2019
ANNUAL REPORT ON
MIGRATION AND ASYLUM
SUMMARY

The present report provides an overview of the main developments and debates in relation to migration and asylum in Luxembourg in 2019.

Luxembourg remains an important country of immigration, as evidenced by the figures on net migration, which remains the main reason for the demographic growth of the Luxembourgish resident population. Net immigration of third-country nationals remains high (7 336) and exceeds that of citizens of the European Union (EU; 4 806).

The number of people applying for international protection remained high in 2019 (2 047 applications) compared to the levels registered pre- ‘migration crisis’ (1 091 in 2014). Family reunification remains the principal reason for third-country nationals to immigrate to Luxembourg, followed by economic reasons and international protection.

Several major developments occurred in the field of legal migration. The introduction of a new long-term visa simplifies the entry and stay of third-country nationals for a period of up to one year, without having to apply for a residence permit.

In order to guarantee the rights of British citizens working and residing in Luxembourg before the withdrawal of the United Kingdom (UK) from the EU (Brexit) four laws were adopted, most of them were supposed to enter into force if there was a non-deal Brexit. In 2019, the impact of Brexit was already noticeable in the area of irregular migration for example, with an increase of people trying to migrate to the UK with false documents,¹ as well as, with an increase in naturalisations of British residents. This last trend started in 2017, already.

Other important changes related to migration result from the adoption of the law of 4 December 2019 amending the law of 29 August 2009 on the free movement of persons and immigration (hereinafter Immigration Law).² This law takes into account the expert’s comments during the evaluation in 2016 of the application of Schengen. Concerning irregular migration, it increased two types of sanctions: on the one hand, for people who have knowingly made false declarations to competent authorities or knowingly produced falsified or inaccurate documents to enter the territory or to obtain or renew residence permits, and on the other hand for carriers that transport third-country nationals without the correct documentation. With respect to detention and return, it introduced a procedure for reviewing prolonged detention periods under the judicial review of the First Instance Administrative Court.³ It also enables the Grand Ducal Police to access the place of residence of a third-country national being removed if the person (or the owner of the property) is refusing entry.⁴ Finally it establishes an interdisciplinary commission to evaluate the best interest of unaccompanied minors (UAMs) in return decisions. The latter was also a source for public debate and was highlighted in the annual report of the Ombuds-Comittee for the Rights of the Child (Ombuds-Comité fir d’Rechter vum Kand –ORK), as well as issues around the status, the protection and the age assessment of UAMs.

In the field of international protection, the accessibility of housing (which is a general problem in Luxembourg) worsened during 2019 due to a growing population and limited affordable offers on the housing market. This phenomenon affects also the accommodation capacities for applicants of international protection (AIPs). Once the persons are granted international protection, they cannot access the housing market and are obliged to continue residing in the reception facilities for AIPs.
As a result, the occupation rate surpassed 80% thus entering into a state of chronic saturation. In that respect, the Government took several steps towards awareness raising in municipalities to encourage them to engage in initiatives for accommodation possibilities for AIPs or beneficiaries of international protection (BIPs). At the same time, the reception facilities were evaluated in order to improve the quality of the reception.

Regarding social protection, the law on the social inclusion income (REVIS) came into force on 1 January 2019. It clarifies that all beneficiaries of international protection (refugee status and beneficiaries of subsidiary protection) who are aged 25 years or older, as well as, their family members, can benefit from the REVIS, without having to fulfil the residence condition of 5 years in Luxembourg during the last 20 years.

Other issues that were raised and debated in the field of international protection by civil society were related to the semi-open return facility (Structure d'hébergement d'urgence au Kirchberg – SHUK) from which people are transferred to the Member State responsible for examining their application, according to the Dublin Regulation.

Notable developments occurred in the fight against human trafficking at the national and international level. At the national level, there was a reinforcement of reception and consultation facilities in 2019, namely for male victims of human trafficking (VHTs) and an increase of the staff training of key stakeholders at the basic and advanced level on how to detect and fight trafficking of human beings. A new National Action Plan was launched under the National Promotion Program of Sexual and Emotional Health, which promotes respect and equality through sexual and emotional education, strengthens the fight against prostitution and the prevention of sexual exploitation. At the international level, it is important to notice the Declaration of Intent of the Benelux States, signed in Luxembourg in order to fortify cooperation between the Benelux States on the identification and protection of VHTs, as well as, Luxembourg’s initiative to join the European Crime Prevention Network (EUCPN) an initiative to launch a prevention campaign against human trafficking aimed to inform victims or potential victims of their rights, where to find help, protection and information.

Moreover, the Consultative Commission on Human Rights (Commission Consultative des Droits de l’Homme - CCDH) presented its second report as national reporter on trafficking in human beings in Luxembourg to the Parliament which sparked public debates, particularly in the domain of labour exploitation.

Finally, several developments were implemented in the field of integration:

The law of 4 December 2019, establishing the National Reception Office (ONA) and amending the law of 16 December 2008 on the reception and integration of foreigners, transferred the competencies for the reception of AIPs from the Luxembourg Reception and Integration Agency (OLAI) to the ONA. The competencies concerning integration were in turn, transferred under the responsibility of the newly created Department of Integration at the Ministry of Family Affairs, Integration and the Greater Region. In consequence, OLAI no longer exists.

Further, the law of 4 December 2019 outlines under what conditions the Government can grant budgetary means to support municipalities and civil society actors working on the integration of foreigners.

Efforts to implement the Multi-Annual National Integration Plan (Integration NAP) continued in
2019. In this context, two calls for projects were launched by the Ministry of Family Affairs, Integration and the Greater Region, aimed at private organisations, public institutions and research centres, to facilitate the integration of all residents, including third-country nationals.

In 2019, the authorities especially focussed on local integration and really invested in it by supporting the activities of the Local Integration Exchange and Support Group (Groupe d’échange et de soutien en matière d’intégration au niveau local – GRESIL) and of the different actors working towards the establishment of municipal integration plans (Plan communal d’intégration –PCI).

The phenomenon of migration has also led to a more heterogeneous population in Luxembourg’s schools. To cater for this situation, the Ministry of Education, Children and Youth continued to diversify Luxembourg’s offer in education and training, especially by expanding the international school offer.

About citizenship, the demand for Luxembourgish language courses increased substantially since the changes in the law on the acquisition of Luxembourgish nationality came into force in 2017 and Brexit. The National Institute of Languages (INL), increased the offer of Luxembourgish language courses and has reorganised the “Sproochentest” (language test) required for acquiring Luxembourgish nationality in order to better handle the flux of candidates.
Table of Contents

PREFACE ........................................................................................................................................................................ 8

METHODOLOGY ............................................................................................................................................................ 9

TERMINOLOGY AND DEFINITIONS ............................................................................................................................ 10

1. DEMOGRAPHIC AND DEFINITIONS ....................................................................................................................... 11

2. LEGAL MIGRATION AND MOBILITY ..................................................................................................................... 13

   2.1. MIGRATION FOR ECONOMIC PURPOSES ........................................................................................................ 17
       2.1.1. Admission policies of specific categories of third-country nationals ......................................................... 17
       2.1.2. Salaried Workers ........................................................................................................................................... 18
       2.1.3. Intra-corporate transferee (ICT) .................................................................................................................. 18
       2.1.4. Posted Workers ........................................................................................................................................... 18
       2.1.5. Researchers ................................................................................................................................................... 19
       2.1.6. Bilateral Social Security Agreements ............................................................................................................ 19
       2.1.7. Admission policies of Au-Pairs .................................................................................................................... 23
       2.1.8. Admission policies of Trainees ..................................................................................................................... 22
   2.2. MIGRATION FOR EDUCATIONAL PURPOSES ................................................................................................ 22
       2.2.1. Trainees ...................................................................................................................................................... 20
   2.3. MIGRATION FOR FAMILY PURPOSES ............................................................................................................ 22
   2.4. OTHER CATEGORIES .......................................................................................................................................... 23
       2.4.1. Au-Pairs ....................................................................................................................................................... 23
       2.4.2. Investors ..................................................................................................................................................... 23
   2.5. INFORMATION ON ROUTES TO AND CONDITIONS OF LEGAL MIGRATION .................................................. 24
       2.5.1. Visa Policy .................................................................................................................................................. 24
       2.5.2. Working Holiday Visas .............................................................................................................................. 24
   2.6. BREXIT .............................................................................................................................................................. 25
       2.6.1. Mesures taken in the context of Brexit ......................................................................................................... 25
       2.6.2. In a ‘deal’ scenario ........................................................................................................................................ 25
       2.6.3. In a ‘no-deal’ scenario .................................................................................................................................. 26
       2.6.4. Preoccupations relating to Brexit ................................................................................................................ 28
       2.6.5. Naturalisations ........................................................................................................................................... 29
       2.6.6. Brexit’s impact on migration flows ................................................................................................................. 29

3. INTERNATIONAL PROTECTION .............................................................................................................................. 30

   Applications for international protection ................................................................................................................... 30
   Decisions in international protection applications .................................................................................................... 31
   3.1. INSTITUTIONAL CHANGES IN THE NATIONAL ASYLUM SYSTEM ................................................................. 32
       3.1.1. Change in Competencies ................................................................................................................................ 32
       3.1.2. Other dispositions in the law of 4 December 2019 establishing the National Reception Office (ONA) ....... 33
       3.1.3. Debates on the bill on the establishing of the ONA .................................................................................... 33
       3.1.4. Staff training .................................................................................................................................................. 35
   3.2. PROCEDURE FOR INTERNATIONAL PROTECTION ........................................................................................... 36
       3.2.1. Dublin procedure ........................................................................................................................................... 36
       3.2.2. Safe countries of origin ............................................................................................................................... 38
       3.2.3. Revocation of international protection ........................................................................................................ 38
   3.3. RECEPTION, SUPPORT AND INTEGRATION MEASURES ................................................................................... 38
       3.3.1. Housing ..................................................................................................................................................... 38
       3.3.2. Integration measures ................................................................................................................................... 41
   3.4. RELOCATION AND RESETTLEMENT .................................................................................................................... 44
       3.4.1. Malta Declaration ......................................................................................................................................... 44
       3.4.2. Relocation from Greece, Italy, and Malta .................................................................................................... 44
       3.4.3. Resettlement .................................................................................................................................................. 44
4. UNACCOMPANIED MINORS AND VULNERABLE GROUPS .................................................................................................................. 45
   4.1. UNACCOMPANIED MINORS .......................................................................................................................................................... 45
       4.1.1. Consultative commission to evaluate the best interests of the child .................................................................................. 45
       4.1.2. Debates on unaccompanied minors .................................................................................................................................. 46
   4.2. OTHER VULNERABLE GROUPS .................................................................................................................................................. 47
       4.2.1. Statelessness ........................................................................................................................................................................... 47
       4.2.2. Right of residence for victims of forced marriages or domestic violence ........................................................................... 48

5. INTEGRATION .................................................................................................................................................................................. 49
   5.1. LEGISLATIVE DEVELOPMENTS .................................................................................................................................................. 49
       5.1.1. Multi-Annual Integration Plan - NAP (Plan d’Action National d’intégration - PAN) ................................................................. 49
       5.1.1.1. Welcome and Integration Contract (“Contrat d’accueil et d’intégration“ - CAI) ................................................................. 51
   5.2. LOCAL INTEGRATION ....................................................................................................................................................................... 53
       5.2.1. Financial support to municipalities ........................................................................................................................................... 53
       5.2.2. Call for projects ........................................................................................................................................................................ 54
       5.2.3. The Local Integration Exchange and Support Group (GRESIL) ............................................................................................ 54
       5.2.4. Municipal Integration Plans - PCI ............................................................................................................................................. 54
   5.3. SOCIO-ECONOMIC PARTICIPATION ........................................................................................................................................ 55
       5.3.1. Social Inclusion Revenue (REVIS) ........................................................................................................................................... 55
       5.3.2. Access to labour market ............................................................................................................................................................ 55
   5.4. EDUCATION .......................................................................................................................................................................................... 56
       5.4.1. Schooling of newly arrived pupils: developments at the level of specific reception classes .................................................... 57
       5.4.2. Responding to the challenges of heterogeneity in schools ...................................................................................................... 57
       5.4.3. Measures to enhance language skills ......................................................................................................................................... 58
       5.4.4. Other measures to promote the Luxembourgish language ...................................................................................................... 59
   5.5. ACCESS TO CITIZENSHIP AND CIVIC PARTICIPATION ........................................................................................................ 60
       5.5.1. Grand Ducal Regulation of 22 July 2019 on the examination of the Luxembourgish language .................................................. 60
       5.5.2. Acquisitions of nationality ............................................................................................................................................................ 61
       5.5.3. Civic and Political Participation ................................................................................................................................................. 65
   5.6. NON-DISCRIMINATION AND AWARENESS RAISING .......................................................................................................... 66

6. RETURN, IRREGULAR MIGRATION AND DETENTION .................................................................................................................. 68
   6.1. RETURN AND IRREGULAR MIGRATION .................................................................................................................................... 68
       6.1.1. Developments in the field of return and the prevention of irregular migration ............................................................................ 70
       6.1.2. Measures to improve the effectiveness of external border controls .......................................................................................... 71
   6.2. ADMINISTRATIVE DETENTION ..................................................................................................................................................... 72
       6.2.1. Visits at the Detention Centre ................................................................................................................................................... 72
       6.2.2. Developments on retention .......................................................................................................................................................... 73

7. FIGHT AGAINST TRAFFICKING IN HUMAN BEINGS .................................................................................................................... 74
   7.1. STRATEGIC POLICY DEVELOPMENTS ........................................................................................................................................ 74
       Evolution of the legislation ...................................................................................................................................................................... 74
       The National Promotion Program of Sexual and Emotional Health (Santé Affective et Sexuelle –SAS) ...................................... 75
       The strengthening of the support services ......................................................................................................................................... 75
   7.2. DEVELOPMENTS IN THE AREA OF ASSISTANCE AND SUPPORT FOR VICTIMS FROM THIRD COUNTRIES .................. 76
       7.2.1. Awareness raising measures ....................................................................................................................................................... 76
       7.2.2. Collaborative measures between authorities and various stakeholders involved in the identification, reception and protection of victims ......................................................................................................................................................... 76
   7.3. IDENTIFICATION OF VICTIMS .................................................................................................................................................... 77
       7.3.1. Training and awareness-raising in identifying and supporting victims .................................................................................... 77
       7.3.2. International cooperation measures ............................................................................................................................................. 77
       7.3.3. Prevention measures in third countries ....................................................................................................................................... 78
   7.4. DEBATE ............................................................................................................................................................................................... 78
       The Monitoring Committee of Human Trafficking (CCDH) on labour exploitation ........................................................................... 78

LIST OF ABBREVIATIONS ........................................................................................................................................................................ 80
LIST OF FIGURES AND TABLES

FIGURES

Figure 1: Number of applications (2016-2019).

TABLES

Table 1: Top twenty nationalities residing in Luxembourg as of 1 January 2020.
Table 2: Top five third-country nationalities in Luxembourg (2019).
Table 3: First residence permits issued in 2018 and 2019 broken down by category of residence permit.
Table 4: Documents treated / issued to family members of citizens of the EU or assimilated countries (2018-2019) (first issue).
Table 5: Documents issued in relation to free movement of persons, broken down by type of document (2018 - 2019).
Table 6: Total number of third-country nationals holding a valid residence permit divided by category.
Table 7: Residence permits issued for economic motives in 2018 and 2019 (first deliveries).
Table 8: Residence permits issued for educational motives in 2018 and 2019 (first deliveries).
Table 9: Residence permits/cards issued for family motives in 2018 and 2019 (first deliveries).
Table 10: Temporary work authorisations delivered for purposes of family reunification according to the category of residence permit of the sponsor (2017 – 2019).
Table 11: Number of visas issued in Luxembourg 2019.
Table 13: Number of people applying for international protection by country of nationality (2019).
Table 14: Most frequent nationalities of newly arrived pupils who were received by CASNA (2019).
Table 15: Acquisitions of nationality by EU citizens and third-country nationals, total and share (2015-2019).
Table 16: Top 10 third-country nationals acquiring Luxembourgish nationality (2019).
Table 17: First nationalities acquiring Luxembourgish nationality by residence, total and share (2019).
Table 18: Percentage of voluntary returns (2017-2019).
Table 19: The number and proportion of returns towards the West Balkans from 2016 to 2019.
Table 20: Number of returned persons by type of return and migratory situation (2017-2019).
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 Affairs, Integration and the Greater Region, nor of the Ministry of Foreign and European Affairs.

The present report was drawn up by Florence Hallack-Wolff, Ralph Petry, Zane Rozenberga and Adolfo Sommarribas members of the National Contact Point Luxembourg within the European Migration Network (EMN Luxembourg) 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; David Bourson, National Reception Office; 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, the following criteria was taken into account:

- 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 used, were:

- 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 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 stakeholders (i.e. ministries, public institutions 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 in the database of the administrative jurisdictions.
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.15

However, some terms are explained in the national legislation such as:

**Foreigner** defined as “any person who does not possess the Luxembourg nationality, who either exclusively possesses another nationality, or who possesses none”. 16

**Refugee** defined as “any third-country national or stateless person who, because they fear with good reason of being persecuted because of their race, religion, nationality, political opinions or belonging to a certain group social, is outside the country of which they have the nationality and who cannot or, because of this fear, does not want to claim the protection of this country or any stateless person who, being for the above reasons outside the country in which they had their habitual residence, cannot or, because of this fear, does not want to return there.” 17

**Beneficiary of subsidiary protection** defined as “any third-country national or stateless person who cannot be considered a refugee, but for whom there are serious and proven reasons to believe that the person concerned, if returned to their country of origin or, in the case of a stateless person, in the country in which they had their habitual residence, would run a real risk of suffering serious harm, and this person being unable or, in view of this risk, not being prepared to avail themselves of the protection of that country.” 18
1. DEMOGRAPHIC DEVELOPMENTS

On 1 January 2020, Luxembourg had a population of 626,108 inhabitants. This signifies that since 1 January 2019, Luxembourg has grown by 12,214 people which represents an increase of 1.9%. The relative growth of third-country nationals was 7.0% while it was of 2.2% for Luxembourgish nationals, and 0.7% for foreign EU citizens.

At the moment, the national population is composed of 329,643 Luxembourgish nationals (52.6%) and 296,465 foreign nationals (47.4%). The proportion of foreigners in the country on 1 January 2020 remained relatively stable when compared to 2019 (-0.1%). This increase can be attributed to the migratory surplus (difference between arrivals and departures +11,075 individuals) and to the natural increase of the population (difference between births and deaths, +1,947 individuals).

In 2019, from the 26,668 arrivals from abroad, 49.2% can be attributed to foreign EU citizens, 45.1% to third-country nationals and 5.7% to Luxembourgish nationals. The departures from Luxembourg involved 53.3% foreign EU citizens, 30.2% third-country nationals and 16.2% Luxembourgish nationals.

The migratory balance is largely positive for third-country nationals (+7,336) and foreign EU citizens (+4,806) while it is negative for Luxembourgish nationals (-1,067).\(^{19}\)

On 1 January 2020, foreign population is composed of 247,878 EU citizens (83.6%) and 48,587 third-country nationals (16.4%). Third-country nationals represent 7.8% of the total population. Moreover, the top ten largest national groups residing in Luxembourg come from EU Member States.

Table 1: Top twenty nationalities residing in Luxembourg as of 1 January 2020.

<table>
<thead>
<tr>
<th>Nationality</th>
<th>Number as of 1st January 2020</th>
<th>% of the total population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Portugal</td>
<td>95,057</td>
<td>15.2</td>
</tr>
<tr>
<td>France</td>
<td>47,805</td>
<td>7.6</td>
</tr>
<tr>
<td>Italy</td>
<td>22,996</td>
<td>3.7</td>
</tr>
<tr>
<td>Belgium</td>
<td>19,823</td>
<td>3.2</td>
</tr>
<tr>
<td>Germany</td>
<td>12,849</td>
<td>2.0</td>
</tr>
<tr>
<td>Spain</td>
<td>7,202</td>
<td>1.1</td>
</tr>
<tr>
<td>Romania</td>
<td>5,724</td>
<td>0.9</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>5,317</td>
<td>0.8</td>
</tr>
<tr>
<td>Poland</td>
<td>4,844</td>
<td>0.7</td>
</tr>
<tr>
<td>Netherlands</td>
<td>4,168</td>
<td>0.6</td>
</tr>
<tr>
<td>China</td>
<td>3,925</td>
<td>0.6</td>
</tr>
<tr>
<td>Greece</td>
<td>3,673</td>
<td>0.6</td>
</tr>
<tr>
<td>Montenegro</td>
<td>3,163</td>
<td>0.5</td>
</tr>
<tr>
<td>India</td>
<td>2,804</td>
<td>0.4</td>
</tr>
<tr>
<td>Cape Verde</td>
<td>2,572</td>
<td>0.4</td>
</tr>
</tbody>
</table>
From Table 1 and 2 we can see that, like last year, the largest group of third-country nationals residing in Luxembourg are from China (11th place, 3,925 persons), followed by Montenegro (13th, 3,163) which until 2018 was the principal third-country nationality – followed by India (14th), Cape Verde (15th) and Brazil (16th).

This is slightly different to last year when Montenegrins were in 12th position (ahead of Greeks) and Cap Verdeans were ahead of Indians (15th). The Chinese remained the largest group of third-country nationals. It is interesting to note that between the end of 2019 and 2020, the Chinese population increased by 5.7%, the Indians by 20.3% and the Brazilians by 11.1%. However, the Montenegrin population decreased by 11.9% and the Cap Verdeans by 1.2%.

### Table 2: Top five third-country nationalities in Luxembourg (2019).

<table>
<thead>
<tr>
<th>Nationality</th>
<th>Number as of 1st January 2019</th>
<th>Number as of 1st January 2020</th>
<th>% of the total population as of 1st January 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>China</td>
<td>3,714</td>
<td>3,925</td>
<td>0.6</td>
</tr>
<tr>
<td>Montenegro</td>
<td>3,589</td>
<td>3,163</td>
<td>0.5</td>
</tr>
<tr>
<td>India</td>
<td>2,331</td>
<td>2,804</td>
<td>0.4</td>
</tr>
<tr>
<td>Cape Verde</td>
<td>2,621</td>
<td>2,572</td>
<td>0.4</td>
</tr>
<tr>
<td>Brazil</td>
<td>2,205</td>
<td>2,449</td>
<td>0.4</td>
</tr>
</tbody>
</table>

Source: Statec, 2020
2. LEGAL MIGRATION AND MOBILITY

During 2019, the Directorate of Immigration of the Ministry of Foreign Affairs issued a total of 13 242 residence permits, including 6 622 first residence permits, 546 residence permits for long-term residents and 6 074 renewed residence permits. This is a decrease of 3,3% compared to 2018 with the granting of 13 688 residence permits. However, the number of residence permits issued for the first time increased by 7,2% in comparison with 2018.

<table>
<thead>
<tr>
<th>Category</th>
<th>2018</th>
<th>2019</th>
<th>Variation (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>European Blue Card</td>
<td>511</td>
<td>662</td>
<td>29,5</td>
</tr>
<tr>
<td>Researcher</td>
<td>63</td>
<td>79</td>
<td>25,3</td>
</tr>
<tr>
<td>Pupil</td>
<td>184</td>
<td>163</td>
<td>-11,4</td>
</tr>
<tr>
<td>Student</td>
<td>348</td>
<td>419</td>
<td>20,4</td>
</tr>
<tr>
<td>Investor</td>
<td>4</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Au pair</td>
<td>111</td>
<td>152</td>
<td>36,9</td>
</tr>
<tr>
<td>Family member</td>
<td>1 848</td>
<td>2 094</td>
<td>13,3</td>
</tr>
<tr>
<td>Community Service Provider</td>
<td>-</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Sportsperson or trainer</td>
<td>46</td>
<td>45</td>
<td>-2,1</td>
</tr>
<tr>
<td>Trainee</td>
<td>33</td>
<td>48</td>
<td>45,4</td>
</tr>
<tr>
<td>Posted worker</td>
<td>36</td>
<td>14</td>
<td>-61,1</td>
</tr>
<tr>
<td>Intra-corporate transfer - expert/executive</td>
<td>235</td>
<td>206</td>
<td>-12,3</td>
</tr>
<tr>
<td>Intra-corporate transfer - employee-trainee</td>
<td>13</td>
<td>15</td>
<td>-</td>
</tr>
<tr>
<td>Intra-corporate transfer - mobile expert/executive</td>
<td>-</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Intra-corporate transfer - mobile employee-trainee</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Worker for a community service provider</td>
<td>3</td>
<td>1</td>
<td>-66,6</td>
</tr>
<tr>
<td>Self-employed</td>
<td>39</td>
<td>49</td>
<td>25,6</td>
</tr>
<tr>
<td>Salaried worker</td>
<td>1 219</td>
<td>1 546</td>
<td>26,8</td>
</tr>
<tr>
<td>Transfer worker</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Private reasons – 67 (4) (job search or business creation)</td>
<td>1</td>
<td>26</td>
<td>-</td>
</tr>
<tr>
<td>Private reasons – 78 (1) a (sufficient resources)</td>
<td>88</td>
<td>100</td>
<td>13,6</td>
</tr>
<tr>
<td>Private reasons – 78 (1) b (autonomous)</td>
<td>9</td>
<td>4</td>
<td>-</td>
</tr>
<tr>
<td>Private reasons – 78 (1) c (family or personal relationships)</td>
<td>146</td>
<td>185</td>
<td>26,7</td>
</tr>
<tr>
<td>Private reasons – 78 (3) humanitarian reasons</td>
<td>21</td>
<td>28</td>
<td>33,3</td>
</tr>
<tr>
<td>Private reasons – 95 (victims of trafficking)</td>
<td>6</td>
<td>3</td>
<td>-</td>
</tr>
<tr>
<td>Private reasons – 131 (medical reasons)</td>
<td>1</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Private reasons – other</td>
<td>21</td>
<td>8</td>
<td>-61,9</td>
</tr>
<tr>
<td>Category</td>
<td>2019</td>
<td>2018</td>
<td>Change</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>------</td>
<td>------</td>
<td>--------</td>
</tr>
<tr>
<td>Volunteer</td>
<td>2</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>International protection – refugee status</td>
<td>1083</td>
<td>727</td>
<td>-32.9</td>
</tr>
<tr>
<td>International protection – subsidiary protection</td>
<td>103</td>
<td>38</td>
<td>-63.1</td>
</tr>
<tr>
<td>Total</td>
<td>6174</td>
<td>6622</td>
<td>7.3</td>
</tr>
</tbody>
</table>

The most frequently issued residence permit remained the ‘family member’ permit representing 2,094 residence permits (31.6%) of the total number of residence permits issued for the first time in 2019. This permit is followed by the ‘salaried worker’ with 1,546 residence permits (23.3%) and the ‘International protection - refugee status’, 765 residence permits (11.6%). Together these three groups represent almost two thirds (65.8%) of the total of residence permits issued for the first time in 2019.

The principal three nationalities for the family member residence permit were Indian (384), Chinese (170) and American (169). These three nationalities amount to 32.4% of all the first issuances of “family member” residence permits.

