cape Verdean migrants living in Luxembourg in view of encouraging actions favouring the development of Cape Verde” and to “promote financial instruments with the goal of facilitating the transfers of funds of migrants and their investment in activities participating in the economic development of Cape Verde”.<sup>505</sup>

Solidary practices with Cape Verde were also a topic in the study “Cap-Mobi-Lux”, the first study on the Cape Verdean community in Luxembourg, published in Luxembourg in 2017. This study was supported in the context of the Asylum, Migration and Integration Fund and was co-financed by the European Union and the Directorate of Immigration of the Ministry of Foreign and European Affairs.

The study presents a socio-economic panorama of the Cape Verdean community in Luxembourg, portraying the following topics: migratory practices, solidary practices with Cape Verde, the situation of Cape Verdean nationals in the various domains of integration: school, work, housing, leisure and socio-political participation.<sup>506</sup>

With regard to solidary development, the study found that Cape Verdeans are actors in the development in their country of origin, and that the presence of strong transnational links in the Cape Verdean community that are favourable to the development of solidary initiatives with the country of origin, the solidarity unit being the family. At the same time, the study observes that the associative life of emigrated Cape Verdeans is increasingly becoming professionalised. It is argued that Luxembourg's government could positively intervene by supporting the sending of material aid, by simplifying the procedures for being granted financial public development aid or by facilitating the transfer of funds.<sup>507</sup>

Furthermore, the fourth Indicative Cooperation Programme between Luxembourg and Cape Verde (2016-2020) includes one axis of professional training as well as the establishment of a number of funds. The Fund for the Diversification of Bilateral Relations, for instance, aims to develop commercial and economic cooperation. The continued support provided to centres of professional training and the expansion of activities in the domain of renewable energies aims to train young people, but also to create employment in Cape Verde. Continued activities of the NGO ADA (*Appui au Développement Autonome* – Support to Autonomous Development) in the domain of microfinance and the triangular cooperation with Sao Tome and Principe also contribute to the strengthening of capacities.<sup>508</sup>

### *Mali*

The programming in Mali revolves around rural development, value chains as well as revenue and job creation in the rural area, aiming to create perspectives for young Malians. These two last points are not new, but are considered the basis of any action to act on the root causes of migration.

The current Indicative Cooperation Programme (2015-2019) provides for a programme of professional training and integration in rural areas, which aims to create opportunities for young Malians. It focuses on employability of young people by increasing skills, the support provided to move towards employment and entrepreneurship and access to factors in production (credit, equipment, land, etc.). The programme targets rural women and youth in view of strengthening family farming systems. The programme implemented by Lux-Development is accompanied by two projects (with the International Labour Organisation (ILO) and the Food and Agriculture Organisation (FAO)) that are also funded under the Indicative Cooperation Programme.

The ILO project fits in a context of low job availability, high urban unemployment and chronic underemployment in rural areas, this being the main source of youth migration to the urban centres. The project aims to improve the employability of the rural youth, as well as to improve their income in productive circuits through an integrated system that promotes the creation and management of sustainable micro- and small-sized enterprises with increased involvement of the private sector and local communities.

The FAO project focuses on the professional integration of rural youth in the Ségou and Sikasso regions into the value chains of the lead agri-food chains and will for instance contribute to the creation of at least 200 jobs and the improvement of the quality of approximately 500 jobs.

At the end of 2016, Luxembourg signed a new programme with UN Women Mali to improve the living conditions of 25.000 women farmers, processors and entrepreneurs by improving their

access to land and production factors, by giving them access to financing and ICT, and by strengthening their capacities in general.

The executing agency Lux-Development implements one of the programs of the EU Emergency Trust Fund for Africa, of the window 'Sahel / Lake Chad Region in Mali', namely the *Relance de l'Economie et Appui aux Collectivité II* programme (RELAC II – Support peace agreements through economic regeneration and assistance for local authorities in northern Mali) in the regions of Gao and Timbuktu, for a total amount of 10 million euros.<sup>509</sup>

### *Niger*

The current Indicative Cooperation Programme (2016-2020) is a continuation of previous programmes in the sector of Basic Education, of Technical and Professional Training and of rural development, and is completed by a strong commitment to the water and sanitation sector. Rural youth is the priority target of the interventions. In the context of the 2012/392/CFSP of the Council of the European Union of 16 July 2012, establishing the EU CSDP mission in Niger, EUCAP SAHEL Niger, Luxembourg finances – via the Development Cooperation Fund managed by the Directorate of Development Cooperation of the Ministry of Foreign and European Affairs – the implementation of EUCAP projects for the Nigerian Defence and Security Forces, complementing the capacity building activities already implemented by EUCAP.

EUCAP SAHEL Niger also received additional financial support by the Development Cooperation Fund (290.000 euros in 2015, 140.000 euros at the end of 2016). A third budgetary envelope of 500.000 euros was implemented in 2017; it aimed to support the Nigerian Defence and Security Forces to improve control of migratory flows and fight more effectively against irregular migration and the linked criminal activities.

In the context of this project, the EUCAP SAHEL Niger mission was able to acquire pickups that function as mobile garages, and which were made available to the Security and Defence Forces. At the end of 2017, the Ministry of Foreign and European Affairs signed a memorandum of understanding with EUCAP SAHEL Niger for the realisation of a new project that aims to acquire five new mobile garages for 325.000 euros, for the benefit of the Security and Defence Forces. These various avenues of support delivered to the EUCAP SAHEL Niger mission contribute to reduction of the number of human tragedies that occur along migratory flows (for instance in the proximity of Agadez and in the northern Niger desert).

In the context of the EU Emergency Trust Fund, Lux-Development was selected to be the executing agency for the implementation of the project supporting the training and professional integration of young girls and boys in the Agadez and Zinder regions in view of contributing to the socio-economic development in these two regions. The objective is to improve the living conditions of the young people of these regions by developing their professional competencies and improving their employability.<sup>510</sup>

### *Senegal*

In comparison to the previous Indicative Cooperation Programme, the Indicative Cooperation Programme IV (2018-2022, worth 65 million euros, all taxes included) is marked by a strengthening of its sectoral focus, now focused on two main sectors: (i) health and social

protection, (ii) vocational and technical training and employability, two sectors dedicated to basic social services that have been supported by Luxembourg's Cooperation Programme for a long time. In the sector of vocational and professional training, a programme of 26 million euros will have the objective to "strengthen the system of vocational and technical training, of apprenticeship and crafts, with the aim of promoting an accessible, attractive and strong training offer and accompaniment system that are adapted to the needs of the economy, in order to improve the employability and socio-professional integration of the youngsters" (SDG 4, 5, 8, 10). Particular attention will be paid to the increased involvement of the private sector and to the promotion of civil society, for instance through the citizen participation and control in the management of local affairs.

The approach will be that of employability: vocational and technical training will not be seen as an end in itself, but a means of achieving an objective, namely that of employment / insertion of vulnerable people. A holistic and integrated approach will be developed in order to ensure a real continuity from the orientation towards the system of vocational and technical training, apprenticeship and crafts, to employment. The focus will thus lie on the path that leads the trainees from orientation, to training, apprenticeship, craft and finally to the integration on the labour market. Particular attention will be paid to creating a good match between the offer of training and the needs of the market, to the integration into the labour market and the financing of this integration.

The project that is implemented by Lux-Development in the context of the EU Emergency Trust Fund aims to strengthen employability of youngsters by improving access to vocational training.

The project finances furthermore a socio-anthropological study with the support of the GERM laboratory (*Groupe d'Etudes et de Recherches sur les Migrations & Faits de Sociétés*) of the Université Gaston Berger (Saint-Louis), which has the objective of gaining a better understanding of the determining factors and motivations of the migratory phenomenon of young migrants that stem from the South and South-East of Senegal, the project's area of intervention. The execution period of the project stretches from May 2017 to May 2020.<sup>511</sup>

#### *Participation in EU-level initiatives*

Discussions on migration in the forums competent for development cooperation in the EU-level in Brussels continued over the course of 2017. They concerned an approach that links development and humanitarian policies to the purpose of promoting economic development, resilience and access to employment and education. During these debates, Luxembourg confirmed its position that development cooperation can make a useful contribution to the fight against the root causes of irregular migration and forced displacement, but that it is neither the only needed instrument, nor a panacea for reducing migratory pressures.

In coordination with the Directorate of Immigration, the Directorate for Cooperation Development and Humanitarian Action of the Ministry of Foreign and European Affairs followed-up on the decisions of the Valetta Summit and represented Luxembourg at the meetings of senior officials on the progress of implementation of the Joint Valetta Action Plan on 8 and 9 February 2017. It participated, over the course of 2017, at the meetings of the Board of Directors and of the Operational Committees of the EU Emergency Fund for the stability and the and the fight against

the root causes of irregular migration and the phenomenon of displaced people in Africa, created following the Valetta Summit in November 2015, to which Luxembourg contributed 3,1 million euros. Until December 2017, the fund adopted measures for a total sum of 1,387 billion euros,

Over the course of 2017, the Directorate also participated in the four meetings of the steering committee meetings of the Facility for Migrants in Turkey that took place in Brussels; Luxembourg contributed 4,3 million euros to this facility.<sup>512</sup>

#### 7.1.1. Cooperation with third countries for economic migration

##### *Agreement between Cape Verde and Luxembourg*

The agreement between Luxembourg and Cape Verde contains multiple provisions favouring economic migration. It includes provisions on short stays (at most 90 days within a 6-month period) for certain categories of people, such as business people, merchants.<sup>513</sup> Article 6 deals with the possibility of issuing an authorisation of stay with a simplified procedure, this in view of working in a specific trade, without surpassing an annual quota of 50 authorisations<sup>514</sup> (see Section 1.2). In addition, the agreement foresees the exchange of young professionals, the number of concerned people each year not surpassing 10<sup>515</sup>, as well as non-remunerated internships (see in Section 1.2)<sup>516</sup>.

##### *Triangular cooperation Cape Verde – Sao Tome and Principe*

Under the axis of work and employability of the Indicative Cooperation Programme IV, the South-South triangular cooperation with Cape Verde and Sao Tome and Principe strengthens the sector of training and vocational integration by means of a system of grants for students of Sao Tome, who will have access to training in the domains of hospitality, tourism and sustainable development.<sup>517</sup>

#### 7.1.2. Efforts to mitigate ‘brain drain’

##### *Cape Verde*

The agreement between Luxembourg and Cape Verde intends to “encourage a temporary migration based on mobility and the incitation to a return of skills to the country of origin, in particular concerning students, professionals with a high level of qualification and management and thereby to promote a circular professional migration”. It also bases itself on the principle that “migratory movements must be conceived in a perspective that is favourable to development and must not translate into a definitive loss of the resources, competencies and dynamism of the country of origin”.<sup>518</sup>

Multiple articles authorise the temporary stay of Cape Verdean nationals in the hosting country in order to gain a professional experience (maintenance of the right to stay for student, in order to gain a first professional experience<sup>519</sup>, exchange of young professionals<sup>520</sup>, non-remunerated internships<sup>521</sup>), allowing for these experiences and competencies to be benefitted from upon return to the country of origin.

In article 10(2), the two states commit to “implement inciting and coordinated measures destined to enable the reintegration of Cape Verdean nationals who were living in Luxembourg for at least two years and return voluntarily to Cape Verde” and to encourage “the reintegration of students in their country of origin after a first professional experience acquired in Luxembourg, after having completed their higher education.”<sup>522</sup>

Additionally, Luxembourg supports the statistics office of Cape Verde with a project, in collaboration with Luxembourg’s National Institute of Statistics and Economic Studies, in order to put in place a household budget and consumption study and the continuous multi-objective study; a national accounting system, including economic competition and productivity indicators; information system security, virtual decentralisation; “corporate” approach.

The financing convention between the two governments for this project was signed in April 2014 and is of 600.00€ The support was put in place in April 2014 and ended in December 2017.<sup>523</sup>

### *Kosovo*

The new cooperation agreement with Kosovo (2017-2020) maintains education, and in particular professional training, as one of the three sectors of intervention of Luxembourg’s cooperation programme in Kosovo. The budgetary envelope attributed to the vocational training is 5 million euros.

In addition, for more than 10 years, training and technical assistance provided by the ATTF / House of Training in Kosovo (Ministry of Finances, Kosovo Banking Association) are financed entirely by Luxembourg’s Cooperation Programme. ATTF/ House of Training is a specialised executing agency put in place by Luxembourg, that allows to share its know-how in the banking domain and to strengthen the capacities of local actors.<sup>524</sup>

### *Mali*

The current Indicative Cooperation Programme (2015-2019) foresees amongst other things a inter-university cooperation project between the Universities of Luxembourg and Bamako in the domains of law and economy, with the creation of specific and relevant Master programmes in Mali. In this context, in 2017 and 2018, multiple researchers from Mali came and will come to Luxembourg for research or training internships. Linguistic internships in the English language in Ghana are also foreseen. This project aims to strengthen the university governance directly and to avoid brain drain in Mali.<sup>525</sup>

### *Niger*

Vocational training and integration were already part of the priority sectors of the Indicative Cooperation Programme (2008-2015) – of the total envelope of 70 million euros, 24,7 million euros were attributed to this sector. The new programme (2016-2020) maintains the focus on vocational training and integration by keeping it as one of the three priority sectors (education, rural development, hydraulics) with a budget of 18,4 million euros. The programme will continue supporting the management and steering of Technical and Vocational Teaching in view of completing institutional reforms and in view of refining the regulatory framework, so that it is favourable to a decentralised creation and management of the training offered. The specific

objective of the programme is to support the integration of youngster, and in particular young people from rural areas in the economic industries that are growing and bring employment, namely the agro-sylvo-pastoral sectors.