In regard to the first issuance of salaried worker residence permits, the main three nationalities were Indian (200), Chinese (147) and Mauritians (107) amounting for 29.4% of the total residence permits issued in this category.

Finally, with regard to the international protection residence permits the first three nationalities were: Syrian (271), Eritrean (202) and Iraqi (75). These nationalities amounted to 43.4% of the total number of long-term residence permits issued during 2019.

In addition to the residence permits issued in the categories listed above, the Directorate of Immigration attributed the ‘long-term resident’ permit to 546 individuals in 2019, marking a slight increase (1.3%) when compared to the 539 permits issued during 2018, still this is inferior to the numbers in 2017 (741). These permits were mainly issued to third-country nationals from China (121), Montenegro (75) and Serbia (41), which amount to 43.4% of the total number of long-term residence permits issued during 2019.

Further, the number of work permits issued to third-country nationals residing in another EU Member State (first issue) increased from 110 in 2017 to 158 in 2018 and 180 in 2019, representing an increase of 63.6% compared to 2017 and 13.9% compared to 2018.

3,045 residence cards were issued to third-country national family members of EU and EEA citizens from which 1,206 were permanent residence cards for individuals who had acquired permanent residence status. Of the remaining 1,839 residence cards, the main nationalities to receive the documents were Brazilian nationals (218), followed by Cape Verdeans (163) and Moroccans (97). The first two nationalities remained the same as in 2018, however, the Moroccans displaced Americans from third place, which they held in 2018.

The number of residence cards issued for family members of a citizen of the EU increased by 15.9% in comparison to 2018. The number of permanent residence cards issued for family members of a citizen of the EU decreased by 6.3% as opposed to a sharp increase between 2017 and 2018 of 44.4%, from 891 cards issued in 2017 to 1,287 cards issued in 2018.
Table 4: Documents treated / issued to family members of citizens of the EU or assimilated countries (2018-2019) (first issue).

<table>
<thead>
<tr>
<th>Residence cards</th>
<th>2018</th>
<th>2019</th>
<th>Variation (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residence card for family member of an EU citizen</td>
<td>1 586</td>
<td>1 839</td>
<td>15,9%</td>
</tr>
<tr>
<td>Permanent residence card for family member of an EU citizen</td>
<td>1 287</td>
<td>1 206</td>
<td>-6,3%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>2 873</strong></td>
<td><strong>3 045</strong></td>
<td><strong>5,9%</strong></td>
</tr>
</tbody>
</table>

Source: Directorate of Immigration 2018, 2019 © EMN Luxembourg 2020

Statistics regarding the free movement of EU citizens (including nationals of assimilated countries) put the numbers regarding documents issued to third-country nationals into perspective. In 2019, the Directorate of Immigration processed a total of 17 543 registration certificates and 5 769 permanent registration certificates. This is a slight increase (2,6%) in comparison to the registration certificates treated during 2018 but a significant decrease of permanent residents’ certificates (-15,2%) in comparison with 2018.

Table 5: Documents issued in relation to free movement of persons, broken down by type of document (2018 - 2019).

<table>
<thead>
<tr>
<th>Certificates</th>
<th>2018</th>
<th>2019</th>
<th>Variation %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registration certificates</td>
<td>17 099</td>
<td>17 543</td>
<td>2,6%</td>
</tr>
<tr>
<td>Permanent residence certificates</td>
<td>6 804</td>
<td>5 769</td>
<td>-15,2%</td>
</tr>
</tbody>
</table>

Source: Directorate of Immigration 2019 © EMN Luxembourg 2020

The main countries of origin for holders of the registration certificates were, as in previous years, Portugal (4 165), France (4 099), Italy (2 053) and Belgium (1 213).

In order to have 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 third-country nationals, holder of valid residence permits on 1 January 2020.

Table 6: Total number of third-country nationals holding a valid residence permit divided by category.

<table>
<thead>
<tr>
<th>Migration for family purposes</th>
<th>Category</th>
<th>Type of permit issued</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residence Card for a family member of an EU citizen</td>
<td>8 378</td>
<td>8 390</td>
<td>16 768</td>
</tr>
<tr>
<td>Permanent Residence Card for a family member of an EU citizen</td>
<td>8 390</td>
<td>16 768</td>
<td></td>
</tr>
<tr>
<td>Family Member</td>
<td>8 114</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private reasons - 78 (1) c (family or personal relationships)</td>
<td>437</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>25 319</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Migration of economic</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Purposes

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>European Blue Card</td>
<td>2,102</td>
</tr>
<tr>
<td>Researcher</td>
<td>155</td>
</tr>
<tr>
<td>Intercorporate transferees (ICT) – employee/trainee</td>
<td>5</td>
</tr>
<tr>
<td>ICT - specialist/manager</td>
<td>405</td>
</tr>
<tr>
<td>Sportsperson or Trainer</td>
<td>59</td>
</tr>
<tr>
<td>Posted Worker</td>
<td>26</td>
</tr>
<tr>
<td>Self-employed</td>
<td>150</td>
</tr>
<tr>
<td>Salaried Worker</td>
<td>5,466</td>
</tr>
<tr>
<td>Transferred Worker</td>
<td>1</td>
</tr>
<tr>
<td>Community Service Provider or Worker for a Community Service Provider</td>
<td>4</td>
</tr>
</tbody>
</table>

**Grand Total**: 8,373

### Education Purposes Migration

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pupil</td>
<td>71</td>
</tr>
<tr>
<td>Student</td>
<td>719</td>
</tr>
<tr>
<td>Trainee</td>
<td>16</td>
</tr>
<tr>
<td>Volunteer</td>
<td>3</td>
</tr>
</tbody>
</table>

**Grand Total**: 809

### International Protection

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Protection</td>
<td>204</td>
</tr>
<tr>
<td>International Protection - Subsidiary Protection</td>
<td>277</td>
</tr>
<tr>
<td>International Protection – Refugee status</td>
<td>4,393</td>
</tr>
</tbody>
</table>

**Grand Total**: 4,874

### Private Reasons (Medical or Humanitarian Reasons, Victims of Human Trafficking)

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private reasons – 131 (medical reasons)</td>
<td>2</td>
</tr>
<tr>
<td>Private reasons – 78 (3) (humanitarian reasons)</td>
<td>84</td>
</tr>
<tr>
<td>Private reasons – 95 (victims of human trafficking)</td>
<td>6</td>
</tr>
</tbody>
</table>

**Grand Total**: 92

### Long-Term Residents

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investor</td>
<td>6</td>
</tr>
</tbody>
</table>

**Grand Total**: 809

### Other

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Au pair</td>
<td>112</td>
</tr>
<tr>
<td>Private reasons – 78 (1) a (sufficient resources)</td>
<td>160</td>
</tr>
<tr>
<td>Private reasons – 78 (1) b (autonomous)</td>
<td>29</td>
</tr>
<tr>
<td>Private reasons - other</td>
<td>477</td>
</tr>
<tr>
<td>Private reasons - 67 (4) (job search or business creation)</td>
<td>25</td>
</tr>
</tbody>
</table>

**Grand Total**: 691

### Total

<table>
<thead>
<tr>
<th>Source: Directorate of Immigration 2020.</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>46,090</td>
</tr>
</tbody>
</table>
Table 6 underlines the importance of migration for family purposes as the principal reason to migrate to Luxembourg (54,9%)\(^{37}\), followed by migration for economic purposes (18,2%).

2.1. Migration for economic purposes

Table 7: Residence permits issued for economic motives in 2018 and 2019 (first deliveries).

<table>
<thead>
<tr>
<th>Category</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>European Blue Card</td>
<td>511</td>
<td>662</td>
</tr>
<tr>
<td>Researcher</td>
<td>63</td>
<td>79</td>
</tr>
<tr>
<td>ICT - employee/trainee</td>
<td>13</td>
<td>15</td>
</tr>
<tr>
<td>ICT - specialist/manager</td>
<td>235</td>
<td>206</td>
</tr>
<tr>
<td>Mobile ICT - specialist/manager</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Sportsperson or trainer</td>
<td>46</td>
<td>45</td>
</tr>
<tr>
<td>Posted Worker</td>
<td>36</td>
<td>14</td>
</tr>
<tr>
<td>Self-employed</td>
<td>39</td>
<td>49</td>
</tr>
<tr>
<td>Salaried Worker</td>
<td>1 219</td>
<td>1 546</td>
</tr>
<tr>
<td>Community Service Provider</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Worker for a Community Service Provider</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>2 165</td>
<td>2 621</td>
</tr>
</tbody>
</table>

Source: Directorate of Immigration 2020.

In 2019, the number of first residence permits issued for economic reasons increased overall by 21,1% when compared to the previous year (see Table 7). There was a large increase on two main categories of permits for economic migration: ‘European Blue Card’ (29,5%) and the ‘salaried worker’ which increased by 26,8%.

2.1.1. Admission policies of specific categories of third-country nationals

Some legislative changes introduced in 2019 had an impact on different categories of third-country nationals and British Nationals with the withdrawal of the UK from the EU.

The principal measures taken were:

- The facilitation of entry and stay onto the territory under a new long-term visa simplifying the entry and stay of a third-country national for a period of up to one year, without having to apply for a residence permit.\(^{38}\) This visa applies particularly to the “Working Holiday” agreements, such as the agreement with Canada that came into force.\(^{39}\)

- The administrative arrangements relating to bilateral social security agreements with the People’s Republic of China\(^{40}\) and the Republic of Korea\(^{41}\) were published by Grand Ducal Decree.

- The Luxembourgish Government took steps in anticipation of the exit of the UK from the EU in order to protect British citizens residing and working in
Luxembourg. In this context, four laws were adopted in order to guarantee the rights of these individuals.42

2.1.2. **Salaried Workers**

2.1.2.1. **Highly skilled/Qualified Workers**

In 2019, the Directorate of Immigration granted 662 (first issuance) European Blue Cards. This represents an increase of 29,5% in comparison with 2018 breaking the tendency for this category of residence permit to stagnate (there was an increase of only 3,4% between 2017 and 2018).43 The main countries of origin for those issued with Blue Cards were India (184), the United States (97) and Turkey (50), which together represent 50% of the total residence permits in this category.44

In view of the increasing cost of living in Luxembourg, the minimum remuneration threshold for highly skilled workers increased through a Ministerial Decree published on 13 September 2019.45 The decree foresees that the minimum salary threshold of a highly qualified third-country national is € 78 336 euros per year.46 For professions for which there is a particular need for certain third-country nationals, the minimum salary is fixed at € 62 668,80 euros per year.47

2.1.2.2. **Low and Medium skilled workers (other than seasonal workers)**

No direct changes took place that affected low and medium skilled workers from third countries in 2019. However, the Government hopes to attract workers - be they third-country nationals, EU and EEA citizens or nationals - to the HORECA sector by increasing the minimum wage by € 100.48

2.1.3. **Intra-corporate transferee (ICT)**

Intra-corporate transferees are the third largest group of third-country permit holders after salaried workers and Blue Card holders. 223 first issued permits were delivered in the context of the ‘intra-corporate transferee (ICT)’ permit in 2019, which represents a decrease of 10,1% in comparison with 2018.

In 2019, 206 permits were issued for the category ‘ICT - specialist/manager’ compared to 235 in 2018. This represents a decrease of 12,3%. The three main nationalities to be granted this type of permit remained the same as in 2018: Indian (83), Chinese (61) and American (31), which represent 85% of the totality of residence permits issued under this category.

15 permits were issued for the category ‘ICT – employee/trainee’ and two under ‘Mobile ICT - specialist/manager’ in 2019. Respectively in 2018, 13 were issued for ‘ICT – employee/trainee’ and 0 for the last category. The nationalities of these individuals were Chinese (14) and Japanese (1).

2.1.4. **Posted Workers**

The number of third-country national posted workers remain at a very low level. In 2019, there was a decline in the number of posted worker residence permits issued, passing from 36 in 2018 to 14 in 2019, which represents a decrease of 61,1% (see Table 7).
The Social Security Convention signed between the Grand Duchy of Luxembourg and the People’s Republic of China entered into force on 1 May 2019. According to this Convention, workers posted to the other country to carry out work of a temporary nature will continue to be covered by the legislation of the sending country for a period of 60 months.\textsuperscript{49}

2.1.5. \textbf{Researchers}\textsuperscript{50}

79 permits were issued to the category ‘researcher’ in 2019, which represents a 25.4\% increase in comparison with 2018. The three main countries of origin for these permits are China (15), India (13) and Iran (5).

2.1.6. \textbf{Bilateral Social Security Agreements}

In 2019, Luxembourg continued its policy to facilitate the international coordination between different social security regimes and to secure the rights and obligations of workers. Bilateral conventions are made with the principals of equality of treatment, aggregation of insurance periods, and the exports of benefits. In this regard, some legislative changes were observed:

The Grand Ducal Decree on the publication of the administrative arrangement in relation to the Social Security agreement signed between the Grand Duchy of Luxembourg and the People’s Republic of China\textsuperscript{51} in Beijing on 27 November 2017, was published on 5 February 2019. The Convention applies mainly to the legislation in both States relating to pensions aimed at old age. The Convention entered into force on 1 May 2019.\textsuperscript{52}

The Social Security Convention between the Government of the Grand Duchy of Luxembourg and the Government of the Republic of Korea was approved by the law of 28 May 2019.\textsuperscript{53} The Convention applies particularly to the legislation in both States relating to pensions aimed at old age, invalidity and survival. The Grand Ducal Decree of 21 June 2019,\textsuperscript{54} publishing the administrative arrangement for the application of the Convention, was published on 25 June 2019. The Convention entered into force on 1 September 2019.\textsuperscript{55}

\textbf{2.2. Migration for educational purposes}

\textbf{Table 8: Residence permits issued for educational motives in 2018 and 2019 (first deliveries).}

<table>
<thead>
<tr>
<th>Category</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pupil</td>
<td>184</td>
<td>163</td>
</tr>
<tr>
<td>Student</td>
<td>348</td>
<td>419</td>
</tr>
<tr>
<td>Trainee</td>
<td>33</td>
<td>48</td>
</tr>
<tr>
<td>Volunteer</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>567</td>
<td>632</td>
</tr>
</tbody>
</table>

\textit{Source: Directorate of Immigration 2020.}

In 2019, the number of first residence permits issued for educational reasons increased overall by 11.5\% when compared to the previous year (see Table 8).
2.2.1. **Trainees**

In 2019, there was a 45.4% increase in the number of first instance permits granted for the category ‘trainee’ with 33 permits having been granted in 2018 and 48 in 2019. The three main countries of origin are Tunisia (7), China (6) and Mexico (4).

In 2019, the Ministry of Education, Children and Youth, responsible for vocational education and training in close cooperation with their social partners, started preparing an overhaul to the amended law of 19 December 2008 amending vocational training, which was reflected in Bill n°7268 that became the law of 12 July 2019.

The law of 12 July 2019 regulates vocational training (right to train, apprenticeship contract, and a training contract or agreement). It is a general law but it also benefits third-country nationals legally residing in Luxembourg. It provides a better picture on the regulation concerning the right to train, the content of apprenticeship and training contracts, and strengthens the rights and duties of trainees. It also regulates vocational training possibilities for students studying at educational institutions in neighbouring countries (including third-country nationals) who wish to attend vocational trainings in Luxembourg when they are not available in their country of residence.

According to the law, transborder apprenticeships only apply to the professions mentioned in a list fixed by the Grand Ducal Regulation of 22 August 2019.

Key factors for change are:

- The reintroduction of a grade-based evaluation system.
- An alternation of the structure of the final exams.
- The contractual part of the apprenticeship as stipulated in the Labour Code, which strengthens the apprentice’s rights and duties.

This law will have an influence on third-country national trainees, apprentices and interns in the future.

**Volunteers**

No changes were observed with regards to volunteers in 2019. Two permits were issued to this category.

**Students and pupils**

In 2019, 419 first permits were issued for students, which represents an increase of 20.4% compared to 2018. The three main nationalities to be granted the permits are Chinese (43), Indians (40) and Americans (26).

The number of permits issued to the category ‘pupil’ declined by 11.4%, from 184 permits in 2018 to 163 in 2019. 160 of these permits were delivered to American nationals, two to Cambodians and one to a Chinese national.
In 2019, the Ministry allowed two notifications for mobile students, holders of a valid authorization to stay in another Member State.

2.2.1.1. Admission policies for students and researchers

The Directorate of Immigration and the Ministry of Higher Education and Research informed the University of Luxembourg that students residing in the Greater Region (European Grouping for Territorial Cooperation) could be enrolled at the University of Luxembourg in the case of a cross border study program without having to reside in Luxembourg or having a Luxembourgish residence permit. However, the student needs to have a valid residence permit from the competent authorities in Germany, Belgium or France in order to cross the border on a daily basis.

In order to comply with the relevant law on the recognition of diplomas, the Ministry of Higher Education and Research indicated to the University of Luxembourg what documentation third-country national students must provide, as well as, the criteria upon which the authorities are allowed to decline an applicant.63 This situation generates a problem because in order to conduct the notification foreseen by the Immigration Law,64 third-country nationals with a valid residence permit in a neighbouring Member State have to prove sufficient resources in accordance with the national law which is higher than in their Member state. This is an ongoing issue.65

2.2.1.2. Resource and housing criteria

Accessibility to affordable housing in Luxembourg is a general problem. In 2019, prices continued to increase. Between the second trimester of 2019 and the second trimester of 2018, the price of housing (flats and houses) increased by 11,4%.66

This problem affects nationals as foreigners alike and represents the biggest cost for residents (more than 1/3 of their household income).67 The housing crisis directly affects international students which cannot find affordable housing and in consequence affects the possibility to obtain a residence permit, as adequate accommodation is a sine qua non requisite for granting it.68

The University of Luxembourg manages 1 100 apartments and housing units, however, at the beginning of the academic year 2019/2020, they were fully booked and 300 students were put on a waiting list. For this reason, on 13 September 2019, the Rector of the University made an appeal among its staff to help with student accommodation in which he stated: “The commercial real estate market seems unable to provide enough housing in line with the needs and resources of the students”.

The appeal urged staff and collaborators in the possession of adequate accommodation to make them available to students that were on the waiting list.69

2.2.1.3. Incentive mechanisms for retaining students.

With the transposition of the directive 2016/801/EU by the law of 1 August 2018, introducing Article 67-4 of the Immigration Law,70 a residence permit was created allowing students and researchers to continue residing in Luxembourg for a maximum period of nine months after completion of their studies in order to search for a job or create an enterprise. The student or
researcher will receive a "private reasons" residence permit with the note "job search or business creation".\textsuperscript{71}

In 2019, 26 residence permits for ‘Private reasons - 67 (4) (job search or business creation)’ were issued.

2.3. Migration for family purposes

Table 9: Residence permits/cards issued for family motives in 2018 and 2019 (first deliveries).

<table>
<thead>
<tr>
<th>Category</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residence Card for a family member of an EU citizen</td>
<td>1 586</td>
<td>1 839</td>
</tr>
<tr>
<td>Permanent Residence Card for a family member of an EU citizen</td>
<td>1 287</td>
<td>1 206</td>
</tr>
<tr>
<td>Family Member</td>
<td>1 848</td>
<td>2 094</td>
</tr>
<tr>
<td>Private reasons - 78 (1) c (family or personal relationships)</td>
<td>146</td>
<td>185</td>
</tr>
<tr>
<td>Total</td>
<td>4 867</td>
<td>5 324</td>
</tr>
</tbody>
</table>

Source: Directorate of Immigration 2020.

When considering the total number of residence permits issued for the first time for family motives in 2019, a total of 5 324 were issued. This represents an increase of 9,4\% when compared to 2018. The 3 045 residence cards which were delivered in 2019 to third-country national family members of citizens of the EU and assimilated countries account for 57,2\% of all first residence permits issued for family motives.

In the context of family reunification between third-country nationals, 2 279 residence permits were issued in 2019. Out of these, 2 094 were in the ‘family member’ category, while 185 were in the category ‘private life – 78 (1) c (family or private links)’. The overall increase equals to 14,3\% when compared to 2018 (1 994: out of which 1 848 family member and 146 private reasons for family links).\textsuperscript{72}

In the context of family reunification between third-country nationals, the number of temporary authorisations to stay issued in 2019 exceeds slightly the number of first residence permits issued: 2 289 against 2 279. This can be explained by the fact that the delivery of a residence permit is always preceded and conditioned on the delivery of a temporary authorisation to stay.

The data on authorisations to stay are informative on the category of the residence permit of the sponsor as shown in Table 10.

Table 10: Temporary work authorisations delivered for purposes of family reunification according to the category of residence permit of the sponsor (2017 – 2019).

<table>
<thead>
<tr>
<th>Category of residence permit of sponsor</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>%</td>
<td>Total</td>
</tr>
<tr>
<td>International protection</td>
<td>174</td>
<td>10,9%</td>
<td>423</td>
</tr>
</tbody>
</table>
67.8% of the family members had a sponsor with a resident permit from a remunerated activity during 2019. BIPs represented only 20.2% of the sponsors for family reunification. There was an increase of family reunification of 12.9% in 2019 in comparison with 2018. However, the increase for BIPs was only of 9.2% and for the family reunification related to remunerated activities, it was of 10.6%.

In 2019, 65.4% (1,496 out of 2,289) of the family members were female and 34.6% were male (793 persons).

### 2.4. Other categories

#### 2.4.1. Au-Pairs

The number of permits delivered to the category ‘au-pair’ continued to increase passing from 111 in 2018 to 152 in 2019 representing an increase of 36.9%. The three main countries of origin for receiving these permits did not change when compared to last year with the exception of Brazil (12) replacing Columbia. The Philippines (53) remained the biggest group followed by Cameroon (18).

#### 2.4.2. Investors

As part of Luxembourg’s efforts to diversify its economy and boost entrepreneurship, the Law of 8 March 2017 amending the Immigration Law introduced an authorisation to stay for investors. This law aims to attract qualified third-country national investors to the country.73 Four permits were granted in 2018.74 In 2019, six permits were issued.75

Part of the reason for these low numbers is the Luxembourgish commitment to properly investigate authorisations to stay for third-country national investors76 and their investment projects, before granting a third-country national investor an authorisation to stay.77 This is done in the context of Luxembourg’s fight against money laundering and the financing of terrorism.

Third-country national investors undergo the same security checks as other third-country nationals applying for a permit. Systematic checks in the Schengen Information System (SIS) are made for each third-country national introducing an application for the investors’ permit before they enter the country. Further, a criminal record is requested from their last country of residence and must be joined to the application.78

On the 13 January 2019, a law establishing a Register of Beneficial Owners and transposing the Directive (EU) 2015/849 of the European Parliament and the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing came into force. It applies to third-country nationals applying for the investor permit. The authorities have access to the register and can make regular checks, thus helping prevent the misuse of the financial system. This law also applies to cases of human trafficking, which is

<table>
<thead>
<tr>
<th>Remunerated activities</th>
<th>1 225</th>
<th>76,9%</th>
<th>1 404</th>
<th>69,3%</th>
<th>1 553</th>
<th>67,8%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other</td>
<td>195</td>
<td>12,2%</td>
<td>200</td>
<td>9,9%</td>
<td>274</td>
<td>12,0%</td>
</tr>
<tr>
<td>Total</td>
<td>1 594</td>
<td>100%</td>
<td>2 027</td>
<td>100%</td>
<td>2 289</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: Directorate of Immigration 2019 © EMN Luxembourg 2020
expanded upon in Chapter 7: Fight Against Trafficking in Human Beings.  

2.5. Information on routes to and conditions of legal migration

2.5.1. Visa Policy

Table 11: Number of visas issued in Luxembourg 2019.

<table>
<thead>
<tr>
<th>Member State</th>
<th>Short stay visas (C Visa)</th>
<th>National visa (D Visa)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Issued to TCN coming directly from a third-country</td>
<td>Issued to TCN resident in another MS</td>
<td>Issued to TCN coming directly from a third-country</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>10 819</td>
<td>113</td>
<td>1 827</td>
</tr>
</tbody>
</table>

Source: EMN Luxembourg © EMN Luxembourg 2020

In 2019, a total of 13 208 visas were issued by the Luxembourgish Government, 10 932 (82.8%) were short stay Schengen Visas (C-stays of up to 90 days) and 2 276 (17.2%) were National Visas (D). 10 819 (81.9%) short stay Schengen Visas were issued to third-country nationals coming directly from a third country, and 113 (0.9%) to third-country national residents in another Member State. 1 827 (13.8%) National Visas (D) were issued to third-country nationals coming directly from a third country, and 449 (3.4%) to third-country nationals residing in another Member State. In 2018, a total of 22 737 visas were issued: 20 535 (90.3%) were short stay Schengen Visas and 2 202 (9.7%) were National Visas (D). In comparison with 2018, the total number of visas issued by Luxembourg shows a decrease of 41.9%.

Moreover, two main developments took place with regards to visa policies in 2019. Firstly, the cooperation between Belgium and Luxembourg in terms of issuing visas in the name of the Grand Duchy of Luxembourg by the Belgian diplomatic representations abroad and vice versa was ratified through a bilateral agreement adopted on 8 August 2019.

Secondly, bill n°7238 amending the Immigration Law was adopted on 10 October 2019 and became the Law of the 4 December 2019 amending the amended law of 29 August 2008 on free movement of persons and immigration.

The text provides for a long-stay visa with a maximal duration of one year (Article 38) and the possibility for the visa holders to declare their arrival at the municipality of their place of residence for a stay of up to 3 months, without having to seek a residence permit (Article 40). The law came into force on 27 December 2019. This visa will particularly be applied under the framework of ‘working holidays’ visas, negotiated bilaterally between the Grand Duchy of Luxembourg and a third-country.

2.5.1. Working Holiday Visas

On 3 July 2019, Luxembourg and Canada signed a “Working Holiday” agreement, allowing people of Luxembourgish or Canadian nationality between the ages of 18 and 30 to live and work in the other country for the duration of a year. The aim of this programme is to promote international exchanges of young people and to deepen their linguistic and cultural exchange.
Similarly, Luxembourg and Chile signed a “Working Holiday” agreement on 16 July 2018. Although, the agreement came into force in 2018, the information on how Luxembourgish citizens could apply was not available until 2019 as the Chilean Government had not specified the application process. The National Youth Service (SNJ) has since updated their website and directs Luxembourgish citizens to the Chilean Embassy in Brussels.

2.6. Brexit

2.6.1. Mesures taken in the context of Brexit

Seeing the incertitude that Brexit generated during 2019, the Luxembourgish Government decided to enact four laws in order to attenuate the impact that Brexit would have with regards to the rights of British citizens residing and working in Luxembourg.

The Law of 8 April 2019 amending the Immigration Law was published on 11 April 2019. The legislation came into force once the UK left the EU. It lays out a legal basis on how to deal with British citizens living in Luxembourg after Brexit by introducing Article 33ter to the Immigration Law in case of a ‘deal’ or ‘no deal’ Brexit.

On the one hand, the bill aims to incorporate the Agreement of 25 November 2018 on the withdrawal of the UK from the EU into national legislation. Notably, regarding British citizens’ right of residence and the rights of British cross border commuters. The Withdrawal Agreement provides for British citizens and their family members residing in an EU Member State at the time of the UK’s withdrawal from the EU or before the end of the transitional period (with the possibility of an extension) to continue benefiting from the right to free movement within the EU. The same applies to family members that will unite after the transitional period ends) with a British citizen already residing in Luxembourg before the end of the transitional period.

On the other hand, in case of a ‘no-deal’ Brexit, the law provides a solution for the conservation of the rights of British citizens and their family members residing in Luxembourg before the withdrawal of the UK. The Commission on European and Foreign Affairs, Cooperation, Immigration and Asylum extended the scope of the bill by Parliamentary Amendment, by including applicable measures to British citizens’ right of residence and their family members in case of a ‘no deal’ Brexit. These measures were put in place by taking into account the Government Council’s decision of 18 January 2019 to grant British citizens and their family members residing in Luxembourg a right of residence on the basis of a residence permit being delivered within a year after the UK’s withdrawal. In light of the uncertainty surrounding the UK withdrawing from the EU with a deal, the Luxembourgish Government prepared its legislation for both scenarios, ‘deal’ or ‘no deal’.

2.6.2. In a ‘deal’ scenario

British citizens and their family members, who are in possession of a registration certificate or a residence card under EU directive 2004/38/EC, must apply for a new document at the latest after the end of the transition period, as a replacement of the certificate or card. However, they have the possibility to apply for that replacement document before the end of the transition period. The replacement document will be valid from the day following the end of the transition period. British
citizens and their family members who arrive at Luxembourg during the transition period must request a residence document under EU directive 2004/38/EC before the end of the transition period, to be able to prove that they fall within the scope of the Withdrawal Agreement. In possession of this document, they will be able to apply for the replacement document. Family members of British citizens who fall within the scope of the Withdrawal Agreement and who come to Luxembourg after the end of the transition period, will have to apply for a residence document within the first three months after their arrival.91

British citizens and their family members benefiting from permanent residency before the end of the transitional period will receive a residence document, as a replacement of a permanent registration certificate, respectively the permanent residence card.92

The law also specifies that:

- When calculating the five years of uninterrupted residency required for the right of permanent residence, the periods of stay before, during and after the transitional period will be taken into consideration.93 However, these interruptions cannot be longer than 6 months.
- The right of permanent residence of British citizens and their family members, acquired before the end of the transitional period can only be lost if there is an interruption of residence for more than five consecutive years. 94

Moreover, British citizens and their family members will maintain the same rights as other EU citizens under the Withdrawal Agreement in the following areas:

- Access to the job market.
- Recognition of academic and professional diplomas.
- Access to financial aid for higher education.
- Access to jobs in the public service.

2.6.3. In a ‘no-deal’ scenario

British citizens and their family members that held a residence document delivered by Luxembourg before the withdrawal of the UK from the EU would benefit from the right of residency during a period of one year after the withdrawal date. During this period, they are allowed to pursue activities as an employed or self-employed worker.95

At the latest, three months before the end of the one-year period, British citizens have to obtain a residence permit issued by the Ministry in charge of immigration. However, they are dispensed from the obligation to provide a declaration of arrival to the municipality, a medical certificate, and proof of adequate accommodation required to obtain a residence permit. On the other hand, they are not exempted from the fee of € 80 for the issuance of the residence permit.96

A circular was sent by the Minister of Interior and the Directorate of Immigration to municipal administrations about the consequences and impact of Brexit on British citizens and on municipal administrations on 3 April 2019. The Directorate of Immigration also ensured that a specific procedure for British citizens and their family members will be put in place in order to successfully process their applications, in accordance to their status and would inform municipalities in time.97
Similarly, three other bills were introduced into Parliament in preparation of a ‘no deal’ Brexit:

1) Bill n°7406 had for objective to prevent the potential impact of the UK’s withdrawal from the EU on the Luxembourgish Public Service and on the personal situation of British citizens that are either civil servants, employees of the State, local councilors or local officials, and municipal employees. Especially in relation to the 42 British citizens that were working for the State at the time the bill was drafted. The bill thus proposed a legal basis upon which civil servants and employees of the State or municipalities of British citizenship could conserve their rights and duties in the case of a ‘no deal’ Brexit.

British teachers working under the framework of the Luxembourgish international schooling offer would particularly be affected by becoming third-country nationals as they would no longer be able to work as employees of the State. This law would therefore, not only protect British teachers but also ensure the good functioning of international teaching.

This bill was approved becoming the law of 8 April 2019 amending the laws relating to civil servants and municipal officials (published in Memorial A 239) and it guarantees that British citizens working before the entering into force of Brexit as public servants for the State or municipalities will preserve their rights. This law was to come into force in the case of a ‘no deal’ Brexit. On 1 February 2020, the UK exited the EU with a withdrawal agreement it therefore does not apply.

2) Bill n° 7409 aimed to transpose into national law the repercussions of the withdrawal of the UK from the EU on the domain of higher education. Initially, the authors based the bill on the assumption of an effective ratification of the Withdrawal Agreement with an exclusive aim at maintaining the status quo during the transitional period. The measures originally planned were:

- To include the UK in the list of States whose nationals can benefit from state financial assistance for higher education in the same way as EU citizens, as defined by the amended law of 24 July 2014 on state financial aid for higher education.

- To include the UK under the definition of a Member State as defined in Article 3 of the Law on the Recognition of Professional Qualifications in order for British citizens to benefit from the simplified procedure for recognizing qualifications and the enrolment procedure usually reserved for EU citizens.

- To add the UK to the list of assimilated States for British citizens to benefit as nationals of Member States from the simplified application procedure for practicing a profession in the health sector.

- Guaranteeing the automatic recognition of diplomas and training titles for certain medical professions and architects under Article 21 of the Law of 28 October 2016 relating to the recognition of professional qualifications obtained in the UK after its withdrawal from the EU.
- Exempting British students from specific provisions for accessing studies at the University of Luxembourg for third-country nationals through Article 32, paragraph 6 of the amended law of 27 June 2018 on the organization of the University of Luxembourg.

The law of 8 April 2019 amends the law of 28 October 2016 on the recognition of professional qualifications and was published on 11 April 2019. It creates a legal basis for the automatic recognition of professional qualifications of specialist doctors and general practitioners, nurses, dentists/dental specialists, veterinarians, midwives, pharmacists and architects that were delivered in the UK for these professions.

It was to come into force in the case of a ‘no deal’ Brexit. On the 1 February 2020, the UK exited the EU with a withdrawal agreement, therefore this law does not apply.

3) Bill n°7421 aimed to avoid British citizens losing their access to the social inclusion income or the income granted to severely disabled persons in the case of a ‘no deal’ Brexit. If Brexit had occurred without the Withdrawal Agreement, British citizens would be considered third-country nationals from the moment that the UK withdrew from the EU. The criteria upon which a person can benefit from the social inclusion income and the income granted to severely disabled persons are different for third-country nationals than EU citizens and Luxembourgish nationals.

Third-country nationals have to have resided in Luxembourg for a minimum period of five years over the last twenty years or have the status of long-term resident in order to benefit from the social inclusion income. EU and EEA citizens can apply after three months of staying in Luxembourg.

The law of 8 April 2019 on disabled persons and social inclusion (published in Memorial A 240) allows British citizens residing in Luxembourg that have a serious disability and/or benefit from the social inclusion income to continue benefiting from these rights after Brexit. This law did not enter into force as the UK withdrew from the EU with a deal.

2.6.4. Preoccupations relating to Brexit

As stated in the Coalition Agreement, the Government set-out to minimize the negative impact of Brexit on both its citizens and businesses, while ensuring a fair balance between rights and obligations in any future relationship. For the most part, the reservations on Brexit were related to the conservation of the rights of British citizens and their family members. Considering 5 800 British reside in Luxembourg (as of 1 January 2020) and that it is within the European institutions and the financial sector in which they usually work, the social and economic consequences of Brexit are difficult to determine but will for certain have an impact on these residents and these sectors. The uncertainty can either be a source of risk or opportunity.

Primary research found that for the most part, British citizens residing in Luxembourg would like to continue living in Luxembourg, which is reflected upon in the number of British citizens acquiring Luxembourgish citizenship. In response to Brexit, the Luxembourgish NGO, British Immigrants Living in Luxembourg (BRILL) was created. This NGO advocates for the protection of
the rights of British citizens living in Luxembourg. They participated in meetings of the Department of Exiting the EU (DExEU), the Commission Article 50 Task Force and the Council Brexit coordinating working group and Members of the European Parliament (MEPs). On 2 January 2019, the National Council for Foreigners (Conseil National pour Etrangers –CNE) together with BRILL delivered a proposal to Luxembourg’s Parliament.\textsuperscript{111} It set-out a number of questions surrounding the rights of British citizens:

- Will British residents working in Luxembourg receive confirmation from the State that their working contracts will not be affected by Brexit?
- Will bilateral agreements be put in place between Luxembourg and the UK considering the vast number of Luxembourgish residents that pursue studies in the UK?
- What will be the impact of Brexit on the teaching of the English language in schools (notably the access to native language teachers in the Luxembourg job market)?
- How will British cross-border commuters be treated?
- What will be the impact of Brexit on real-estate in Luxembourg with the arrival of new actors in the financial sector?\textsuperscript{112}

In order to support British citizens and their family members living in Luxembourg to understand the administrative procedures of becoming third-country nationals during the transitional period, a FAQ section on MyGuichet was created to answer the most common questions that these residents have, thus providing clear and objective information on their personal situations.\textsuperscript{113}

2.6.5. Naturalisations

The juridical insecurity surrounding the rights of British citizens has led to a peak in naturalisations since 2016. In 2019, the number of British citizens who became Luxembourgish citizens remained high, with 431 acquisitions compared to 435 in 2018.


<table>
<thead>
<tr>
<th>Year</th>
<th>Number of acquisitions</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>75</td>
</tr>
<tr>
<td>2016</td>
<td>128</td>
</tr>
<tr>
<td>2017</td>
<td>384</td>
</tr>
<tr>
<td>2018</td>
<td>435</td>
</tr>
<tr>
<td>2019</td>
<td>431</td>
</tr>
</tbody>
</table>

Source: Ministry of Justice, Statec, 2020

A curious fact about these naturalisations is that almost half of the Luxembourgish nationalities acquired in 2018 and 2019 by British citizens were based on the option that allows acquisition after 20 years of residence in Luxembourg without having to take and pass the Luxembourgish language exam.

2.6.6. Brexit’s impact on migration flows

The head of the Airport Police Unit of the Grand Ducal Police stated on 28 October 2019, that fake
documents are often intercepted at Findel airport and that since the discussions on Brexit started, the number of false documents in circulation has increased. It would appear that the pressure on migrants without the right documentation to reach the UK before it leaves the EU has heightened. This has in turn opened a window of opportunity for smugglers to sell fake documents.

In 2019, the number of false documents detected was 4 times higher than previous years. A total of 129 false documents were detected in 2019. The most common nationalities detected trying to get to the UK/Ireland, were Albanians (82) Iranians (15) and Indians (9). The main country of origin for the fabrication of false documents was Italy (40).\textsuperscript{114}

3. INTERNATIONAL PROTECTION

During 2019, the number of applications for international protection submitted to the Directorate of Immigration amounts to 2,047 registered applications. However, this number shows a decrease of 7.2% since 2018 (2,206).\textsuperscript{115}

![Figure 1: Number of applications (2016-2019).](source)

Applications for international protection

Like the previous years, the largest number of applicants were Eritreans (510) amounting to 24.9% of the total number of applications. In comparison to 2018, applicants from Eritrea increased by 30.1%. This nationality is followed by Syrians (287 (14%)) with an increase of 26.4% from 2018, Afghans (162 (7.9%)), Iraqis (110 (5.4%)) and Algerians (79 (3.9%)).\textsuperscript{116}

In 2018, none of the Maghreb countries appeared among the top five countries of origin of AIPs in 2018 (unlike in 2017, when Morocco, and Algeria respectively occupied 3\textsuperscript{rd} and 5\textsuperscript{th} place).\textsuperscript{117} Algeria is again part of the top five countries of nationality in 2019.

Venezuela, for the first time, figured among one of the main countries of origin with 64 applications (3.1% of the total number of applications). Further, there was a slight increase in the number of
applications from Iranian and Turkish nationals. Regarding, the Balkan States, only Albania saw a slight increase with 56 applications (2,7%), in comparison to the 45 during 2018.\textsuperscript{118} The number of AIPs originating from the West Balkans has thus continued to decrease.

It is also interesting to note that there was a sharp decrease in applications from Georgian nationals with 36 applications versus 141 in 2018.\textsuperscript{119} The number of AIPs from Georgia, doubled between 2016 and 2017 from 64 to 138, and remained stable in 2018 with a total of 141 applicants (5th most represented country in 2018).\textsuperscript{120}

Table 13: Number of people applying for international protection by country of nationality (2019).

<table>
<thead>
<tr>
<th>Country of Nationality</th>
<th>Number of applications</th>
<th>Percentage (%) out of total number of applications in 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eritrea</td>
<td>510</td>
<td>24.9</td>
</tr>
<tr>
<td>Syria</td>
<td>287</td>
<td>14.0</td>
</tr>
<tr>
<td>Afghanistan</td>
<td>162</td>
<td>7.9</td>
</tr>
<tr>
<td>Iraq</td>
<td>110</td>
<td>5.4</td>
</tr>
<tr>
<td>Algeria</td>
<td>79</td>
<td>3.9</td>
</tr>
<tr>
<td>Venezuela</td>
<td>64</td>
<td>3.1</td>
</tr>
<tr>
<td>Iran</td>
<td>60</td>
<td>2.9</td>
</tr>
<tr>
<td>Turkey</td>
<td>57</td>
<td>2.8</td>
</tr>
<tr>
<td>Albania</td>
<td>56</td>
<td>2.7</td>
</tr>
<tr>
<td>Morocco</td>
<td>48</td>
<td>2.3</td>
</tr>
<tr>
<td>Somalia</td>
<td>42</td>
<td>2.1</td>
</tr>
<tr>
<td>Guinea-Conakry</td>
<td>40</td>
<td>2.0</td>
</tr>
</tbody>
</table>

Source: Directorate of Immigration, 2020.

Decisions in international protection applications

In 2019, the Directorate of Immigration took 2 154 decisions\textsuperscript{121} on international protection.\textsuperscript{122} This represents a decrease of of 9,1% in comparison to 2018 (2 371).

In comparison to 2018:

- The granting of international protection fell from 44,4% to 32,2%.
- Refusals of international protection slightly increased from 15,2% to 18,4%.
- The implicit withdrawal of applications strongly increased from 3,7% to 14,3%.
- The percentage of ineligible applications also increased, from 3% to 5,8%. The main reasons for ineligibility were the existence of a first country of asylum or a safe third country for the applicant.\textsuperscript{123}

In 2019, 693 people obtained international protection in Luxembourg (refugee status or subsidiary protection). The recognition rate of international protection is at 57,1%. It represents the
relationship between positive decisions and the overall number of decisions taken – grants and refusals.\textsuperscript{124} 653 people were granted the status of refugee compared to 994 in 2018 (-34,3%). In parallel, 40 people received the status of subsidiary protection in comparison to 74 people in 2018 (-45,9%).\textsuperscript{125}

During 2019, 268 Syrian nationals were granted refugee status (41% of the total number of refugee statuts granted), followed by Eritreans with (182 (27,9%), Iraq (56 (8,6%)) and Afghanistan (52 (8%)).\textsuperscript{126} The number of subsidiary protection statuses granted to Venezuelan nationals (17) represented 42,5% of the total number of status granted under this category in 2019.

397 refusals were issued, of which 207 (52,1%) were taken under the normal procedure and 190 (47,9%) in the context of an accelerated procedure. The proportion of refusals under the normal procedure increased by 20% with respect to 2018, whereas, the proportion under an accelerated procedure fell by 20%. This can partly be explained by the decrease in applications made by nationals from the West Balkan States and Georgia.\textsuperscript{127}

In 2018, the number of decisions taken during an ultra-accelerated procedure among decisions in an accelerated procedure was at 59,2% (145 out of a total of 245 decisions), the number in 2019 decreased to 47,4% (90 out of a total of 190 decisions).

3.1. Institutional changes in the national asylum system

3.1.1. Change in Competencies

In line with the Coalition Agreement of 2018-2023\textsuperscript{128}, bill n° 7403\textsuperscript{129} on the establishing of the National Reception Office (ONA) was introduced into Parliament on 5 February 2019. On 23 October 2019, the Parliament approved the bill and it became the law of 4 December 2019 establishing the ONA. The provisions of the new reception policy entered into force on 1 January 2020.\textsuperscript{130} The ONA thereby replaces the Luxembourg Office for Reception and Integration (OLAI) established by the law of 16 December 2008 on the reception and integration of foreigners in the Grand Duchy of Luxembourg (hereinafter Integration Law).

This law formalizes the change in competences concerning the reception of AIPs. All aspects related to the reception of AIPs, including housing and material conditions, have been placed under the jurisdiction of the Minister of Immigration and Asylum. The jurisdiction with respect to integration will be maintained within the Ministry of Family Affairs, Integration and the Greater Region. This way, AIPs have one principal point of contact for the entire duration of their application.\textsuperscript{131}

As stated in Article 2 of the law on the establishing of the ONA,\textsuperscript{132} the ONA has for mission to:

1) Organize the reception of AIPs.
2) Manage housing structures reserved for the temporary housing of AIPs, refugees and persons able to benefit from subsidiary protection.
3) Collaborate with other organisms for the creation and management of housing structures destined for AIPs, refugees and beneficiaries of subsidiary protection.
4) Promote with the respective competencies, the construction and development of housing structures reserved for AIPs, refugees and beneficiaries of subsidiary protection.
A transfer of € 34,7 million was integrated into the ONA budget under Article 00.6.33.001 of the National Budget for the High Commission for National Protection in relation to the reception of AIPs to deal with the high influx of AIPs seen since 2015. Until the end of 2019, these funds were allocated to the OLAI. Finally, the funds allocated to the construction and equipping of reception centers that used to be funded in the National Budget under “Special Funds and Investment into socio-family issues” have also been transferred under ONA.133 The total budget of ONA amounts to € 76,1 million134 which is double the one that OLAI used to have. This increase can be explained by the fact that the reception of AIPs is no longer considered an emergency, so the regular budgets for institutions must now cover the expenses with their general budgetary lines and not through emergency funding - as the National Budget since 2015 centralized all expenses related to the influx of applicants.135

Moreover, in 2019, the Government released the figures for the State Budget for the period 2015-2018136 concerning their efforts in strengthening the system in place aimed at AIPs and BIPs.

3.1.2. Other dispositions in the law of 4 December 2019 establishing the National Reception Office (ONA)

The law:

- Attributes OLAI’s mission to the ONA, to provide one -time support to third-country nationals that are not entitled to social benefits, in exceptional duly substantiated cases.137
- Foresees that the Minister provides a national report on the reception of AIPs and the evolution of migration to Parliament, every 5 years.138
- Determines the framework under which financial aid can be granted to entities and municipalities who take part in reception projects for AIPs.139
- Excludes the application of the amended Law of September 21, 2006 on residential leases and amending certain provisions of the Civil Code to tenancy agreements for reception structures reserved for the accommodation of AIPs and BIPs.140

3.1.3. Debates on the bill on the establishing of the ONA

Besides Parliamentary discussions, the bill on the establishing of the ONA was the object of very little debate. The Council of State was particularly critical of the initial bill and made three formal oppositions.141

The Council of State especially questioned why the scope of ONA’s support was extended to all third-country nationals and not just limited to AIPs which would be contradictory to ONA’s mission. They formally opposed the Article as the essential elements of this temporary aid scheme were not precise enough.142 In its amendment, the Parliamentary Commission took this criticism into account by specifying the parameters and limits in which financial aid is granted to the persons in accordance with their family situation, humanitarian or medical reasons, without exceeding the amounts provided under Article 13 (2 and 3) of the law of 2015 on the reception of AIPs.

The commentary on the Article also sheds light on the type of people targeted and the kind of support granted. These are:

- Rejected AIPs.
• Rejected AIPs that benefit from a suspension or postponement of removal.
• Rejected AIPs who are granted an authorisation of stay for medical reasons.\textsuperscript{144}

As for ad-hoc assistance, it can be used for example, to cover medical costs, the purchase of school materials, training costs or even the purchase of hygiene products. The Council of State, in its additional opinion, considers that the precision of the framework for the temporary aid scheme for foreigners is sufficiently precise so that it removes its formal opposition.\textsuperscript{145}

The Council of State’s second formal opposition concerned the mechanism under which financial aid is allocated to entities and municipalities that take part in projects relating to the reception of AIPs. According to the Council of State, the suggested dispositions did not correspond to the criteria laid out in Article 32(3) of the Constitution, in the sense that the essential elements of the dispositions were not present in the law.\textsuperscript{146} The Parliamentary Commission made some amendments, detailing the elements of the financial aid framework, and specifying the different types of financial aid and costs that are eligible. In response, the Council of State removed its formal opposition.\textsuperscript{147}

The third formal opposition relates to the authorization of financial participation in the construction or renovation of reception facilities, which could cover up to 100% of the costs. Firstly, according to the Council of State, this Article could be used to justify co-financing of the State, however, the State is committed to respect a certain threshold in its financial contributions, as specified in Article 99 of the Constitution. If the co-financing of the State goes over this threshold, it has to be authorized by a special law. The text also does not respect Article 99 of the Constitution, as the essential elements of the dispositions were not present in the bill’s text.\textsuperscript{148} The Parliamentary Commission proposed to repeal the Article.\textsuperscript{149}

In general, the Council of State wanted to maintain the domains of reception and integration under one umbrella administration.\textsuperscript{150} They question the pertinence of separating the domains of reception and integration which are highly interlinked. For example, certain instruments, such as the Welcome and Integration Contract (\emph{Contrat d’accueil et d’intégration} - CAI) or the Guided Integration Trail (\emph{Parcours d’intégration accompagné} – PIA) which are offered to AIPs to facilitate their integration into society as soon as they arrive. Also, it feared that with the disappearance of the OLAI, integration policies will lose visibility, which have been highlighted in the last years. The Council of State also questions why the bill establishes that ONA’s mission is limited to European and International cooperation and that the collaboration with countries of origin was not mentioned. The Family and Integration Commission reacted to this, explaining to the Council of State that this measure “had for object to search for the family members of applicants of international protection and unaccompanied minors” and that such a disposition is in the amended law of 18 December 2015 on international protection, therefore it was not necessary to repeat it.\textsuperscript{151}

The Council of State, finally noted that the bill refers to the ONA as the new OLAI which could be problematic since OLAI’s missions will not be wholly transferred to the ONA but distributed across two entities. This could lead to a transfer of attributes to the ONA that in the future would belong to the Ministry in charge of integration.\textsuperscript{152}
The Chamber of Commerce, the Consultative Commission on Human Rights (Commission Consultative des Droits de l’Homme - CCDH) and the Council of State, all expressed views on the consequence of separating the domains of reception and integration.

The Chamber of Commerce supports the centralisation of competencies with regards to integration under the Ministry of Family Affairs, Integration and the Greater Region. According to the Chamber, this allows for a more efficient service. The Chamber of Commerce also highlighted that the reforms on reception and integration is “an occasion to reinforce measures in favour of attracting qualified and highly qualified workers” since 65% of businesses confirmed that the lack of qualified workers hampers economic development. This gap will be difficult to fill in the future by people coming only from the Greater Region. The Chamber of Commerce is also in favour to include measures specific to the reception and integration of qualified workers into the bill – reminding its proposal for a modern law on immigration, containing public means “to attract, welcome and integrate qualified, and highly qualified workers”.

In a press release on the OLAI’s reform, the CCDH stated: “we salute any measure that aims to make the reception and integration of AIPs more efficient, accessible and human”. The CCDH hopes, however, for clear communication on the competencies of two new entities to persons involved. It especially poses the question on the elaboration and the execution of future national integration plans. As the current national integration plan incorporates the domain of reception, will there be a second plan dedicated to the reception in the future?

3.1.4. Staff training

Reception:

In 2019, OLAI recruited 3 new staff members. The main focus was to improve the recruitment process and develop the competencies of OLAI’s agents. Further, the acquisition and development of competences are essential for OLAI (now ONA) staff, particularly for people who are in direct contact with AIPs. Between January and December 2019, OLAI’s staff participated in 81 different trainings, in the following areas:

- Diversity of genders and sexual orientation.
- First Aid.
- Mental health (suicide prevention, post-traumatic stress, prevention of depression etc.).
- Administrative organization, human resources and finally on the receiving of clients.

Further, OLAI regularly organized collective supervision sessions for caseworkers.

Directorate of Immigration:

In order to prevent and combat unfounded applications, as well as, improve the credibility assessment, the European Asylum Support Office (EASO) provided trainings to caseworkers at the Directorate of Immigration in 2019. In that context, every new caseworker participated in the Inclusion Training, and regular caseworkers participated in a follow-up Inclusion Training. Further, two Luxembourgish agents participated in the “Train-the-Trainer” EASO event called “End of Protection”.
3.2.  Procedure for international protection

The majority of the changes related to the 2019 international protection procedure were not legislative but administrative.

3.2.1.  Dublin procedure

Since March 2019, the evaluation of Dublin cases has been integrated into the Asylum Unit of the Directorate of Immigration (Department for Refugees). Before this date, it was under the Return Unit of the Directorate of Immigration (Department for Returns).

On 11 April 2019, a bilateral agreement under the framework of Article 36 of Dublin III came into force between Luxembourg and Germany in order to accelerate the procedures, and the taking of charge to diminish the time for transfers. Luxembourg also published a revised Dublin leaflet to AIPs.

In the context of the application of the Dublin III regulation, 983 requests to take responsibility of AIPs and irregular migrants residing in Luxembourg were sent to other Member States in 2019 and Luxembourg received 551 requests from other EU Member States.

There was a reduction in decisions of incompetence in 2019 with 625 decisions compared to 797 in 2018 representing a decrease of 27,5%.

330 people were transferred to other countries under the Dublin system, compared to 289 people in 2018, an increase of 14,2%. 90 people were transferred to Luxembourg from other Member States compared to 91 in 2018. Out of these 90 people, 30 were transferred from Greece – namely for family reasons.

During the course of the World Refugee Day on 20 June 2019, the Luxembourgish Council for Refugees (LFR) expressed reservations with regards to Dublin III, which creates critical situations on a daily basis as there is no distribution of AIPs between the States that adhere to the Dublin Regulation. The LFR continues to plead, like the NGO, Passerelle, for a halt of transfers to Italy. The question of Dublin transfers to Italy (or Greece) has been debated for several years (see EMN 2018 annual report). According to Passerelle, the authorities are too quick to apply Dublin III, as a result, the question of vulnerability of Dubliners is often not taken into consideration. The association recalls that Dublin III does provide the possibility for Member States to process applications for international protection even though they can see that an application has already been submitted in another country. If that country has systematic flaws with its international protection system and leaves AIPs with minimal access to human rights, then the transfer decision should not be taken. The Minister in charge of Immigration and Asylum has repeatedly reminded that it does not make systematic transfers to Italy and that it always analyzes the files on a case-by-case basis taking into account the situation in these countries and the vulnerability of persons liable to be transferred.