This support is part of a wider logic of support for the sectoral ministries in charge of Technical and Vocational Teaching, of institutional support to strengthen the acquis and to finalise the reforms currently under way, as well as of a focus on the basic training system, in order to optimise the response to the professional training needs that are linked to the agro-sylvo-pastoral sector. In parallel to the support provided to the development of the institutional framework of Technical and Vocational Teaching in Niger, the new support to this sector aims to respond to the imminent needs to absorb migratory flows with the help of a qualitative offer for young people.<sup>526</sup>

### *Senegal*

The intervention that is implemented by Lux-Development in the context of the EU Emergency Trust Fund is part of a vast programme that has the objective to strengthen the competitiveness of businesses and the employability of young people. This programme includes a communication aspect named “*Réussir au Sénégal– Tekki Fii*” (Succeed in Senegal – Tekki Fii) , which has the aim to promote the idea of a locally promising future, as well to provide information on the opportunities provided by the Programme, to deconstruct migratory imaginaries and to myth of the European Eldorado. The main actions that are undertaken are: awareness-raising caravans, film, web series, sports radio etc. Lux-Development contributes to the identification of certain targeted actions.<sup>527</sup>

It more specifically also aims at the social and economic reintegration of 250 return migrants via a system of orientation, training, integration and follow-up. For this reason, Lux-Development signed a convention with a consortium of NGOs (ADG - *Aide au Développement de Gembloux* and COSPE – *Coopération pour le développement des pays émergents*) that are very active and justify a good level of expertise in this domain. The execution period of this project stretches from June 2017 to June 2020. The EU Emergency Trust Fund put in place a reporting web platform that contains information and proposed indicators (the website of LuxDev on this website: <https://rsr.akvo.org/en/organisation/3865/>, the website of the programme ‘Développer l’Emploi au Sénégal’: <https://rsr.akvo.org/en/project/5384/>, the page that concerns the intervention of LuxDev: <https://rsr.akvo.org/en/project/5376/>, and the page that concerns the communication aspect: <https://rsr.akvo.org/en/project/5653/>).<sup>528</sup>

## **7.1. Migrants’ Remittances**

### *Agreement between Luxembourg and Cape Verde*

In Article 11, the parties commit to examine “the best ways to mobilise the skills and resources of Cape Verdean migrants living in Luxembourg in view of encouraging actions favouring the development of Cape Verde” and to “promote financial instruments with the goal of facilitating the transfers of funds of migrants and their investment in activities participating in the economic development of Cape Verde”.<sup>529</sup>

## *Mali*

The Ministry of Foreign and European Affairs supports the Luxembourgish NGO ADA via mandate (approximately 6 million euros per year), which includes a component on the valorisation of migrants' savings in West Africa. In this context, ADA works with two microfinance institutions in Mali to “recycle” the biggest part of migrants' saving towards productive activities. It is also a matter of developing a product of reduced-cost transfer between France and Mali. Luxembourg participated in a multi-donor fund of the International Fund for Agricultural Development on Financing Mechanism for Remittances (contribution of the Ministry of Foreign and European Affairs of 1.500.000 euros – the entirety having been disbursed: 500.000 euros in 2015, 2016 and 2017). This multi-donor fund aims to promote innovative markets for remittances and to autonomise migrants workers and their families. The idea is to improve the access to remittances in the rural area, to associate remittances to financial products and services in rural areas, to offer possibilities of innovative and productive rural investment to migrants and community organisations.<sup>530</sup>

## *Regional projects*

ADA and Democrance have teamed up on a new project to promote access to insurance products for migrant workers, through an innovative technology solution linked to remittances.

ADA, a Luxembourg NGO specialised in microfinance, and its partner Democrance, a startup IT platform specialised in microinsurance based in Dubai that has the mission to democratise insurance by making it accessible and affordable to the low-income population in the Middle East and North African region, have 18 months to implement the program, starting in November 2017.

The main objective is to achieve a deeper financial inclusion of migrant workers and their families through the development of a sustainable micro-insurance model, enabled by an innovative technology and available in the UAE, particularly in the UAE-Philippines and UAE-India remittance corridors. The project runs from 26 October 2017 to 30 April 2019. The Ministry of Foreign and European Affairs contributed 103.133 euros of a total of 467.133 euros.<sup>531</sup>

## *Human assistance to Libya*

In April 2017, the EU Emergency Trust Fund approved the programme “Managing the mixed migration flows in Libya”, falling under the third pillar of the Valetta Action Plan, namely “Ensuring protection for those in need”. The implementation of the programme was confided to the High Commissioner for Refugees and the International Organization for Migration (IOM).

At the meeting of the board of directors of the Trust Fund, which was held on 30 June 2017, the European Commission announced that the programme would require an extension to 2018, the financing of this extension however not being ensured as the balance of the budgetary envelope of the geographical window “North Africa” of the Trust Fund could not cover it. End of July 2017, the services of the European Commission circulated a table representing the “funding gaps” for various currently ongoing actions or actions in the pipeline. For the mentioned programme, the table indicated an additional need of 30 million euros, for the programme to reach the objective “Reinforce protection and resilience of migrants, refugees and host communities in Libya while

supporting an improved migration management along the migration routes in the country through fostered protection and community stabilisation”.

A call was made to EU Member States to foresee additional contributions for this programme. In response to this programme and due to the complex security and migration situation in Libya, Luxembourg decided in September 2017 to allocate 1.000.000 euros in additional aid to contribute to address the most fundamental humanitarian needs of the migrants in Libya.

This humanitarian assistance will be implemented by UNHCR in the context of the Strategic Multiannual Partnership Agreement 2017-2020 that Luxembourg has with this UN organisation. The assistance will address the areas of refugee protection and improvement of their detention conditions, of the programme co-financed by the Trust Fund.<sup>532</sup>

## LIST OF ABBREVIATIONS

ADA	Appui au Développement Autonome
ADG	Aide au Développement de Gembloux
ADEM	Agence pour le développement de l'emploi (Employment Agency)
ADR	Alternativ Demokratesch Reformpartei (Alternative Democratic Reform Party)
AIP	Applicant for international protection
AMIF	Asylum, Migration and Integration Fund
AOT	Autorisation d'occupation temporaire (Temporary Work Authorisation)
ASTI	Association de soutien aux travailleurs immigrés (Association for the Support of Immigrant Workers)
BIP	Beneficiary of international protection
CAI	Contrat d'accueil et d'intégration (Welcome and Integration Contract)
CASNA	Cellule d'accueil scolaire pour élèves nouveaux arrivants (Reception desk for newly arrived pupils)
CCCI	Commission consultative communale d'intégration (Municipal Consultative Integration Commission)
CCDH	Commission consultative des Droits de l'Homme (Consultative Commission on Human Rights)
CELPL	Contrôle externe des lieux privés de liberté (External control of places of deprivation of liberty)
CEFIS	Centre d'étude et de formation interculturelles et sociales (Centre for Intercultural and Social Studies and Training)
CET	Centre pour l'égalité de traitement (Centre for Equal Opportunities)
CJEU	Court of Justice of the European Union
CLJA	Classe d'insertion pour jeunes adultes (Insertion classes for young adults)

CNFL	Conseil national des femmes du Luxembourg (National Women's Council Luxembourg)
COSPE	Coopération pour le développement des pays émergents (Cooperation for the development of emerging countries)
COTEH	Centre Ozanam – traite des être humains (Ozanam centre - trafficking in human beings)
CSA	Chèque-service accueil (Care service vouchers)
CSV	Chrëschtlech-Sozial Vollekspartei (Christian Social Party)
EASO	European Asylum Support Office
EED	European Economic Area
EMN	European Migration Network
EU	European Union
EC	European Commission
EURODAC	European Dactyloscopy
FAO	Food and Agriculture Organisation
FGM	Female genital mutilation
FRONTEX	European Border and Coast Guard Agency
FTE	Full-time employment
GERM	Groupe d'Etudes et de Recherches sur les Migrations & Faits de Sociétés
GRETA	Group of Experts on Action against Trafficking in Human Beings
ICP	Indicative Cooperation Programme
ICT	Information and communication technology
ILO	International Labour Organisation
INAP	Institut national d'administration publique (National Institute for Public Administration)

INL	Institut National des Langues (National Languages Institute)
IOM	International Organisation for Migration
ISCED	International Standard Classification of Education
ISCO	International Standard Classification of Occupations
ITM	Inspection du travail et des mines (Inspectorate of Labour and Mines)
LFR	Lëtzebuenger Flüchtlingsrot (Luxembourgish Council for Refugees)
LGBTI	Lesbian, gay, bisexual, transgender and intersexual
LISKO	Lëtzebuenger Integratiouns- a Sozialkohäsiounscenter (Luxembourgish Integration and Social Cohesion Centre)
LU EMN NCP	European Migration Network - National Contact Point Luxembourg
MAE	Ministère des Affaires étrangères (Ministry of Foreign Affairs)
MS	Member State
NGO	Non-governmental organisation
OLAI	Office luxembourgeois de l'accueil et de l'intégration (Luxembourg Reception and Integration Agency)
ORK	Ombuds-Comité fir d'Rechter vum Kand (Ombuds-Committee for the Rights of the Child)
PAN	Plan d'action national (National Action Plan)
PCI	Plan communal d'intégration (Municipal Integration Plan)
PIA	Parcours d'intégration accompagné (Guided Integration Trail)
REVIS	Revenu d'inclusion sociale (Social inclusion income)
RMG	Revenu minimum garanti (Guaranteed minimum income)
ROME	Répertoire Opérationnel des Métiers et des Emplois (Job and positions operational directory)
SAVTEH	Service d'Assistance aux Victimes de la Traite des Etres Humains (Support Service for Victims of Trafficking in Human Beings)

SFA	Service de la formation des adultes (Service of adult learning)
SHUK	Structure d'hébergement d'urgence Kirchberg (Semi-open return structure)
SNAS	Service national d'action sociale (National Social Action Service)
SNHBM	Société nationale des habitations à bon marché (National company for low-cost housing)
SNJ	Service National de Jeunesse (National Youth Service)
STATEC	Institut national de la statistique et des études économiques du Grand-Duché du Luxembourg (National Statistics and Economic Studies Institute of Luxembourg)
SYVICOL	Syndicat des villes et communes luxembourgeoises (Luxembourgish towns and local municipalities union)
TCN	Third country national
UAM	Unaccompanied minor
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNHCR	United Nations High Commissioner for Refugees

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<sup>10</sup> Family member : 6.753, family member with WP : 195.

<sup>11</sup> 'Long-term resident' includes renewed residence permits (16), residence permits (without temporary residence authorisation) (4.215) and renewed residence permits (without temporary residence authorisation) (3.266).

<sup>12</sup> Private reasons can be disaggregated into: 131 (medical reasons): 2, 78 (1) a (sufficient resources): 116, 78 (1) a (sufficient resources) with work permit (WP): 17, 78 (1) b (autonomous basis): 18, 78 (1) b (autonomous basis) with WP: 6, 78 (1) c (family or personal links): 314, 78 (1) c

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<sup>13</sup> Combining international protection, refugee status and subsidiary protection categories.

<sup>14</sup> Information provided by the Directorate of Immigration on 27 March 2018.

<sup>15</sup> Law of 20 July 2017 approving the agreement between the State of the Grand Duchy of Luxembourg and the Republic of Cape Verde on the concerted management of migratory flows and solidary development, made in Luxembourg on 13 October 2015, Mémorial A N°672 of 27 July 2017

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<sup>17</sup> Parliamentary Document 6992/00 of 18 May 2016.

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<sup>22</sup> Directive 2016/801/EU of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing: URL: [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AJOL\\_2016\\_132\\_R\\_0002](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AJOL_2016_132_R_0002)

<sup>23</sup> Parliamentary Document 6992/00, Exposé des motifs, p.19.

<sup>24</sup> *Op.cit.* Law of 8 March 2017 modifying the amended law of 29 August 2008 on the free movement of people and immigration, Art 53bis (1) 1. Amendment 8 adopted by the Commission of Foreign and European Affairs, of Defense, of Cooperation and Immigration on 7 November 2016 specifies that the economic sectors open for investment will be determined by Grand Ducal Regulation . See Parliamentary document n°6992/06 of 7 November 2016, p.3.

<sup>25</sup> *Op.cit.* Law of 8 March 2017 modifying the amended law of 29 August 2008 on the free movement of people and immigration, Art 53bis (1) 2.

<sup>26</sup> *Ibidem*, Art 53bis (1) 3.

<sup>27</sup> *Ibidem*, Art 53bis (1) 4.

<sup>28</sup> Parliamentary Document 6992/00, Commentaire des articles, p.25.

<sup>29</sup> *Op.cit.* Law of 8 March 2017 modifying the amended law of 29 August 2008 on the free movement of people and immigration, Art 53bis (2).

<sup>30</sup> *Ibidem*, Art 53bis (7).

<sup>31</sup> *Ibidem*, Art 53bis (8).

<sup>32</sup> *Ibidem*, Art. 53ter (1).

<sup>33</sup> *Ibidem*, Art. 53Quater.

<sup>34</sup> Grand Ducal Regulation of 5 December 2017 defining the sectors of the economy eligible for the investors targeted by article 53bis, paragraph 1, points 1° and 2° of the amended law of 29 August 2008 on the movement of people and immigration, published in Memorial A n°1110 of 21 December 2017, <http://data.legilux.public.lu/file/eli-etat-leg-rgd-2017-12-05-a1110-jo-fr-pdf.pdf>

<sup>35</sup> *Op.cit.* Law of 8 March 2017 modifying the amended law of 29 August 2008 on the free movement of people and immigration, Article 59 3.

<sup>36</sup> Ministerial Regulation of 30 November 2017 setting the average annual gross salary under the amended Grand Ducal Regulation of 26 September 2008 determining the level of minimum remuneration for highly qualified workers in application of the Law of 29 August 2008 on the free movement of people and immigration, Memorial A N°1040 of 11 December 2017, URL: <http://legilux.public.lu/eli/etat/leg/rmin/2017/11/30/a1040/jo>

The salary thresholds for applying as a highly qualified worker were adapted to:

- at least 1,5 times the average gross salary in Luxembourg (49.332 x 1,5 = 73.998 euros in 2017)
- at least equivalent to 1,2 times the average gross annual salary in Luxembourg (49.332 x 1,2 = 59.198,4 euros in 2017) for jobs in occupations belonging to groups 1 and 2 of the International Standard Classification of Occupations (ISCO) for which a particular need for workers from third countries is recognised by the Government. The list establishes the following professions in which the Government considers there to be a shortage of qualified workforce in the telecommunications and information sectors such as:
  - Mathematicians, actuaries and statisticians (2120)

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- o Systems analysts (2511)
  - o Software developers (2512)
  - o Web and multimedia developers (2513)
  - o Application programmers (2514)
  - o Software and applications developers and analysts not elsewhere classified (2519)
  - o Database specialists (2521)
  - o Systems administrators (2522)
  - o Computer network professionals (2523)
  - o Database and network specialists not elsewhere classified (2529)

Guichet.lu, Se faire embaucher comme salarié hautement qualifié ressortissants de pays tiers ((carte bleue européenne), URL : <http://www.guichet.public.lu/citoyens/fr/immigration/plus-3-mois/ressortissant-tiers/hautement-qualifie/salarie-hautement-qualifie/index.html>

<sup>37</sup> Parliamentary document 6992/00 of 18 May 2016, Exposé des motifs, p.19.