3.2.1.1.  Semi-open return facility - SHUK

In 2019, a total of 546 people compared to 570 in 2018 (4,2% less), were assigned to the SHUK. This includes individuals that fall under the Dublin III category and will be transferred to another Member State. Women and families are not assigned to the SHUK.
Out of these 546 people, 104 were transferred to another Member State (51 in 2018), 16 to the detention center (27 in 2018), and 323 left at their own will (compared to 316 in 2018). 166

The SHUK’s residents is mainly comprised of Eritreans, Algerians, Afghans, Moroccans and Tunisians. As of 31 December 2019, 38 AIPs were residing at the SHUK, compared to 96 in 2018. On average, individuals stay for a period of 55 days at the SHUK in 2019. The time increased by 37,5% since 2018.167

Visits to the SHUK at the request of staff managers at the ONA, took place between the 28 June and 7 August 2019. About 20 people participated. Further, seven members from the Ethno-psychological Migrant and Refugee Service of the Red Cross were invited on 21 November 2019 for an exchange of good practices. 168

Other activities such as arts and crafts or problem-solving games, along with board games were proposed to the residents all year round, enabling them to share some leisure time, also with staff members.

During periods of major competitive sport events, SHUK managers set-up projection screens for all to enjoy.169 Further, an awareness campaign on the flu vaccination was launched at the SHUK on 24 October 2019. As a result, 30 people were vaccinated on 13 November 2019. 170

Moreover, activities outside the SHUK, for the residents, were organised in collaboration with the municipality of Luxembourg. Three people were given a “Kulturpass” which allows a person to attend a variety of different cultural events in Luxembourg. Ten people were granted access twice per week to the Lily Unden Gym, managed by the Red Cross. In addition, SHUK residents were allowed to attend the “Baggerweier” (water platforms in the municipality of Schengen), free of charge during the summer season. 171

The last development regarding the SHUK was the exploration of alternatives to the SHUK - of a temporary nature for Dublin returns - by the Government. In order to completely change the structure of the SHUK, a new terrain is needed. Studies are being carried-out to determine the best possible location in collaboration with different municipal stakeholders involved.172

Similarly, like in 2018 the LFR criticized the SHUK. On the World Refugee day, 20 June 2019, the LFR published a press release to raise awareness on the condition of the AIPs in the SHUK. In their press release the LFR indicated even though the SHUK is intended as an alternative to detention, it is more used as an alternative to reception - deliberately made more precarious as a means to dissuade secondary movements from other Member States.173 On the same day, the LFR organized an awareness raising event on the difficult living conditions that exist at the SHUK. During the event, by-passers and participants could learn about the living conditions at the SHUK, as well as support the initiative of the LFR by sending a post card to the Prime Minister asking to close the SHUK. 174 Besides closing the SHUK other claims made by the organizers of the awareness raising event were:

- To have more dignified accommodation.
- The need for equal treatment of all AIPs in matters of reception and protection, transferable or not.
- The proactive identification of vulnerabilities.
- That curfew orders should be reserved to for those that a definitive transfer decision has been made.
- The right to a fair hearing and appeal with suspensive effect in the case of a transfer decision.\textsuperscript{175}

3.2.2. **Safe countries of origin**

No changes with regards to the list of safe countries of origin took place in 2019.

The Government stated in accordance with the Geneva Convention, however, that it will not add Algeria, Morocco or Tunisia to its safe country list.

Luxembourg considers that these three countries do not fulfil the criteria for safe countries established by the Asylum Law.\textsuperscript{176}

However, this does not mean that citizens of one of these countries cannot be submitted to a fast track asylum procedure depending on their case.\textsuperscript{177} The data on the number of refusals shows that Algeria, Tunisia and Morocco are the first countries of origin under which negative decisions in an accelerated procedure are taken.\textsuperscript{178}

3.2.3. **Revocation of international protection**

When asked about the phenomenon of temporary returns of BIPs 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 BIPs 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 BIP no longer requires this protection.\textsuperscript{179}

In 2019, Luxembourg carried out seven revocations of status and did not take any decisions of exclusion.\textsuperscript{180}

3.3. **Reception, support and integration measures**

3.3.1. **Housing**

3.3.1.1. **Legislative Changes**

As mentioned under section 3.1.1, ONA has for mission to organize the reception of AIPs and to manage housing structures reserved for AIPs.\textsuperscript{181}

According to Article 7 of the law of 4 December 2019 establishing the ONA, the amended law of 21 September 2006 on residential lease agreements does not apply to temporary housing structures destined for AIPs, refugees and beneficiaries of subsidiary protection. This provision replaces the former provision which stated that the law of 21 September 2006 did not apply to temporary
housing structures destined to foreigners limiting the scope of the exception. This exception does not apply to accommodation provided to natural persons by a municipality, a syndicate of municipalities, a non-profit-making association or a housing foundation.  

3.3.1.2. Reception Capacity

The OLAI's (now ONA) accommodation system is organised in three phases: phases 1 and 2 correspond to the first reception, while phase 3 corresponds to accommodation in long term facilities.  

As of 31 December 2019, OLAI (now ONA) had a total of 55 reception structures with a total number of 4 064 beds in use, spread across 32 communes. 3 208 individuals lived across these reception facilities. Out of these 3 208 people, 204 were housed in phase 1 (compared to 210 in 2018), 204 in phase 2 (167 in 2018) and 2 800 in phase 3 (2 344 in 2018).

On 31 December 2019, the average occupation rate for all the reception facilities was at 78,9%. For the phase 3 housing it was at 81,6% compared to 70,8% in 2018 and 65% in 2017. This occupancy rate demonstrates the continued demand for OLAI accommodation facilities. Note that the maximum occupancy capacity of OLAI (now ONA) accommodation facilities is limited to 80%. For the first time, the occupation rate surpassed 80% for phase 3 accommodation, thus entering into a state of chronic saturation. A resident is normally an AIP, however, with the lack of affordable housing in Luxembourg, it is not uncommon for BIPs to continue living there. They have to pay rent and the amount depends on their income and household size.

OLAI (now ONA) attributes the high number of beneficiaries living in its facilities to the high number of new arrivals and BIPs' increasing duration of stay.

The pressure on the existing reception capacity is reinforced by the fact that several buildings are being renovated and are currently unoccupied. Other structures are unoccupied because they are unsuited for the needs of the OLAI (now ONA) and therefore redirected towards social housing agencies or a public organisation. Some contracts were limited in time and currently under revision for termination. Lastly, one structure will be demolished to make space for the enlargement of another.

On 31 December 2019, OLAI (now ONA) housed 76 different nationalities in its facilities, Eritreans being the most numerous (28,4%), followed by Syrians (21,6%), Afghans (9,1%) and Iraqis (8,5%). In comparison with last year this changed, Syrians were the biggest group (23,4%), then Eritreans (22,7%), Iraqis (12,2%) and Afghans (8%). 32,1% of those housed in OLAI's (now ONA) facilities on 31 December 2019 were under the age of 18, and 40,7% were women.

3.3.1.3. Developments in or for AIPs or BIPs’ accommodation structures

Accessibility to housing

The Government stated on 29 April 2019 that once the ONA was created, one of its responsibilities would be to define and to formalise the level of quality of the housing structures, in a common effort with relevant ministries. Preparations and new solutions for this were already implemented before the establishing of the ONA. The corresponding authorities assessed the
current housing situation of AIPs. The findings will be used to improve the existing health and safety measures.

Given the occupation rate of 78.9% in accommodation facilities, several steps towards awareness raising in municipalities were made, notably a call made by the Minister of Immigration and Asylum and the Minister of Interior. The call was made to encourage municipalities to engage themselves in making terrain available (minimum 10 ares) or buildings that could be used as accommodation for AIPs. This effort will continue in 2020. In this call, the Government also reminded municipalities of the benefits of modular housing which have been used for the reception of AIPs since the crisis of 2015. These benefits include among others, a reduced time of construction without compromising on quality.

In an effort to encourage municipalities in their initiatives to rent accommodation to BIPs, the Government has decided to increase the threshold of governmental subsidies to 100% to the prices announced by the Housing Observatory, instead of 80% as it was done before.

Moreover, a bill on establishing of a Special Fund for supporting the development of housing was deposited at the Chamber of Deputies on 6 November 2019. This bill has for goal to create a fund dedicated to the creation of affordable housing.

Article 3, point 8 of the bill states that the fund can be used to finance the construction of accommodation for foreign workers and AIPs.

Modular housing structures in the context of an emergency reception plan

The Government stated that the contingency plan for the reception of a sudden influx of AIPs, established in 2015, provided for the setting up of four modular housing facilities (in Diekirch, Mamer, Steinfort and Junglinster) from mid-2016, will be revised. The planned changes are to be discussed with the newly created ONA.

Updating of the internal regulations for residents of structures

The internal regulations for residents of structures managed by the OLAI, now ONA, were updated in November 2019. The regulations define all the rights and obligations of all persons put up, in any capacity, in reception structures. They are required to sign the document; failure to respect the regulation can lead to sanctions.

Facilitating autonomy of AIPs

In 2018, the Government announced in their Coalition Agreement that they will continue their efforts to equip all reception facilities with kitchens. In light of this, an analysis was conducted in 2019 and showed that for old buildings, the configuration just does not allow for a kitchen. For these structures, an external company has to deliver meals.

However, in the new standardised modular accommodation structures that the Government is building, all the specific needs of AIPs have been taken into consideration. All the standardised modular accommodation structures will include a kitchen so that AIPs will have the opportunity to cook should they choose to do so.
Another initiative to increase the autonomy of AIPs started with a pilot project launched in 2018 giving AIPs (mainly families) prepaid credit cards with their allowances on it; the project was due to end in December 2019. After evaluation, the Government stated that the OLAI would expand the project, due to its success, to six other structures, as well as, provide different ways of catering meals throughout the network of structures according to the different needs of people.203

3.3.2. Integration measures

3.3.2.1. Access to work

In January 2019, the LFR published a report “Access to the labour market for AIPs / BIPs” (L’accès au marché du travail des demandeurs/bénéficiaires de protection internationale).204 In this report the LFR indicated that AIPs and BIPs are placed in a challenging situation, as on the one hand their access to the labour market is restricted, which leads to delayed integration, higher care costs for the State and distrust from public opinion. On the other hand, lack of communication between the partners/institutions and a lack of information increases the period of inactivity, reduces the motivation, as well as, leads to the loss of acquired skills. The LFR also analyzed obstacles to labour market integration and existing regulations in other EU Member States. Besides indicating the existing challenges, the LFR provided proposals to improve the situation:

- To have individualised screenings of skills both linguistic and professional of these individuals.
- To organize information workshops on the access to labour market as part of the PIA.
- To develop a legal framework to allow AIPs to participate in labour market activation measures (community work, internships, voluntary work for young people etc.).
- To promote access to professional training.
- To reform the procedure for the temporary occupation authorisation (AOT).
- To abolish the community preference (labour market tests) for AIPs, within 12 months after an application for international protection has been lodged.
- To make AOTs more accessible to employers, by establishing a contact point of support, this way encouraging employers to hire.
- To give greater guarantees to employers who hire young AIPs as part of an internship.205

On 12 March 2019, the Minister of Labour, Employment and the Social and Solidarity Economy met with representatives of the LFR, for a first exchange of views on the proposals included in the report. During this meeting, the LFR and the Minister, as well as representatives of the National Employment Agency (Agence pour le développement de l’emploi – ADEM), among other things, addressed the need for a professional and linguistic skills screening upon the arrival of asylum seekers, and the need for a reform of the AOT. The two parties finally stressed the importance of regular dialogue to open up together in favour of the integration of people seeking refuge in Luxembourg.206 Discussions that took place at the 9th plenary meeting of the Ronnen Dësch also slightly touched upon the question of access to the labour market. The director of the ADEM in her presentation indicated that the knowledge of French language is essential to enter the labour market. Information on all the language classes is available on the website of life-long learning.207

Access to work was also mentioned by the CCDH in its press release on the reform of the OLAI, there it stressed that the current access to work procedure for AIPs must be simplified and go hand
in hand with raising awareness and supporting potential employers. The press release also references the Coalition Agreement, where the Government had indicated that it plans to simplify the procedure for obtaining an AOT. Consequently, the CCDH invited the Government to make these legislative changes as soon as possible.208

In June the Minister of Labour, Employment and the Social and Solidarity Economy provided an answer to a Parliamentary question on the planned changes to simplify the procedure for obtaining an AOT. The Minister stated that the Government has taken note of different proposals made by stakeholders, but the way forward has not yet been decided.

Furthermore, the Government is looking at the possibility for employers to offer a paid internship for a limited period of time to AIPs, in order to offer them first-hand experience on the Luxembourg job market.209

3.3.2.2. **Access to social security, social assistance and healthcare**

The law on the social inclusion income (REVIS) came into force on 1 January 2019.210 This law replaces the former law of Guaranteed Minimum Income (RMG).211 It aims to provide people a basic means of livelihood and to facilitate their employment and social inclusion.212

The main changes in relation to BIPs are:

- That the law on REVIS takes into account the provisions of the law of 18 December 2015 on the reception of AIPs and temporary protection.213 The law uses the broader term BIPs instead of refugees, which was in the abrogated law. Even though the National Solidarity Fund (Fonds national de Solidarité – FNS) had already included the beneficiaries of subsidiary protection by a decision taken in 2011, it did not exclude the family members of BIPs from the residence condition of five years in the territory during the last 20 years to benefit from the RMG. The new law corrects this oversight.214

- In accordance with the Law on REVIS, some individuals may, for a maximum period of 12 months, be considered by the FNS as a part of a household. This includes among others, persons receiving free accommodation in a household, if their upkeep represents an expense for the household, and if they have come from reception centres run by the OLAI (now ONA).215 This provision allows BIPs to be temporarily housed with a family without losing entitlement to the REVIS.

All REVIS applicants must apply for REVIS by submitting an application by post or in person to the FNS. The application form is downloadable on Guichet.lu.216 The ADEM will then orientate them according to their profile to different areas of work offered by the ADEM or to a method of social stabilization carried out by the National Office of Social Inclusion (ONIS). The latter happens if a person is not able to access the labour market due to their personal situation, language skills, and their professional career so far. The ADEM will produce an official statement exempting them from the general eligibility criteria for receiving REVIS and orientates them towards the ONIS.

BIPs have to apply under the same conditions and are treated in the same way as any other jobseeker with the intention of reinserting themselves into the labour market. According to the
motion adopted during the vote of the bill, the REVIS system will be evaluated after a period of three years, and if necessary, adjustments will be proposed.\textsuperscript{217}

Nevertheless, the Ronnen Dësch has raised the point that in the absence of REVIS for individuals younger than 25, the support provided by social welfare offices diverged greatly and that it should be the same for all.\textsuperscript{218} The CCDH also highlighted this problematic in its press release on the reform of ONA and pleaded that the legislation be changed so as to guarantee BIPs aged younger than 25 access to financial support.\textsuperscript{219}

3.3.2.3. \textbf{Education}

Since the academic year of 2018-2019, the Centre for Psycho-Social and Student Support (Centre Psycho-Social et d’Accompagnement Scolaires – CePAS) take responsibility for BIPs enrolled in academia.

In order to be eligible, they must be younger than 25 years old, enrolled in a secondary education institution, have no income and have to opt for voluntary health insurance with the National Health Fund (CNS).

A grant is allocated by the CePAS to students suffering from psycho-social issues. The application for this grant is systematically made for BIPs by CePas services located in secondary schools to help these students to obtain their diplomas.\textsuperscript{220}

3.3.2.4. \textbf{Support measures}

In May 2019, the OLAI (now the Department of Integration) updated a brochure called \textit{Tout savoir sur les DPI/BPI dans ma commune}\textsuperscript{221} (Everything you need to know about BIPs and AIPs in my Municipality). It is aimed at municipal administrations receiving AIPs and BIPs on their territory and its main aim is to provide them information on the most frequently asked questions in receiving AIPs and BIPs.

The OLAI also organised information sessions with municipalities receiving AIPs to inform the municipalities’ residents on volunteering opportunities, the rights and obligations of AIPs, and on the organisation of integration projects.\textsuperscript{222}

Financial support given by the Ministry of Family Affairs, Integration and of the Greater Region to the Luxembourgish Integration and Social Cohesion Centre (LISKO) continued in 2019, in order to:

- Support municipalities and social offices in their task to autonomize BIPs, especially families that require more intensive and specialized follow-ups at the cultural and linguistic level.
- Facilitate networking with other institutions (e.g., school, health services, psychological services, housing).
- Promote integration within local communities.\textsuperscript{223}

It is also interesting to note that with the first country of origin of applicants in Luxembourg being Eritrea, the need for interpreters of Tigrinya has increased. However, these interpreters live mainly abroad (Germany and Belgium) and have to travel to Luxembourg for interviews, which leads to higher costs.\textsuperscript{224}
As a result, the budget allocated to translation and interpretation services increased from €235,400 in 2018\textsuperscript{225} to €418,200 in 2019.\textsuperscript{226} Georgian and Tigrinya were also added as languages to the information leaflet for AIPs.

3.4. Relocation and resettlement

Luxembourg continued to prove its intra- and extra-European solidarity by taking part in the relocation and resettlement of people in need of international protection.

3.4.1. Malta Declaration

The ‘Malta Declaration’, a joint agreement on a redistribution mechanism for migrants rescued in the Mediterranean between the Ministers of Interior from Italy, Malta, France and Germany was signed on 23 September 2019. Luxembourg has expressed its support for the Declaration.\textsuperscript{227}

Further, the declaration was followed by the Standard Operating Procedures (SOPs) on a temporary solidarity mechanism elaborated and endorsed by several Member States, the European Commission and EU Agencies in November 2019. The SOP’s define responsibilities and procedures for these ad hoc relocations.

3.4.2. Relocation from Greece, Italy, and Malta

In May 2019, Luxembourg relocated two families, 8 persons of Kuwaiti and Syrian origin, from refugee camps on Lesbos island. They arrived in Luxembourg on 19 November 2019. This relocation stems from the Cardinal’s initiative and the Catholic Church of Luxembourg will provide for their needs in Luxembourg.

Luxembourg participated in ad hoc relocation exercises in 2019 (following disembarkations in Italy and Malta) coordinated by the European Commission. Overall, Luxembourg relocated 42 persons in 2019, 23 from Italy, and 19 from Malta.\textsuperscript{228}

3.4.3. Resettlement

Based on the Commission’s Recommendation of 27 September 2017 (the "50 000" scheme; 9 December 2017 – 31 December 2019), and in commitment to the UNHCR Emergency Transit Mechanism (ETM), 48 refugees were resettled from Niger.

A Luxembourgish delegation composed by representatives of the Grand Ducal Police, Directorate of Immigration and the OLAI went to Niamey, Niger from the 7 to 20 October 2019 to conduct interviews with refugees who were preselected by the UNHCR. The delegation selected 48 people for resettlement: 19 Somalis, 18 Eritreans, 8 Sudanese and 3 Ethiopians. Out of this 48 people, 5 are children, 13 are women and 30 are men.

From these 48 selected refugees, only 35 refugees could be transferred to Luxembourg in 2019 on 4 December 2019. The transfer of the remaining group had to be postponed due to medical reasons, and is expected to take place early 2020.\textsuperscript{229}
4. UNACCOMPANIED MINORS AND VULNERABLE GROUPS

4.1. Unaccompanied minors

In 2019, 36 UAMs introduced an application for international protection in Luxembourg, these numbers are identical to the number of applications introduced during 2018. However, the large majority of UAMs arrived towards the end of the year and 11 of them do not appear in the statistics of 2019 as they are currently waiting to be assigned an ad-hoc administrator (see also section 4.1.2. below). Eight of the applicants were from Afghanistan followed by Eritrea (6). In 2018, the largest group came from Eritrea. Of the 36 UAMs, 5 were female, while 31 were male. The youngest of the UAMs was fourteen, eight were fifteen, 14 sixteen and 13 seventeen.

In 2019, 39 decisions were taken. Out of the 39 decisions, ten received the refugee status (seven boys and three girls). Not all UAMs who received a decision had submitted their application in 2019 (some were before), and some UAMs who introduced an application in 2019 are still waiting for an answer.

In 2019, Luxembourg started to provide a leaflet to UAMs, which gives specific information on their situation in a child friendly manner.

4.1.1. Consultative commission to evaluate the best interests of the child

Concerning UAMs, the main legislative development was the establishment of the consultative commission to evaluate the best interests of the child in return decisions with the adoption of the Law of 4 December 2019 amending the Immigration Law. As reported in the EMN Annual Report on Migration and Asylum in 2018, bill n°7238 was introduced in the Chamber of Deputies on 29 January 2018 and the Council of State, the Ombuds-Comite for the Rights of the Child (Ombuds-Comité fir d’Rechter vum Kand –ORK) and the CCDH provided their opinions on the bill in the course of 2018. The main comments by these three actors concerned, in their view, the unclear notion of ‘multidisciplinary team’, as well as, its composition.

In 2019, the Parliamentary Commission modified the bill by specifying that the notion of ‘multidisciplinary team’ will be replaced by the notion of ‘consultative commission’, whose composition and functioning will be defined by a Grand Ducal Regulation. On 22 November 2019, the Council of Government approved the draft Grand Ducal Regulation, which was then communicated to the Council of State, the CCDH and the ORK in December 2019 for their input. The Council of State was consulted on 3 January 2020 for their opinion. Seeing that the Grand Ducal Regulation had not come into force in 2019, the discussions will continue in 2020.

It is worth reminding in this context that the CCDH, in their opinion of 2018, raised the question whether the collegiate body that had started to function within the Directorate of Immigration since the beginning of 2018 constituted, in fact, of the ‘multidisciplinary team’ that bill n°7238 was set to establish. In its annual report to the Government and the Parliament, the ORK also noted that this commission had already been presiding in practice, without the Grand Ducal Regulation determining its composition and functioning having been officially adopted.
Furthermore, the ORK noted that neither the neutrality nor the independence of the consultative commission are guaranteed because of the fact that the same public institution, namely the Ministry in charge of immigration and asylum, is in charge not only of the international protection procedure and the organisation of the return but it is in charge also of the evaluation and the determination of the best interests of the child.243

The ORK joined the CCDH and UNHCR in their recommendation to have a clear separation between the institutions and responsibilities relating to asylum and child protection.244 The ORK added that the procedure for collecting information on young persons should be clearly separated from the decision-making process, and that the presence of the ad-hoc administrator in the consultative commission would be essential. According to the ORK, the CePAS245 should also be part of the consultative commission.246 The ORK further recommended that an institution responsible for child protection should take every decision concerning a child, with the exception of the decision on international protection. Finally, and contrary to the opinion expressed by the CCDH247, the ORK considered that it did not wish to become a member of this commission for reasons of independence and preferred to retain a status as observer.248

4.1.2. Debates on unaccompanied minors

As reported in the EMN Annual Report on Migration and Asylum of 2018249, the question on the assessment of the age of minors was the subject of much debate and wide media coverage in 2018 following the outrage and condemnation of the CCDH of the practice of examinations and taking photographs of genitals to determine the age of AIPs.250 In 2019, the LFR and ORK reiterated their position regarding this practice, as well as, all other practices of age assessment applied in Luxembourg by reminding that, according to experts in the field, no method is really precise or reliable with regard to age determination.251

At the beginning of the year, the Minister of Foreign and European Affairs announced that the authorities would stop with the inspection of genitals as a valid age assessment practice,252 a decision that was acknowledged by the ORK.253

In addition to the debate surrounding the age assessment, several other topics were highlighted by the ORK in its annual report. Some of these observations and recommendations have already been made in the past254 and were reiterated in 2019, such as to establish a special status for UAMs,255 as well as the necessity to assign an ad-hoc administrator to every UAM, independent of their age, as they considered there is a legal vagueness between the ad-hoc administrator and the guardian. They state that the mission of the ad-hoc administrator does not have to limit itself to the procedure in itself as the UAM can find themselves in Luxembourg for other reasons than the international protection application (i.e. economic reasons, fugue from the household because of domestic violence etc.).256 With regard to the latter, the ORK noted that the legal disposition relating to the possibility of not assigning an ad-hoc administrator if the minor will, in all likelihood, come of age before a decision on their application for international protection is taken,257 would unjustly deny them of the protection laid down by the Asylum Law.258 The CCDH also echoed this position in its second report on trafficking in human beings in Luxembourg.259 The ORK also considered that this disposition would not comply with the United Nations Convention on the Rights of the Child (UNCRC) according to which every child has the right to the same protection.260
It is in this context that the ORK recommended to include a provision in bill n°7276 instituting a child protection system\textsuperscript{261} that would take into account the special status of UAMs.\textsuperscript{262}

The ORK further expressed regret over the fact that the Luxembourgish legislation makes a difference between an ad-hoc administrator and a tutor.\textsuperscript{263} While the ad-hoc administrator assists the UAM in the asylum procedure, the tutor assists them in everyday life in different aspects such as education, health and social integration.\textsuperscript{264}

Other observations by the ORK related to the asylum procedure itself, the first of which relating to the access of information for UAMs when it comes to the progress of their application. According to the ORK, in practice, this information is often almost impossible to request or receive, which results in a situation of uncertainty for the children. In this context, the ORK\textsuperscript{265} supports the recommendation made by the LFR to implement a system of traceability of files that would allow AIPs to monitor the progress of their application at any given moment in time.\textsuperscript{266} The CCDH also recommended that the Directorate of Immigration should regularly collect statistics on missing UAMs. These statistics should be collected as soon as an application for international protection is made in order to better establish measures to fight against their disappearance.\textsuperscript{267}

The second observation referred to the examination of applications for international protection lodged by UAMs as these examinations have an average duration of 19 months according to data gathered by the ORK in 2018. The ORK called for the authorities to make more use of the provision to prioritize the examination of applicants of UAMs and other vulnerable groups.\textsuperscript{268}

The ORK also commented positively on the agreement that was concluded between the Ministry of Foreign and European Affairs (MAEE) and the International Organization for Migration (IOM) in 2017\textsuperscript{269} in the framework of the search for the parents of UAMs in their country of origin.\textsuperscript{270} While related to the aforementioned consultative commission evaluating the best interests of the children in case of a return, IOM starts with this search once the minor has lodged their application for international protection. At the same time, the ORK stressed that a return to the minors’ family in the country of origin is not always necessarily in their best interest and that this search should also be conducted for UAMs who already have refugee status and who might want to apply for family reunification.\textsuperscript{271}

4.2. Other vulnerable groups

4.2.1. Statelessness

During 2019, the Directorate of Immigration granted one travel document for stateless persons and eight renewals. Five requests were rejected.\textsuperscript{272} It should be noted in this context that, in Luxembourg, the issuance of a travel document for stateless persons does not imply the automatic authorisation of stay. After having been granted a biometric travel document for stateless persons, the individual is notified of the need to apply for a temporary authorisation to stay and then for a residence permit fulfilling the conditions foreseen by the Immigration Law.\textsuperscript{273}

The ORK expressed concern regarding statelessness of children and noted that stateless children on the territory of Luxembourg, irrespective of whether they are unaccompanied or in a family situation, are left for months or even years in a situation of legal uncertainty and, consequently, experience a high degree of vulnerability.\textsuperscript{274} In this context, the ORK reminded the Government of
the obligations laid down in the UNCRC, in particular the obligations related to non-discrimination (Article 2), the right to an identity and to a nationality (Article 7 and 8) and the right to protection for refugee children (Article 22).  

4.2.2. Right of residence for victims of forced marriages or domestic violence

The law of 20 July 2018 approving the Council of Europe’s Convention on the prevention and the fight against violence directed at women, and domestic violence introduced a provision in the amended Immigration Law on third-country nationals that have been victims of a forced marriage and were forced to leave the territory. According to this provision, they can recover a residence permit in a simplified procedure. The modalities relative to recovering their residence permit can be found in the draft Grand Ducal Regulation amending the amended Grand Ducal Regulation of 5 September 2008 on the execution of certain dispositions of administrative formalities set out in the Immigration Law. The text in the proposal specifies the documents needed to submit with the application and all the formalities to fulfil, in order to obtain a visa, if needed. The proposal was sent to the Government Council of 22 November 2019, and later to the Council of State. The Council of State provided its opinion on 11 February 2020.
5. INTEGRATION

5.1. Legislative Developments

From the institutional point of view, the main change was the adoption of the law of 4 December 2019 establishing the ONA and amending the Integration Law. This law transfers the competence of reception of AIPs from the Ministry of Family Affairs, Integration and the Greater Region to the MAEE. However, the competences on integration were put under the direct supervision of the Minister of Family Affairs, Integration and the Greater Region with the creation of a Department of Integration. This will also allow for the Multi-Annual National Integration Plan (Integration NAP) to develop further, and to develop the three phases of PIA to the benefit of refugees, and to adapt the CAI to the benefit of its users.

Changes to the law on the reception and integration of foreigners

The law of 4 December 2019 on the creation of the ONA amended the amended Integration Law, as follows:

- The law is now known as the law of 16 December 2008 on the integration of foreigners to the Grand Duchy of Luxembourg (Integration Law).
- The Minister who has integration under their attributions has for mission to facilitate the integration process of foreigners by putting into place and coordinating integration policies together with municipalities and civil society actors, among which the fight against discrimination is an essential element. The reference on reception of AIPs has been deleted as well as the provision on the organisation of social aid to foreigners who are not entitled to existing benefits.
- The national report on integration and on the fight against discrimination in the Grand Duchy of Luxembourg that the Minister must deliver to the Chamber of Deputies no longer includes the following aspects: reception, social aid for foreigners and the monitoring of migrations.
- The law specifies the elements of the framework for the financial support to organisations and municipalities that are working on integration.

5.1.1. Multi-Annual Integration Plan- NAP (Plan d’Action National d’Intégration- PAN)

The general strategic framework for programmes and tools put in place to achieve social cohesion between Luxembourgers and foreigners (EU and EEA citizens, and third-country nationals) were set out in the new Multi-Annual National Action Plan for Integration and the Fight Against Discrimination in 2018. The Department of Integration of the Ministry of Family Affairs, Integration and of the Greater Region is now in charge of the Integration NAP.

The Integration NAP will thus be implemented further in 2020, by continuing to develop the three phases of the PIA aimed at AIPs and BIPs, as well as the CAI. In order to achieve this, the budget foreseen for 2020 is of € 2,7 million for the year 2020 with a total of € 14,8 million up to 2023.

In the framework of the Integration NAP, during 2019 there were some calls for projects
aimed at private organisations, public institutions, training institutes, professional chambers and research centers, to facilitate the integration of all foreign residents in Luxembourg, and 2020.286

On 20 May 2019, a first call was launched for innovating short-term pilot projects.

The objective of this call is to:

1) Develop the spread of information and sensitization of different targets groups on the subject of integration.
2) Promote intercultural projects that focus on integration, everyday exchanges, and setting up a network.

The call for projects, which ended on 17 June 2019, had a budget available of minimum € 25 000 per project.

The Government has retained six projects so far. These projects are the following:

1) The Luxembourg Bankers’ Association (ABBL): Summer Academy for newcomers in financial literacy.
2) Luxembourg Institute of Socio-Economic Research (LISER): Reflexions sur les politiques d’intégration au Luxembourg (Reflections on integration policies in Luxembourg).
4) LOKAL: Coordinateurs interculturels (Intercultural Coordinators).
5) Sportunity: Sport Fellows.
6) Multi-Learn: Wait-In, whilst waiting...learn participate and interact. 287

On 4 November 2019, the Ministry of Family Affairs, Integration and the Greater Region launched a call for projects in 2020. The call is orientated towards three axes:

1) Studies and research that aim to better understand the needs of integration in Luxembourg.
2) Projects aiming to improve the competencies in the area of integration in Luxembourg.
3) Projects aiming to promote the social, political, cultural and economic participation - and/or the sensitization of integration.

A minimum of € 25 000 is allocated per project. Two information sessions were organized on 13 and 28 November 2019 on the premises of the OLAI. The deadline for submitting a proposal was the 6 January 2020.

For the following years, further calls will be launched with a similar approach. In addition, the Ministry of Family Affairs, Integration and the Greater Region has associated an external independent consultant to accompany the projects created under the call for projects 2019. Other financing organisations such as the Grand Duchess Charlotte National Relief Service must conduct their own evaluations, however, a strategy for evaluation will be set-up for all publically financed
instruments, as is planned under the Integration NAP.288

5.1.1.1. Welcome and Integration Contract (“Contrat d’accueil et d’intégration”- CAI)289

The CAI was under the competence of OLAI and is now under the competence of the Department of Integration of the Ministry of Family Affairs, Integration and the Greater Region. In order to guarantee this change of competence, a Grand Ducal Regulation290 was issued on 12 December 2019, to ensure the good functioning of the CAI.

Due to this change of competence, it was necessary to adapt other Grand Ducal Regulations replacing all references to OLAI by a reference to the Department of Integration. This happened for example with various courses which are offered as part of adult courses and which are accessible to foreigners (including AIPs). Until now, these courses were provided to people under the responsibility of OLAI (on the basis of a certification provided by OLAI). 291

For the 2018/2019 academic year, 3 705 people enrolled for the CAI at the Department of Adult Education (SFA), this marks an increase of 23,5% in comparison to the previous year (3 001 enrolments).292

5.1.1.2. The Guided Integration Trail (PIA) 293

The Government seeks to continue developing the three phases of the PIA aimed at AIPs and BIPs. During 2019, the authorities reviewed the integration measures for PIA III at the new Department of Integration.294

The OLAI contributed to the initial training of regional social inclusion agents (ARIS), set up under the REVIS law, by presenting the PIA program to them. Based on feedback from this training, the PIA program could be complemented with new elements.295

In the context of PIA, the SFA, carries out language trainings and the guidance to adult education.

For PIA I (aimed at AIPs), SFA has 19 staff positions for the language teaching and orientation. The teachers for PIA I have a psycho-social background. The main focus of this phase is on guidance and orientation, while the teachers for the second phase are focussed in teaching French as a foreign language.296

Language training consists of IL1 language integration courses and IL2 courses.297

In all 1 719 AIPs and BIPs followed the course between September 2018 and September 2019 against 1 193 the previous year which represents an increase of 44,1%. 748 registrations were registered in IL1 course against 640 the previous year, an increase of 16,9%. 971 were enrolled in IL2 courses, compared to 553 the previous year, representing an increase of 75,6%. Of these 971 people, 382 were assigned to literacy classes and 589 to French courses as a foreign language.298

Under the framework of the PIA, the Schooling Service for Foreign Children (Service de la scolarisation des enfants étrangers- SECAM) organises since March 2018 individual guidance sessions for all AIPs aged 18 to 24. In 2019, 152 AIPs took part in these sessions, 36% were from
Eritrea, 14% from Syria and 13% from Afghanistan. The majority (60%) were orientated to courses offered by the SFA and to specialized reception classes (27%).

Usually during the course of the guidance sessions, the young AIPs have an interview with the Cell for newly arrived pupils (Cellule d’accueil scolaire pour élèves nouveaux arrivants – CASNA) and take part in a language and reasoning test. The outcome of the interview and test determines their competences and whether they are orientated towards courses provided by the SFA or towards reception classes to continue their studies or start a vocational training course.

5.1.1.3. The National Council for Foreigners (CNE)

In 2019, the CNE issued three opinions for the benefit of the Government. They concerned, the translation of Parliamentary questions written in Luxembourgish, cross-border commuters teleworking and finally the reform of the CNE. The CNE annual report for 2018, was also published in 2019.

Under the changes brought to the legislation on integration, the Grand Ducal Regulation of 12 December 2019 amended the amended Grand Ducal Regulation of 15 November 2011 on the determination of the modalities for designating foreign representatives in the CNE and their distribution across nationalities. The objective was to adapt the Grand Ducal Regulation to the transfer of competencies from the former OLAI to ONA and the Department of Integration by the law of 4 December 2019 on the establishing of the ONA.

5.1.1.4. The CNE reform

The 2018-2023 Coalition Agreement foresees the reform and re-evaluation of the CNE, after having consulted the CNE and other actors on its role, its functioning and its system of election.

During the course of 2019, discussions from 2018 on reforming the CNE continued. The Liaison and Action Committee for Foreigners (CLAE) proposed a round table called “The CNE of today and the CNE of tomorrow – How to reform and value the CNE?” during the 36th Festival on Migration on 2 March 2019. Representatives of the different political parties, along with members of the CNE were present. Three main topics for discussion were proposed by the CNE:

- The election procedure for members of the CNE: who can vote, how should the distribution of representatives be, who is eligible as a candidate, is double nationality an issue?
- The autonomy of the CNE: should the CNE be under the supervision of another institution or ministry? Or, should it be completely independent? What financial resources should be put at its disposition?
- The role of the CNE in the legislative procedure of the Luxembourgish State: Should the CNE be consulted for its opinion on all matters concerning foreigners in Luxembourg? Should its opinion be made public and/or should it be addressed directly to the State?

On request of the Ministry of Family Affairs, Integration and the Greater Region, the CNE issued an opinion on its reform on 14 June 2019. The CNE proposes a redefinition of its mission. They suggest broadening their electoral base, which is currently only made up of non-profit organizations registered with the Department of Integration: the CNE would like to include in the voters, representatives of the municipal integration consultative commissions. According to the CNE, non-
Luxembourgers who have been resident in Luxembourg for at least 6 months must be eligible, as well as binational nationals (Luxembourgers and foreigners). Finally, the CNE should have an adequate secretariat and budget to guarantee its functioning.311

On 12 December 2019, the political party Déi Lénk raised some questions regarding the CNE and its functioning in a Parliamentary question. In its view, the CNE does not achieve its missions as defined in the Integration Law stating that: “It is publically known that the CNE since its establishment has had difficulties to function effectively” and that these issues did not disappear with the renewal of its body in 2018, following the 2017 elections.312

Questions surrounding the composition of the Council, lack of participation and communication, and a set of unclear internal rules that lack a professional framework are just a few concerns. It would also seem that the elected members of the CNE hold Luxembourgish citizenship, which contradicts Article 19 of the Integration Law. 313

The Minister of Family Affairs, Integration and the Greater Region responded that a consultation on the role and the modalities for functioning and electing members of the CNE took place in 2019 and will continue in 2020. The outcome of these consultations will be used as a basis for amending the Integration Law. In this context, the Minister recalled that the mandate of a representative of foreigners ends once the elected member acquires Luxembourgish nationality. This will particular be subject to discussion and taken into account when reforming the law.314

5.2. Local Integration

In line with Integration NAP, efforts aimed at supporting municipalities and enforcing local integration continued in 2019. Concretely, this translated itself into financial support by the State to municipalities, calls for projects, diagnostics on local integration and municipal integration plans (Plan communal d’intégration –PCI), exchanges among the Local Integration Exchange and Support Group (Groupe d'échange et de soutien en matière d'intégration au niveau local – GRESIL) and finally, local awareness raising initiatives.

5.2.1. Financial support to municipalities

The Ministry of Family Affairs, Integration and the Greater Region’s annual budget allocated for 2020 to supporting projects in the domain of integration implemented by municipalities was increased to € 500 000.315This budget will be made available to 20 municipalities. Each municipality may benefit from a subsidy of € 25 000, in order to implement a PCI. This tool is a key for the development of a successful integration policy.316

In acknowledgement of municipalities’ essential role in creating a successful integration policy, the Ministry of Family Affairs, Integration and the Greater Region offers financial support to municipalities that take initiatives in the area of integration. The budgetary line of the national budget entitled ‘Subsidies for public entities within the municipal, inter-municipal and regional sector initiating and supporting projects in line of integration and the reception of foreigners’ is destined to implement this goal. 317 These funds are used to co-finance integration projects up to 75% of the eligible identified costs.318
5.2.2. **Call for projects**

On 6 March 2019, a call for projects, called: ‘Subsidies for projects aimed at the integration of foreigners’, was sent via circular to municipalities by the Ministry of Interior and the Ministry of Family Affairs, Integration, and the Greater Region (previously the OLAI). On 17 May 2019, a second circular was sent to municipalities extending the deadline of the call for projects from 30 April 2019 to 15 November 2019.

In 2019, the CNE, the Volunteer Agency and the Association for the Support of Immigrant Workers (Association de Soutien aux Travailleurs Immigrés-ASTI) launched a pilot project entitled LOKAL (mentioned under section 5.1.1) which proposes the allocation in the Luxembourg municipalities of one or more spaces as meeting places and for intercultural and intergenerational exchanges. Under the supervision of an intercultural coordinator, these spaces are run by local networks of volunteers willing to offer and share all kinds of activities that promote meetings and exchanges.

Under the call for projects made under the framework of the Integration NAP, ASTI introduced the project LOKAL for the period of 15.09.2019 to 31.12.2019. The Volunteer Agency submitted a request to the European Social Fund (ESF) for the period from 01/01/2020 to 31/12/2021 to continue the initiatives taken by the partners (CNE, Agence du Bénévolat and ASTI) around this pilot project.

5.2.3. **The Local Integration Exchange and Support Group (GRESIL)**

The GRESIL was put in place to support and help municipalities meet their goals in achieving integration and social cohesion among their residents. It helps identify good practices in local integration, and develop PCIs. In 2018, the first two meetings took place.

On 3 July 2019, the third meeting of the GRESIL took place. The discussion topic was entitled ‘Which Actors for your Local Integration Strategy?’. A total of 74 participants were present, representing 37 municipalities. Reflections on how to involve key actors in putting in place a local integration strategy and identifying potential barriers for their mobilization was discussed and best practices were shared among the participants.

The fourth meeting was held on 27 November 2019. The discussion topic was ‘From a multicultural event to an intercultural event – How to reinforce the ‘Living Together’ through local initiatives?’.

5.2.4. **Municipal Integration Plans - PCI**

In 2019, several municipalities launched a diagnostic on local integration initiatives with the idea of elaborating a PCI (Hesperange, Schifflange, Strassen). Several data collection methods were put in place: a) a statistical analysis on migration trends in the municipality was drawn; b) a survey on the needs of the population regarding local integration was launched and c) an analysis of project documents put into place by the municipality was conducted.

Several municipalities also collected data through organising thematic information sessions and focus groups.

Furthermore, on 15 October 2019, the Union of Luxembourg towns and municipalities (Syndicat
SYVICOL) sent a circular to municipalities in order to see the state of play in regard to PCIs. SYVICOL and the Ministry of Family Affairs, Integration and the Greater Region are awaiting their feedback.

Meanwhile, four municipalities engaged themselves to conduct a diagnostic on local integration with the idea of drafting a PCI during 2020. These municipalities are: Clervaux, Roeser, Habscht and Kopstal. The municipalities of Schuttrange, Niederanven and Steinfort have also taken steps to draft a PCI.

5.3. Socio-economic participation

5.3.1. Social Inclusion Revenue (REVIS)

As mentioned under the Chapter 3: International Protection, the law on REVIS entered into force on 1 January 2019, abrogating the former law on the RMG.

According to the new law, in order to benefit from the REVIS, a person must have the right of residence and be registered on the National Registry of Natural Persons.

The law on REVIS excludes beneficiaries of the long-term residence status from the condition required that third-country nationals must have resided in Luxembourg for five years over the course of the last twenty years in order to benefit from REVIS (the long-term residence status holders fulfil this requirement de facto).

Among different categories of persons not eligible for the REVIS, the law also excludes foreign nationals granted entry and residence in Luxembourg on the basis of having a statement of financial support (according to Article 4 of the amended Immigration Law).

5.3.2. Access to labour market

The Ministry of Labour, Employment and the Social and Solidarity Economy, together with the ESF financially support a new project this year called ‘Connections4Work’ initiated and run by the NGO, ASTI. The project will run until 2020 and aims to facilitate the labour market integration of migrants and BIPs by teaching them a basic linguistic level of the languages used in Luxembourg and offering internships in Luxembourgish firms. An agreement relating to the participation the ONIS in national co-financing came into force in 2019.

Similarly, on 1 January 2019, a project was launched by the Luxembourgish Government called Project Words4Work 2019-2020. This project was launched by the ADEM and is co-financed by the ESF. It focuses on two groups of people: a) skilled professionals and b) legal residents wanting a change in their career. The aim of the project is to build a person’s French skills - which are very important for accessing the labour market. The French courses focus on a language needed for specific professions. It is open to everyone, including third-country nationals holding a valid work authorization.

The reason for creating this project is to fill vacancies in certain sectors such as artisanal/construction jobs, sales, HORECA and cleaning.
5.4. Education

School integration measures target all migrant children, regardless of whether they are EU/EEA citizens or third-country nationals or whether they are AIPs or BIPs. 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 46.2% in the academic year 2018/2019; it was 41.5% in secondary education applying the official programme provided by the Ministry. The share of pupils whose first language spoken at home is not Luxembourgish was at 64% for the academic year 2018/2019, this was the same for 2017/2018.346

The existence of a significant supply of education in private and international schools which do not apply the official national programme must be taken into consideration when looking at the data. According to the forecasts made by the Ministry of Education, Childhood and Youth for the 2019/2020 school year, the number of pupils who attend schools who do not apply the national programme is 12 357 or 11.7% of total enrollments in fundamental and secondary education in Luxembourg (105 308 pupils). Most of these pupils (5 997 or 49%) are enrolled in European schools that do not apply the national programme. It should also be noted that 6 295 of the 12 357 pupils, or 50.9%, are enrolled in classes corresponding to fundamental education and 6 062 (49.9%) in secondary classes.347

The composition of the school population represents a major challenge for the education authorities in terms of integration.348

Between 1 January 2019 and 1 November 2019, 1 138 consultations took place with newly arrived pupils to Luxembourg.349 Between September 2018 and September 2019, the CASNA welcomed 1 223 families for consultations compared to 1 145 between September 2017 and September 2018, which represents an increase of 6.8%.

Table 14: Most frequent nationalities of newly arrived pupils who were received by CASNA (2019).

<table>
<thead>
<tr>
<th>Main Nationalities</th>
<th>2017-2018</th>
<th>2018-2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Portuguese</td>
<td>20.3%</td>
<td>17.9%</td>
</tr>
<tr>
<td>Eritrean</td>
<td>10%</td>
<td>9.3%</td>
</tr>
<tr>
<td>Luxembourgish (returned to Luxembourg)</td>
<td>8.1%</td>
<td>7.6%</td>
</tr>
<tr>
<td>French</td>
<td>6.4%</td>
<td>6%</td>
</tr>
<tr>
<td>Syrian</td>
<td>8.2%</td>
<td>5.7%</td>
</tr>
<tr>
<td>Italian</td>
<td>4.9%</td>
<td>5.1%</td>
</tr>
<tr>
<td>Afghan</td>
<td>2.5%</td>
<td>4.5%</td>
</tr>
<tr>
<td>Cape Verdean</td>
<td>1.8%</td>
<td>2.9%</td>
</tr>
<tr>
<td>Iraqi</td>
<td>2.4%</td>
<td>2.9%</td>
</tr>
</tbody>
</table>

Source: Ministry of Education, Childhood and Youth, 2019

Portuguese pupils constituted, like in 2017/2018, the largest share of students received by CASNA, (17.9% of the total students). They are far ahead of the Eritreans, Luxembourgers returning to Luxembourg, French and Syrians. Note that the Syrians occupy the 5th place in 2018/2019, while they were in 3rd place in 2017/2018. The share of Portuguese, Eritreans and Syrian, Luxembourgers
who returned to Luxembourg, French, Syrian and Iraqi pupils seen by CASNA decreased over the last three years. Afghans, Cap Verdean and Eritrean pupils increased, however.

5.4.1. Schooling of newly arrived pupils: developments at the level of specific reception classes

In the academic year 2018/2019, there were 15 specialised reception classes of the State for migrant children.

At the secondary school level, according the Ministry of Education, Childhood and Youth, the majority of newly arrived pupils do not speak any of the languages, or only one, used in Luxembourg’s schools (public regular school or public international schools) and can thus not directly join regular, German, French or English speaking classes.

On the 1 July 2019, 719 pupils were schooled into 53 specialised reception classes. At the start of the academic year 2019/2020, extra reception classes were created. In 2019, the Ministry of Education, Childhood and Youth organised a free French language summer course for the fourth time. 55 newly arrived children between the ages of 12 and 17 participated in these classes. The previous year, 66 children, aged 12 to 16, participated in the offer. It is important to note that since 2016, CASNA also welcomes young people between the age of 18 and 24.

5.4.2. Responding to the challenges of heterogeneity in schools

Diversification of school offer

In 2019, the authorities continued to diversify the Luxembourgish school offer, notably its international school offer. In October, the Service for International and European Offers (Service des offres internationales et européennes- SOIE) was created and focuses solely on responding to the demand and need for an international school offer in public education.

From October to December 2019, an inventory of the needs and priority tasks based on feedback provided by schools was drawn. A working group, specifically for international and European schools was created. It brings together the initiatives taken by SOIE, the school directors, representatives of SECAM-CASNA, the Luxembourgish Delegation to the Superior Council on European Schools and finally all individuals able to provide clarity on the current developments in the area.

The Government planned to open a new public European School in Limpertsberg (Luxembourg City) in 2027 which will have a capacity of 1 400 students.

In the meantime, in order to better prepare students for the future and to achieve its role as a social elevator, public schools are diversifying and broadening their educational provisions, especially in relation to international courses.

Furthermore, the International School of Junglister (ISJ) - an integrated part of the Lënster secondary school - will be expanded. This is in response to the high demand present in Luxembourg City and the capital’s periphery.

The driver of change is to increase the success rate of students from increasingly diverse backgrounds. The policy also aims to better prepare students for the future by adapting to the
country’s ever-growing multi-lingual reality. The change is also in line with the Coalition Agreement of 2018-2023.
Following the opening of different linguistic paths in the diversification of public schools’ educational provisions, vocational trainings are also diversifying their linguistic options in order to adapt to the country’s ever-growing multi-lingual reality. More professional formations in French and English were also available for the academic year 2019/2020.357

**Intercultural mediation**358

In 2019, the SECAM hired one new administrative collaborator, along with an Arabic, Tigrinya and a Farsi intercultural mediator, as these are the most common languages used by BIPs in 2019. In total, they count 65 intercultural mediators (53 freelance and 12 on a permanent contract). Between them, they speak 36 languages. 359 Between 1 September 2018 and 31 August 2019, SECAM saw 7 475 requests for intercultural mediation.360

The Institute of National Education Formation (IFEN) solicited IKL (Centre de Documentation et d'Animations Interkulturelles) to give trainings on understanding the impact of culture on communication and education to staff working in the psychosocial area and education. The project is called ‘Multiculturalism: What challenges does intercultural parenting provide?361, it was created as a means to tackle the challenges that can arise from a multicultural society and to create better interactions among the educational staff with children, young people and their parents.

5.4.3. **Measures to enhance language skills**

5.4.3.1. **Language classes**

Measures and steps taken to improve integration into society by means of language(s) are generally speaking not specifically designed for third-country nationals but are for all citizens in general. Language classes are offered either by the INL or by the SFA.

In the academic year 2018/2019, the INL saw an increase of 4.9% in enrolments for language courses and national and international certificates going from 17 781 in 2018 to 18 644 in 2019. This increase mainly reflects a growth in demand for Luxembourgish (5 291 enrolments, + 11% compared to 2017/2018), French (5 740 enrolments) and the evaluation exam for the Luxembourgish language organised under the framework of the procedures for acquisition of Luxembourgish nationality (‘Sproochentest’).

As a result of the increase in enrolments at the INL, many people were on a waiting list for Luxembourgish courses in 2019. The INL thus provided extra classes during autumn for those that were not able to get on a course. In order to deal with the greater demand for the academic year of 2019/2020, the INL employed more Luxembourgish teachers.

Further, an e-learning platform is being developed by the INL and was launched for the academic year 2019/2020. It is an experimental pilot project that will test the concept of blended learning (half in-person and half in-distance learning). The courses will be available in French, English and German. Luxembourgish will be made available in September 2020. The idea is to allow those abroad or those that can’t always physically take part in a course to learn Luxembourgish. The
evaluation tests to determine one’s level will already be available online in February 2020.\textsuperscript{362}

The budget allocated to subsidies increased from € 385 000 in 2018 to € 500 000\textsuperscript{363} in 2019 with regards to improving the organization of language courses in Luxembourgish, German, French, literacy and digital skills. In addition, the general INL’s budget saw an increase from € 8 772 542 in 2018 to € 14 355 749 in 2019.\textsuperscript{364}

Language classes are also the most popular courses offered at the SFA. In the academic year 2018/2019, 18 420 enrolments were registered compared to 17 480 enrolments the year before, which represents an increase of 5.4%.\textsuperscript{365} Language courses represent nearly two thirds SFA’s educational offer (64.3%). In 2019, the SFA saw 9 267 registrations (50.3%) for Luxembourgish language courses, 34% for French, 5% for English, 3% for German and 8% concerned thirteen other languages. According to the Ministry of Education, Children and Youth, the influx of language courses results from three major reasons: “the permanent increase in immigration, the increased desire to learn the official languages of Luxembourg and the growing number of people who want to obtain Luxembourgish nationality”.\textsuperscript{366}

It should also be noted that 738 people enrolled in the basic instruction courses in 2018/2019, in addition to the 382 AIPs/ BIPs that are followed by the IL2 linguistic integration courses. Demand and supply have increased following the ‘arrival in number of AIPs. In response to the increased needs following the large number of AIPs, the SFA has developed tools for locating basic skills as well as teaching materials suitable for basic instruction in German or French.\textsuperscript{367}

5.4.4. Other measures to promote the Luxembourgish language

5.4.4.1. The Permanent Council of the Luxembourgish Language (\textit{Conseil permanent de la langue luxembourgeoise} – CPLL)

In the context of the national strategy to promote the Luxembourgish language\textsuperscript{368}, the Grand Ducal Decree of 17 December 2018 establishing an inter-ministerial committee, which assists the Commissioner of the Luxembourgish language, came into force on the 14 January 2019.\textsuperscript{369}

In addition, the Grand Ducal Regulation of 26 October 2019 determining the organizational modalities of the CPLL,\textsuperscript{370} entered into force on 3 November 2019. The CPLL discusses and determines the correct spelling, grammar and phonetics of the Luxembourgish language.\textsuperscript{371}

5.4.4.1. Linguistic leave

The budget allocated to ‘linguistic leave’ (special leave granted to employees and self-employed persons of any nationality, to take up to 200 hours off work to learn or perfect Luxembourgish during working hours) was decreased. The budget went from € 400 000 to € 250 000.\textsuperscript{372}

The change in budget is due to underspending in previous years.