<sup>38</sup> *Op. cit.*, Law of 20 July 2017 approving the agreement between the State of the Grand Duchy of Luxembourg and the Republic of Cape Verde, Art 2 and Art 3.

<sup>39</sup> *Ibidem*, Art 6.

<sup>40</sup> *Idem*.

<sup>41</sup> Parliamentary document 6992/00, p.18.

<sup>42</sup> *Op. cit.*, Law of 8 March 2017 modifying the amended law of 29 August 2008 on the free movement of people and immigration, Art 47 (4) b).

<sup>43</sup> Parliamentary document 6992/00, Commentaire des articles, p.22.

<sup>44</sup> *Op.cit.*, Law of 8 March 2017 modifying the amended law of 29 August 2008 on the free movement of people and immigration, Art 47-4.

<sup>45</sup> *Ibidem*, Art 47-5 (1).

<sup>46</sup> *Ibidem*, Art 47-5 (3).

<sup>47</sup> *Ibidem*, Art 47-4 (2).

<sup>48</sup> *Ibidem*, Art 49bis (4).

<sup>49</sup> *Ibidem*, Art 49bis (5).

<sup>50</sup> *Ibidem*, Art 49bis (1).

<sup>51</sup> Parliamentary Document 6992/00, Exposé des motifs, p.20. The bill maintains the prohibition already provided for in the current law, specifying that the activity carried out in the context of a temporary intra-corporate transfer does not confer a right on the person to obtain a residence permit “salaried worker”. The maintenance of this provision is explained by the intention to avoid a circumvention of the more restrictive admission conditions for “regular” employees but whose length of stay is in principle not limited.

<sup>52</sup> *Op.cit.* Law of 8 March 2017 modifying the amended law of 29 August 2008 on the free movement of people and immigration, Art 49quater (2).

<sup>53</sup> *Ibidem*, Art 49quater (3).

<sup>54</sup> *Ibidem*, Art 49ter (1).

<sup>55</sup> *Ibidem*, Art 49ter (2).

<sup>56</sup> *Ibidem*, Art 49quinquies (2). Such grounds for refusal may include the situation where the employer has abolished full-time employment within the 12 months prior to the application date in order to create a vacancy for a seasonal worker, or else in case of prejudice to the priority of community employment or regularly residing third-country nationals.

<sup>57</sup> *Ibidem*, Art. 49quinquies (1) f) and (2) h).

<sup>58</sup> *Ibidem*, Art 49quinquies (6).

<sup>59</sup> *Ibidem*, Art 39 (3).

<sup>60</sup> Bill n°7188 modifying 1) the amended Law of 29 August 2008 on the free movement of people and immigration, 2) the Law of 18 February 2013 on the reception of young au pairs, introduced in Parliament on 29 September 2017, Art.3 11°.

<sup>61</sup> Parliamentary Document n°7188/03 of 30 January 2018, Art 2°3, p.5 and Parliamentary Document n°7188/04 of 27 February 2018, Art 22 p.13.

<sup>62</sup> Information provided by the National Youth Service on 19 December 2017.

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- <sup>63</sup> *Op.cit.*, Law of 20 July 2017 approving the agreement between the State of the Grand Duchy of Luxembourg and the Republic of Cape Verde, Art 5 1.
- <sup>64</sup> *Ibidem*, Art 5 2.
- <sup>65</sup> *Ibidem*, Art 5 4.
- <sup>66</sup> Parliamentary document 6992/00 of 18 May 2016, Commentaire des articles, p.19 and *Op.cit.*, Law of 8 March 2017 modifying the amended Law of 29 August 2008 on the free movement of people and immigration, Art. 3 i).
- <sup>67</sup> An amendment adopted by the Commission on Foreign and European Affairs, Defense, Cooperation and Immigration of 7 November 2016 details the maximal duration that data can be conserved, as well as the modalities of obtaining, transmitting and conserving these, which are to be defined by Grand Ducal Regulation. See Parliamentary document n°6992/06 of 7 November 2016, pp.1-2.
- <sup>68</sup> *Op.cit.*, Law of 8 March 2017 modifying the amended law of 29 August 2008 on the free movement of people and immigration, Art 44bis (2) c).
- <sup>69</sup> *Ibidem*, Art 44bis (2) e) and f).
- <sup>70</sup> *Ibidem*, Art 44bis (1).
- <sup>71</sup> *Ibidem*, Art 44bis (10).
- <sup>72</sup> *Ibidem*, Art 44bis (11) a) and Parliamentary document of 6992/00 of 18 May 2016, Commentaire des articles, p.21.
- <sup>73</sup> *Op.cit.*, Law of 8 March 2017 modifying the amended law of 29 August 2008 on the free movement of people and immigration, Art 44bis (12).
- <sup>74</sup> *Ibidem*, Art 42 (5).
- <sup>75</sup> *Ibidem.*, Art 51 (2).
- <sup>76</sup> *Ibidem*, Art 42 (5) 1 and 2.
- <sup>77</sup> Law of 14 March 2017 1) modifying the Labour Code; 2) modifying article 3 of the Law of 17 June 1994 determining the measures in view of ensuring the maintenance of employment, price stability and business competitiveness, Memorial A N°300 of 20 March 2017.  
URL: <http://legilux.public.lu/eli/etat/leg/loi/2017/03/14/a300/jo>
- <sup>78</sup> Court of Justice of the European Union, Judgement of the Court (First Chamber) of 19 June 2008, Case C-319/06, URL : <http://curia.europa.eu/juris/celex.jsf?celex=62006CJ0319&lang1=fr&lang2=EN&type=TEXT&ancre>
- <sup>79</sup> *Op.cit.*, Law of 8 March 2017 modifying the amended law of 29 August 2008 on the free movement of people and immigration, Art. 47-2 (1) d), e) et (2) d), e).
- <sup>80</sup> *Ibidem*, Art. 49quinquies (1) b), e) et (2) c), f).
- <sup>81</sup> Answer of the Minister of Labour, Employment and Social and Solidarity Economy to parliamentary question n°2977 of 9 June 2017 on activity sectors which are most exposed to social dumping.
- <sup>82</sup> The other participating states were Germany, Austria, Belgium, Denmark, France, Italy, Norway and Sweden.
- <sup>83</sup> Government of the Grand Duchy of Luxembourg, « Road Alliance », in: *gouvernement.lu*, URL : <https://www.gouvernement.lu/6689462/Memorandum-Road-Alliance- PDF-EN .pdf>
- <sup>84</sup> Government of the Grand Duchy of Luxembourg, « 100 jeunes luxembourgeois et 100 jeunes australiens peuvent profiter de l'arrangement "work and holiday visa" entre les gouvernements australien et luxembourgeois à partir du 1er janvier 2017 », 9 January 2017 in: *gouvernement.lu*, URL : <http://www.gouvernement.lu/6635337/09-work-travel?context=519177>
- <sup>85</sup> Government of the Grand Duchy of Luxembourg, « 50 jeunes luxembourgeois et 50 jeunes néo-zélandais peuvent profiter à partir du 9 mai 2017 de l'arrangement "working holiday visa" conclu entre les deux gouvernements », 28 March 2017, in: *gouvernement.lu*,  
URL: <http://www.gouvernement.lu/6839518/28-working-holiday-visa>
- <sup>86</sup> Directorate of Immigration, Bilan de l'année 2017 en matière d'asile et d'immigration, p.21 and Bilan de l'année 2016 en matière d'asile et d'immigration, p.23.
- <sup>87</sup> *Op.cit.* Bill n°7188, Art 64.
- <sup>88</sup> *Ibidem*, Art 67.
- <sup>89</sup> *Ibidem*, Art 67 (2)
- <sup>90</sup> *Ibidem*, Art 67 (3) a) – f.)
- <sup>91</sup> *Ibidem*, Art 67-1 e).
- <sup>92</sup> *Ibidem*, Art 58 (1).
- <sup>93</sup> *Ibidem*, Art 57 (1).
- <sup>94</sup> *Ibidem*, Art 58 (3), (4).

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- <sup>95</sup> *Ibidem*, Art 58 (7).
- <sup>96</sup> *Ibidem*, Art 58 (8).
- <sup>97</sup> *Ibidem*, Art 57 (3).
- <sup>98</sup> An educational project is defined as “a series of educational actions organised by a Luxembourgish establishment of secondary education in collaboration with a similar establishment in a third country, aiming to share cultures and knowledge”. *Op.cit.* Bill n°7188, p.62.
- <sup>99</sup> *Op.cit.* Bill n°7188, Art 60.
- <sup>100</sup> *Idem*.
- <sup>101</sup> Draft Grand Ducal Regulation amending the Grand Ducal Regulation of 5 September 2008 defining the resource and housing criteria foreseen by the Law of 20 August 2008 on the free movement of people and immigration, Art 5bis.
- <sup>102</sup> *Ibidem*, Art 1ter.
- <sup>103</sup> *Ibidem*, Art 1 2°.
- <sup>104</sup> *Op.cit.*, Law of 8 March 2017 modifying the amended law of 29 August 2008 on the free movement of people and immigration, Art 59.
- <sup>105</sup> *Ibidem*, Art 59 1.
- <sup>106</sup> *Ibidem*, Art 59 3.
- <sup>107</sup> *Op.cit.* Parliamentary Document n°7188 of 29 September 2017, Art 67-4 (1), (4).
- <sup>108</sup> *Ibidem*, Art. 67-4 (1).
- <sup>109</sup> *Ibidem*, Art 67-4 (3).
- <sup>110</sup> *Ibidem*, Art. 67-4 (6).
- <sup>111</sup> Parliamentary document 7188/03 of 30 January 2018, p.5.
- <sup>112</sup> *Op.cit.*, Draft Grand Ducal Regulation amending the Grand Ducal Regulation of 5 September 2008, Art 5ter.
- <sup>113</sup> *Op.cit.*, Agreement Cape Verde, Art 4.
- <sup>114</sup> Directorate of Immigration, Bilan de l’année 2017 en matière d’asile et d’immigration, p.24.
- <sup>115</sup> *Idem*.
- <sup>116</sup> *Ibidem*, p.18.
- <sup>117</sup> *Idem*.
- <sup>118</sup> See European Migration Network, National Contact Point Luxembourg (LU EMN NCP), Annual Report on Migration and Asylum in Luxembourg 2016, Luxembourg, 2017, pp.24-25 and *Op.cit.*, Law of 8 March 2017 modifying the amended Law of 29 August 2008 on the free movement of people and immigration, Art 69 (1).
- <sup>119</sup> *Op. Cit.*, Draft Grand Ducal Regulation amending the Grand Ducal Regulation of 5 September 2008, Art 6.
- <sup>120</sup> *Op.cit.*, Bill n°7188, Art 67-2 (1).
- <sup>121</sup> *Ibidem*, Art 67-2 (2). The person must provide a valid travel document, the authorisation of stay of the first Member State that is also valid for the period of mobility, the foreseen period and dates of the mobility, proof that the researcher will be able to cover his or her own subsistence costs and those of the family member(s) without making use of social aid, also covering the costs of return, that the researcher and the family members are covered by health insurance and proof that the family members have resided in the first Member State as “family member”.
- <sup>122</sup> *Ibidem*, Art 67-2 (4).
- <sup>123</sup> *Ibidem*, Art 67-2 (5).
- <sup>124</sup> *Ibidem*, Art 67-2 (7).
- <sup>125</sup> *Ibidem*, Art 73 (9).
- <sup>126</sup> *Ibidem*, Art 73 (6).
- <sup>127</sup> *Ibidem*, Art 73 (9).
- <sup>128</sup> *Ibidem*, Art 67-3 (1).
- <sup>129</sup> *Ibidem*, Art 67-4 (4).
- <sup>130</sup> *Ibidem*, Art. 61 (1). The convention must include a description of the internship programme, the planned internship period, the conditions of the intern’s placement and follow-up, as well as the schedule.