5.4.4.2. Dictionary for French-Tigrinya Speaking Community

The Ministry of Education, Children and Youth updated the Luxembourgish-French-Tigrinya dictionary in collaboration with ASTI. The new version was launched in January 2019.\textsuperscript{373}
The dictionary was produced within the Successful Migration Project - financially supported by the Grand Duchess Charlotte National Relief Service, the OLAI (now the Department of Integration) and the Asylum Migration and Integration Fund (AMIF). Implemented by ASTI, the dictionary was developed in close collaboration with Eritreans, settled in Luxembourg for a long time. The dictionary contains 1 590 French and Luxembourgish words translated into Tigrinya.

The dictionary was created as a tool to help manage with the large number of Eritreans applying for international protection in Luxembourg.374

5.5. Access to citizenship and civic participation

5.5.1. Grand Ducal Regulation of 22 July 2019 on the evaluation exam of the Luxembourgish language

No significant changes took place in the field of citizenship in 2019. The sole legislative change was the adoption of the Grand Ducal Regulation of 22 July 2019 on the evaluation exam of the Luxembourgish language organised under the framework of the procedures for acquisition of Luxembourgish nationality (‘Sproochentest’).375 While this Grand Ducal Regulation abrogated the Grand Ducal Regulation of 30 June 2017 on the evaluation exam of the Luxembourgish language, it maintained the same conditions for the evaluation of the Luxembourgish language than its predecessor. The following administrative376 modifications were introduced:

- It is no longer foreseen that the answer sheets for the oral comprehension test are corrected by two examiners.377
- Individuals caught cheating are no longer prevented to enrol before a period of 12 months has passed.378
- A person that passed the Luxembourgish language test required in the recruitment procedure for becoming a primary or secondary school teacher in the public sector can, upon request, be dispensed from taking the exam, but will still be delivered the certificate of achievement. Similarly, this applies to employees of the State and civil servants working in public institutions;379
- Enrolment fees to Luxembourgish language courses are reimbursed.380

The Ministry of Education, Children and Youth also announced that the oral comprehension test, as one of the two components of the ‘Sproochentest’, was digitalized. The digital pilot exams will take place in the second semester of 2019/2020.381

Furthermore, two Parliamentary questions were of interest in the context of the acquisition of Luxembourgish nationality. Firstly, the Government noted that they would currently not envisage to centrally organise citizenship ceremonies for new Luxembourgish citizens. The reason therefore relates to the fact that citizenship is not the sole competence of the State, as the municipalities are responsible for registering all citizenship applications and are thereby the main contact for people wanting to acquire Luxembourgish nationality. The Government further remarked that, in fact, a number of municipalities do organise such a welcoming gesture, be it in the form of a letter or a reception for new Luxembourgish citizens.382
The Government indicated in its answer to the second relevant Parliamentary question that they are currently not planning to publish a dedicated book containing the relevant documentation for the ‘Vivre ensemble au Grand-Duché de Luxembourg’ (“Living together in the Grand Duchy of Luxembourg”) course and exam. Persons that intend to take the exam are expected to obtain the necessary information on their own or can rely on the information provided on a dedicated website.383

5.5.2. **Acquisitions of nationality**

In 2019, 11 451 persons acquired Luxembourg nationality, a slight decrease of 3,6% when compared to 2018 (11 876 acquisitions in 2018).384 These numbers include all acquisitions of nationality by residents and non-residents via procedural means, thus covering naturalisations, reclamations of nationality and acquisition of nationality by option. What has to be added to this figure is the 942 people that became Luxembourgish citizens on the basis of first generation *ius soli* as well as 165 children that became Luxembourgish citizens because of their birth in Luxembourg to 2 foreign parents of which at least one was also born in Luxembourg (double *ius soli*).385 By adding these figures, we would arrive to a total of 12 558 people.

Among the 11 451 acquisitions by procedural means, 921 were based on naturalisation (8%), 5 453 on the option procedure (47,7%) and 5 077 on the reclamation procedure (44,3%). Compared to 2018, acquisitions based on naturalisation (+16,4%) and reclamation (+9,6%) have increased in 2019, while those based on the 10 specific options stipulated in the amended Law of 8 March 2017 on Luxembourgish nationality (hereinafter Nationality Law)386 have shown a decrease of 15,5%.

5 657 acquisitions of nationality via procedural means (49,4 %) concerned residents of Luxembourg, while 5 794 nationalities (50,6 %) were acquired by individuals residing abroad.387 The main reason for the significant share of non-residents acquiring Luxembourgish nationality is the reclamation procedure, which does not require the applicant to reside or to have ever resided in Luxembourg.

With regard to acquisitions by option, individuals who have resided in Luxembourg for at least 20 years by far constituted the largest group (2 163 acquisitions), followed by persons over the age of 12 who were born in Luxembourg (1 192 acquisitions) and by adults who have completed at least seven years of schooling in Luxembourg (675).388

The year 2019 was marked by several significant statistical developments with regard to third-country nationals acquiring Luxembourgish nationality.389 The first important development related to the increase in acquisitions and of the share of third-country nationals compared to EU citizens. Of the total 11 451 persons acquiring Luxembourgish nationality, 4 855 persons were third-country nationals, an increase of 23,3% compared to 2018 and representing 42,4% of the total acquisitions in 2019. This increase is a continuation of the trend observed in recent years of growing numbers of third-country nationals acquiring Luxembourgish nationality, as the following table shows:
Table 15: Acquisitions of nationality by EU citizens and third-country nationals, total and share (2015-2019).

<table>
<thead>
<tr>
<th>Acquisitions of nationality</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>%</td>
<td>Total</td>
<td>%</td>
<td>Total</td>
</tr>
<tr>
<td>EU citizens</td>
<td>4 533</td>
<td>85,4%</td>
<td>6 152</td>
<td>86,2%</td>
<td>6 945</td>
</tr>
<tr>
<td>Third-country nationals</td>
<td>773</td>
<td>14,6%</td>
<td>989</td>
<td>13,8%</td>
<td>2 085</td>
</tr>
<tr>
<td>Total</td>
<td>5 306</td>
<td>100%</td>
<td>7 141</td>
<td>100%</td>
<td>9 030</td>
</tr>
</tbody>
</table>

Source: Ministry of Justice, Statec, 2020

Table 15 further illustrates that the total number of acquisitions has doubled in the last five years, from 5 306 acquisitions in 2015 to over 11 000 in 2018 and 2019, respectively.

A second significant development related to the fact that one country in particular showed a very significant increase of acquisitions in 2019, namely Brazil. While Brazilians figured among the top third-country nationalities in recent years, the number more than doubled from last year, that is to say from 931 in 2018 to 2 117 in 2019, representing an increase of 127%.

Table 16: Top 10 third-country nationals acquiring Luxembourgish nationality (2019).

<table>
<thead>
<tr>
<th>First nationality</th>
<th>Acquisitions of nationality</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Brazilian</td>
<td>2 117</td>
</tr>
<tr>
<td>2. American</td>
<td>730</td>
</tr>
<tr>
<td>3. Montenegrin</td>
<td>372</td>
</tr>
<tr>
<td>4. Serbian</td>
<td>201</td>
</tr>
<tr>
<td>5. Bosnian/Herzegovinian</td>
<td>186</td>
</tr>
<tr>
<td>6. Cape Verdean</td>
<td>167</td>
</tr>
<tr>
<td>7. Kosovar</td>
<td>145</td>
</tr>
<tr>
<td>8. Russian</td>
<td>95</td>
</tr>
<tr>
<td>9. Indian</td>
<td>52</td>
</tr>
<tr>
<td>10. Turkish</td>
<td>50</td>
</tr>
</tbody>
</table>

| Total top-10 nationalities | 4 115 |
| Total naturalisations     | 4 855 |

Source: Ministry of Justice, Statec, 2020

Brazilians thereby account for 43.6% of all acquisitions by third-country nationals in 2019. At the same time, it has to be highlighted that 2 050 out of the 2 117 total acquisitions (96.4%) relate to Brazilian nationals who can prove that they have a direct Luxembourgish ancestor who was alive on 1 January 1900 (reclamation procedure based on Article 89 of the Luxembourgish Nationality Law).
Moreover, 97.5% of these acquisitions concern Brazilians who do not reside in Luxembourg (2,064 out of 2,117 acquisitions).

As in the previous years, significant disparities could be observed in 2019 with regard to place of residence of the applicants. The following table provides a breakdown of first nationalities that accounted for at least 100 acquisitions in 2019.

Table 17: First nationalities acquiring Luxembourgish nationality by residence, total and share (2019).

<table>
<thead>
<tr>
<th>First nationality</th>
<th>Acquisitions: residence in Luxembourg</th>
<th>Acquisitions: residence abroad</th>
<th>Total acquisitions</th>
<th>Share of residents having acquired Luxembourgish nationality (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>French</td>
<td>689</td>
<td>1,777</td>
<td>2,466</td>
<td>27.9</td>
</tr>
<tr>
<td>Brazilian</td>
<td>53</td>
<td>2,064</td>
<td>2,117</td>
<td>2.5</td>
</tr>
<tr>
<td>Belgian</td>
<td>402</td>
<td>933</td>
<td>1,335</td>
<td>30.1</td>
</tr>
<tr>
<td>Portuguese</td>
<td>1,057</td>
<td>10</td>
<td>1,067</td>
<td>99.0</td>
</tr>
<tr>
<td>American</td>
<td>55</td>
<td>675</td>
<td>730</td>
<td>7.5</td>
</tr>
<tr>
<td>British</td>
<td>365</td>
<td>66</td>
<td>431</td>
<td>84.7</td>
</tr>
<tr>
<td>Montenegrin</td>
<td>370</td>
<td>2</td>
<td>372</td>
<td>99.5</td>
</tr>
<tr>
<td>German</td>
<td>243</td>
<td>117</td>
<td>360</td>
<td>67.5</td>
</tr>
<tr>
<td>Italian</td>
<td>322</td>
<td>17</td>
<td>339</td>
<td>95.0</td>
</tr>
<tr>
<td>Serbian</td>
<td>201</td>
<td>0</td>
<td>201</td>
<td>100</td>
</tr>
<tr>
<td>Bosnian/Herzegovinian</td>
<td>186</td>
<td>0</td>
<td>186</td>
<td>100</td>
</tr>
<tr>
<td>Cape Verdean</td>
<td>163</td>
<td>4</td>
<td>167</td>
<td>97.6</td>
</tr>
<tr>
<td>Kosovar</td>
<td>145</td>
<td>0</td>
<td>145</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Ministry of Justice, Statec, 2020

The acquisitions by French, Brazilian, Belgian and American nationals mainly concerned non-residents, with a majority of them reclaiming Luxembourgish nationality, while Portuguese, British, Montenegrin, German, Italian, Serbian, Bosnian/Herzegovinian, Cape Verdean and Kosovar nationals were in the overwhelming majority of the cases residents in Luxembourg.

5.5.2.1. The ‘Vivre ensemble au Grand-Duché de Luxembourg’ and Luxembourgish language test (‘Sproochentest’)

Following the entry into force of the Nationality Law, the “Living together in the Grand Duchy of Luxembourg” certificate can be acquired by participating in either 24-hour courses or in an examination on fundamental citizen rights, the state and municipal institutions of the Grand Duchy of Luxembourg and the history of the Grand Duchy of Luxembourg, along with European integration. In 2019, the SFA issued 1,851 certificates for people who participated in the courses and 677 certificates for people who took the exam.

The high demand regarding the access to Luxembourgish nationality continued to reflect in the parallel increase in demand of Luxembourgish language courses at the INL, which is also the responsible authority for the Luxembourgish language test (‘Sproochentest’) and for this reason, the
INL increased the offer of Luxembourgish language courses from 166 courses in 2015/2016 to 270 courses in 2018/2019.¹³²

Following the difficulties in coping with demand in early 2018 and in order to better deal with the influx of candidates, the INL reorganized the Sproochentest. This has reduced waiting times and allowed them to receive as many applicants as possible. 2 224 candidates were able to register for Sproochentest in 2018/2019 and the waiting lists were eliminated. The success rate across all sessions in the period was 74%.³⁹³

A look at the overall statistics of enrolments in Luxembourgish language courses mandated by the SFA of the Ministry of Education, Children and the Youth shows that this number increased from 6 302 enrolments in 2015/2016 to 9 174 enrolments in 2018/2019.³⁹⁴ The Ministry of Education, Children and the Youth attributed this significant increase in enrolments to the introduction of the amended Nationality Law.³⁹⁵

5.5.2.1. The attitude of the resident population towards nationality and naturalization

ASTI together with TNS –ILRES,³⁹⁶ launched a representative survey on living together in Luxembourg,³⁹⁷ focusing on three dimensions: the feeling of belonging, integration and political participation. The results of the survey focusing on political participation were released on November 28, 2019 and received wide media coverage.³⁹⁸

One part of the survey related to the attitude of the resident population towards nationality and naturalization:³⁹⁹

According to 80% of respondents, the nationality of people is important to them from a practical and legal point of view⁴⁰⁰ and, for 70%, from an emotional point of view.⁴⁰¹

When questioned on different statements on access to Luxembourg nationality, 79% of the respondents (strongly) agreed with the statement that it is important to accept the Luxembourgish way of life. This rate is followed by the following statements: to be proficient in one of the 3 official languages of the country (72%), to be proficient in Luxembourgish (66%); to follow civic courses (61%). Only 15% respondents (strongly) agreed with the statement that it is important to be born in Luxembourg and 9% that it is important to have Luxembourgish parents.

Furthermore, when questioned on the duration of residence in the country in order to be able to apply for the Luxembourgish nationality, 54% opted for a duration of 5 years⁴⁰² which is the condition that is actually required.

ASTI commented on the results stating that "to become a Luxembourger, neither jus sanguinis nor jus soli are considered important".⁴⁰³
5.5.3. **Civic and Political Participation**

5.5.3.1. **The Translation of Parliamentary Questions and Answers Written in Luxembourgish**

Considering the percentage of foreigners in Luxembourg and that there is an increasing amount of Parliamentary questions written in Luxembourgish with no French translation, there is a vast amount of Parliamentary discussions that are not accessible to the population.\(^{404}\)

Whilst respecting the usage of the Luxembourgish language in Parliamentary discussions, the CNE proposed that the Government assigns a translator to ensure the translation of Parliamentary questions and answers written in Luxembourgish to French or even English to make Parliamentary discussions more accessible to the public. This topic was also discussed at the 8\(^{th}\) Congress of immigrants associations of CLAE.

5.5.3.2. **8\(^{th}\) Congress of immigrants associations (CLAE)**

On the 7 and 8 December 2019, the CLAE held its 8\(^{th}\) Congress for associations originating and continuing to work on issues in the area of immigration. Representatives from 75 structures, the Government, and actors working in the political and social sphere of the Grand Duchy of Luxembourg were present. With them, the topics of immigration, asylum, reception, the recognition of people with a migrant background were debated. These debates led to a shared resolution with concrete demands from civil society working in these areas to the Government.\(^{405}\)

5.5.3.3. **Political participation depicted through a survey**

Some results of the representative survey on living together in Luxembourg are related to political participation.\(^{406}\)

Overall, 52% of respondents (strongly) agreed with the statement that foreigners must have the right to vote in legislative elections after a certain period of residency, this position is shared by 62% of foreigners, 60% of Luxembourgers with a second nationality and 43% of Luxembourgers without a second nationality.\(^{407}\) 42% of residents agreed to the statement that the electorate is not representative of the population for legislative elections, and 43% (strongly) believe that opening up the right to vote for foreigners in legislative elections would strengthen societal cohesion. Finally, 40% of residents believe that opening up the right to vote for foreigners in legislative elections would help solve future challenges facing Luxembourg.

56% of the foreign residents are in favor of the automatic registration of foreigners on the electoral lists for the municipal and European elections while 80% are in favor to maintain the condition of 5 years of continuous residence in the territory in order to participate in the municipal elections.

Interestingly, 68% of foreign respondents feel that they are Luxembourgish and 84% feel that they are citizens of Luxembourg.

In a press release, ASTI described these results on political participation as tilting towards openness, but not with much enthusiasm: "The participation of the majority in elections seems not to be a
priority for the residents interviewed but that does not prevent them from showing a strong feeling of adhesion to the host society”.

5.6. Non-discrimination and awareness raising

5.6.1. 100% Brochures

Following on from local integration initiatives, the municipalities of Strassen and Schifflange have each published a brochure to sensitize their populations on the cultural diversity in their municipalities. They are called ‘Schifflange 100%’ and ‘Strassen 100%’.

5.6.1.2. Diversity Charter Lëtzebuerg

On 26 September 2019, Inspiring More Sustainability Luxembourg (IMS) along with the OLAI (now ONA) and the Minister of Family Affairs, Integration and the Greater Region organized the 9th session on the official signing of the Diversity Charter Lëtzebuerg. Twenty-three new organizations signed the Charter.

Throughout 2019, the OLAI promoted the activities that took place under the framework of the Charter. On 15 May 2019, as they organized the Diversity Awards Lëtzebuerg - an opportunity for businesses, public organizations and associations to demonstrate their engagement to promoting diversity. The Minister of Family Affairs, Integration and the Greater Region visited many stakeholders and other actors working towards a better understanding of diversity in Luxembourg to further increase awareness on the topic.

5.6.1.3. The fight against Racism and Xenophobia

On the occasion of the International Day for the Elimination of Racial Discrimination on 21 March, the ASTI highlighted that the CNE had not for years conducted its special Commission for receiving and treating complaints of racial discrimination.

On 13 November 2019, a conference debate on the experiences of discrimination and hate crime of people of African descent in the Grand Duchy of Luxembourg took place called “Being Black in Luxembourg”. It was based on a report called ‘Being Black in the EU’, published by the Fundamental Rights Agency (FRA) in 2018.

This conference revived the debate around xenophobia and racism in Luxembourg and the means of combating them. The debate led to two Parliamentary questions and a lot of media coverage.

In response to the first Parliamentary question, the Minister for Family Affairs, Integration and the Greater Region said that the results of the study should be taken very seriously, even if they must be interpreted with great caution, especially since different sources of data provide different insights into the magnitude of the phenomenon. The aim is to better understand the reasons for these differences, in order to strengthen and better target the State’s efforts in the fight against discrimination. The Minister also clarified that within the framework of the Integration NAP, specific actions can be implemented to fight against possible racial discrimination. The second Parliamentary question raises the question of the follow-up to European Commission against
Racism and Intolerance’s (ECRI) recommendations on the establishment of a system for recording and monitoring racist incidents and strengthening the resources of the Centre for Equal Treatment (CET).418

One main conclusion from the debates in the media is that covert and overt forms of racism seem to be more present in Luxembourg, than one would have thought, which contradicts its socially inclusive and multicultural image although difficulties present themselves when measuring the extent of the phenomenon.419
6. RETURN, IRREGULAR MIGRATION AND DETENTION

6.1. Return and irregular migration

During 2019, 330 individuals were returned to their country of origin or to a different Member State. Of these, 199 returned in the context of a voluntary return (60.3%), while 131 returned under the context of a forced return (39.7%).

This is a decrease when compared to the previous year, during which 351 were returned overall, of which 272 were voluntary (77.4%) and 79 (22.6%) were forced. Thus, in 2019, the total number of returns decreased by 6% when compared to 2019. While the number of voluntary returns decreased by 27% when compared to the previous year, the number of forced returns increased by 66% when compared to 2019. Since 2016, however, a decrease in the number of returns can be observed.

Table 18: Percentage of voluntary returns (2017-2019).

<table>
<thead>
<tr>
<th>Year</th>
<th>Voluntary Returns</th>
<th>Forced Returns</th>
<th>Total</th>
<th>% Voluntary Returns</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>360</td>
<td>154</td>
<td>514</td>
<td>70%</td>
</tr>
<tr>
<td>2018</td>
<td>272</td>
<td>79</td>
<td>351</td>
<td>77.4%</td>
</tr>
<tr>
<td>2019</td>
<td>199</td>
<td>131</td>
<td>330</td>
<td>60.3%</td>
</tr>
</tbody>
</table>

Source: Directorate of Immigration 2017, 2018, 2019 © EMN Luxembourg 2020

The majority of individuals opting for a voluntary return originate from the West Balkans (74), Georgia (28) and Brazil (21).

The Directorate of Immigration attributed the decrease in voluntary return to the changed profile of AIPs (more individuals fleeing from armed conflict and likely to be granted international protection), leading to more positive decisions. As well as, an increase in applications falling under the scope of the Dublin III Regulation and a decrease in international protection applications from third-country nationals from the Balkans who over the last years made up the vast majority of rejected AIPs.420

Table 19: The number and proportion of returns towards the West Balkans from 2016 to 2019.

<table>
<thead>
<tr>
<th>Year</th>
<th>Voluntary Returns : West Balkans.</th>
<th>Total number of voluntary returns.</th>
<th>% share of voluntary returns</th>
<th>Forced returns : West Balkans</th>
<th>Total number of forced returns.</th>
<th>% share of forced returns.</th>
<th>Total number of returns: West Balkans</th>
<th>Total returns</th>
<th>% share in the total number of returns</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>328</td>
<td>456</td>
<td>71.9%</td>
<td>79</td>
<td>113</td>
<td>69.9%</td>
<td>407</td>
<td>569</td>
<td>71.5%</td>
</tr>
<tr>
<td>2017</td>
<td>279</td>
<td>360</td>
<td>77.5%</td>
<td>97</td>
<td>154</td>
<td>63%</td>
<td>376</td>
<td>514</td>
<td>73.2%</td>
</tr>
<tr>
<td>2018</td>
<td>157</td>
<td>272</td>
<td>57.7%</td>
<td>24</td>
<td>79</td>
<td>30.4%</td>
<td>181</td>
<td>351</td>
<td>51.6%</td>
</tr>
<tr>
<td>2019</td>
<td>74</td>
<td>199</td>
<td>37.2%</td>
<td>44</td>
<td>131</td>
<td>33.6%</td>
<td>118</td>
<td>330</td>
<td>35.8%</td>
</tr>
</tbody>
</table>

Further, since the entry into force of visa liberalisation with Ukraine and Georgia in 2017, the number of returned Georgians increased from 9 in 2017 to 50 in 2018 and returns of Ukrainian nationals to their country of origin almost doubled between 2017 and 2018, from 13 to 25. In 2019, these numbers decreased with regards to Georgia (42) and for Ukrainians the number decreased from 25 to 6.

Wishing to promote voluntary return, the Directorate of Immigration put in place the assisted voluntary return and reintegration programme with the support of the IOM. In 2019, 121 individuals received support through this programme. It is important to note that third-country nationals from the West Balkans (Macedonia, Bosnia, Albania, Kosovo and Serbia), and Georgians no longer receive financial support under the reintegration assistance but just the return ticket.

A majority of returnees went through the international protection procedure; this is the case for 128, or 22% of those returned voluntarily and 63, or 48% 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 20: Number of returned persons by type of return and migratory situation (2017-2019).

<table>
<thead>
<tr>
<th></th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voluntary returns</td>
<td>360</td>
<td>272</td>
<td>199</td>
</tr>
<tr>
<td>- AIP</td>
<td>126</td>
<td>25</td>
<td>128</td>
</tr>
<tr>
<td>- AIP rejected</td>
<td>198</td>
<td>154</td>
<td>n/a</td>
</tr>
<tr>
<td>- migrants in an irregular situation</td>
<td>36</td>
<td>93</td>
<td>n/a</td>
</tr>
<tr>
<td>Forced returns</td>
<td>154</td>
<td>79</td>
<td>131</td>
</tr>
<tr>
<td>- AIP rejected</td>
<td>97</td>
<td>29</td>
<td>63</td>
</tr>
<tr>
<td>- migrants in an irregular situation</td>
<td>57</td>
<td>50</td>
<td>68</td>
</tr>
<tr>
<td>Total</td>
<td>514</td>
<td>351</td>
<td>330</td>
</tr>
</tbody>
</table>

Source: Directorate of Immigration 2017, 2018, 2019 © EMN Luxembourg 2020

Among the 131 people returned in 2019 by force with a Police escort to their final destination, 29 were from the West Balkans. In 2018, the number of people returned to their country of origin by force was 79 and in 2017, 154.

Commercial flights were the means of the majority of forced returns. The participation of two charter planes, organised by Austria allowed for five people to be repatriated to Nigeria. A national charter plane, allowed for nine people to be repatriated to Albania and six to Northern Macedonia. Moreover, the Georgian authorities organized a charter plane to repatriate four people back to Georgia.

In 2019, 28 individuals benefitted from a suspension of removal for medical reasons (sursis à l’éloignement) while 96 benefitted from a postponement of removal (report à l’éloignement).\textsuperscript{421}
6.1.1. Developments in the field of return and the prevention of irregular migration

6.1.1.1. The law of 4 December 2019 amending the Immigration Law

In summary, this law introduces several operational changes on the conditions in the field of return and irregular migration.  

In the context of return:

- It establishes an interdisciplinary commission to evaluate the best interest of UAMs in return decisions (go to the Chapter 4: Unaccompanied Minors and Vulnerables)
- It indicates that the Minister or the Minister’s delegate takes all the necessary measures for the execution of the decision of removal by the Grand Ducal Police. These measures include, among others, the presentation of foreign individuals to embassies, consulates or a hearing delegation in order to determine the nationality and identity of the concerned person. This is done in view of obtaining the documents required for the removal, as well as, taking digital fingerprints and photographs for establishing or verifying the identity of the stranger.

This amendment takes into account the definition of removal found under Article 3 of the Implementing Agreement on Cooperation and Support during the deportation measures on the territory of the Benelux countries. It therefore, removes uncertainty concerning the concept of removal.

Lastly, a new paragraph introduced to Article 124 enables the Grand Ducal Police to access the place of residence of a foreign resident, after being duly authorized by the President of the Luxembourg District Court, if the foreign resident or the owner of the property refuses access to this place in order to prevent his or her removal. In order to gain access, the President of the First Instance Administrative Court of the place of habitation must give his or her explicit agreement.

During Parliamentary discussions, the Council of State noted that the bill only spoke of living spaces, excluding other possible places that could accommodate foreigners living irregularly in Luxembourg, the Commission thus changed the term ‘living spaces’ (« locaux destinés à l’habitation ») to ‘private spaces’ (« locaux privés »).

This modification also takes into consideration the importance emphasized by the European Commission Recommendation of 7 March 2017 on making returns more effective when implementing the Directive 2008/115/EC of the European Parliament and of the Council, by inviting the EU Member States to adopt the necessary measures to deal with persons obstructing the enforcement of the return decision.

In the context of irregular migration:

- It changed the sanctions foreseen in Article 141 of the Immigration Law in regard to entering the territory under false pretenses, or by the use of false or incorrect documents or in regard to obtaining/renewing an authorization to stay, a residence permit or an authorization to work. The sanctions were increased from 1 month up to 2 years to 1 month up to 3 years of
imprisonment and/or from a fine of € 251 up to € 3 000 to a fine of € 251 up to € 12 500.428

It amends Article 147 of the Immigration Law, increasing the fine from a maximum amount of € 4 000 to a fixed amount of € 5 000 that apply to airlines who transport third-country nationals into the territory without the correct documentation.429

6.1.1.2. Other developments in the field of return, irregular migration

Luxembourg continues to cooperate with other countries in the area of return and readmission:

• Two bills were introduced to Parliament: 1) a bill for the ratification of the implementing protocol between the Benelux States and Armenia applying the readmission agreement between the EU and Armenia was introduced on 26 March 2019430; and 2) a bill for the ratification of the implementing protocol between the Benelux States and Ukraine applying the readmission agreement between the EU and Ukraine was introduced to Parliament 26 February 2019.431

• The Protocol between the Governments of the Benelux (Kingdom of Belgium, Grand Duchy of Luxembourg and Kingdom of the Netherlands) and the Government of the Republic of Serbia on the implementation of the agreement between the EU and the Republic of Serbia concerning the readmission of persons in an irregular stay situation, entered into force on 1 February 2019.432

• The Directorate of Immigration continued working on the strengthening of embassy and consular relations in the context of return. In 2019, it organized its seventh Consular Day, “which allowed various actors from the Benelux in charge of returns to inform consuls of the countries of origin on the functioning and specificities of readmission”. This project benefited from European co-financing via the Asylum, Migration and Integration Fund.433

6.1.2. Measures to improve the effectiveness of external border controls

Luxembourg also continued to participate in measures to improve the effectiveness of external border controls:

In 2019, Luxembourg sent 12 agents from the Grand Ducal Police for a duration of two months to Frontex’s Poseidon mission. It also sent three agents (two agents for a duration of three months and one agent for two months) to Frontex’s Indalo mission. A fully equipped Luxembourg Air Force helicopter was sent for a 9 months period to participate in the Indalo mission.435

Further, Luxembourg is actively engaged in preparing the national implementation of the Entry-Exit System (EES) as well as the European Travel Information and Authorisation System (ETIAS).436

The head of the Airport Police Unit of the Grand Ducal Police stated that the introduction of biometric passports has helped to increase the efficiency of fraudulent document detection. When a fake document is detected, the file is sent to the Public Prosecutors’ Office (Parquet Général).437 Biometric passports are systematically checked against all relevant databases such as SIS and Interpol’s Stolen and Lost Travel Documents database (SLTD). Furthermore, the chip is read by the airport chip reading systems. If an error is detected, it is a good indicator that something might be wrong with the passport, which prompts border guards to investigate further.438
Nevertheless, researchers at the University of Luxembourg discovered a flaw this year in the security standard used in biometric passports, ICAO9303. The discovered flaw demonstrated that “with the right device, you can scan passports in close vicinity and re-identify previously observed passport holders, keeping track of their movements” thus a passport holder using this technology is not protected from an unauthorized observer.439

6.2. Administrative detention

In 2019, 421 people were placed in detention, compared to 423 in 2018.440

With regard to the profile of the persons detained, 374 were single men, or 89% of the total number of detained persons (compared with 390 in 2018), 12 were single women (compared to 23 in 2018) and 10 families comprising of 35 people (compared to 4 families in 2018, representing a total of 10 people).

Another peculiarity is the large number of persons detained to be transferred as part of the Dublin procedure (148 persons, 35%). However, this represents a decrease in comparison to 2018 (177 persons, 41,8%).

While 119 of them were removed to their country of origin (84 in 2018), 5 took advantage of a “semi-voluntary return” through IOM (7 in 2018), 97 were released (90 in 2018), 3 were transferred to the Penitentiary Centre (2 in 2018) and 3 escaped compared to 6 in 2018.441

The average length of detention in all categories was 47 days in 2019 (compared to 40 in the previous year). However, 38 people were detained for 120 days or more, compared to 19 in 2018. 442

It is important to note that, the Government of Luxembourg is exploring alternatives to the current detention centre in Findel. Different concepts are being studied for this. Pilot projects in Member States are being used as reference points for finding alternatives to the current structure. However, the question of infrastructure in Luxembourg has to be answered. The availability of terrain is being determined by State institutions and municipalities. 443 This initiative was applauded by the LFR who has always been opposed to detention and would like to see less coercive systems.444

6.2.1. Visits at the Detention Centre

The Detention Centre was the subject of several events during 2019:

- In collaboration with EMN, the detention centre initiated and organised the first workshop specially dedicated to the heads of European detention centres on 13 March 2019. This initiative aimed to create a platform where exchanges of practices among practitioners may take place. Around 45 representatives from EU Member States and agencies participated.
- Under the framework of the Consular Day, the detention centre received around 20 consular representatives for a working visit on 20 September 2019.
As part of an initiative launched by the President of the Administrative Tribunal, a dozen attaches and several judges were invited to an in-depth presentation of the detention centre. They were also given the opportunity to visit the grounds on 17 October 2019.

Around ten members of the Ethno-psychological Department (Cellule ethnopsycho logique) of Migrant and Refugee Service of the Luxembourgish Red Cross were welcomed at the detention centre for a meeting, followed by a visit of the grounds on 12 December 2019.

6.2.2. Developments on retention

Extension of the detention period

The law of 4 December 2019 amending the Immigration Law introduces the systematic verification of the conditions for extended administrative detention of third-country nationals by the administrative jurisdictions. 445

After criticism of the Council of State to the proposed changes to Article 123 made in 2018, the Commission on European and Foreign Affairs, Cooperation, Immigration and Asylum amended the Article to take into account this criticism, on 12 March 2019. 446

However, the Council of State maintained its criticisms that the proposed judicial verification of the decision to extend detention by the Minister would amount to the Minister appealing to the President of the Administrative Tribunal against his own extension decision. 447

The Council of State proposed to reformulate the role of the President of the Administrative Tribunal to make it similar to the liberties and detention judge in France that determines the period of duration for foreigners in a waiting zone. 448 Alternatively, Belgian law provides for a natural liberties judge (under the Council Chamber of the District Court) creating a notable exception to the fact that all administrative litigation is the sole responsibility of the administrative courts. Finally, the Council of State proposed a third solution that the law could provide for a system in which the Minister takes a decision on the extension of detention which is limited to a certain number of days. 449

Consequently, a new paragraph (6) was introduced to Article 123 of the Immigration Law which introduces the systematic verification by the jurisdictions - in case the Minister in charge of immigration and asylum decides to extend the detention period beyond 4 months (after an initial detention period of 1 month, renewed three times for 1 month each). 450 In this case, the Minister lodges a request with the President of the First Instance Administrative Court within five days of the notification of decision. Then, within ten days of the introduction of the request, the President of the court rules as a trial judge, as a matter of urgency. An appeal against the decision of the President can be filed before the Administrative Court. If the Minister does not file a request with the court within the foreseen deadlines, the detained person will be set free. Furthermore, a derogation is introduced to the legislation regarding the procedure before the administrative jurisdictions, in view of limiting the number of written pleadings that can be filed.

This amendment takes into account the comments of the experts in the context of the evaluation...
of the application of Schengen. They noted that Luxembourgish legislation was not in conformity with Article 15, paragraph 3 of Directive 2008/115/EC\textsuperscript{451} which foresees that “in every case, detention shall be reviewed at reasonable intervals of time either on application by the third-country national concerned or ex officio. In the case of prolonged detention periods, reviews shall be subject to the supervision of a judicial authority”\textsuperscript{452}

7. **FIGHT AGAINST TRAFFICKING IN HUMAN BEINGS**

In 2019, one female third-country national was identified as a VHT in Luxembourg and twelve people were suspected VHTs, of which seven were female and five male. In 2018, eight third-country nationals were identified/alleged VHTs in Luxembourg, of which six were women and two were men.

The identified person was a victim of labour exploitation. In addition, eight of the suspected victims were in this category. Six were suspected of sexual exploitation and one was in the category other. Similarly to 2018, labour exploitation was the biggest category for VHTs.\textsuperscript{453}

In 2019, all the individuals suspected of being VHT were over the age of 18 and originated from the following countries: China (2), Nigeria, Brazil, Algeria, Senegal, Indonesia, Morocco, Angola, Congo, Cameroon and Ethiopia. In 2018, all were also over the age of 18, however the main countries of origin differed (China, India and Moldova).\textsuperscript{454}

Further, nine people were arrested or processed in criminal proceedings related to human trafficking. This is a clear decrease (-55\%) when compared to 2018 when 20 people were sentenced for human trafficking.\textsuperscript{455}

7.1. **Strategic Policy Developments**

**Evolution of the legislation**

Two bills were introduced into Parliament which reinforce the fight against human trafficking:\textsuperscript{456}


The bill also proposes to amend the law of 10 August 1991 on the profession of lawyer. According to the bill, legal aid would be available to all civil parties - victims and suspects - involved in a criminal procedure, independent of their place of residence or nationality.\textsuperscript{459}

- Bill n°7452\textsuperscript{460} was introduced to Parliament on 26 June 2019. It aims to complete the transposition of the Directive 2014/42/EU on the freezing and confiscation of instruments and proceeds of crime in the EU\textsuperscript{461} and to transpose the Council Decision 2007/845/JHA of 6
December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identifying of proceeds, or other property related to the crime.

According to this bill, the law of 7 March 1980 on judicial organization will be amended by creating a centralized office of management and asset recovery legislation (BGRA). The BGRA would be in charge of managing the recovery of assets confiscated and regulate its cooperation on an international level with similar offices abroad. This institution will have the means to carry out asset investigations in cases where the decision taken on confiscation cannot be executed. It also improves financial investigations in cases of human trafficking by allowing investigations into a convicted person’s estate. Also, civil parties may (under certain conditions) be able to obtain their compensation from the BGRA, by being paid from the property confiscated. The Grand Duchy of Luxembourg would then subrogate the rights of the civil party.

Lastly, the law of 13 January 2019 establishing a Register of Beneficial Owners will also apply in cases of human trafficking. The Grand Ducal Regulation of 15 February 2019 implements the modalities of registration, payment of administrative fees and access to the information registered in the Register of Beneficial Owners. The investigators of the Criminal Police, dealing with human trafficking cases have direct and unrestricted access to the Register of Beneficial Owners in order to conduct investigations.

The National Promotion Program of Sexual and Emotional Health (Santé Affective et Sexuelle – SAS)

The National Promotion Program of Sexual and Emotional Health was put in place in 2013 by the Ministry of Health, the Ministry of Education, Children and Youth, the Ministry of Equality between Women and Men (MEGA), and the Ministry of Family Affairs, Integration and the Greater Region. Under the lead of the Ministry of Health, a second National Promotion Program of Sexual and Emotional Health (Santé Affective et Sexuelle – SAS) was launched in 2019, under which the four ministries will continue to work interactively.

SAS promotes mutual respect and equality through sexual and emotional education, strengthens the fight against prostitution, and the prevention of sexual exploitation and human trafficking.

The strengthening of the support services

Since 2018 the Red-Cross, Caritas, the InfoMann service of the NGO ActTogether, and the MEGA continue to strengthen their consultation services in order to reorganise the housing of men in a situation of distress. This includes male victims of domestic violence, human trafficking and perpetrators of domestic violence.

Further, in cooperation with Caritas, the MEGA established a housing structure for male VHTs. This structure opened its doors in 2019 for nine male VHTs.

In 2019, MEGA further strengthened its services by reinforcing its convention with the Fondation Maison de la Porte Ouverte (FMPO) and the Ozanam centre - trafficking in human beings (COTEH) with regards to the support. As well as, putting in place a complementary reception structure for
five female VHTs next to the reception centre (Foyer Paula Boye) where they can provide support to women in a situation of distress- this includes victims of violence and human trafficking. 469

7.2. Developments in the area of assistance and support for victims from third countries

7.2.1. Awareness raising measures

The Government of Luxembourg, along with 23 other European countries,470 decided to join the European Crime Prevention Network (EUCPN) initiative to launch a prevention campaign against human trafficking which aims to inform victims or potential victims of their rights at the European level, where to find help, protection and information.

The campaign targets victims and potential victims. Through a poster campaign and on social networks, the message is broadcasted in several languages and in very specific places (train stations, bus stops, assistance and reception services, etc.) in order to directly reach vulnerable populations.

The prevention campaign, funded by the Internal Security Fund (ISF) of the EU, was launched on 17 October 2019 to inform victims that they have rights that can be claimed in all EU Member States (assistance and protection, human rights, labour rights, right to be granted a reflection period and a residence permit).

The campaign's dissemination is also done via Facebook and the website "stoptraite.lu" which was created during the first awareness campaign aimed at the general public.

Furthermore, a brochure for potential victims will be available in several languages (including Arabic, Chinese, Albanian etc.) and in the form of pictograms.471

The CCDH applauded this campaign but further recommends that the Government launches another campaign focused on tackling the demand for services in which the trafficking of human beings is common.472

7.2.2. Collaborative measures between authorities and various stakeholders involved in the identification, reception and protection of victims

The Luxembourgish “Comité de suivi de lutte contre la traite des êtres humains” (the Monitoring Committee on the Fight Against Human Trafficking), chaired by the Ministry of Justice aims to strengthen the national and international efforts in this area. Part of this effort was the launch of a new human trafficking preventative campaign on 17 October 2019.473

Since 2018, the Committee has an annual budget of € 15 000 at its disposal. In 2019, this budget was used for the EUCPN awareness-raising campaign and the preparation of the brochures for victims.

In addition, the Directorate of Immigration appointed a contact person for the fight against trafficking in each of its services, namely, the Refugee, the Foreigners, the Return and the Legal Departments. These appointed officials will meet with the contact point whenever the situation requires it.474 The CCDH in its 2nd report on trafficking in human beings in Luxembourg recommends the Government, however, to reinforce its ‘Organised Crime’ section of the Grand
Ducal Police, to recruit more investigators and improve the identification and protection of VHTs, as well as, pursue criminals involved in the trafficking of human beings. The CCDH also recommends that the Government puts in place a hotline for all victims, similar to the ones already in place in Belgium and the Netherlands.

7.3. Identification of victims

7.3.1. Training and awareness-raising in identifying and supporting victims

In 2019, the National Institute for Public Administration (Institut National d’Administration National - INAP), hosted a basic training course on Trafficking in Human Beings on two occasions. These trainings are organised twice per year by the Ministry of Justice, MEGA, the Grand Ducal Police (Judicial Police), the Support Service for Victims of Trafficking in Human Beings (SAVTEH) and COTEH.

Furthermore, INAP offered two in-depth trainings on the approach and support given to VHTs, work ethics and understanding the problem (Approche et Accompagnement des Victimes de la Traite d’Etre Humains, posture du travailleur et compréhension du phénomène). They are carried out by the non-profit organization Sûrya from Liège (Belgium).

On top of these four annual trainings, Ministerial departments and administrations can request the INAP for trainings, specifically adapted to their needs. In this context, the INAP certified a basic training course which was organized upon request for the forensic medical examiners of the Unit for Medicolegal Documentation of Injuries (Unité médico-légale de documentation des violences - UMEDO).

MEGA finances and organizes three in-depth trainings per year carried out by Sûrya, independently of the INAP trainings. They are open to civil society and to local actors on the ground that are not employees of the State. In this light, two in-depth training sessions were organized, one for Caritas and one for the Red Cross. Another training session is also planned for Caritas in January 2020, along with sessions for the ASTI and ONA. Furthermore, an in-depth training formation is also planned in 2020, for the Directorate of Immigration.

The CCDH suggested that online trainings should be offered in addition to the basic trainings as a means to reach a maximum number of qualified professionals at a lower cost.

7.3.2. International cooperation measures

As part of the Luxembourgish Benelux presidency activities, a “journée d’échange” between experts on trafficking and immigration from all three countries was held in Brussels on 1 October 2019. The focus was on the detection, identification and treatment of VHTs among AIPs. The purpose of this day was to have an exchange between professionals from the field of trafficking and immigration so as to come up with concrete conclusions that could serve as a basis for discussions at a conference, held in Luxembourg on 10 December 2019.

On 10 December 2019, a conference held in Esch/Belval (Luxembourg) on human trafficking took place. Experts on human trafficking from the Netherlands, Belgium and Luxembourg were invited to assist in the signing of a Declaration of Intent between the Benelux States, by the Minister of Justice.
of Luxembourg, the Dutch Secretary of State for Security and Justice and the Minister of Justice of Belgium. The idea is to fortify the cooperation between the Benelux States on the identification and protection of VHTs, as well as, try to bridge legislative gaps on the matter, which became apparent during the “journée d’échange” in October.

7.3.3. **Prevention measures in third countries**

Luxembourg financially supports the work of ECPAT Luxembourg, targeting the smuggling and the sexual exploitation of children. It conducts projects in Cape Verde, Senegal, Mali, Niger, Burkina Faso, Nepal, India and Morocco. The activities aim at preventing smuggling and sexual exploitation of children, protecting children from any form of trafficking and exploitation and reinserting children back into their communities.

7.4. **Debate**

**The Monitoring Committee of Human Trafficking (CCDH) on labour exploitation.**

On 6 November 2019, the CCDH as the National Rapporteur on Trafficking in Human Beings presented its 2nd report on trafficking in human beings in Luxembourg to the members of the Justice Commission of the Parliament and to the press.

This report covers the years 2017 and 2018 and analyses the trends based on available statistics, case law and the legal national, international and policy framework. It focuses particularly on trafficking in human beings for the purpose of labour exploitation and the role that the Inspectorate of Labour and Mines (ITM) has to play in the detection of potential victims and in the fight against this phenomenon in Luxembourg which sparked a public debate in 2019.

Following on from the debates reported in 2018, the CCDH continues to advocate for the need to collect reliable statistics on the trafficking of human beings by setting-up a platform that can be updated on a regular basis by all actors involved.

Further, the report stresses that, for the first time, the majority of the registered cases is composed of VHTs for the purpose of labour exploitation, whereas previously, sexual exploitation was predominant. There were 17 cases of the former against 11 cases of the latter, recorded between 2017 and 2018 – with Albanian, Chinese and Romanian nationalities at the top of the list. Particularly concerned areas include the construction sector, domestic work, road transport and the HORECA sector. Workers in precarious situations tend to face a higher risk of exploitation, above all migrants with irregular status, AIPs and refugees, seasonal workers, temporary or posted workers and domestic workers.

The CCDH’s report criticizes the management of the ITM for its inaction on the subject and finally calls for a change in the legislation to grant the ITM an explicit competence to investigate and tackle the problem of human trafficking more effectively in the area of labour exploitation. It remembered that Luxembourg is among the signatories of the Convention No.29 of the International Labour Organization on forced labour. However, Luxembourg has not yet ratified the 2014 Additional Protocol, which provides for the implementation of measures such as the protection of migrant workers against possible abusive or fraudulent practices.
On 6 December 2019, the Government Council ratified the bill n° 7521 approving the Additional Protocol P029 of the International Labour Organization relating to the Forced Labour Convention. The bill will be submitted to the Chamber of Deputies in 2020.494

The CCDH also suggests the merging of the two support services SAVTEH and COTEH for the sake of simplification and optimization, as well as a staff increase.495 They also suggested to increase the financial support to organizations such as ASTI that provide support to undocumented migrants, AIPS or BIPs. The rationale behind this is that irregular migrants are more likely to contact organizations from civil society than the police when in need.496

In response to the CCDH report, the Minister of Labour, Employment and the Social and Solidarity Economy assured that all labour inspectors are instructed to detect suspicious cases and have all received special training to be able to identify typical signs of trafficking. A change in legislation has so far been rejected for the sole reason that the Police - and not the labour inspectors - should keep the competence to prosecute cases of trafficking "in a highly criminal environment". The Ministry contemplates, nevertheless, modifications to the Labour Code in order to better protect potential witnesses – such as co-workers – so to encourage them to report any irregularities. The ITM announced it plans to compensate for the lack of statistics to allow for better monitoring of the work carried out in this area.497

The CCDH also criticised the fact that on the contrary to establishments involved in sexual exploitation, no businesses that were involved in labour exploitation have been shut. The CCDH strongly affirms that the sanctions should be the same for all forms of trafficking of human beings.498

The conclusions of the report gained attention within a number of high circulation in national newspapers. Part of the media highlighted the rising numbers of human trafficking in Luxembourg and reinforced the appeal from the CCDH for tougher laws for those involved in criminal proceedings. Other media outlets debated on the extension of the responsibility of the ITM and urged the Government to demand a greater role of the ITM in the fight against human trafficking.499
**LIST OF ABBREVIATIONS**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>ADEM</td>
<td>Agency for the Development of Employment</td>
</tr>
<tr>
<td>AIP</td>
<td>Applicant for international protection</td>
</tr>
<tr>
<td>AOT</td>
<td>Temporary occupation authorisation</td>
</tr>
<tr>
<td>ASTI</td>
<td>Association for the Support of Immigrant Workers</td>
</tr>
<tr>
<td>ARIS</td>
<td>Regional social inclusion agents (Agents régionaux d'inclusion sociale)</td>
</tr>
<tr>
<td>BGRA</td>
<td>Office of Management and Asset Recovery</td>
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<tr>
<td>BIP</td>
<td>Beneficiary of international protection</td>
</tr>
<tr>
<td>Brexit</td>
<td>Withdrawal of the United Kingdom from the European Union</td>
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<tr>
<td>BRILL</td>
<td>British Immigrants Living in Luxembourg</td>
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<tr>
<td>CAI</td>
<td>Welcome and Integration Contract</td>
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<tr>
<td>CASNA</td>
<td>School reception unit for newly arrived pupils</td>
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<td>CCDH</td>
<td>Consultative Commission on Human Rights</td>
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<tr>
<td>CEFIS</td>
<td>Centre for Intercultural and Social Studies and Training</td>
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<tr>
<td>CePAS</td>
<td>Centre for Psycho-Social and Student Support (Centre Psycho-Social et d'Accompagnement Scolaires)</td>
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<tr>
<td>CET</td>
<td>Centre for Equal Opportunities</td>
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<tr>
<td>CLAE</td>
<td>Liaison and Action Committee for Foreigners</td>
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<tr>
<td>CNE</td>
<td>National Council for Foreigners</td>
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<tr>
<td>CNS</td>
<td>National Health Fund</td>
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<tr>
<td>COTEH</td>
<td>Ozanam centre - trafficking in human beings</td>
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<tr>
<td>CPLL</td>
<td>The Permanent Council of the Luxembourgish Language (Conseil permanent de la langue luxembourgeoise)</td>
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<tr>
<td>DExBEU</td>
<td>Department of Exiting the EU</td>
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<tr>
<td>EASO</td>
<td>European Asylum Support Office</td>
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<tr>
<td>ECRI</td>
<td>European Commission against Racism and Intolerance</td>
</tr>
<tr>
<td>EEA</td>
<td>European Economic Area</td>
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<tr>
<td>EES</td>
<td>Entry- Exit System</td>
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<td>EMN</td>
<td>European Migration Network</td>
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<td>ESF</td>
<td>European Social Fund</td>
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<tr>
<td>ETIAS</td>
<td>European Travel Information and Authorisation System</td>
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<td>ETM</td>
<td>Emergency Transit Mechanism</td>
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<td>EU</td>
<td>European Union</td>
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<td>EUCPN</td>
<td>European Crime Prevention Network</td>
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<tr>
<td>FMPO</td>
<td>Fondation Maison de la Porte Ouverte</td>
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<td>Abbreviation</td>
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<td>the Child)</td>
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<td>Social inclusion income</td>
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<td>Guaranteed minimum income</td>
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<td>SAVTEH</td>
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<td>Semi-open return facility</td>
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<td>UNCRC</td>
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<td>VHT</td>
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Directorate of Immigration, Bilan de l’année 2019 en matière d’asile de d’immigration, p.5

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The OLAI housing system is organized in three phases: phases 1 and 2 correspond to the first reception while phase 3 corresponds to accommodation in long-lasting structures. The phase 1 housing facility, located in the former Logopédie de Strassen (308 beds), accommodates newcomers wishing to apply for international protection in Luxembourg. It has for this purpose a permanent reception centre (24h / 24h, 7d / 7d). The duration of stay varies from 24h to 48h (depending on the administrative steps and the remaining capacity in phase 2) before a transfer to phase 2. Phase 2 accommodation has 204 beds (120 permanent and 204 for emergencies). Here the specific needs of AIPs is determined (medical, physiological etc.), the person will then be reoriented accordingly. It is also here that AIPs take part in the first phase of the Guided Integration Trail (PIA 1). Those whose application goes through an ultra-accelerated procedure are also accommodated here during the whole duration of the process, as well as, families and vulnerable people awaiting a Dublin III transfer. Phase 3 facilities have 3,432 beds, AIPs are transferred here after last and stay there until the duration of their application process. Source : Ministry of Family Affairs, Immigration and the Greater Region, «Rapport d’activité 2018», p. 159.


Information provided by the ONA on 31 January 2020.


An occupancy rate above 80% can hardly be reached in family and mixed structures since the use of the full capacity is impossible (a foreign person can hardly occupy a free bed in a family room). Added to this is the loss of beds associated with rooms being renovated or closed due to obsolescence. Source: Ministry of Family Affairs, Integration and the Greater Region, «Rapport d’activité 2019», p. 167.

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LFR, “L’accès au marché du travail des demandeurs/bénéficiaires de protection internationale”, January 2019, URL: https://619010fd-b8ee-47c4-bc7d-18228604e533.filesur.com/ugd/a35505_6038bf1f49c34db9bb95273c32e1e8728.pdf  


Law of 28 July 2018 related to the social inclusion income and amending: 1) the Social Security Code; 2) the Labour Code; 3) the amended law July 26 1980 concerning the advancement and recovery of maintenance allowances by the National Funds of Solidarity; 4) the amended law of 10 August 1991 on legal professions; 5) the amended law of 12 September 2003 relating to disabled persons; 6) the amended law of 30 April 2004, authorizing the National Funds of Solidarity to participate in services provided under the reception of people into an integrated centre for the elderly, care homes, or other socio-medical establishments ensuring a day and night reception; 7) the amended law of 18 December 2009 organizing social aid and repealing the amended law of 29 April 1999 on the creation of a right guaranteeing a basic minimum income. Published in Coordinated text of 22 June 2004 of the Law of 29 April 1999 creating a right to a guaranteed minimum income, as it has been amended, published in Memorial A 103 of 2 July 2004. URL: http://legilux.public.lu/el/etat/leg/loi/2004/06/22/103/jo  

Coordinated text of 10 March 2018 of the law of 28 July 2018 on the social inclusion income. Published on 20 September 2019. URL: https://www.chd.lu/wps/PA_RoleDesAffaires/FTSSbyteServingServletimpl?path=94BF147B0FA2E8001F666229666251F724B061F2C46D0DC45D9805DB53237808CB68D05C85D95C15F5007BF1A8AE53FD5890FF49F54E0F5D951356D5880D71  

Article 2 (2) of the law of 28 July 2018 on the social inclusion income.  