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- <sup>131</sup> The applicant must prove that, in the two years preceding the application, s/he obtained an academic title registered in the degree registry (higher education section), aimed at by Art 68 of the Law of 26 October 2016 on the recognition of professional qualifications and corresponding to a level 5 to 8 of the Luxembourgish qualification framework.
- <sup>132</sup> *Ibidem*, Art. 61 (1).
- <sup>133</sup> *Ibidem*, Art 61 (3).
- <sup>134</sup> *Ibidem*, Art 61 (2).
- <sup>135</sup> Parliamentary document 7188/02 of 22 December 2017, p.2.
- <sup>136</sup> *Op cit.*, Agreement Cape Verde, Art 7.
- <sup>137</sup> Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. URL: <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:32003L0109>
- <sup>138</sup> *Op. cit.*, Bill n°7188, Art 80 (3).
- <sup>139</sup> Information provided by the Passport and Visa Office on 28 February 2018.
- <sup>140</sup> Answer of the Minister of Foreign and European Affairs to parliamentary question n°2801 of 27 February 2017 on outsourcing of visa deliverance to Luxembourg.
- <sup>141</sup> Bill n°7191 approving the Cooperation Agreement on Partnership and Development between the European Union and its Member States, on the one part, and the Islamic Republic of Afghanistan, on the other part, made in Munich on 18 February 2018, introduced in Parliament on 3 October 2017.
- <sup>142</sup> Le portail officiel du Grand-Duché de Luxembourg, Guichet.lu désormais en anglais. URL: <http://www.luxembourg.public.lu/fr/actualites/2017/11/08-guichet/index.html>
- <sup>143</sup> Directorate of Immigration, Bilan de l'année 2017 en matière d'asile et d'immigration, p.1.
- <sup>144</sup> Information provided by OLAI on 21 February 2018.
- <sup>145</sup> Ministry of Family, Integration and the Greater Region, Rapport d'activité 2017 du ministère de la Famille, de l'Intégration et à la Grande Région, Luxembourg, February 2018, p.153, URL: <https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-famille-integration-grande-region/2017-rapport-activite-famille/2017-rapport-activite-famille.pdf>
- <sup>146</sup> Information provided by OLAI on 12 February 2018.
- <sup>147</sup> Information provided by the Directorate of Immigration on 8 February 2018.
- <sup>148</sup> Directorate of Immigration, Bilan de l'année 2017 en matière d'asile et d'immigration, p.17.
- <sup>149</sup> Answer of the Minister of Foreign and European Affairs to parliamentary question n°3401 of 26 October 2017 on the reception and integration of foreigners, p.4.
- <sup>150</sup> Information provided by OLAI on 22 February 2018.
- <sup>151</sup> Information provided by the Directorate of Immigration on 7 February 2018.
- <sup>152</sup> *Ibidem*.
- <sup>153</sup> Information provided by OLAI on 21 February 2018. CHASSAING Guillaume, « Accueil de réfugiés au Luxembourg : Nous sommes à saturation », in : *Le Quotidien.lu*, published on 11 January 2017, p.15
- <sup>154</sup> Information provided by OLAI on 21 February 2018.
- <sup>155</sup> Ministry of Family, Integration and the Greater Region, Rapport d'activité 2017, Luxembourg, February 2018, pp.154-155
- <sup>156</sup> Answer of the Minister of Family and Integration to parliamentary question n° 2825 of 5 April 2017 on the reception of female refugees and information provided by OLAI on 1 March 2018.
- <sup>157</sup> Ministry of Family, Integration and the Greater Region, Rapport d'activité 2017 du ministère de la Famille, de l'Intégration et à la Grande Région, Luxembourg, February 2018, p.156
- <sup>158</sup> Information provided by OLAI on 21 February 2018.
- <sup>159</sup> Information provided by OLAI on 21 February and 1 March 2018.
- <sup>160</sup> Answer of the Minister of Sustainable Development and Infrastructures to Parliamentary Question n° 2780 of 17 February 2017 on the provisional reception structures for refugees.
- <sup>161</sup> Judgement of the Administrative Court of 7 February 2017, n°38584 out of the list.
- <sup>162</sup> Government of the Grand Duchy of Luxembourg, Ministry of Sustainable Development and Infrastructures, Press release, in: *gouvernement.lu*, 10 February 2017, URL:[https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiqués/2017/02-fevrier/10-steinfort-demandeurs.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2017/02-fevrier/10-steinfort-demandeurs.html)

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- <sup>163</sup> Judgment of the Administrative Tribunal of 28 September 2017, n°37802 out of the list.
- <sup>164</sup> Answer of the Minister for Sustainable Development and Infrastructures to parliamentary question n°3127 of 12 July 2017.
- <sup>165</sup> EWEN, Luc, « Zurück auf den Bürgermeisterstuh », in : *Luxemburger Wort* of 22 March 2018, p.26.
- <sup>166</sup> Judgement of the Administrative Tribunal of 28 September 2017, n°37802 out of the list.
- <sup>167</sup> *Idem*.
- <sup>168</sup> Judgement of the Administrative Tribunal of 11 January 2017, n°38064 out of the list.
- <sup>169</sup> Ministry of Sustainable Development and Infrastructures, Public Buildings administration, « Projet d'aménagement particulier, « Structure d'accueil DPI, Esch-quai Neiduerf » », Esch-sur-Alzette, November 2016, URL : [http://www.esch.lu/laville/pag/pag-pap/Documents/pe\\_StructureAccueilNeiduerf.pdf](http://www.esch.lu/laville/pag/pag-pap/Documents/pe_StructureAccueilNeiduerf.pdf), and « PAP structure d'accueil DPI, Esch – quai Neudorf, partie écrite », 9 February 2017, URL : [http://www.esch.lu/laville/pag/pag-pap/Documents/pe\\_StructureAccueilNeiduerf\\_App.pdf](http://www.esch.lu/laville/pag/pag-pap/Documents/pe_StructureAccueilNeiduerf_App.pdf)
- <sup>170</sup> Ombudsman, Rapport d'activité 2016, Mars 2017, p.32 ; Answer of the Minister of Family and Integration to parliamentary question n° 3301 of 18 Septemebr 2017 on applicants for international protection; Answer of the Minister of Family and Integration to parliamentary question n° 2810 of 4 April 2017 on food in reception facilities and Lëtzebuenger Flüchtlingsrot (LFR), « Luxembourg terre d'accueil ! Quid de l'intégration ? », Press release, Luxembourg, in: *asti.lu*, 20 June 2016.
- <sup>171</sup> Answer of the Minister of Family and Integration to parliamentary question n° 2810 of 4 April 2017 on food in reception facilities.
- <sup>172</sup> Answer of the Minister of Family and Integration to parliamentary question n° 3301 of 18 Septemebr 2017 on applicants for international protection.
- <sup>173</sup> Government of the Grand Duchy of Luxembourg, Council of Government, Press release, « Résumé des travaux du 8 mars 2017 », in: *gouvernement.lu*, 8 March 2017, URL : <http://www.gouvernement.lu/6780315/08-conseil-gouvernement?context=519177>
- <sup>174</sup> Information provided by OLAI on 21 August 2017.
- <sup>175</sup> *Ibidem*.
- <sup>176</sup> Information provided by SFA on 12 February 2018.
- <sup>177</sup> Information provided by OLAI on 13 February 2018.
- <sup>178</sup> OLAI, Ministry of Family, Integration and the Greater Region, « Remise de certificats de participation au parcours d'intégration accompagné », URL : <http://www.olai.public.lu/fr/actualites/2017/12/remise-certificats/index.html>
- <sup>179</sup> Ronnen Dësch, « 5<sup>e</sup> round du Ronnen Desch, 22 mai 2017, Ettelbruck – Däichall », 22 May 2017, URL : <https://www.ronnendes.lu/wp-content/uploads/2017/05/p.-Ettelbruck-.pdf>, pp.2-3
- <sup>180</sup> Answer to Parliamentary Question n°3314 of 20 October 2017 on language classes for applicants for international protection.
- <sup>181</sup> Information provided by OLAI on 1 March 2018.
- <sup>182</sup> Information provided by the SFA on 17 August 2017.
- <sup>183</sup> *Idem*.
- <sup>184</sup> OLAI, Ministry of Family, Integration and the Greater Region, « Remise de certificats de participation au parcours d'intégration accompagné », URL : <http://www.olai.public.lu/fr/actualites/2017/12/remise-certificats/index.html>
- <sup>185</sup> Lëtzebuenger Flüchtlingsrot (LFR), « Avis du LFR sur le Parcours d'intégration accompagné », Luxembourg, in: *lfr.lu*, 12 December 2017, URL : <https://www.lfr.lu/publications>
- <sup>186</sup> Art 6 of the Law of 18 December 2015 on the reception of applicants for international protection and applicants of temporary protection and modifying the amended law of 10 August 1991 on the profession of lawyer, Memorial N°A255 of 28 December 2015.
- <sup>187</sup> Directorate of Immigration, Ministry of Foreign and European Affairs, Bilan de l'année 2017 en matière d'asile et d'immigration, 2018, p.20
- <sup>188</sup> Answer of the Minister of Foreign and European Affairs to parliamentary question n°2801 of 1 March 2017 on temporary occupation authorisation (AOT).
- <sup>189</sup> Lëtzebuenger Flüchtlingsrot (LFR), « Quid de l'intégration ? », Press release, Luxembourg, in: *asti.lu*, 20 June 2017, URL : <http://www.asti.lu/wp-content/uploads/2017/07/Dossier-de-presse-LFR-20-juin-2017.pdf>
- <sup>190</sup> Ombudsman, Rapport d'activité 2016, Luxembourg, March 2017, p.73.
- <sup>191</sup> Portail de l'emploi, Embauche d'un bénéficiaire de protection internationale (BPI). URL : [http://www.adem.public.lu/fr/employeurs/recruter/Recruter\\_BPI\\_DPI/Recruter\\_BPI/index.html](http://www.adem.public.lu/fr/employeurs/recruter/Recruter_BPI_DPI/Recruter_BPI/index.html)
- <sup>192</sup> Answer of the Minister of Foreign and European Affairs to parliamentary question n°2943 of 28 April 2017 on applicants for international protection.
- <sup>193</sup> Information provided by the Health Inspection on 21 August 2017.

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- <sup>194</sup> LU EMN NCP, National Focussed Study ; Changing Influx of Asylum Seekers : Member State responses (2014-2016).
- <sup>195</sup> *Idem.*
- <sup>196</sup> Information provided by the Directorate of Immigration on 7 August 2017.
- <sup>197</sup> *Idem.*
- <sup>198</sup> Information provided by the Directorate of Immigration on 1 February 2018.
- <sup>199</sup> Directorate of Immigration, Bilan de l'année 2017 en matière d'asile et d'immigration, p.1
- <sup>200</sup> *Ibidem*, p.14.
- <sup>201</sup> 2012-2013 in application of the Dublin II regulation, 2014-2017 in application of the Dublin III regulation.
- <sup>202</sup> For the moment, the structure is only used for mostly male individuals waiting for their transfer to another EU member state that is responsible according to the EU regulation commonly called Dublin III. However, the structure was conceived as a return structure, and could thus be used as such, if such a decision were to be taken. Information provided by the Directorate of Immigration on 7 February 2018.
- <sup>203</sup> Ministry of Foreign and European Affairs, 8 February 2017, « Prise de position du Gouvernement », Séance publique n°23, Point d'ordre du jour n°23, [VIDEO], URL : <http://visilux.chd.lu/ArchivePage/video/1884/sequence/85081.html>
- <sup>204</sup> Parliamentary documents P.V. AEDCI 31 and P.V.FAIN 07, URL : [http://www.chd.lu/wps/PA\\_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=1425812&fn=1425812.pdf](http://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=1425812&fn=1425812.pdf)
- <sup>205</sup> Information provided by the Directorate of Immigration on 1 February 2018.
- <sup>206</sup> Directorate of Immigration, Bilan de l'année 2017 en matière d'asile et d'immigration, p.36.
- <sup>207</sup> Lëtzebuenger Flüchtlingsrot (LFR), « Entretien Collectifréfugiésluxembourg-lëtzebuengerflüchtlingsrot avec Nils MUIZNIEKS, Commissaire européen aux Droits de l'Homme », in : *lfr.lu*, 18 September 2017, URL : <https://www.lfr.lu/publications>
- <sup>208</sup> Grand Ducal Regulation of 5 December 2017, modifying the Grand ducal regulation of 21 December 2007 fixing a list of safe countries of origin, published in Memorial A N°1109 of 21 December 2017.
- <sup>209</sup> Answer of the Minister of Foreign and European Affairs to parliamentary question n°3088 of 12 July 2017 on possible temporary return of refugees to their country of origin.
- <sup>210</sup> Directorate of Immigration, Bilan de l'année 2017 en matière d'asile de d'immigration, p.5
- <sup>211</sup> Information provided by the Directorate of Immigration on 17 August 2017.
- <sup>212</sup> Answer of the Minister of Foreign and European Affairs to parliamentary question n°3850 of 5 June 2018 on applications for international protection.
- <sup>213</sup> Answer of the Minister of Foreign and European Affairs to parliamentary question n°3401 of 26 October 2017 on the reception and integration of foreigners.
- <sup>214</sup> *Idem.*
- <sup>215</sup> See LABOULLE, Luc, « Ich kann nicht zurück », in : *tageblatt*, published on 23 December 2017, p.44; UNKNOWN, « Der Irak ist nicht sicher », published on 23 December 2017 in : *Lëtzebuenger Journal*, p.10 and CHASSAING, Guillaume, « J'ai peur de retourner en Irak », in : *Le Quotidien*, published on 23 December 2017, p.5.
- <sup>216</sup> For a definition of "indiscriminate violence" (violence aveugle) see: European Migration Network, Asylum and Migration Glossary 6.0, May 2018, URL: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/docs/interactive\\_glossary\\_6.0\\_final\\_version.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/docs/interactive_glossary_6.0_final_version.pdf)
- <sup>217</sup> See for instance : Administrative tribunal, Public Hearing of 3 October 2017, N°38857 out of the list, pp. 9-10.
- <sup>218</sup> See for instance:
- (1) Administrative Court, Public Hearing of 27 October 2017, N°40308C out of the list, p.4. (case of Iraqi national)
- « Selon le délégué du gouvernement, les conditions cumulatives posées par l'article 48 de la loi du 18 décembre 2015 ne seraient pas remplies. Plus particulièrement, la situation sécuritaire générale en Irak ne correspondrait pas aux critères de l'article 48 sub c) de la loi du 18 décembre 2015... » « ...Le délégué reproche aux premiers juges d'avoir retenu de manière générale et abstraite, que l'on serait en présence d'un « conflit armé interne » et de « violences aveugles » sur tout le territoire irakien, pareille appréciation étant manifestement « trop simpliste » au regard des dimensions territoriales du pays. Il reproche ainsi aux premiers juges de ne pas avoir fait une analyse plus poussée de la situation sécuritaire en Irak, étant soutenu que seule une analyse complète, exhaustive et minutieuse de la situation sécuritaire de la région, respectivement de la ville d'origine des époux ... aurait permis de trancher la question relative à l'existence de menaces graves et individuelles en raison d'une violence aveugle en cas de conflit armé interne ou international au sens de l'article 48 sub c) précité, telles que ces notions ont été interprétées par la Cour de justice de l'Union européenne (CJUE) dans les affaires ELGAFAJI du 17 février 2009 et DIAKITE du 30 janvier 2014. Dans ce contexte, le représentant étatique se réfère encore à différents rapports internationaux et à la jurisprudence internationale (notamment allemande, autrichienne et belge) et il insiste sur le fait qu'il serait majoritairement reconnu dans les Etats membres de l'Union européenne que le seul fait d'être originaire d'Irak ou de Bagdad ne justifierait pas automatiquement l'octroi du statut conféré par la protection subsidiaire. »
- (2) Administrative Court, Public Hearing of 4 January 2018, N°40256C out of the list, p.8. (case of Afghan national)

« Concernant ensuite l'appel étatique visant l'octroi, par les premiers juges, à Monsieur ... du statut conféré par la protection subsidiaire, le délégué du gouvernement estime en premier lieu que la situation sécuritaire générale en Afghanistan ne correspondrait pas aux critères inscrits à l'article 48, point c), de la loi du 18 décembre 2015, à savoir que l'intimé serait exposé à faire l'objet « des menaces graves et individuelles contre la vie ou la personne d'un civil en raison d'une violence aveugle en cas de conflit armé interne ou international ». Il soutient que les premiers juges auraient commis des erreurs d'appréciation concernant les notions de « conflit armé interne » et de « violences aveugles » qui devraient s'apprécier cumulativement et que l'existence de menaces graves et individuelles contre la vie ou la personne d'un demandeur de protection subsidiaire pourrait exceptionnellement être considérée comme établie lorsque le degré de violence aveugle caractérisant le conflit armé en cours atteindrait un niveau si élevé qu'il existe de motifs sérieux et avérés de croire qu'un civil renvoyé dans son pays courrait du seul fait de sa présence sur le territoire un risque réel de subir lesdites menaces. Plus précisément, il reproche aux premiers juges, d'une part, d'avoir retenu de manière générale et abstraite que l'on serait en présence d'un conflit armé interne sur tout le territoire afghan, appréciation qui serait trop simpliste, et, d'autre part, d'avoir retenu que le conflit en Afghanistan aurait atteint un niveau tel qu'on pourrait parler de manière générale de « violences aveugles », ceci sur tout le territoire afghan. »

<sup>219</sup> Administrative Court, Public Hearing of 4 January 2018, N°40256C out of the list, p.12.