Article 4 (3) of the law of 28 July 2018 on the social inclusion income.  


Parliamentary Document N°7113/14 relating to the social inclusion income (REVIS), Commentary of Article 2, p. 32. Published on 20 September 2019. URL: https://www.chd.lu/wps/PA_RoleDesAffaires/FTSSbyteServingServletimpl?path=94BF147B0FA2E8001F666229666251F724B061F2C46D0DC45D9805DB53237808CB68D05C85D95C15F5007BF1A8AE53FD5890FF49F54E0F5D951356D5880D71  

Joint answer of the Minister of Family and Integration, the Minister of Immigration and Asylum, the Minister of Interior and the Minister of Housing of 10 December 2019 to the Parliamentary question n°1432 relating to the situation of beneficiaries of international protection seeking accommodation in Luxembourg. URL:

Information provided by the Luxembourgish Red Cross - LISKO on 31 December 2019.


Answer of the Ministry of Family Affairs, Integration and of the Greater Region of 16 September 2019 to the Parliamentary question n°925 on the budget provided for the implementation of the National Integration Plan. URL: https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServletImpl?path=415AC173EC92C70FE75B4A36ABB81B0804A56496AD688647DEC77D1636D4408D5207AF72248452BAFE0E421196D83C656A314950B09A37125290BE42AFOEB3C

Information provided by the Directorate of Immigration on 20 December 2019.

Law of 15 December 2017 concerning the budget for State revenues and spending for 2018. Published in Memorial A1097 on December 2017. URL : http://legilux.public.lu/eli/etat/leg/loi/2017/12/15/a1097/Jo

Article 12.000 of the expenditures budget 2019 under section 01.4 – Immigration of the law of 26 April 2019 concerning the budget for State revenues and spending for 2019 and amending: 1) the Social Security Code; 2) the Labour Code; 3) the general law on taxes, amended on 22 May 1931 ("Abgabenordnung"); 4) the amended law of 30 June 1947 on the organization of the diplomatic service; 5) the amended law of 4 December 1967 on income tax; 7) the amended law of 10 December 1998 on the creation of the public institution called "Fonds d'assainissement de la Cité Syrdall"; 8) the amended law of 8 June 1999 on the budget, accounts and the State treasury; 9) the amended law of 24 December 1999 concerning the budget for State revenues and spending for 2000; 10) the amended law of 22 December 2006 concerning the budget for State revenues and spending for 2007; 11) the amended law of 14 December 2016 on the creation of a Fund for the overall allocation of municipalities Published in Memorial A274 on 26 April 2019. URL : http://legilux.public.lu/eli/etat/leg/loi/2019/04/26/a274/Jo


Article 3 of the law of 4 December 2019 amending the law of 29 August 2008 on the free movement of persons and immigration.


This is an ongoing discussion, please refer to the EMN Annual Report on Migration and Asylum 2018 for more details.


239 Information provided by the Directorate of Immigration on 21 January 2020.

240 Ibidem.


243 Ibidem, p. 133-134.

244 Ibidem, p. 134.

245 See : Centre psycho-social et d’accompagnement scolaire – CePAS website. URL: https://cepas.public.lu/fr.html


252 Information provided by the Consultative Commission on Human Rights (CCDH) on 27 November 2019 and by the Ombuds-Committee for Children’s Rights on 29 November 2019.


257 Article 20 (3) of the Law of 18 December 2015 on international protection and temporary protection.


261 Bill n°7276 instituting a protection regime for youths and amending the amended law of 7 March 1980 on the judicial organization. Introduced into Parliament on 13 April 2018. URL: https://www.chd.lu/wps/PA_ArchiveSelR/FTSShowAttachment?mime=application%2fpdf&file=2A8EDC8A8FC2D4E70C5275E6BDDBC85CFCBD85765A773905D2A4BF2792&fn=2A8EDC8A8FC2D4E70C5275E6BDDBC85CFCBD85765A773905D2A4BF2792.pdf


263 See also: Parliamentary Document N°7276/05, «Avis de l’Ombuds Comite Fir d’Rechter vum Kand ». Introduced into Parliament on 15 March 2019, p. 4. URL:


Ibidem.


Guichet.lu, n.d, Application for the status as a stateless person. URL: https://guichet.public.lu/en/citoyens/immigration/cas-specifiques/apatride/demande-statut-apatride.html


Ibidem.

See also: UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3. Available at: https://www.refworld.org/docid/3ae6b38f0.html


Law of 4 December 2019 on the establishing of the National Reception Office (ONA).


Article 6 of the law of 16 December 2008 concerning the integration of foreigners in the Grand Duchy of Luxembourg.

Article 8 (6) of the law of 4 December 2019 on the establishing of the National Reception Office (ONA).


La commission est composée de 34 membres, dont :

- 32 membres de la société civile, désignés par les associations et organisations représentant ou ayant pour objectif la promotion de l’intégration des étrangers en Communauté nationale de langue allemande (CNA) et en Grand-Duché de Luxembourg ;
- 2 membres de la société civile, désignés par les associations et organisations représentant ou ayant pour objectif la promotion de l’intégration des étrangers en Communauté nationale de langue française (CNDF) et en Grand-Duché de Luxembourg ;
- 1 membre de la société civile, désigné par les associations et organisations représentant ou ayant pour objectif la promotion de l’intégration des étrangers en Communauté nationale de langue luxembourgeoise (CNL) et en Grand-Duché de Luxembourg ;
- 1 membre de la société civile, désigné par les associations et organisations représentant ou ayant pour objectif la promotion de l’intégration des étrangers en Communauté nationale de langue italienne (CNI) et en Grand-Duché de Luxembourg.

La commission est destinée à étudier, de manière autonome ou sur la demande du gouvernement, les problèmes concernant l’intégration des étrangers, de même que les orientations sur la mise en œuvre de mesures pour favoriser cette intégration. Elle dispose notamment du droit de formuler un avis sur toute proposition d’arrêté relatif à la constitution de programmes d’enseignement ou d’action visant à améliorer l’intégration des étrangers, ainsi que sur toute proposition d’arrêté relatif à l’attribution de subventions ou de qualité aux mêmes programmes. Elle est également chargée de présenter un rapport annuel à la chambre des députés, dans lequel elle expose ses conclusions et ses suggestions sur l’état de l’intégration des étrangers en Communauté nationale de langue allemande (CNA), en Communauté nationale de langue française (CNDF), en Communauté nationale de langue luxembourgeoise (CNL) et en Communauté nationale de langue italienne (CNI).
• 22 are foreign representatives;
• 12 are members, representing patron organisations (four), labour unions (four), the Luxembourgish town and municipal union (Syndicats des villes et communes Luxembourgeoises – SYVICOL) (one), two civil society parties (two) and refugees (1).


The National Council for Foreigners, 3 April 2019, Proposal of the CNE on cross-border commuters and teleworking. URL: https://mfamigr.gouvernement.lu/content/dam/gouv_mfamigr/le-minist%C3%A8re/attributions/int%C3%A9gration/cne/CNE-proposition-teletravail-20190403.pdf


Grand Ducal Regulation of 12 December 2019, see Memorial A908.


In the EMN Annual report of 2018, it was reported that the ASTI and the CLAE called for a reform of the CNE. They proposed to completely change the CNE election procedures. Further the League of Human Rights believe that the CNE can be an effective tool all non-Luxembourgish residents take part in the elections. Source: European Migration Network, National Contact Point Luxembourg (LU EMN NCP), « Annual Report on Migration and Asylum 2018», Luxembourg, 2019.


Article 43.000 of the expenditures budget 2020 under section 12.2 - Integration. In: Law of 20 December 2019 concerning the budget for State revenues and spending for 2019 and amending: 1) the general law on tax, amended on 1931 ("Abgabenordnung"); 2) the law of 27 July 1938 on the establishing of reserve crisis fund; 3) the amended law of 4 December 1967 on income tax; 4) the amended law of 10 March 1969 providing for a general inspection of finance; 5) the amended law of 12 February 1979 on VAT; 6) the amended law of 24 December 1996 on the introduction of a tax credit when hiring unemployed persons; 7) the amended law of 28 April 1998 on a) the harmonization of teaching music in the municipal sector; b) amendment of article 5 of the law of 24 may 1989 on work contracts; c) amending the amended law of 22 June 1963 fixing the salaries and benefits system; 8) the electoral law of 18 February 2003, amended a such; 9) the amended law of 17 December 2010 fixing the excise duties and taxes assimilated to energy products, electricity, manufactured products containing tobacco, alcohol and alcoholic beverages; 10) the amended law of 29 April 2014 the budget for State revenues and spending for 2014; 11) the amended law of 25 March 2015 fixing the salaries and benefits, and the conditions and modalities of promotions for civil servants; 12) the law of 27 August 2018 on the organization of the Registration Duties, Estates and VAT Authority. Published in Memorial A 886 on 23 December 2019, p 150. URL: http://legilux.public.lu/eli/etat/leg/loi/2019/12/20/a886/jo

Bill n°7500 concerning the budget for State revenues and spending for 2020, Volume 1. Introduced into Parliament on 14 October 2019. Volume 1, p.36. URL: https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=CDC43110BD2BF7CA457CF326C608BF3357CA69E1D1A769D45A76A03ABF6627A&fn=CDC43110BD2BF7CA457CF326C608BF3357CA69E1D1A769D45A76A03ABF6627A.pdf

Subsidies for public entities within the municipal, intermunicipal and regional sector, initiating and supporting projects aimed at improving the integration and reception of foreigners.

Information provided by the Ministry of Family Affairs, Integration and the Greater Region on 3 December 2019.
322 Ibidem.
325 Ibidem. In the second part of the meeting, best practices were exchanged in which various challenges were shared and how they were overcome
327 Ibidem. In 2015, the Syndicate of Luxembourgish towns and municipalities (Syndicat des Villes et Communes Luxembourgboises - SYVICOL), along with the Ministry of Family Affairs, Integration and the Greater Region and the Luxembourg Reception and Integration Agency (OLAI), launched a guide on how to create a local strategy in favour of integration (Plan Communal Intégration - PCI). This guide was updated in 2018 and is available under the following URL: https://mfamigr.gouvernement.lu/dam-assets/le-minist%C3%A8re/attributions/int%C3%A9gration/pci/PCI-guide-pratique-FR.pdf
332 Information provided by the Ministry of Family Affairs, Integration and the Greater Region on 3 December 2019.
333 The Municipality of Schuttrange. Gemengebuet N°03/2019, p. 4. URL: https://www.schuttrange.lu/media/5d9ae7f3d2ac5_06721_schuttrange_gemengebuet_32019_web.pdf
335 Steinfort Municipal Council of 14 February 2019. Gemengebuet N°8/März 2019, p.18. URL: https://www.steinfort.lu/media/5c7e8b08d5e7d_de_gemengebuet-n-8-maerz.pdf
336 Law of 28 July 2018 related to the social inclusion income.
337 Coordinated text of 22 June 2004 of the law of 29 April 1999 creating a right to a guaranteed minimum income, as it has been amended, published in Memorial A 103 of 2 July 2004. URL: http://legilux.public.lu/eli/etat/leg/2004/06/22/n1/jo
338 Article 2 (1) of the law of 28 July 2018 on the social inclusion income.
339 Article 2, (2) in the law of 28 July 2018 on the social inclusion income.
340 Article 3 (1) of the law of 28 July 2018 on the social inclusion income.
341 It is above all, teaching of the French language for specific trades with a shortage of manpower that is targeted. Through both theoretical and practical training, persons benefiting from international protection or migrants are introduced to the minimum linguistic requirements for specific trades, in this case the profession of polyvalent agent in catering and in the profession of polyvalent construction workers.
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 – also known as reception class. Here they can follow intensive classes of languages used at school they do not master yet. Source: Ministry of Education, Children and Youth 2019.

Intercultural mediators are part of a measure aimed at newly arrived parents and children. These mediators are trained to facilitate communication between families and school actors. Source: Ministry of Education, Youth and Children, 2019.

Intercultural mediators are part of a measure aimed at newly arrived parents and children. These mediators are trained to facilitate communication between families and school actors. Source: Ministry of Education, Youth and Children, 2019.


The Grand Ducal Decree of 17 December 2018, establishing an inter-ministerial assistant to the commissioner of the Luxembourgish language. Published in Memorial A 4, 10 January 2019. URL: http://legilux.public.lu/eli/etat/leg/amin/2018/12/17/a4/jo

Grand Ducal Regulation of 26 October 2019 determining the organizational and functional modalities of Permanent Council on the Luxembourgish Language (Conseil permanent de la langue luxembourgeoise), the financial compensation of its members and abrogating the Grand Ducal Regulation of 30 July 1999 on the reform of the spelling of Luxembourgish. Published on 30 October 2019 in Memorial A734. URL: http://legilux.public.lu/eli/etat/leg/rgd/2019/10/26/a734/jo

Article 3 paragraph 2 of the Grand Ducal Regulation of 26 October 2019.


Information provided by CASNA on 20 November, 2019.

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 – also known as reception class. Here they can follow intensive classes of languages used at school they do not master yet. Source: Ministry of Education, Children and Youth 2019.

Information provided by SECAM on 20 November 2019.

Information provided by SECAM on 20 November 2019.


Information provided by SECAM on 20 November, 2019.

See also, original project name: Multikulturalität: Welche Herausforderungen birgt die interkulturelle Elternzusammenarbeit?.

Information provided by the Institut de Formation de l'Education Nationale (IFEN) on 7 November 2019.


Article. 43.001 of the expenditures budget 2019 under section 10.8 – Department of Adult Education of the law of 26 April 2019 concerning the budget for State revenues and spending for 2019.


Ibid, p. 73.

Ibid p. 71.


The Grand Ducal Decree of 17 December 2018, establishing an inter-ministerial assistant to the commissioner of the Luxembourgish language. Published in Memorial A 4, 10 January 2019. URL: http://legilux.public.lu/eli/etat/leg/amin/2018/12/17/a4/jo

Grand Ducal Regulation of 26 October 2019 determining the organizational and functional modalities of Permanent Council on the Luxembourgish Language (Conseil permanent de la langue luxembourgeoise), the financial compensation of its members and abrogating the Grand Ducal Regulation of 30 July 1999 on the reform of the spelling of Luxembourgish. Published on 30 October 2019 in Memorial A734. URL: http://legilux.public.lu/eli/etat/leg/rgd/2019/10/26/a734/jo

Article 3 paragraph 2 of the Grand Ducal Regulation of 26 October 2019.


Ibidem.

Grand Ducal Regulation of 30 June 2019 on the evaluation exam of the Luxembourgish language organised in the framework of the procedures for acquiring Luxembourgish nationality. Published in Memorial A547 on 14 August 2019. URL: http://legilux.public.lu/eli/etat/leg/rgd/2019/07/22/a547/jo

FRATI, Camille. « Acquisition de la nationalité: Les modalités du Sproochentest modifiés », quote by the Director of the National Institute of Languages (INL), in: paperjam.lu, published on 5 September 2019, URL: https://paperjam.lu/article/modalites-sproochentest-modifi

Article 6 (3) of the Grand Ducal regulation of 22 July 2019.

Article 8 paragraph 2 of the Grand Ducal Regulation of 22 July 2019 in regard to the article 8 paragraph 2 of the abrogated grand ducal regulation of 30 June 2017.
115
[528x52]115
[72x701]379 Article 13 (2) 8˚ to 10˚ of the Grand Ducal Regulation of 22 July 2019.
[72x690]380 Article 15 (1) of the Grand Ducal Regulation of 22 July 2019.
[72x665]382 Joint answer from the Prime Minister and Minister of State, the Minister of Family and Integration and the Ministry of Justice on Parliamentary question n°1212 of 18 September 2019 concerning a welcome gesture for new holders of Luxembourgish nationality. URL: https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=4D55DF16CF17378965536FD03FDBE78S3D35683651627406C4144199E8EBFE3A&fn=4D55DF16CF17378965536FD03FDBE7853D35683651627406C4144199E8EBFE3A.pdf
[72x632]385 Information provided by the National Statistics and Economic Studies Institute (Statec) on 1 April 2020. Not included in these figures are children who automatically become Luxembourgish citizens as a result of the acquisition of Luxembourgish nationality by one of their parents. Since 2018, these figures are no longer available.
[72x621]386 Law of 8 March 2017 on the Luxembourgish nationality abrogating; 1) the law of 23 October 2008 on the Luxembourgish nationality; and 2) the law of 7 June 1989 relating to the transposition of surnames and names of people that recover Luxembourgish nationality. Published in Memorial A 289 on 17 March 2017. URL: http://legilux.public.lu/eli/etat/leg/loi/2017/03/08/a289/jo
[72x610]387 Information provided by the National Statistics and Economic Studies Institute (Statec) on 1 April 2020.
[72x587]Furthermore, EMN Luxembourg also drafted a national inform (in French) about the aforementioned study in early 2020. See: European Migration Network National Contact Point Luxembourg, « L’accès à la nationalité luxembourgeoise pour ressortissants de pays tiers », Luxembourg, 2020. URL: http://www.emnluxembourg.lu/wp-content/uploads/2020/02/Lacc%C3%A8s-%C3%A0-la-nationalit%C3%A9-luxembourgeoise-pour-ressortissants-de-pays-tiers.pdf
[72x577]390 Civic integration course.
[72x557]392 Answer of the Minister of National Education, Children and the Youth of 30 September 2019 to the parliamentary question n° 926 of 19 July 2019 concerning the learning of the Luxembourgish language.
[72x518]396 See website : https://www.tns-ilres.com/
[72x500]398 See: https://www.asti.lu/sondage-particip-politique-nationalite/
[72x490]399 Survey « Vivre ensemble au Luxembourg », TNS-ILRES, ASTI.
[72x480]400 The reasons prompting foreign respondents to apply for Luxembourg nationality are:
- I already feel Luxembourgish (57%);
- Being able to vote in legislative elections (46%);
- Having children of Luxembourgish nationality (32%);
- Having the right to stay in Luxembourg (25%) and;
116

- Being able to access public services more easily (25%).


401 The population was also asked about the importance of the conditions for access to Luxembourgish nationality: 79% of people declared that they agree with the statement that we must accept the Luxembourg way of life to gain nationality; 72% agreed that it is advisable to master one of the country’s 3 languages; 66% said that it is necessary to master Luxembourgish; 61% believe that civic integration courses should be taken. However, only 15% agreed with the statement that to gain Luxembourgish nationality, one must be born in Luxembourg and 9% that one must have Luxembourgish parents. Source: TNS-ILRES, ASTI, November 2019, Survey: « Vivre ensemble au Luxembourg ».

402 20% for a duration of 10 years, 13% for a duration of 3 years, 11% for a duration of 7 years and only 3% for a duration of 1 year.


406 Survey « Vivre ensemble au Luxembourg », TNS-ILRES, ASTI. See also website: https://www.tns-ilres.com/

407 43% of people completely agreed or agreed with the idea that the right to vote in legislative elections should only be reserved to those that hold Luxembourgish nationality. 56% of the 43% are Luxembourgers without a second nationality, 32% are Luxembourgers that hold a second nationality and 26% are foreigners. 40% of respondents believe that foreigners should be able to participate in national referendums. Source: Survey « Vivre ensemble au Luxembourg », TNS-ILRES, ASTI.


410 Strassen 100%, n.d. URL: https://www.strassen.lu/mediatheque/strassen-100


414 Ibidem.


416 Answer of the Minister of Family Affairs and Integration to the Parliamentary question n°1239 of 22 October 2019 concerning the study « Being Back in the EU ». URL: https://www.chd.lu/wps/PA_ArchiveSolIR/FTSShowAttachment?mime=application%2Fpdf&file=4E22F34045F2EE2333427A4158FFDF95B419F87A68FCE823C02815433CF907&fn=4E22F34045F2EE2333427A4158FFDF95B419F87A68FCE823C02815433CF907.pdf

See also: Answer of the Minister of Family Affairs and Integration to the Parliamentary question n°1547 of 31 December 2019 relating to the measures used to fight against racism and xenophobia. URL: https://www.chd.lu/wps/PA_ArchiveSolIR/FTSShowAttachment?mime=application%2Fpdf&file=2D528FF6659A5343C785F1D78EB421C59D68E6A95F41C98FE135984BO44715&fn=2D528FF6659A5343C785F1D78EB421C59D68E6A95F41C98FE135984BO44715.pdf

417 Answer of the Minister of Family Affairs and Integration to the Parliamentary question n°1239 of 22 October 2019 concerning the study « Being Back in the EU ».

418 Answer of the Minister of Family Affairs and Integration to the Parliamentary question n°1547 of 31 December 2019 relating to the measures used to fight against racism and xenophobia.

419 RTL, 2019, Luxembourg among most racist countries in EU?. URL: https://today.rtl.lu/news/luxembourg/a/1432886.html
421 Ibid, p.27
424 Projet de loi no 7238 modifiant la loi du 29 août 2008 sur le libre mouvement des personnes et de l’immigration, introduit à la Chambre des députés le 29 janvier 2018. Consultation de l’article ad7°, p. 5 URL: https://www.chd.lu/wps/PA_RoleDesAffaires/FTSbyteServletServletImpl?path=C18172D6029DFA8BFDC5F646DF6F725EFD7D26FC9B1C7C0E7A4F39BB388529D48F9CC583162A18AB4D71709F3B8F8D3E2$14D1A21286ADC3E2222B288CA61BA023
425 Ibidem.
426 Parlementaire Document N°7238/06, « Rapport de commission(s) : Commission des Affaires étrangères et européennes, de la Coopération, de l’Immigration et de l’Asile ». Introduit à la Chambre des députés le 30 septembre 2019, p. 5. URL: https://www.chd.lu/wps/PA_RoleDesAffaires/FTSbyteServletServletImpl?path=5235252F98521C15CE7E4CF2AF41241D709C149C370942FAB53E9BF7D8220FE48B8840930120265F23FC893B3CC0F95CEC095CA2AA10ACD78995642FBC969
427 Ibidem.
434 Answer of the Minister of Foreign and European Affairs of 6 September 2019 to the parliamentary question n°1045 on the protection of fundamental rights. The Minister of Migration and Asylum; Jean Asselborn emphasizes that Frontex must work in accordance with the International Charter on Human Rights and that a system is in place to receive complaints and carry-out disciplinary action. URL: https://www.rtl.lu/radio/journal/s/2877603.html
435 Answer of the Minister of Foreign and European Affairs of 6 September 2019 to the parliamentary question n°1045 on the protection of fundamental rights. The Minister of Migration and Asylum; Jean Asselborn emphasizes that Frontex must work in accordance with the International Charter on Human Rights and that a system is in place to receive complaints and carry-out disciplinary action. URL: https://www.chd.lu/wps/PA_RoleDesAffaires/FTSbyteServletServletImpl?path=61311CD471DE9823785AB773AD5C70263A3D0B3F123D842FA30479A06D70028DC2AC662FCD60DE4F91B0FBCB43D9F2588A5858EAB6DBA6C683589E99825AC3
436 Information provided by the Direction of Immigration on 23 December 2019.
438 Information provided by the Airport Police Unit of the Grand Duchy of Luxembourg on 5 December 2019.
439 University of Luxembourg. 25 September 2019. Researchers uncover privacy flaw in e-passports. URL: https://wwwen.uni.lu/university/news/slideshow/researchers_uncover_privacy_flaw_in_e_passports

442 Information provided by the Directorate on 21 January 2020.


444 Article 123 of the Immigration Law.


447 Ibidem.

448 Ibid, p. 3.

449 This can happen when a removal operation takes longer, due to a lack of foreign cooperation or a delay in the provision of documents. See: Article 5 of the law of 4 December 2019 amending the law of 29 August 2008 on the free movement of persons and immigration.

450 This can happen when a removal operation takes longer, due to a lack of foreign cooperation or a delay in the provision of documents. See: Article 5 of the law of 4 December 2019 amending the law of 29 August 2008 on the free movement of persons and immigration.

451 Article 123 of the Immigration Law.

452 Parliamentary Document n°7238/06 amending the law of 29 August 2008 on the free movement of people and immigration, introduced to Parliament on 29 January 2018. Article 5 (amendment to article 123).

453 Information provided by the Ministry of Justice on 3 April 2020.

454 European Migration Network, National Contact Point Luxembourg, « Annual Report on Migration and Asylum 2018 », Luxembourg, 2019, p. 84.

455 Information provided by the Ministry of Justice on 3 April 2020.


462 Information provided by the Ministry of Justice on 6 December 2019.

Grand Ducal Regulation of 15 February 2019 relating to the enrolment modalities, payment of administrative fees, and the information submitted to the Effective Register of Beneficiaries. Published in Memorial A73 on the 19 February 2019. URL: http://legilux.public.lu/eli/etat/leg/rgd/2019/02/15/a73/jo

Information provided by the Criminal Police on 10 December 2019.

Information provided by the Ministry of Equality Between Women and Men on 14 January 2020.


Information provided by the Ministry of Equality Between Women and Men on 14 January 2020.

Ibidem.


Information provided by the Consultative Commission on Human Rights (CCDH) on 27 November 2019.


Information provided by the Consultative Commission on Human Rights (CCDH) on 27 November 2019 and by the Directorate of Immigration on 23 December 2019.


Information provided by the Ministry of Equality Between Women and Men on 14 January 2020.


Information provided by the Ministry of Equality Between Women and Men on 14 January 2020.


Information provided by the Ministry of Equality Between Women and Men on 14 January 2020.

Information provided by the Consultative Commission on Human Rights (CCDH) on 27 November 2019.

Information provided by the Ministry of Equality Between Women and Men on 14 January 2020.

Information provided by the Ministry of Justice on 6 December 2019 and by the Ministry of Equality Between Women and Men on 14 January 2020.

Information provided by the Ministry of Equality Between Women and Men on 14 January 2020.


Information provided by the Directorate of Cooperation for Development and Humanitarian Action on 19 December 2019.

Information provided by the Consultative Commission on Human Rights (CCDH) on 27 November 2019.


Ibid, p.50.


Answer of the Ministry of Labour, Employment and the Social and Solidarity Economy of 12 December 2019 to the parliamentary question n° 1444 of 5 December 2019 on human trafficking in the labour market. URL: https://chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServletImpl?path=37EAD625C8AFD89CBB45530F7D868136E3C40FDBCCBC9BB6DC4964BEFC3A1BB88BE476D8DAD4BC411880C61CDFE1E5E9C5$7F90572A89281F9FECE38CCB78052F70


Ibid, p. 44.

Chamber of Deputies, 28 November 2019. « Traite des êtres humains: quel rôle pour l’ITM ? ». URL: https://chd.lu/wps/portal/public/Accueil/Actualite/ut/p/z1/04_Sj9CPykssy0xPLMnMz0vMAfljo8ziXYxcwol8TYwM_F2DzQyMjAOMHYOCQwMDez0wwkpiAJKG-AAjgZA_VFyI3gaOAUZORkbGLj7G2FVgGJGQW6EQaajoIAzgGPSw!!/?1dmy&page=6_D2DVRi420G7Q402JEJ7USN38D6&urile=wcm%3apath%3a%2Factualite.public.chd.lu%2Fst-www.chd.lu%2Fsa-actualites%2F2348c413-c1a7-46e2-adad-66778c7893a7