« S'il est certes exact que l'intimé, comme la plupart des citoyens afghans a été en mesure de voyager régulièrement à l'intérieur de son pays d'origine, en l'occurrence entre ... et ..., le rapport EASO, cité par le représentant étatique, relève néanmoins que 785 incidents sécuritaires ont eu lieu dans ces deux provinces entre septembre 2015 et mai 2016, soit sur une période de 9 mois. Or, aux yeux de la Cour, la fréquence de ces incidents violents dans les régions de provenance de l'intimé, même si elles sont peuplées par plus de 2.000.000 d'habitants, caractérise une situation de « violence aveugle », les attentats et attaques des Talibans comportant un risque réel pour tout habitant dans ces régions du nord de l'Afghanistan de devenir la victime d'actes de terrorisme. Cette situation se trouve encore aggravée pour le cas de Monsieur ..., étant donné que celui-ci, en tant que professeur de mathématiques ayant travaillé pour le ministère de l'Education au niveau de l'éducation nationale, risque d'être particulièrement visé par des attaques des Talibans, les écoles publiques ainsi que les étudiants et enseignants étant des cibles privilégiées, tel que cela se dégage encore d'un rapport de la commission de l'immigration et du statut de réfugié du Canada (pièce 6 de la farde de pièces I déposée par l'appelant le 26 octobre 2017). Ainsi, la Cour se doit de constater que l'Afghanistan, y compris les provinces dont est originaire Monsieur ..., est actuellement en proie à un « conflit armé interne » dans le sens que des forces régulières d'un Etat, ainsi que des forces alliées internationales, affrontent un ou plusieurs groupes armés, dont notamment les Talibans et des groupes appartenant à l'« Etat Islamique ». Dans les circonstances données, la Cour arrive dès lors à la conclusion, à l'instar des premiers juges, que Monsieur ... est confronté, en cas de retour en Afghanistan, à un risque réel de subir des atteintes graves au sens de l'article 48, point c), de la loi du 18 décembre 2015. »

<sup>220</sup> Administrative Court, Public Hearing of 27 October 2017, N°40308C out of the list, pp.8-9.

« Au regard de l'ensemble des éléments d'appréciation lui soumis, la Cour est amenée à reconnaître que la situation de sécurité était et reste dangereuse et précaire dans différentes parties de l'Irak, et en particulier dans la ville de Bagdad, étant donné que les incidents violents continuent d'être nombreux et largement répandus. Si les derniers chiffres dont la Cour dispose témoignent indubitablement de nombreuses victimes dans la ville de Bagdad où les époux ... ont vécu avant leur départ, à savoir 86 civils tués dans des attentats au mois de mai 2017, 22 au courant du mois de juin 2017 et 38 au courant du mois de juillet 2017, il n'en reste pas moins que ces chiffres doivent être mis en relation avec le nombre total de la population vivant à Bagdad, à savoir environ 8 millions d'habitants. Or, sur base de la mise en relation du nombre des victimes d'incidents violents avec la population totale, il n'appert pas que la simple présence d'un individu à Bagdad, l'expose ipso facto, avec un certain degré de probabilité, à des menaces individuelles graves. Ainsi, le seul fait d'être originaire d'Irak et, plus particulièrement, de Bagdad n'est pas un élément justifiant à lui seul et automatiquement l'octroi du statut conféré par la protection subsidiaire. ... « Pour le surplus, au vu des éléments du dossier, il y a lieu de conclure qu'il n'existe pas non plus d'éléments susceptibles d'établir qu'il existerait de sérieuses raisons de croire que les époux ... encourraient, en cas de retour dans leur pays d'origine, un risque réel et avéré de subir des atteintes graves au sens de l'article 48 sub a) et sub b) de la loi du 18 décembre 2015, les intéressés omettant encore d'établir qu'ils risqueraient d'encourir la peine de mort ou l'exécution, respectivement de devoir subir des actes de torture ou des traitements ou sanctions inhumains ou dégradants. Au vu de ce qui précède, c'est dès lors à tort que les premiers juges ont accordé aux époux ... le statut conféré par la protection subsidiaire et il y a lieu, par réformation du jugement entrepris, de rejeter le recours en réformation dirigé contre la décision du ministre du 18 novembre 2016 portant refus de lademande de protection internationale des époux ... et leur ordonnant de quitter le territoire. »

See also cases 40005C of 7 December 2017, 39993C of 12 December 2017, 39992C of 7 December 2017, 39969C of 7 December 2017, 39944C of 27 July 2017.

<sup>221</sup> Ministry of Foreign and European Affairs, « Prise de position de Jean Asselborn, ministre de l'Immigration et de l'Asile », 21 December 2017, URL : [https://gouvernement.lu/fr/actualites/toutes\\_actualites/communiqués/2017/12-decembre/21-prise-position-immigration.html](https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2017/12-decembre/21-prise-position-immigration.html)

<sup>222</sup> Government of the Grand Duchy of Luxembourg, « Arrivée de 67 demandeurs de protection internationale depuis l'Italie et la Grèce dans le cadre de la relocalisation », 20 December 2017, p.18 in : [gouvernement.lu](http://www.gouvernement.lu), URL : <http://www.gouvernement.lu/7643729/20-arrivee-dpi>

<sup>223</sup> *Idem*.

<sup>224</sup> *Idem*.

<sup>225</sup> Government of the Grand Duchy of Luxembourg, « Arrivée de 52 demandeurs de protection internationale depuis la Grèce dans le cadre de la relocalisation », 22 March 2017, in : [gouvernement.lu](http://www.gouvernement.lu), URL : <http://www.gouvernement.lu/6819036/22-52-DPI?context=519177>

<sup>226</sup> Government of the Grand Duchy of Luxembourg, « Arrivée de 55 demandeurs de protection internationale depuis la Grèce dans le cadre de la relocalisation », 9 August 2017, in : [gouvernement.lu](http://www.gouvernement.lu), URL : <http://www.gouvernement.lu/7194705/09-demandeurs-relocalisation?context=519177>

<sup>227</sup> Government of the Grand Duchy of Luxembourg, « Arrivée de 67 demandeurs de protection internationale depuis l'Italie et la Grèce dans le cadre de la relocalisation », 20 December 2017, in : [gouvernement.lu](http://www.gouvernement.lu), URL : <http://www.gouvernement.lu/7643729/20-arrivee-dpi>

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- <sup>228</sup> Directorate of Immigration, Bilan de l'année 2017 en matière d'asile et de migration, p.16
- <sup>229</sup> Government of the Grand Duchy of Luxembourg, « Arrivée de 50 demandeurs de protection internationale depuis l'Italie dans le cadre de la relocalisation », 2 June 2017, in : *gouvernement.lu*, URL : <http://www.gouvernement.lu/7022641/02-dpi-relocalisation?context=519177>
- <sup>230</sup> Government of the Grand Duchy of Luxembourg, « Arrivée de 48 demandeurs de protection internationale depuis l'Italie dans le cadre de la relocalisation », 7 September 2017, in : *gouvernement.lu*, URL : <http://www.gouvernement.lu/7323709/07-arrivee-dpi-relocalisation?context=519177>
- <sup>231</sup> Government of the Grand Duchy of Luxembourg, « Arrivée de 52 demandeurs de protection internationale depuis l'Italie dans le cadre de la relocalisation », 25 October 2017, in : *gouvernement.lu*, URL : <http://www.gouvernement.lu/7494949/25-arrivee-demandeurs?context=519177>
- <sup>232</sup> Government of the Grand Duchy of Luxembourg, « Arrivée de 67 demandeurs de protection internationale depuis l'Italie et la Grèce dans le cadre de la relocalisation », 20 December 2017, in : *gouvernement.lu*, URL : <http://www.gouvernement.lu/7643729/20-arrivee-dpi>
- <sup>233</sup> Directorate of Immigration, Bilan de l'année 2017 en matière d'asile et de migration, p.16
- <sup>234</sup> Government of the Grand Duchy of Luxembourg, « Arrivée de 55 demandeurs de protection internationale depuis la Grèce dans le cadre de la relocalisation », 9 August 2017, in : *gouvernement.lu*, URL : <http://www.gouvernement.lu/7194705/09-demandeurs-relocalisation?context=519177>
- <sup>235</sup> Directorate of Immigration, Bilan de l'année 2017 en matière d'asile et de migration, p.16
- <sup>236</sup> European Migration Network, National Contact Point Luxembourg (LU EMN NCP), The Changing Influx of Asylum Seekers (2014 – 2016) : Member State Responses, Luxembourg, 2017, p.87
- <sup>237</sup> *Idem*.
- <sup>238</sup> Directorate of Immigration, Bilan de l'année 2017 en matière d'asile et d'immigration, p.13
- <sup>239</sup> Information provided by the Directorate of Immigration on 1 March 2018.
- <sup>240</sup> European Migration Network, National Contact Point Luxembourg (LU EMN NCP), (Member) States' approaches to Unaccompanied Minors following status determination, Luxembourg, 2017, p.6
- <sup>241</sup> Ombudscommitee for the rights of the child (ORK), Report 2017 to the Government and the Chamber of Deputies, Luxembourg, November 2017, p.90, URL: [http://ork.lu/files/Rapports\\_ORK/RAP2017Compil\\_AvecAnnexesVersionWeb.pdf](http://ork.lu/files/Rapports_ORK/RAP2017Compil_AvecAnnexesVersionWeb.pdf)
- <sup>242</sup> *Ibidem*, p.16.
- <sup>243</sup> *Ibidem*, p.17.
- <sup>244</sup> *Op. cit.* Law of 18 December 2015 on international protection and temporary protection, Art 5 (4).
- <sup>245</sup> *Op.cit.* Law of 18 December 2015 on the reception of applicants for international protection and temporary protection, Art 20.
- <sup>246</sup> See: <http://www.justice.public.lu/fr/famille/tutelle-curatelle/tutelle-curatelle/index.html>
- <sup>247</sup> *Op.cit.*, Ombudscommitee for the rights of the child (ORK), 2017, p.15 and pp.100-101.
- <sup>248</sup> Lëtzebuurger Flüchtlingsrot (LFR), « Communiqué de presse du Collectifréfugiésluxembourg-lëtzebuurgerflüchtlingsrot suite à la présentation du rapport de l'ORK concernant les mineurs réfugiés », Press release, Luxembourg, 28 December 2017, URL : <https://www.lfr.lu/publications>
- <sup>249</sup> Answer of the Minister of National Education, Childhood and Youth to parliamentary question n° 3404 of 27 October 2017 on family placing of unaccompanied minors.
- <sup>250</sup> Directorate of Immigration, Bilan de l'année 2017 en matière d'asile et d'immigration, p.13
- <sup>251</sup> *Idem*.
- <sup>252</sup> *Op.cit.*, Ombudscommitee for the rights of the child (ORK), 2017, p.15 and p.17.
- <sup>253</sup> *Idem*.
- <sup>254</sup> *Op cit.*, Lëtzebuurger Flüchtlingsrot (LFR), 2017.
- <sup>255</sup> *Op.cit.*, Ombudscommitee for the rights of the child (ORK), 2017, p.16.
- <sup>256</sup> Answer of the Minister of Family and Integration to parliamentary question n° 2752 of 8 February 2017 on female sexual mutilations.
- <sup>257</sup> Information provided by OLAI on 1 March 2018.
- <sup>258</sup> « *The attempt to commit this offence is punishable by imprisonment of 8 days to 1 year and by a fine from 251 to 5000€. If the mutilation has led to a disease that seems incurable or permanent incapacity to work, then the sanctions consist of 5 to 7 years imprisonment and a fine from 1000 to 25000€. If the mutilation was inflicted by a legitimate natural or adoptive ascendant of the victim, or of a person who has authority over the victim or who abused of the authority invested in them, the sanctions will be 7 to 10 years of prison and a fine of 2500 to 30000€.* » (translated from French) This measure is aimed to become Art 410 of the Penal Code, Section II.
- <sup>259</sup> Art 410 of the Penal Code, Section II of Bill n°7167 approving the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, signed in Istanbul on 11 May 2011 and amending (1) the Penal Code; 2) the Code of Criminal

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- Procedure; 3) the amended law of 8 September 2003 on domestic violence; 4) the amended law of 29 August 2008 on the free movement of persons and immigration, introduced in Parliament on 10 August 2017.
- <sup>260</sup> Parliamentary document 7167/01, Joint Opinion of the Prosecutor General's Office and the Luxembourg and Diekirch Public Prosecutors.
- <sup>261</sup> *Ibidem*.
- <sup>262</sup> *Ibidem*, p.3
- <sup>263</sup> Parliamentary document 7167/02, p.2
- <sup>264</sup> Parliamentary document 7167/03, p.2 and Parliamentary document 7167/04, p.15.
- <sup>265</sup> Answer of the Minister of Foreign and European Affairs to parliamentary question n°3003 of 13 June 2017 on LGBTI applicants of international protection.
- <sup>266</sup> Information provided by the Directorate of Immigration on 7 February 2018.
- <sup>267</sup> Answer of the Minister of Foreign and European Affairs to parliamentary question n°3003 of 13 June 2017 on LGBTI applicants of international protection.
- <sup>268</sup> Information provided by the Directorate of Immigration on 7 February 2018.
- <sup>269</sup> As of 17 May 2017. Answer of the Minister of Foreign and European Affairs to parliamentary question n°3003 of 13 June 2017 on LGBTI applicants of international protection.
- <sup>270</sup> Information provided by OLAI on 1 March 2018.
- <sup>271</sup> Law of 8 March 2017 approving 1) the Convention on the Reduction of Statelessness adopted on 30<sup>th</sup> August 1961, 2) the European Convention on Nationality of 6<sup>th</sup> November 1997 and 3) the Council of Europe Convention on the prevention of Statelessness in Relation to State Succession, published in Mémorial A N°288 of 17 March 2017.
- <sup>272</sup> *Op. cit.*, Bill n°7167, Art 6 adding a paragraph to Art 40, thus will become Art. 40(4) of the modified law of 29 August 2008 on the free movement of people and immigration.
- <sup>273</sup> *Ibidem*, Art 6(2), adding a paragraph to Art 78 (will become Art 78 (3)) of the modified law of 29 August 2008 on the free movement of people and immigration).
- <sup>274</sup> Parliamentary document 7167/02, p.3.
- <sup>275</sup> Parliamentary document 7167/03, p.4.
- <sup>276</sup> Parliamentary document 7167/04, p.15.
- <sup>277</sup> *Op. cit.*, Bill n°7167, Art 3.
- <sup>278</sup> Parliamentary document 7167/01, p.8 and Parliamentary document 7167/04, p.15.
- <sup>279</sup> The Interministerial Committee for Integration is composed of the Ministry of Family, Integration and the Greater Region, the Ministry of Labour, Employment and the Social and Solidary Economy, the Ministry of Higher Education and Research, the Ministry of Foreign and European Affairs, the Ministry of Economy, the Ministry of Equal Opportunities, the Ministry of Housing, the Ministry of Civil Service and Administrative Reform, the Ministry of Justice, the Ministry of National Education, Childhood and Youth, the Ministry of Health, the Ministry of Culture, the Ministry of Interior, as well as the National Employment Agency ADEM.
- <sup>280</sup> Government of the Grand Duchy of Luxembourg, Council of Government, Press release, « Résumé des travaux du 27 septembre 2017 », in: *gouvernement.lu*, 27 September 2017, URL : <http://www.gouvernement.lu/7391276/27-conseil-gouvernement>
- <sup>281</sup> Luxembourgish Red Cross, LISKO, Press release, « Inauguration du nouveau service pour l'intégration des réfugiés », 13 June 2016, URL: <http://www.croix-rouge.lu/blog/16819/lisko-inauguration-du-nouveau-service-pour-lintegration-des-refugies/> and interview with OLAI on 21 August 2017; ASTI asbl, Agence interculturelle, « Deuxièmes assises nationales de l'intégration au niveau local », on : *olai.lu* , p.41, URL : [http://www.olai-public.lu/fr/publications/brochures-depliants/11-assises/assises-2017\\_brochure.pdf](http://www.olai-public.lu/fr/publications/brochures-depliants/11-assises/assises-2017_brochure.pdf) and Information provided by the Ministry of Family, Integration and the Greater Region on 4 January 2018.
- <sup>282</sup> Luxembourgish Red Cross, LISKO, Rapport d'activité 2017, p.6.e
- <sup>283</sup> *Ibidem*, pp.1-6.
- <sup>284</sup> Government of the Grand Duchy of Luxembourg, ADEM, Portail de l'emploi, « Embauche d'un bénéficiaire de protection internationale (BPI) » on : *adem.lu*, URL : [http://www.adem.public.lu/fr/employeurs/recruter/Recruter\\_BPI\\_DPI/Recruter\\_BPI/index.html](http://www.adem.public.lu/fr/employeurs/recruter/Recruter_BPI_DPI/Recruter_BPI/index.html)
- <sup>285</sup> Agency for the development of employment (ADEM), *Comment embaucher un réfugié, Powerpoint presentation for ADEM Diversity Day Event*, on 11th May 2017.
- <sup>286</sup> Agency for the development of employment (ADEM), Rapport annuel 2017, Luxembourg, 2018. URL: <http://www.adem.public.lu/fr/publications/adem/2018/rapport-annuel-succinct/Annual-report-2017.pdf>
- <sup>287</sup> Please note that the numbers do not include BIPs who did not register at ADEM. The total number of BPI not having found access to the labour market in 2017 is higher. Information provided by ADEM on 26 April 2018.
- <sup>288</sup> Information provided by ADEM on 26 April 2018.

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- <sup>289</sup> As of 26 April 2018, the number has risen to 31 and will be further increased during the next months. Information provided by ADEM on 26 April 2018.
- <sup>290</sup> Information provided by ADEM on 6 December 2017 and Portail de l'emploi, Embauche d'un bénéficiaire de protection internationale (BPI), on adem.public.lu, URL : [http://adem.public.lu/fr/employeurs/recruter/Recruter\\_BPI\\_DPI/Recruter\\_BPI/index.html](http://adem.public.lu/fr/employeurs/recruter/Recruter_BPI_DPI/Recruter_BPI/index.html)
- <sup>291</sup> Art 2 of Parliamentary document n°7113/00.
- <sup>292</sup> Art 2 (2) of coordinated text of 22 June 2004 of the Law of 29 April 1999 creating a right to guaranteed minimum wage, as it has been modified, published in Mémorial A N°103 of 2 July 2004, URL: <http://legilux.public.lu/eli/etat/leg/tc/2004/06/22/n1/jo>
- <sup>293</sup> *Idem.*
- <sup>294</sup> *Idem.*
- <sup>295</sup> Parliamentary document n°7113/00, Art 3 (1) m).
- <sup>296</sup> Parliamentary document n°7113/00, Art 2 (1) b).
- <sup>297</sup> Parliamentary document n°7113/03, p.9.
- <sup>298</sup> ASTI asbl, « Le projet de loi du REVenU d'Inclusion Sociale maintient des inégalités envers les ressortissants de pays tiers et les jeunes », Press release, 18 July 2017, URL : [http://www.asti.lu/wp-content/uploads/2017/07/pl\\_7113\\_position\\_asti\\_180717.pdf](http://www.asti.lu/wp-content/uploads/2017/07/pl_7113_position_asti_180717.pdf)
- <sup>299</sup> Law of 8 June 2017 amending the modified law of 19 June 2013 on the identification of private persons, Mémorial A n°634, 11 July 2017, <http://data.legilux.public.lu/file/eli-etat-leg-loi-2017-06-08-a634-jo-fr-pdf.pdf>
- <sup>300</sup> Parliamentary document 7114/02, p.1 and Parliamentary document 7114/03, pp.2-3.
- <sup>301</sup> The bill has been adopted and the Law of 25 May 2018 amending Art 563 of the Penal Code by creating an offense of face concealment in certain public places was published in Memorial A N°413 of 28 May 2018.
- <sup>302</sup> Parliamentary document n°7179/01, p.1, quoting Parliamentary Document n°7179/00, p.8
- <sup>303</sup> Document parlementaire n°7179/05, p.1.
- <sup>304</sup> Parliamentary document n°7179/00, p.5.
- <sup>305</sup> Parliamentary document n°6705, parliamentary document n°6909, Motion of Gilles Roth, Parliamentarian: Reconsidération de la position antérieure du Gouvernement au sujet de la dissimulation du visage dans les lieux publics et dépôt d'un projet de loi y relatif. URL : [https://www.chd.lu/wps/PA\\_ArchiveSolr/FTSShowAttachment?mime=application%2fpdf&id=754D50623D6CD74E4C12C9563A503B77\\$034B6246458FE70F9D67B0BF14B195D0&fn=754D50623D6CD74E4C12C9563A503B77\\$034B6246458FE70F9D67B0BF14B195D0.pdf](https://www.chd.lu/wps/PA_ArchiveSolr/FTSShowAttachment?mime=application%2fpdf&id=754D50623D6CD74E4C12C9563A503B77$034B6246458FE70F9D67B0BF14B195D0&fn=754D50623D6CD74E4C12C9563A503B77$034B6246458FE70F9D67B0BF14B195D0.pdf)
- <sup>306</sup> Parliamentary document, n°6705, p.1, Parliamentary document n°6909, p.2.
- <sup>307</sup> Parliamentary document n°6909, p.4.
- <sup>308</sup> CAREGARI, L. *Voile intégral, un compromis boiteux*, in Woxx of 11 August 2017, pp. 4-5.
- <sup>309</sup> Parliamentary document n°7179/03, p.3.
- <sup>310</sup> *Ibidem*, p.4
- <sup>311</sup> Parliamentary document n°7179/01, p.18 and Parliamentary document n°7179/03, p.2.
- <sup>312</sup> Parliamentary document n°7179/00, p.7.
- <sup>313</sup> Parliamentary document 7179/00.
- <sup>314</sup> *Ibidem*, p.7.
- <sup>315</sup> The public spaces are: the services of public transport, on the grounds of and inside school establishments of fundamental, secondary, vocational secondary schools, establishments of vocational training, of adult training, of higher education of differentiated training, the speech-therapy centre (first phase reception centre), hospitals, health care establishments, buildings of the judiciary authorities, in public administrations and buildings inside which public services are administered. Parliamentary document 7179/00, p.7.
- <sup>316</sup> The Public Prosecutor Office and the Tribunal d'arrondissement de Luxembourg. See: Parliamentary document n°7179/01.
- <sup>317</sup> What transport services can be considered public and would hence be covered, what schools and school institutions should be covered, or whether retirement homes fall under the scope.
- <sup>318</sup> Parliamentary document n°7179/01.
- <sup>319</sup> Parliamentary document n°7179/03, p.6.
- <sup>320</sup> The ban applies in all means of collective transport of people, inside all school institutions, to all spaces destined to receive or house minors of less than 16 years, thus aiming at crèches and childcare centres, retirement homes (spaces intended to house elderly people. Parliamentary document n°7179/04, pp.2-6.
- <sup>321</sup> Parliamentary document n°7179/06.

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- <sup>322</sup> Parliamentary document n°7179/05, p.4.
- <sup>323</sup> *Ibidem*, pp.6-7, 9.
- <sup>324</sup> *Ibidem*, p. 9.
- <sup>325</sup> *Idem*.
- <sup>326</sup> Juridicial committee, « Procès-verbal de la réunion du 17 janvier 2018 », Ordinary Session 2017-2018, CL/PK P.V. J 07.
- <sup>327</sup> See for instance HILGERT, Romain, « Schleierhaft », published on 24 November 2017 in : *d'Lëtzebuenger Land*, p.4 ; BLOCK, Christian, « Die Sache mit dem Kompromiss », published on 24 November 2017 in : *Lëtzebuenger Journal*, p.2 ; JAKOBS, Tessie, « Vermummungsverbot : Instrumentalisierte Debatte » published on 16 February 2017 on : *worxx.lu*, URL : <http://www.worxx.lu/vermummungsverbot-instrumentalisierte-debatte/> and MUNCHEN, Charles, « Le voile « (non ?) islamique » » published on 9 December 2017 in : *tageblatt.lu*, p.24.
- <sup>328</sup> Assembly of the Muslim Community of the Grand Duchy of Luxembourg (Shoura), « *Commentaires de la Shoura par rapport au projet de loi portant modification de l'article 563 du Code pénal en créant une infraction d'interdiction de dissimulation du visage dans certains lieux publics* », published on unknown date, on : *shoura.lu*, URL: <http://shoura.lu/?paged=2>
- <sup>329</sup> National Council of Women of Luxembourg (CNFL), « Avis du Conseil National des Femmes du Luxembourg concerning bill n°7179 », on: *cnfl.lu*, published on 28 March 2018, URL: [http://www.cnfl.lu/site/2018-avis\\_PL%20no%207179\\_dissimulation%20visage.pdf](http://www.cnfl.lu/site/2018-avis_PL%20no%207179_dissimulation%20visage.pdf)
- <sup>330</sup> Government of the Grand Duchy of Luxembourg, Press release, « Signature de l'arrangement administratif de sécurité sociale avec le Maroc », in: *gouvernement.lu*, 17 October 2017, URL : <http://www.gouvernement.lu/7467179/17-schneiderr-maroc-securite?context=519177>
- <sup>331</sup> *Op. cit.* Agreement with Cape Verde, Art 8.
- <sup>332</sup> General Inspectorate of Social Security, *Droit de la sécurité sociale 2017*, p.55,  
URL : [http://www.mss.public.lu/publications/droit\\_securite\\_sociale/droit2017/droit\\_2017.pdf](http://www.mss.public.lu/publications/droit_securite_sociale/droit2017/droit_2017.pdf)
- <sup>333</sup> Parliamentary document n°6977/00 of 24 March 2016, p.21.
- <sup>334</sup> *Idem*.
- <sup>335</sup> *Op.cit.* Law on nationality, 8 March 2017, Art 6.
- <sup>336</sup> *Ibidem*, Art 15.
- <sup>337</sup> *Ibidem*, Art 16.
- <sup>338</sup> *Ibidem*, Art 6.
- <sup>339</sup> Bill n°6977 on Luxembourg nationality and repealing 1) the law of 23 October 2008 on Luxembourg nationality; 2) the law of 7 June 1989 on the transposition of surnames and forenames of persons who acquire or recover Luxembourg nationality, introduced in Parliament on 24 March 2016.
- <sup>340</sup> *Op.cit.* Law on nationality, 8 March 2017, Art 23.
- <sup>341</sup> *Ibidem*, Art 24.
- <sup>342</sup> *Ibidem*, Art 25.
- <sup>343</sup> *Ibidem*, Art 26.
- <sup>344</sup> *Ibidem*, Art 27.
- <sup>345</sup> *Ibidem*, Art 28.
- <sup>346</sup> *Ibidem*, Art 29.
- <sup>347</sup> *Ibidem*, Art 30.
- <sup>348</sup> *Ibidem*, Art 31.
- <sup>349</sup> *Ibidem*, Art 32.
- <sup>350</sup> *Ibidem*, Art 1ter (1).
- <sup>351</sup> *Ibidem*, Art 3 3°.
- <sup>352</sup> *Ibidem*, Art 3 4°.
- <sup>353</sup> *Ibidem*, Art 5 °2.
- <sup>354</sup> *Ibidem*, Art 89.
- <sup>355</sup> *Ibidem*, Art 85.
- <sup>356</sup> *Ibidem*, Art 86.

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- <sup>357</sup> Grand Ducal Regulation of 7 April 2017 concerning the course and exam « Living together in the Grand Duchy of Luxembourg », organised in the context of the procedure of acquisition of the Luxembourgish language, published in Memorial A N°437 of 24 April 2017.
- <sup>358</sup> *Ibidem*, Art. 1.
- <sup>359</sup> *Ibidem*, Art. 2.
- <sup>360</sup> Grand Ducal Regulation of 30 June 2017 on the Luxembourgish language evaluation exam organised in the context of the process of acquisition of the Luxembourgish nationality, published in Memorial A N°615 of 5 July 2017.
- <sup>361</sup> *Ibidem*, Art. 2.
- <sup>362</sup> *Ibidem*, Art. 3.
- <sup>363</sup> *Ibidem*, Art. 4.
- <sup>364</sup> *Ibidem*, Art. 5, 6, 7, 8, 9, 11.
- <sup>365</sup> *Ibidem*, Art. 14.
- <sup>366</sup> Information provided by STATEC in April 2018.
- <sup>367</sup> Information provided by the Ministry of Justice on 12 March 2018.
- <sup>368</sup> Ministry of Justice, « Procédures de nationalité luxembourgeoise évacuées – année 2017 », URL : [http://www.mj.public.lu/chiffres\\_cles/Ind\\_Stat\\_2017.pdf](http://www.mj.public.lu/chiffres_cles/Ind_Stat_2017.pdf)
- <sup>369</sup> Ministry of Family, Integration and the Greater Region, « Corinne Cahen présente la campagne "je peux voter" en vue de l'inscription des résidents étrangers sur les listes électorales communales », in : *gouvernement.lu*, 17 January 2017, URL : <http://www.gouvernement.lu/6655383/17-cahen-voter?context=519177>
- <sup>370</sup> Government of the Grand Duchy of Luxembourg, « Appel à projet 2017 », on: *Jepouvoter.lu*, URL: <http://www.jepouvoter.public.lu/fr/actualites/2017/appel.html>
- <sup>371</sup> Government of the Grand Duchy of Luxembourg, « Remise de diplômes aux multiplicateurs », 9 May 2017, in : *gouvernement.lu*, URL : <http://www.gouvernement.lu/6959870/09-cahen-diplomes?context=519177>
- <sup>372</sup> Information provided by OLAI on 1 March 2018
- <sup>373</sup> Government of the Grand Duchy of Luxembourg, « Élections communales du 8 octobre 2017 – nombre d'électeurs inscrits sur les listes électorales », 11 August 2017, in: *gouvernement.lu*, URL: <http://www.gouvernement.lu/7199784/11-elections-communales?context=519177>
- <sup>374</sup> Bill n°7118 modifying 1) The amended electoral law of 18 February 2003 and 2) The amended law of 4 February 2005 on the referendum on the national level, introduced in Parliament on 3 March 2017.
- <sup>375</sup> Law of 8 March 2018 modifying 1) The amended electoral law of 18 February 2003 and 2) the amended law of 4 February 2005 on the referendum on the national level, Memorial A N°178 of 12 March 2018.
- <sup>376</sup> *Ibidem*, Art. 2.
- <sup>377</sup> *Ibidem*, Art. 33.
- <sup>378</sup> Parliamentary document n°7118/05.
- <sup>379</sup> Parliamentary document n°7118/03, p. 1 and p.5.
- <sup>380</sup> Parliamentary document n°7118/04.
- <sup>381</sup> Law of 16 December 2008 on the reception and integration of foreigners in the Grand Duchy of Luxembourg, published in Memorial A N°209 of 24 December 2008
- <sup>382</sup> Government of the Grand Duchy of Luxembourg, Press release, « L'intégration au quotidien - Corine Cahen à la remise officielle des certificats de fin de contrat d'accueil et d'intégration », in: *gouvernement.lu*, 8 December 2017, URL : <http://www.olai.public.lu/fr/actualites/2017/12/cai/index.html>
- <sup>383</sup> Ministry of Family, Integration and the Greater Region, Rapport d'activité 2017 du ministère de la Famille, de l'Intégration et à la Grande Région, Luxembourg, February 2018, p.159.
- <sup>384</sup> The National Council of Foreigners is an official consultative body instituted by the articles 17 and after of the Law of 16 December 2008 concerning the reception and integration of foreigners in the Grand Duchy of Luxembourg. It is in charge of « studying, of its own initiative or upon request by the Government, the problems concerning strangers and their integration. »
- <sup>385</sup> Government of the Grand Duchy of Luxembourg, « Conseil national pour étrangers: appel à candidatures, in: *gouvernement.lu*, 16 June 2017, URL : <http://www.gouvernement.lu/7062242/15-cne-appel-candidatures?context=519177>
- <sup>386</sup> OLAI, Ministry of Family, Integration and the Greater Region, « Elections du conseil national pour étrangers du 8 juillet 2017 : Liste définitive », URL : <http://www.olai.public.lu/fr/actualites/2017/06/liste-provisoire/index.html>

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- <sup>387</sup> The CCCI are obligatory in all municipalities, in charge of the « community life » of all residents of the municipality, and more particularly of the interests of residents of foreign nationality. They are constituted of foreign and Luxembourgish residents. The functioning of the CCCI is regulated by the Grand Ducal Regulation of 15 November 2011 on the organisation and functioning of the Municipal Consultative Integration Commissions.
- <sup>388</sup> Art 3 of the Grand Ducal Regulation of 15 November 2011 on the organisation and functioning of the municipal consultative integration commissions, Memorial A N°237 published on 22 November 2011.
- <sup>389</sup> Ministry of National Education, Childhood and Youth, Rapport d'activité 2017, p.136.
- <sup>390</sup> *Ibidem*, p.78.
- <sup>391</sup> *Ibidem*, p.79.
- <sup>392</sup> « Innovation rime aussi avec diversification de l'offre scolaire pour dessiner les contours d'un paysage scolaire aussi diversifié que le sont les élèves. L'extension de l'offre internationale dans toutes les régions du pays, participe de cet effort. L'objectif est de créer une offre pour chaque élève, peu importe d'où il vient et la langue qu'il parle, avec du personnel de l'Éducation nationale, dans les écoles publiques pour encourager la cohésion sociale. » cited from : Government of the Grand Duchy of Luxembourg, « Rentrée 2017-2018 : Mat Vertrauen an Innovatioun an d'Zukunft », on : [gouvernement.lu](http://www.gouvernement.lu) 14 September 2017, URL : <http://www.gouvernement.lu/7347295/14-meisch-rentree-scolaire>
- <sup>393</sup> Law of 23 December 2016 concerning the extension of the school offer of Lycée technique Michel Lucius and modifying its name, published in Memorial A N°272 on 27 December 2016.
- <sup>394</sup> Government of the Grand Duchy of Luxembourg, « École internationale de Differdange: signature de la convention d'agrément et de collaboration », in : [gouvernement.lu](http://www.gouvernement.lu), 16 May 2017, URL : <http://www.gouvernement.lu/6979089/16-meisch-differdange?context=519177>
- <sup>395</sup> Law of 15 December 2017 amending the law of 26 February 2016 establishing a public international school in Differdange, published in Memorial N°1078 of 18 December 2017.
- <sup>396</sup> Lënster Lycée in Junglinster, Lycée Edward Steichen in Clervaux and Lycée in Mondorf-les-Bains
- <sup>397</sup> Ministry of National Education, Childhood and Youth, « L'enseignement européen, partie intégrante de l'offre scolaire luxembourgeoise », Press release of 8 December 2017, URL : <http://www.men.public.lu/fr/actualites/articles/communiqués-conference-presse/2017/12/08-section-europeenne/index.html>
- <sup>398</sup> Answer of the Minister for National Education, Childhood and Youth to Parliamentary Question n°3530 of 16 January 2018 concerning the educational offer for young people having passed the school obligation age, p.3.
- <sup>399</sup> *Idem*.
- <sup>400</sup> Information provided by SECAM on 6 September 2017.
- <sup>401</sup> Information provided by SFA on 17 August 2017 and Lifelong-learning, « Classes de 9<sup>e</sup> » on: [lifelong-learning.lu](http://www.lifelong-learning.lu/Detail/Article/Accueil/classes-de-9e/fr), URL: <http://www.lifelong-learning.lu/Detail/Article/Accueil/classes-de-9e/fr>
- <sup>402</sup> Ministry of National Education, Childhood and Youth, «Dossier de presse: Ènnerschildlech Schoulen fir Ènnerschildlech Schüler – La réforme du lycée », press release of 14 July 2017, p.17, URL: <http://www.men.public.lu/catalogue-publications/themes-transversaux/dossiers-presse/2015-2016/160714-reforme-lycee.pdf> ; Parliamentary document n° 7072/00 and parliamentary document n°7072/09, amendment 2.
- <sup>403</sup> Parliamentary document n°7072/00, pp.2-3.
- <sup>404</sup> Parliamentary document n°7072/06
- <sup>405</sup> Parliamentary document n°7072/07
- <sup>406</sup> Parliamentary document n° 7072/03, p.2.
- <sup>407</sup> Law of 29 August 2017 modifying 1. the amended Law of 4 July 2008 on youth ; 2. the Law of 18 March 2013 on the treatment of personal data concerning pupils, Memorial A N°791 of 6 September 2017.
- <sup>408</sup> Government of the Grand Duchy of Luxembourg, Council of Government, « Faire entendre aux enfants aujourd'hui, les langues qu'ils parleront demain », in: [gouvernement.lu](http://www.gouvernement.lu), 20 Mars 2017, URL: <http://www.gouvernement.lu/6814074/20-meisch-plurilingue?context=519177>
- <sup>409</sup> Government of the Grand Duchy of Luxembourg, « Trente experts nationaux et internationaux soulignent les chances du plurilinguisme dans la petite enfance », in: [gouvernement.lu](http://www.gouvernement.lu), 11 July 2017, URL: <http://www.gouvernement.lu/7126429/11-plurilinguisme?context=519177>
- <sup>410</sup> Ministry of National Education, Childhood and Youth, Rapport d'activité 2017, p.79.
- <sup>411</sup> Ministry of National Education, Childhood and Youth, Rapport d'activité 2016, pp.70-71, and Ministry of National Education, Childhood and Youth, Rapport d'activité 2017, p.79.
- <sup>412</sup> Information provided by SFA on 20 February 2018.
- <sup>413</sup> Ministry of National Education, Childhood and Youth, Rapport d'activité 2017, p.70.
- <sup>414</sup> Ministry of National Education, Childhood and Youth, Government of the Grand Duchy of Luxembourg, « Une stratégie pour promouvoir la langue luxembourgeoise », 9 March 2017, in: [men.lu](http://www.men.public.lu/fr/actualites/articles/communiqués-conference-presse/2017/03/09-strategie-letzebuergesch/index.html), URL: <http://www.men.public.lu/fr/actualites/articles/communiqués-conference-presse/2017/03/09-strategie-letzebuergesch/index.html>
- <sup>415</sup> Ministry of National Education, Childhood and Youth, Rapport d'activités 2017, p.68.

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- <sup>416</sup> Ministry of National Education, Childhood and Youth, Government of the Grand Duchy of Luxembourg, « Une stratégie pour promouvoir la langue luxembourgeoise », 9 March 2017, in: *men.lu*, URL: <http://www.men.public.lu/fr/actualites/articles/communiqués-conference-presse/2017/03/09-strategie-letzebuergesch/index.html>
- <sup>417</sup> Information provided by the Ministry of Labour, Employment and Social and Solidary Economy on 12 January 2018.
- <sup>418</sup> Linguistic leave cannot surpass 200 hours. It is compulsory that this maximum duration is divided into two segments of at least 80 hours and at most 120 hours each for each beneficiary over the course of his or her career. A person only has access to the second segment if the person can provide a diploma or certificate of achievement of the training in the first segment. Inspectorate of Labour and Mines (ITM), « Le congé linguistique », on: *itm.lu*, URL: <http://www.itm.lu/home/faq/ddt/conges/conge-linguistique.html#anchor9887f97d-e456-4e15-98e5-65430f42ccd4>
- <sup>419</sup> Government of the Grand Duchy of Luxembourg, « Le dictionnaire élémentaire français – farsi/dari – luxembourgeois, pour une intégration réussie », in: *gouvernement.lu* 4 May, Press release, 2017, URL: <http://www.gouvernement.lu/6947611/04-meisch-dictionnaire?context=519177>
- <sup>420</sup> Petition n°698, the main aim of which was to lay down in legislation Luxembourgish as the first official and national language for all residents, indeed enjoyed notable success. It exceeded the threshold of 4.500 signatures for a public debate within the Committee on Petitions and the relevant sectoral committee by far, with a total of 14.724 signatures. Although the author of the petition distanced himself from any “*racist, populist and xenophobic discourse*” surrounding his petition, he also stated that the motivation behind it was to preserve the Luxembourgish language from extinction.
- In response to the latter, petition n°725, which defended the multilingualism of the Grand Duchy by insisting on the need to maintain linguistic flexibility in view of immigrants’ and foreign workers’ contribution to the country’s wealth, also exceeded the threshold of 4.500 signatures (5.182 in total).
- See LU EMN NCP, Annual Report on Migration and Asylum 2016, Luxembourg, 2017
- <sup>421</sup> Ministry of National Education, Childhood and Youth, Government of the Grand Duchy of Luxembourg, « Une stratégie pour promouvoir la langue luxembourgeoise », 9 March 2017, in: *men.lu*, URL: <http://www.men.public.lu/fr/actualites/articles/communiqués-conference-presse/2017/03/09-strategie-letzebuergesch/index.html>
- <sup>422</sup> *Idem*.
- <sup>423</sup> *Idem*.
- <sup>424</sup> Ministry of National Education, Childhood and Youth and Ministry of Culture, « Dossier de presse – Projet de loi sur la promotion de la langue luxembourgeoise », in: *gouvernement.lu*, 16 novembre 2017, URL: <https://www.gouvernement.lu/7570397/171116-loi-luxembourgeois-FR.pdf>
- <sup>425</sup> Government of the Grand Duchy of Luxembourg, « Gewosst wéi!”, eng Brochure mat de wictegste Reegelen iwwert d’Lëtzebuenger Orthographie, elo gratis bestellen », in: *gouvernement.lu*, 11 May 2017, URL: <http://www.gouvernement.lu/6966761/11-gewosst-wei?context=519177>
- <sup>426</sup> “*Dës Strategie, déi mer opgestallt hunn, ass eng Äntwert op Ängschten an awer och op Be soinen, déi et ëm a fir d’Lëtzebuenger Sprooch gëtt.*”, Declaration of the State Secretary for Culture, Guy Arendt, Compte rendu des Séances Publiques n°10, séance publique du 15 Mars 2017, p.357, URL: [http://www.chd.lu/wps/wcm/connect/public/773a24b3-88c8-411a-b276-fcdd7313215e/Chambre\\_1017\\_Internet.pdf?MOD=AJPERES&CONVERT\\_TO=url&CACHEID=ROOTWORKSPACE.Z18\\_KHCC1240NODGE0AJHT6HU41083-773a24b3-88c8-411a-b276-fcdd7313215e-1Or3vpQ](http://www.chd.lu/wps/wcm/connect/public/773a24b3-88c8-411a-b276-fcdd7313215e/Chambre_1017_Internet.pdf?MOD=AJPERES&CONVERT_TO=url&CACHEID=ROOTWORKSPACE.Z18_KHCC1240NODGE0AJHT6HU41083-773a24b3-88c8-411a-b276-fcdd7313215e-1Or3vpQ)
- <sup>427</sup> Compte rendu des Séances Publiques n°10, public session of 15 March 2017.
- <sup>428</sup> Law of 7 November 2017 completing the transposition of Directive 1014/54/EU of 16 April 2014 on measures facilitating the exercise of right conferred to workers in the context of the free circulation of workers modifying the amended law of 28 November 2006, Art 4.1., modifying Art 1 (§1) and 2, b) of the amended law of 28 November 2006.
- <sup>429</sup> *Ibidem*, Art. 4.2 modifying Art 2 (§2) of the amended law of 28 November 2006.
- <sup>430</sup> *Ibidem*, Art. 4.3 modifying Art 8 of the amended law of 28 November 2006.
- <sup>431</sup> *Ibidem*, Art. 4.4 modifying Art 8 of the amended law of 28 November 2006.
- <sup>432</sup> *Ibidem*, Art. 1.1. modifying Art L.251-1, § 1 and 2, b) of the Labour Code.
- <sup>433</sup> *Ibidem*, Art. 1.3. adding to the Art L.251-2 a new paragraph 3.
- <sup>434</sup> *Ibidem*, Art. 2 completing Art 1bis §1, 1st line of the amended Law of 16 April 1979 fixing the general status of civil servants.
- <sup>435</sup> *Ibidem*, Art. 3 completing Art 1bis §1 of the amended Law of 24 December 1985 fixing the general status of municipal civil servants.
- <sup>436</sup> Government of the Grand Duchy of Luxembourg, « Deuxièmes Assises nationales de l’intégration au niveau local: une plateforme d’échange pour les administrations communales en faveur de l’intégration locale », in: *gouvernement.lu*, 2017, URL: <http://www.gouvernement.lu/6720915/13-assises-nationales?context=519177> and ASTI asbl, Agence interculturelle, « Deuxièmes assises nationales de l’intégration au niveau local », on: *olai.lu*, URL: [http://www.olai.public.lu/fr/publications/brochures-depliants/11-assises/assises-2017\\_brochure.pdf](http://www.olai.public.lu/fr/publications/brochures-depliants/11-assises/assises-2017_brochure.pdf)

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- <sup>437</sup> OLAI, Circulaire n°3474 aux administrations communales, « Appel à projets », on: *olai.lu*, 14 April 2017, URL : [www.olai.public.lu/fr/actualites/2017/04/subsides-communes/index.html?highlight=appel"à"projets](http://www.olai.public.lu/fr/actualites/2017/04/subsides-communes/index.html?highlight=appel%20a%20projets)
- <sup>438</sup> OLAI, Circulaire n°3475 aux administrations communales, « Appel à projets », on: *olai.lu*, 14 April 2017, URL : <http://www.olai.public.lu/fr/actualites/2017/04/subsides-plan-communal-integration/index.html>
- <sup>439</sup> The PCI is a tool allowing municipalities to implement on their territory a durable, transversal, structured integration policy that implicates the largest amount of local actors.
- <sup>440</sup> OLAI, Circulaire n°3480 aux administrations communales, « Journée mondiale des réfugiés le 20 juin 2017 – subsides aux communes », on: *olai.lu*, 27 April 2017, URL : <http://www.olai.public.lu/fr/actualites/2017/05/circulaire-3480/circulaire-3480.pdf>
- <sup>441</sup> OLAI, Circulaire n°3512 aux administrations communales, «Appel à projets – subsides pour des projets ayant pour objet l’intégration des étrangers », on: *olai.lu*, 6 septembre 2017, URL : <http://www.olai.public.lu/fr/publications/programmes-planactions-campagnes/subsides-communes/circulaire-3512.pdf>
- <sup>442</sup> Ministry of Family, Integration and the Greater Region, Rapport d’activité 2017, February 2018, p.157, URL: <https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-famille-integration-grande-region/2017-rapport-activite-famille/2017-rapport-activite-famille.pdf>
- <sup>443</sup> Directorate of Immigration, Bilan de l’année 2017 en matière d’asile et d’immigration, p.28
- <sup>444</sup> *Ibidem*, p.29
- <sup>445</sup> *Op. cit.* Agreement with Cape Verde, 20 July 2017, Art 5.
- <sup>446</sup> *Ibidem*, Art 7 (2).
- <sup>447</sup> *Ibidem*, Art 9.
- <sup>448</sup> *Ibidem*, Art 9 (7).
- <sup>449</sup> *Ibidem*, Art 10 (2).
- <sup>450</sup> *Ibidem*, Art 3 (2).
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- <sup>452</sup> *Op. cit.*, Bill n°7191, Art 28.
- <sup>453</sup> Agreement between the Benelux States and the Republic of Kazakhstan on the readmission of people in an irregular situation and its application protocol, made in Brussels on 2 March 2015 – Entry into force and list of linked states, Memorial A N°541 of 1 June 2017. URL: <http://legilux.public.lu/eli/etat/leg/div/2017/06/01/a541/jo>
- <sup>454</sup> Directorate of Immigration, Bilan de l’année 2017 en matière d’asile et d’immigration, p.32.
- <sup>455</sup> Parliamentary document n°7238/00.
- <sup>456</sup> Directorate of Immigration, Bilan de l’année 2017 en matière d’asile et d’immigration, p.32
- <sup>457</sup> Government of the Grand Duchy of Luxembourg, « Visite de travail de Jean Asselborn en république du Kosovo », 29 March 2017, on : *gouvernement.lu*, URL : <http://www.gouvernement.lu/6847241/29-asselborn-kosovo?context=519177>; Government of the Grand Duchy of Luxembourg, « Visite de travail de Jean Asselborn en Serbie », 30 March 2017, on : *gouvernement.lu*, URL : <http://www.gouvernement.lu/6850661/30-asselborn-serbie?context=519177> and Government of the Grand Duchy of Luxembourg, « Visite de travail de Jean Asselborn au Monténégro », 31 March 2017, on : *gouvernement.lu*, URL : <http://www.gouvernement.lu/6853204/30-asselborn-montenegro?context=519177>
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- <sup>459</sup> *Op.cit.* Law of 8 March 2017 modifying the amended law of 28 August 2009 on the free movement of people and immigration, Art II.
- <sup>460</sup> The bill was adopted with 58 votes in favor and 2 votes against (from the Left Party – *Déi Lénk*).
- <sup>461</sup> Ombudscommittee for the rights of the child (ORK), Report 2017 to the Government and the Chamber of Deputies, Luxembourg, November 2017, p.16, URL: [http://ork.lu/files/Rapports\\_ORK/RAP2017Compil\\_AvecAnnexesVersionWeB.pdf](http://ork.lu/files/Rapports_ORK/RAP2017Compil_AvecAnnexesVersionWeB.pdf)
- <sup>462</sup> Lëtzebuurger Flüchtlingsrot (LFR), « Communiqué de presse du Collectifréfugiésluxembourg-lëtzebuurgerflüchtlingsrot suite à la présentation du rapport de l'ORK concernant les mineurs réfugiés », Press release, Luxembourg, 28 December 2017, URL: <https://www.lfr.lu/publications>
- <sup>463</sup> Detention Centre, Ministry of Foreign and European Affairs, Premier bilan du fonctionnement du Centre de rétention, 2018, pp.22-26.
- <sup>464</sup> *Ibidem*, pp.28.
- <sup>465</sup> *Ibidem*, pp.12-20.
- <sup>466</sup> *Ibidem*, p.4.
- <sup>467</sup> *Ibidem*, pp.1-2.

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- <sup>468</sup> *Ibidem*, p.10.
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- <sup>472</sup> *Ibidem*, pp.4-5.
- <sup>473</sup> *Ibidem*, pp.5-10.
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- <sup>475</sup> *Ibidem*, p.14.
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- <sup>482</sup> Parliamentary document n°7008/00 of 27 June 2016.
- <sup>483</sup> Ministry of Equal Opportunities, Government of the Grand Duchy of Luxembourg, « Plan d'action national « Prostitution » », Luxembourg, 29 June 2016, URL : <http://www.mega.public.lu/fr/publications/publications-ministere/2016/plan-daction-national-prostitution/index.html>
- <sup>484</sup> Law of 28 February 2018 strengthening the fight against the exploitation of prostitution, procuring and the trafficking of human beings for sexual ends and modifying 1) the Code of Criminal Procedure, 2) the Criminal Code, published in Memorial A n°170 of 9 March 2018.
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- <sup>490</sup> *Idem*.
- <sup>491</sup> *Idem*.
- <sup>492</sup> *Comité de suivi de la lutte contre la traite des êtres humains* and Caritas, Conference-Debate « Travail forcé, vous connaissez? » URL: [http://imslux.bunkerpalace.com/files/conference\\_invitation.pdf](http://imslux.bunkerpalace.com/files/conference_invitation.pdf)
- <sup>493</sup> The training course « Informer et sensibiliser le public cible par rapport au phénomène de la traite et la possibilité de détecter des victimes de la traite (femmes, hommes, enfants, mineurs non accompagnés) » URL : <https://fonction-publique.public.lu/fr/formations/catalogue/secteur-etatique/05ADM/DROIT/05-1-SUJADM/05-1-1-33/index.html>
- <sup>494</sup> Information provided by the CCDH on 4 January 2018.
- <sup>495</sup> *Idem*.
- <sup>496</sup> *Idem*.
- <sup>497</sup> *Op.cit.* Agreement with Cape Verde, 20 July 2017.
- <sup>498</sup> Parliamentary document n°7107/00, p.2.
- <sup>499</sup> *Ibidem*, p.6.
- <sup>500</sup> *Ibidem*, Art 1 f), p.7.
- <sup>501</sup> *Op.cit.*, Agreement with Cape Verde, 20 July 2017, Art 2 and 3.
- <sup>502</sup> *Ibidem*, Art 5.
- <sup>503</sup> *Ibidem*, Art 6.
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<sup>510</sup> *Idem*.

<sup>511</sup> *Idem*.

<sup>512</sup> *Idem*.

<sup>513</sup> *Op.cit.*, Agreement with Cape Verde, 20 July 2017, Art 2 and 3.

<sup>514</sup> *Ibidem*, Art 6.

<sup>515</sup> *Ibidem*, Art 5.

<sup>516</sup> *Ibidem*, Art 7.

<sup>517</sup> Information provided by the Directorate of Development Cooperation and Humanitarian Action on 29 January 2018.

<sup>518</sup> Parliamentary document n°7107/00, p.6.

<sup>519</sup> *Op.cit.*, Agreement with Cape Verde, 20 July 2017, Art 4.

<sup>520</sup> *Ibidem*, Art 5.1.

<sup>521</sup> *Ibidem*, Art 7.

<sup>522</sup> *Ibidem*, Art 10 (2).

<sup>523</sup> Information provided by the Directorate of Development Cooperation and Humanitarian Action on 29 January 2018.

<sup>524</sup> *Idem*.

<sup>525</sup> *Idem*.

<sup>526</sup> *Idem*.

<sup>527</sup> *Idem*.

<sup>528</sup> *Idem*.

<sup>529</sup> *Op.cit.*, Agreement with Cape Verde, 20 July 2017, Art 11.

<sup>530</sup> Information provided by the Directorate of Development Cooperation and Humanitarian Action on 29 January 2018 and 8 February 2018.

<sup>531</sup> Information provided by the Directorate of Development Cooperation and Humanitarian Action on 29 January 2018

<sup>532</sup> *Idem*.



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